

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 6, 1985

The ninth meeting of the Senate Education and Cultural Resources Committee was called to order by the Chairman, Senator Chet B Laylock, at 1:04 p.m., in Room 402, State Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SENATE BILL 256: SENATOR BROWN, District 2, sponsor of the bill, said the bill is the result of an idea of the Kalispell Superintendent of Schools, Ray Haugen. Many hours are taken up every school day compiling attendance records which could be freed by requiring such counts to be taken only two to six times a year. Senator Brown stated money and hour savings would be substantial and operational efficiency would be enhanced by passage of the bill.

PROPOSERS:

RAY HAUGEN, Superintendent of Schools, Kalispell, presented his testimony in support of the bill (Exhibits 1 and 1). He further pointed out its costs \$3200 plus paper a year to maintain the count in his district. He suggested the committee amend the bill to reflect a six times a year count, rather than a two count as a possibility exists that a slight loss in ANB could result with a two count in the very small districts.

WAYNE BUCHANEN, Montana School Boards Association, stated support for the bill at the six count level.

TERRY MINOW, Montana Federation of Teachers, expressed support for the bill.

JESS LONG, School Administrators of Montana, supported the bill.

PHIL CAMPBELL, Montana Education Association, said his organization supports the bill.

RICHARD TRERISE, Montana Association of County School Superintendents, speaking neither in support or opposition, urged the committee to adopt the six count amendment. He said there are 113 schools in Montana with an enrollment of 50 or less and if they were to lose a family close to count day they could lose 6% or more of their ANB.

There were no further proponents and no opponents to the bill.

Senate Education and
Cultural Resources Committee
February 6, 1985
Page 2

SENATOR BROWN closed by saying he supported the six count amendment and felt it improved the bill.

ACTION ON SENATE BILL 256:

SENATOR BROWN moved to amend the bill as per the attached standing committee report (Exhibit #3). The motion carried unanimously.

SENATOR BROWN moved SB 256 DO PASS AS AMENDED. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 271: SENATOR McCALLUM, District 26, sponsor of the bill, said the bill raises from 25% to 30% the income tax contribution to the foundation program. He said this has an equal impact across the state, doesn't raise taxes, and provides a better base for the Foundation Program with an increase of over \$10 million for the biennium.

PROPONENTS:

BILL ANDERSON, Office of Public Instruction, thanked Senator McCallum for introducing the bill and expressed support for it.

PHIL CAMPBELL, Montana Education Association, supported the concept of the bill, saying it would ease the burden on the Foundation Program.

TERRY MINOW, Montana Federation of Teachers, expressed support for the bill.

WAYNE BUCHANEN, Montana School Boards Association, expressed support.

JESS LONG, School Administrators of Montana, supported the bill.

RICHARD TRERISE, Association of County Superintendents of School, expressed support for the bill.

There were no further proponents and no opponents to the bill.

DISCUSSION:

SENATOR REGAN felt the bill should go to Finance and Claims as it is taking up to \$20 million out of the general fund.

Senate Education and
Cultural Resources Committee
February 6, 1985
Page 3

SENATOR MAZUREK felt there was a discrepancy in the figures on the fiscal note.

SENATOR REGAN asked the Chairman to request a corrected fiscal note.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL 11:

SENATOR REGAN presented the proposed amendments re the due process procedure. The amendments will provide due process for administrators the same as for teachers (Exhibit #4).

SENATOR MAZUREK questioned the provision of termination of an administrator as either an administrator or a teacher.

SENATOR BLAYLOCK felt the thrust of the bill is to provide for trustees to be able to terminate an administrator using the same procedures as for a teacher. The trustees can then reassign the administrator or outright terminate him.

LEE HEIMAN, Legislative Council Counsel, proposed an amendment on page 1, line 23, following "teacher". Inserting ", whether in a teaching or administrative position," would clarify the issue.

SENATOR REGAN included the amendment in her proposed amendments (Exhibit #4).

