

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

March 18 , 1985

The 22nd meeting of the Senate Education and Cultural Resources Committee was called to order by the Chairman, Senator Chet Blaylock, at 1:05 p.m. in Room 403, State Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 551: REPRESENTATIVE REHBERG, District 88, sponsor, stated the bill was introduced at the request of the Office of Public Instruction. Due to various changes in the law the procedure for creation of a new high school district was overlooked. He noted only three new districts have been created in the past 15 years but in order to discourage new districts from springing up wholesale, the bill was amended. A petition must be signed by 50 rather than 24 parents and the taxable value of the property in the proposed new district must be at least \$500,000.

PROPOSERS:

RICHARD TRERISE: Montana Association of County School Superintendents, said this method has worked very well and his organization supports the bill.

BILL ANDERSON, Office of Public Instruction, said the amendments are good and OPI supports the bill.

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

DISCUSSION:

SENATOR YELLOWTAIL asked if the taxable valuation of \$500,000 will preclude new districts on Indian reservations.

MR. ANDERSON replied that it could, however, any proposed district with a lower base than \$500,000 would have funding problems. He said the legislature needs to address the problems created by difficulty in obtaining 874 and Johnson O'Malley funding.

CONSIDERATION OF HOUSE BILL 497: REPRESENTATIVE KOENHKE, District 32, sponsor, said the bill provides that the approval agents are not required to approve a tuition application if the resident district provides transportation unless certain conditions exist and providing an immediate effective date. The

exceptions are:

1) the child lives less than three miles from the school he wishes to attend or more than 20 miles from any high school in his resident district,

2) the child has been declared abused, neglected, dependent, or delinquent and by court order is to attend high school outside his resident district, and

3) the child has enrolled in a high school outside his resident district and has received an approved tuition agreement on or before this bill is effective.

He said if a high school student lives closer to a school in another district than to his home school, the same requirements exist as do in elementary transfers.

PROPOSERS:

JIM MOULDS, Superintendent of Schools, Centerville, and representing the Centerville Board of Education, Sand Coulee, presented his testimony in support of the bill (Exhibit #1).

ROBERT LAUMEYER, Principal, Jefferson County High School, spoke in support of the bill, saying the purpose of the bill is to let a district know for certain what students it is responsible for. He said students don't need any reasons for changing districts at present and this bill helps that situation.

SENATOR MAX CONOVER, District 42, supported the bill and said he agreed with the previous testimony. He asked the committee to consider the double payment which occurs after the first year when the receiving school is getting both ANB and tuition payments.

PATRICE ANTHONY, Centerville High School student, said she supports the bill as funding is a real problem at her school. She felt the small number of course offerings and limited extracurricular activities are hampering the academic excellence they wish to achieve and low enrollment compounds the problem.

PENNY STRICKLAND, a Junior at Centerville High School, said she felt her school shouldn't support students who want to go to school out of district. She said they take money away from the home school and they should either stay or pay.

KELLIE DENLER, a Helena High School student from Montana City, presented her testimony in support of the bill (Exhibit #2).

FAY LESMEISTER, representing the Simms School District Trustees, presented his testimony in support of the bill (Exhibit #3).

OPPONENTS:

DR. ALLEN LEFOHN, Clancy, said his children attend school in Helena even though they live in Jefferson County. This costs him approximately \$3000 per year tuition. He felt the exposure to such courses as orchestra, computers, and art necessitated the move to Helena. He pointed out under the provisions of the bill it may not be possible for the third child in the family to attend Helena High School which would split the family. He felt the mileage provision was simply a political decision. He said he believes in supporting Boulder schools and noted North Jefferson County supported the levy even though it failed. He warned the bill creates artificial separations of families and neighbors and felt if he chooses to pay tuition and bus his children as well as continue to pay his taxes he should have that right.

SANDRA GREEN, resident of North Jefferson County, presented her testimony in opposition to the bill (Exhibit #4).

CAROL FERGUSON, resident of North Jefferson County, presented her testimony in opposition to the bill (Exhibit #5).

ECHOLYN TRAVIS, Clancy, said she has three children who for varying educational reasons must go to school in Helena. She said the children will go to school in Helena and they, as parents, shouldn't be penalized.

WRITTEN SUPPORT:

KYLE SHCAFF and MARY WATNE, students, presented their written testimony to be included in the record (Exhibits #6 and #7).

DISCUSSION:

SENATOR SMITH asked if too many students go to another school would the education of the students who were left be impaired.

DR. LEFOHN said at present there is a balance but it could be thrown off at anytime, endangering the quality of education and the survival of the school.