SENATOR PINSONEAULT asked if it wouldn't be better to strike the language regarding grounds for termination or reassignment and use "just cause" as the only grounds.

SENATOR MAZUREK replied that litigation which resulted in the Supreme Court decision set these grounds and any effort to change it throws out a whole history of case law and opens the door for further litigation.

SENATOR REGAN moved the amendments as per the attached standing committee report (Exhibit #4). The motion carried unanimously.

SENATOR PINSONEAULT moved to strike the word "only" in amendment #3 (Exhibit #4). The motion carried unanimously.

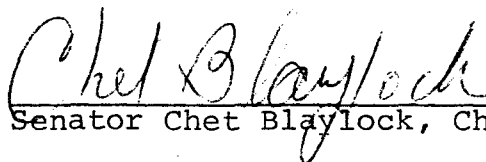
Senate Education and
Cultural Resources Committee
February 6, 1985
Page 4

SENATOR MAZUREK moved to amend amendment #3 by striking "new assignment" and inserting "decision to reassign". The motion carried unanimously.

SENATOR REGAN moved HB 11 BE CONCURRED IN AS AMENDED (Exhibit #5).

ADJOURN:

There being no further business to come before the committee,
the meeting was adjourned.



Senator Chet Blaylock, Chairman

jdr

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/6/85

NAME	PRESENT	ABSENT	EXCUSED
SENATOR PINSONEAULT	X		
SENATOR BROWN	✓		
SENATOR REGAN	X		
SENATOR SMITH	✓		
SENATOR HAFLEY	X		
SENATOR YELLOWTAIL	X		
SENATOR MAZUREK	X ¹²⁰ _{late}		
SENATOR FARRELL	X		
SENATOR McCALLUM	✓		
SENATOR BLAYLOCK, CHAIRMAN	X		

(2/6/85

Education: Cultural Education

SB 256
SB 271

VISITORS' REGISTER

[illegible]

SEN. ED. V. CULLEN
FEB. 6, 1985
SEN. ED. V. CULLEN
RESOURCES
SB 256

S T A T E M E N T

HEARING - SENATE BILL 256
February 6, 1985, 1:00 p.m.

Re: CALCULATION OF THE AVERAGE NUMBER BELONGING FOR SCHOOL FUNDING PURPOSES

Under the current law, once a student is enrolled, the average number belonging (ANB) is calculated by adding the days present and the days absent. The formula is just as simple as that, with one exception:

If a student is absent for more than 10 consecutive days, the number of days beyond the 10 days must show that student as being dropped. Therefore, he/she is neither absent nor present for those days.

The vehicle for maintaining attendance for ANB funding purposes is the Teacher's Register which might have come into use somewhere around the turn of the century and whose format has changed little during the intervening years. The Register is a labor intensive document which requires many, many hours of entries annually on the part of teaching and/or clerical personnel. It was designed as an audit trail for funding purposes and at one time when the number of consecutive days of absence before dropping a student was 3 instead of the current 10, it likely served a more useful purpose. It goes without saying that a much greater number of students are apt to be absent for more than 3 consecutive days than for more than 10 consecutive days.

At any rate, maintaining the Register as we are required to do is akin to an exercise in futility. The fact is that few students are ever absent for more than 10 consecutive days and certainly the incidence is not enough to offset the cost of maintaining the Registers in relation to the money the State would save on the ANB under the provisions of the law.

Schools need to take attendance for the purpose of reporting to parents and for the purpose of gaining information for local school districts, but certainly enrollment information should be sufficient for calculating the ANB for funding.

RAY HAUGEN
SEN. ED. V. CULLEN
KIDNAPING

RH:ld
2-1-85

EXHIBIT "A"

EXHIBIT #2
FEB. 6, 1985
SEN. E. P. CHLT.
SB 256
RESOURCES

DIRECTIONS FOR USING TEACHER'S REGISTER

TEACHER'S BEGINNING REPORT (Form 23/24C) - Page 3

Complete this report (both sides) at the end of the second week of school, and send it to the County Superintendent or District Superintendent, in accordance with any directions given by the Superintendent.