SENATOR BLAYLOCK asked if its fair that Helena gets money for tuition plus the ANB payment for a student.

Senate Education and  
Cultural Resources Committee  
March 18, 1985  
Page 4

DR. LEFOHN said this wipes it all out and subsidizes the local school.

REPRESENTATIVE KOENHKE said county superintendents are the approval agents for cross district moves and the local school board and superintendent are the agents for in-district moves between schools.

SENATOR FARRELL asked how tuition is figured.

RICHARD TRERISE said tuition is calculated on all the expenditures of the district divided by the number of students in the district according to a state formula. He pointed out tuition has nothing to do with ANB.

SENATOR HAFLEY asked what percentage of Jefferson County students attend Helena schools.

MR. LAUMEYER replied about 40% of the high school students attend in Helena.

REPRESENTATIVE KOEHNKE closed by saying elementary students coming to Helena do not pay tuition. He said North Jefferson County residents could petition to be annexed to the Helena district. It is up to the legislature to change the inconsistency between high school and elementary tuition as Superintendent of Public Instruction Argenbright says he cannot. Representative Koehnke said the bill is the proper way to correct the situation.

CONSIDERATION OF HOUSE JOINT RESOLUTION 26: REPRESENTATIVE CONNELLY, District 8, sponsor, said the bill asks to have a non-voting student member on school boards. She said some boards currently have student members as do the Board of Regents and the Board of Public Education.

PROPOSERS:

VINCENT MICONE, student member of the Board of Regents, said 1985 is the International Year of Youth and a goal has been set which calls for student representation on all organizations that lead their lives. He said students do want to be involved and can effectively represent the views of their peers and participate in and be informed of decisions affecting the educational process. He said the appointment of a student should not be just a token as they want to make a significant contribution and influence the future.

Senate Education and  
Cultural Affairs Committee  
March 18, 1985  
Page 5

KATHY HEFFERNAN, Helena High School Senior, presented her testimony in support of the bill (Exhibit #8).

MICHELL E. WING, ASMSU Lobbyist, presented her testimony in support of the bill (Exhibit #9).

SENATOR PINSONEAULT, District 27, and a school board member, said they have had a student on their board for the last two years. The board policy states they are "official but non-voting members". He said they have been very effective and most helpful in the area of discipline.

HARRIET MELOY, former member of the Board of Public Education, said she supports the bill personally as well as on behalf of the other Board members. She felt students should have a chance to develop their skills and through the ten years they have had a student advisor she has seen them participate in and make valuable contributions to the Board deliberations.

CHIP ERDMAN, MSBA, said he supports the bill and believes all high school districts should have a student member.

JESS LONG, SAM, said he supports the previous testimony. He said students provide an excellent liaison between students, teachers and the district as a whole. They provide a direct means of communication with the student body.


PHIL CAMPBELL, MEA, supported the bill.

REPRESENTATIVE CONNELLY closed.

ACTION ON HOUSE JOINT RESOLUTION 26: SENATOR BROWN moved HJR 26 BE CONCURRED IN. The motion CARRIED unanimously.

A brief presentation on the costs of basic education was made by Rod Svee, Superintendent of Schools, Hardin, and Chris Maddox, Superintendent, Cutbank. Information attached (Exhibit #9).

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

  
Senator Chet Paylock, Chairman

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/18

NAME	PRESENT	ABSENT	EXCUSED
SENATOR PINSONEAULT	✓		
SENATOR BROWN	✓		
SENATOR REGAN	✓		
SENATOR SMITH	✓		
SENATOR HAFHEY	✓		
SENATOR YELLOWTAIL	✓		
SENATOR MAZUREK	✓		
SENATOR FARRELL	✓		
SENATOR McCALLUM	✓		
SENATOR BLAYLOCK, CHAIRMAN	✓		