TEACHER'S PERIOD REPORT OF PUPIL ENTRANCE AND ATTENDANCE (Form 23/24A) - Page 5

This form is one of two alternate forms suitable for reporting at the end of each period to the responsible Superintendent. This form, Alternate A, is suggested for period reports made to the County Superintendent. (Alternate B, page 25, is suggested for reports to the District Superintendent.) The teacher should use either Alternate A or Alternate B, as directed by the responsible Superintendent.

The sample, Alternate Form A, on page 5, is to remain in the Register. Copies of this form for report use may be reproduced locally, or obtained from commercial printers.

When used for the first period of a school term, Alternate Form A serves as a supplement to the Teacher's Beginning Report (Part II) in providing a list of new entries (pupil registrations). Since the Teacher's Beginning Report is made two weeks after the first period begins and includes all new entries through that date, the first Period Report (Alternate Form A) should show under New Entries only those pupils who entered school after the Teacher's Beginning Report was made.

For all subsequent periods, the Period Report should show under New Entries those pupils who entered school after the last Period Report was made.

PUPIL ENTRANCE RECORD (Form 23/24D) - Page 6

On the day that each pupil first enters this school^a in this year, record the information as required on this form. The sample entry on page 6 indicates the data required.

Under Status, classify each pupil in one of the four categories defined below (E1, E2, or T) and under the Status abbreviation also on the Pupil Attendance Record page in the space under the date when the pupil enters this school.^b

Status Abbreviations (denoting type of entry)

- E1 A pupil entering this school^a for the first time this year who has not previously entered any other school^b in the United States this year.
- E2 A pupil entering this school^a who previously has been entered in another school in another state and who has not been entered previously in a Montana school this year.
- T Pupils entering any classroom of this school district from any other classroom within the State of Montana, including a classroom within this school district, this year.

PUPIL ATTENDANCE RECORD (Form 23/24E) - Page 8

This form provides, for each period, a record of the daily attendance (and absence) of each pupil. The sum of the daily attendances (and absences) during the period provides the totals required for the Teacher's Period Report of Pupil Entrance and Attendance and ultimately for the Annual Report of the Teacher.

At the beginning of the school year, the teacher may date the periods, and draw vertical lines through the blanks below the dates of school holidays and vacations. No attendance marks will be entered on those dates.

The sample entry on page 8 indicates the correct method of completing the blanks. There is one space for each school day. Each space is regarded as being divided by an imaginary line into halves, the upper half representing morning and the lower half afternoon.

On the date that a pupil enters this school,^a enter the abbreviation showing his Status (E1, E2, or T) in the appropriate half of the space. Thereafter, uninterrupted attendance is indicated by leaving blank the spaces below the dates entered.

On the date that a pupil is first absent following a day (or half-day) of attendance, enter a mark (a straight line or /) in the appropriate half of the space. For each half-day absence thereafter, through the tenth consecutive full-day's absence, enter a mark (/) in the appropriate half of the space.

When a pupil's absence continues after ten consecutive full days, he is temporarily dropped. At the beginning of the eleventh consecutive day's absence, enter a D in the appropriate half of the space. For each consecutive absence after first being dropped, enter a D.

When a pupil who has been absent not more than ten consecutive days returns to school, no mark is entered in the space on the date of his return; the space is left blank until on any day of uninterrupted attendance.

Example of Use of Spaces in Pupil Attendance Record

Present all day

☐

Dropped A.M.

☐

Entered as E-2

☐

Absent A.M.

☐

Returned P.M.

☐

Discharged as Td

☐

Absent all day

☐

Tardy P.M.