COMMITTEE ON

DATE

3/78/85

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jim Moulds	Centerville Schools Sand Coulee	HB 497	✓	
GANNY STRICKLAND	Centerville Schools	HB 497	✓	
Patricia Anthony	Centerville Schools	HB 497	✓	
<del>Kathy Strickland</del>	<del>Centerville Schools</del>	<del>HB 497</del>	<del>✓</del>	
Sandra Green	Seaf-Claney Area	HB 497		*
Bob Kummer	Cent			
Don Davidson	Centerville			
Beth Gannini	Centerville	HB 497	✓	
Judy Hepfner	Centerville	HB 497	X	
Patty Kujala	Centerville	HB 497	X	
Tim Guisti	Center	HB 497	X	
Kathy May	Centerville	HB 497	X	
Clari Hein	"	HB 497	X	
John Volk	"	HB 497	X	
Val Bush	Centerville	HB 497	X	
Cindy Grieve	Centerville	HB 497	X	
Brad Sencioni	Centerville	HB 497	X	
Ron Konaskey	Centerville	HB 497	X	
Shan Tesinsky	Centerville	HB 497	X	
Amy Workman	Centerville	HB 497	X	
Monique Tesinsky	Centerville	HB 497	X	
Lorne Marsden	Centerville	HB 497	X	
Don F	Centerville	HB 497	X	
Paula Eckenbus	Centerville	HB 497	X	
Keri Kessner	Centerville	HB 497	✓	
JR. Sutch	Centerville	HB 497	✓	

(Please leave prepared statement with Secretary)

DATE

COMMITTEE ON

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Melvin Brown	Centerville	HB 497	✓	
Sellie Denler	Montana City	HB 497	✓	
Mary Watne	Montana City	HB 497	✓	
Hyde Scheff	Montana City	HB 497	✓	
Doug Denler	Montana City	HB 497	✓	
Robert Layman	Boulder Pub. Sch.	HB 497	✓	
Clarence Pearson	Montana City	HB 497	✓	
Jay W. Jesmin	Schod Dist 69 F. Casch City	HB 497	✓	
Kathleen Hays	G. E. Clancy	HB 497		✓
Julia Hays	" "	HB 497		✓
Carol Pearson	Clancy	HB 497		✓
Allen DeJohn	CLANCY	HB 497		✓
Richard Travis	Clancy	HB 497		✓
Max Conover	Broadview	HB 497	✓	
Dating Hoffman	Blenda High School	HJR 26	X	
Mr. E. Sivert	Colonel Leg School	HB 497	X	
Barbara Hametel	Centerville School	497	X	
John W. Long	S. A. M	HJR 26	X	



DATE

3/18/85

COMMITTEE ON

Education

HJR 26

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Bonny MacMaster	self	497		X
Michelle S. Wing	ASMSU	HJR 26	X	
Lance Hunt	Self	" "		
Chris Johnson	self	HJR 26	X	
Rhonda Spurgeon	Fromberg	HJR 26	X	
Rhonda Brown	Fromberg	HJR 26	X	
Dana Harmon	Fromberg	HJR 26	X	
Russell Brown	Fromberg	HJR 26	X	
Michael Johnson	Fromberg	HJR 26	X	
Elizabeth Johnson	Fromberg	HJR 26	X	
Allen Watter	Fromberg	HJR 26	X	
David Webb	Fromberg	HJR 26	X	
EDDY WILSON	FROMBERG	HJR 26	X	
Charlie Thumler	Fromberg	HJR 26	X	
Mike Anderson	Fromberg	HJR 26	X	
Justin Anderson	Fromberg	HJR 26	X	
Mike Smith	Fromberg	HJR 26	X	
John Anderson	"	"	"	
John Anderson	"	"	"	
Paul Chiles	"	"	"	

NAME

BILL No. H.B. 497

ADDRESS

Jim Moulds

DATE 3/18/85

WHOM DO YOU REPRESENT

Centerville School Sand Coulee, MT

SUPPORT

X

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Position Paper

EXHIBIT #1  
MAR. 12, 1985  
HB 1197  
SENATE  
EDUCATION  
AND  
CULTURAL  
RESOURCES

Re: H.B. 497 Tuition

Submitted on behalf of the Centerville Board of Education, Sand Coulee, Montana, AND  
by Jim Moulds, Superintendent of Schools