☐

Entered as T

☐

Entered as E-1

☐

PLEASE SEE
PAGE 2 for
further directions
pertaining to
the PUPIL
ATTENDANCE
RECORD.

(a) "This school" (for the purpose of this Register) means the classroom school or the classroom for which the teacher keeping this Register is responsible.
(b) "Other school" (for the purpose of this Register) means any public or non-public school, or any classroom for which the teacher keeping this Register is not responsible.

RECORDING AND REPORTING PUPIL INSTRUCTION-RELATED DAYS

A. ESSENTIAL BACKGROUND FOR THE TEACHER

1. The annual school term **must** include at least 180 days of actual pupil instruction; these days are called Pupil Instruction Days (P. I. Days). P. I. Days may total **more than 180**, at the discretion of the local school board.
2. At the discretion of the local school board, the school term **may** also include additional days which are not used for actual pupil instruction. Such additional days may be of two types:
 - a. Pupil Instruction-Related Day (P. I. R. Days) approved at the local school board's request before the beginning of the school year by the Superintendent of Public Instruction in accordance with State Board of Education policy;
 - b. Other Days prescribed by the local school board but not approved as P. I. R. Days.
3. The total school term thus consists of P. I. Days + P. I. R. Days + Other Days (of which at least 180 must be P. I. Days).
4. Of the total school term, **only** the following may be counted for Foundation Program purposes: P. I. Days + P. I. R. Days. 189
5. The daily record of pupil attendance and absence must show not only P. I. Days but also P. I. R. Days and Other Days, to provide a complete record of the total school term. Directions follow for keeping the teacher's register in accordance with these requirements.

B. DIRECTIONS FOR USING THE TEACHER'S REGISTER FOR P. I. R. DAYS AND OTHER DAYS

1. Directions appear on page 1 for keeping the Pupil Attendance Record. Included in these directions are the following examples of use of the spaces on the Pupil Attendance Record pages:

☐

Present all day

☐

Absent all day

☐

Dropped A. M. Dropped all day would be

☐

2. For Pupil Instruction (P. I.) Days, follow the directions which appear on page 1.

3. For Pupil Instruction-Related (P. I. R.) Days, mark each pupil Absent. ☐

4. For Other Days (days which are neither P. I. Days nor P. I. R. Days), mark each pupil

Dropped.

☐

5. On the Pupil Attendance Record page, at the top where a line is entered, write in the notation "P. I. R. Day" or "Other," whichever applies; whenever any day of the school term is **not** used for actual pupil instruction.

6. When totaling the Days Absent on the Pupil Attendance Record page, include any absences marked due to P. I. R. Days.

7. When totaling the Days Dropped on the Pupil Attendance Record page, include any "dropped" days due to use for "Other" purposes.

8. When making out the Teacher's Period Report of Pupil Entrance and Attendance, use the period to which (as required) as shown on the Pupil Attendance Record page (include the P. I. R. Days and Other Days were counted as Days Absent and Days Dropped, respectively) in the column headed "Days in Period," show the total of P. I. Days, P. I. R. Days, and Other Days. At the bottom of the Period Report, write the date(s) and description(s) of any P. I. R. Days and Other Days in the period.

9. When making out the Summary of Teacher's Period Reports of Pupil Entrance and Attendance (page 24), enter the same aggregate figures and days in period as shown on the Teacher's Period Report, (according to the directions in 8, above.) At the bottom of the Summary, write the date(s) and description(s) of any P. I. R. Days and Other Days in each period of the year; identify each as P. I. R. or Other.

10. When making out the Annual Report of Teacher to District or County Superintendent of Schools, enter the totals from the Summary of Teacher's Period Reports of Pupil Entrance and Attendance. (The Aggregate Days Absent will then include P. I. R. Days, and the Aggregate Days Dropped will include Other Days.) In the blank headed "Days School was in Session" enter the total of all days in the school term, including P. I. Days, P. I. R. Days and Other Days. In the space below the blanks provided for reporting on absence, write the date(s) and description(s) of any P. I. R. Days and Other Days in the school term, identifying each as P. I. R. or Other.

C. USE AND EFFECT OF TEACHER'S RECORD

The attendance record kept by the teacher is the basis for determining the Average Number of Attendance, which is used as the basis for the next year's Foundation Program.

Keeping the record in accordance with these directions will provide the correct data for Average Number of Attendance by insuring the inclusion of P. I. R. Days in the Aggregate Days Absent, which are counted for Foundation Program purposes. This will result in the school's receiving the benefit to which it is entitled for P. I. R. Days.

D. REFERENCES

Sections 75-2203 and 75-3611, Revised Codes of Montana, 1947, as amended; Opinion of the Attorney General dated September 14, 1961, Policy Governing Pupil Instruction-Related Days Approved for Foundation Program Calculations, adopted by the State Board of Education, October 9, 1961.

PUPIL ENTRANCE RECORD

	NAMES OF PUPILS (1)	STATUS	AGE (2)		DATE OF BIRTH			GRADE	PARENT OR GUARDIAN	ADDRESS	MILES
			M	F	MO	DAY	YEAR				
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DAILY ATTENDANCE _____
 DAILY ABSENCE _____
 DAILY MEMBERSHIP _____

THESE FOOTNOTES ARE FOR
 SHORT PAGES

RECORD OF DAILY ATTENDANCE

FOR _____ PERIOD BEGINNING _____, 19____ AND ENDING _____, 19____																														
	FIRST WEEK					SECOND WEEK					THIRD WEEK					FOURTH WEEK					FIFTH WEEK					SIXTH WEEK				
	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
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SUMMARY OF TEACHER'S PERIOD REPORTS OF PUPIL ENTRANCE AND ATTENDANCE

For Year Beginning _____, 19____ Ending _____, 19____

(Complete each period from Teacher's Period Report of Pupil Entrance and Attendance, regardless of whether you use Alternate Form A or Alternate Form B for your period report.)

PERIOD	NEW ENTRIES (Pupil Registrations)									Td	4	5	6	7	8	
	E			T			TOTALS				Aggregate Days Present	Aggregate Days Absent	Aggregate Days Remaining	Aggregate Days Dropped	Aggregate Days not Enrolled	
	(1) Boys	(2) Girls	(3) Total	(1) Boys	(2) Girls	(3) Total	(1) Boys	(2) Girls	(3) Total							
1																
2																
3																
4																
5																
6																
Total																

Add all columns (1) for Total Column (1); add all columns (2) for Total Column (2); add Total Columns (1) and (2) for Total Column (3).

STANDING COMMITTEE REPORT

EXHIBIT #3

S.B. 256

ED. & CULT. RES.

FEB 6, 1965

February 6, 1965

MR. PRESIDENT

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **SENATE BILL** No. **256**

first reading copy (white)
color

TO CHANGE THE METHOD OF CALCULATING ANS FOR SCHOOL FUNDING PURPOSES

Respectfully report as follows: That **SENATE BILL** No. **256**

be amended as follows:

1. Title, line 7.

Following: "COUNT ON"

Insert: "THE FIRST SCHOOL DAY OF EACH MONTH BEGINNING IN"

Following: "OCTOBER"

Strike: "1 AND ON"

Insert: "THROUGH"

Following: "MARCH"

Strike: "1"

2. Page 7, line 9.

Following: "pupils on"

Insert: "the first school day of each month beginning in"

Following: "October"

Strike: "1 and on"

Insert: "through"

Following: "March"

Strike: "1"

3. Page 7, line 11.

Strike: "two"

Insert: "six"

4. Page 7, line 12.

Strike: "2"

Insert: "6"

AND AS AMENDED

DO PASS

DO NOT PASS

Senator Chet Blaylock,

Chairman.

Amend House Bill 11, third reading copy:

1. Title, line 8.

Following: "SALARY;"

Insert: "REQUIRING CAUSE FOR SUCH AN ASSIGNMENT; PROVIDING
FOR POSSIBLE REASSIGNMENT TO AN ADMINISTRATIVE POSITION
IF THE ORIGINAL ASSIGNMENT WAS DUE TO FINANCIAL
CONDITIONS;"

2. Page 1, line 24.

Following "(2)"

Insert: "(a)"

3. Page 2, lines 1 and 2.

Strike: ", with a reduction in salary."

Insert: "The trustees of a district may so assign a person
~~only~~ for the person's immorality, unfitness,
incompetence, or violation of the adopted policies of
the trustees, or if the financial condition of the
school district requires a reduction in the number of
administrative positions and the reason for the
assignment is to reduce the number of administrators
employed by the district. A person may appeal the ~~new~~ *decision*
assignment: *to reassign*

(i) if the person has held the administrative
position for less than four consecutive years, to the
county superintendent following the procedures set
forth in 20-4-207(2) for the appeal of a teacher
dismissed while under contract; or

(ii) if the person has held the administrative
position for four or more consecutive years, to the
trustees following the procedures set forth in
20-4-207(2) through (4) for the appeal of termination of
tenure teacher services.

(b) "

4. Page 2, line 3.

Strike: "or more than the"

5. Page 2.

Following: line 6

Insert: "(c) If such assignments had occurred for financial
reasons, openings for administrative positions in the
district shall be filled from applicants who are former
administrators who were assigned to teaching positions
for financial reasons."

HB11.26

PC5

Heiman amendment:

Page 1, line 23.

Following: "teacher"

Insert: ", whether in a teaching or administrative position,"

STANDING COMMITTEE REPORT

EXHIBIT # 5
SEN. ED. & CULT.
RESOURCES
HB 11
FEB. 6, 1985

February 8,

1985

MR. PRESIDENT

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE BILL**

11

No.

third reading copy (**blue**)
color

ALLOW REASSIGNMENT OF TENURED SCH. ADMINISTRATOR WITH REDUCTION IN SALARY

Respectfully report as follows: That **HOUSE BILL**

11

No.

be amended as follows:

1. Title, line 8.

Following: "SALARY;"

Insert: "REQUIRING CAUSE FOR SUCH AN ASSIGNMENT; PROVIDING FOR POSSIBLE REASSIGNMENT TO AN ADMINISTRATIVE POSITION IF THE ORIGINAL ASSIGNMENT WAS DUE TO FINANCIAL CONDITIONS;"

2. Page 1, line 23.

Following: "teacher"

Insert: ", whether in a teaching or administrative position,"

3. Page 1, line 24.

Following: "(2)"

Insert: "(a)"

4. Page 2, lines 1 and 2.

Following: "certified"

Strike: ", with a reduction in salary"

Insert: "The trustees of a district may so assign a person for the person's immorality, unfitness, incompetence, or violation of the adopted policies of the trustees, or if the financial condition of the school district requires a reduction in the number of administrative positions and the reason for the assignment is to reduce the number of administrators employed by the district. A person may appeal the decision to reassign:

~~DO PASS~~

~~DO NOT PASS~~ Page 1 of 2

(cont.)

Chairman.

(i) if the person has held the administrative position for less than four consecutive years, to the county superintendent following the procedures set forth in 20-4-207 (2) for the appeal of a teacher dismissed while under contract; or

(ii) if the person has held the administrative position for four or more consecutive years, to the trustees following the procedures set forth in 20-4-204 (2) through (4) for the appeal of termination of tenure teacher services.

(b) "

5. Page 2, line 3.

Following: "same"

Strike: "or more than the"

6. Page 2.

Following: line 6

Insert: "(c) If such assignments had occurred for financial reasons, openings for administrative positions in the district shall be filled from applicants who are former administrators who were assigned to teaching positions for financial reasons."

AND AS AMENDED
BE CONCURRED IN