1 The factual background leading to the presentation of H.B. 497 involves the  
2 claims of Mr. and Mrs. Michael Bell and Mr. and Mrs. Robert Olds (hereafter  
3 parents) that they may not only send their children to another high school  
4 outside their resident school district (which right they most assuredly have)  
5 but also their principal claim that the resident school district must pay the  
6 tuition for children attending the school outside their district of residence.  
7 The parents made application to the trustees of School District C to pay the  
8 tuition for their children attending Great Falls High School which is outside  
9 the School District C, but within Cascade County. After due deliberation, the  
10 trustees rejected the tuition application. The parents appealed that decision  
11 to the Cascade County Superintendent of Schools. The Cascade County Superintendent  
12 of Schools ruled in favor of parents, citing section 20-5-311, High School Tuition  
13 paragraph (2) which states. . . "The approval agents shall approve a tuition  
14 application when a child lives closer to a high school of another district than  
15 any high school located within his resident district." The State Office of  
16 Public Instruction has upheld the decision of the Cascade County Superintendent  
17 of Schools, citing essentially the same reason, "we shall pay."  
18  
19 The parents live closer to Great Falls High "as the crow flies" and are somewhat  
20 closer by car, but each lives further from Great Falls High than from Centerville  
21 High School (School District C) when bus mileage is considered and also where the  
22 time traveled by school bus is considered. It takes approximately twenty minutes  
23 less to travel from the area in which the parents live to Centerville High than  
24 it does to Great Falls High.  
25  
26 The parents live within the boundaries of School District C. They applied to  
27 Centerville's Board of Trustees for approval of a tuition application for payment  
28 of tuition by the School District to the Great Falls School District. At the  
29 regular board meeting in May of 1984, the trustees considered the application.  
30 They discussed the needs for planning for the District, the cost to taxpayers  
31 within the District, and the lack of hardship on the parents and their children.  
32 The board considered the differences in mileage, if any, and determined it was  
insignificant in terms of travel and further considered the fact that the children

1 could easily go to Centerville High with no difficulty. Also discussed was  
2 the ready availability of buses for the children, and the extraordinary and  
3 possibly backbreaking financial crisis facing the school district if required  
4 to pay tuition for students who reside within School District C but who might  
5 be somewhat closer to Great Falls High. Also considered was the fact that the  
6 sending of the children to Great Falls High instead of Centerville was a personal  
7 choice of the parents and not forced or mandated upon the parents or the children  
8 for any financial, scholastic, geographical, or medical reasons.

9  
10 The School District's finances are also an issue in that the District purchased  
11 a new bus. That purchase for \$30,988.00 was based upon determination by the  
12 trustees concerning the number of students residing within the district and  
13 particularly in the outlying areas within the boundaries of School District C,  
14 including those areas in which the parents reside. It was part of the trustee's  
15 planning to take into account the necessity of providing transportation for  
16 pupils in that area. The Centerville Board of Educations' deliberations and  
17 decision not to pay the parents tuition were all for naught. As previously stated,  
18 the Cascade County Superintendent of Schools and subsequently the State Office of  
19 Public Instruction ruled that according to 20-5-311 M.C.A. paragraph (2) that the  
20 parents live closer to another high school out of district and regardless of the  
21 reasons the resident district shall pay !!!

22  
23 It is appropriate, in fact necessary, that the trustees have reasonable discretion  
24 in making important budgetary and administrative decisions regarding the operation  
25 of their school and the management of attendance within the respective districts  
26 because the 1972 Montana Constitution, Section 8, mandates that the supervision  
27 and control of schools in each school district rests with the Board of Trustees.  
28 The School District Trustees here properly exercised their constitutional mandate  
29 in making their determination rejecting the tuition application for students  
30 who could just as easily travel to Centerville as to Great Falls except for the  
31 personal preference of their parents. There certainly is no logic and no sound  
32 economic principles served in having a law interpreted to mean that school district  
boundaries are meaningless.

1 It is illogical to conclude that a small difference in distance between one  
2 school and another is more important than the fact a school district might be  
3 subject to vastly increased expenses. If there were economic or travel hard-  
4 ships to the pupils in question, Boards of Trustees throughout the state  
5 would consider same. Economic hardships and impossibility of planning faces  
6 school district trustees and school boards in every district throughout the  
7 state, if they are unable to look to their district boundaries when making  
8 plans for attendance, budgets, school bus routes, and appropriate purchases.  
9 Not economic sense but economic chaos results when section 20-5-311 M.C.A.  
10 is being interpreted as presently stated by the State Office of Public  
11 Instruction and the Cascade County Superintendent of Schools. We are not  
12 suggesting that the interpretation of 20-5-311 M.C.A. by the State Office of  
13 Public Instruction and the Cascade County Superintendent of Schools is wrong  
14 for that is not the purpose of this position paper. We are stating that in  
15 light of recent decisions by the above two agencies, it is absolutely necessary  
16 that the law be changed.

17  
18 Summary: A review of the entire statute on high school tuition reveals the  
19 legislative intent to prevent genuine hardships, but no suggestion  
20 exists that the legislature intended permissive pandering to the  
21 whims and preferences of individuals who prefer to ignore convenient  
22 bus routes and savings to taxpayers to serve their own personal,  
23 private purposes. When one considers that the legislature approved  
24 the creation of high school districts, it does not seem to much to  
25 presume that the law makers intended that the district's boundaries  
26 have some genuine meaning. When reading section 20-5-311 M.C.A.  
27 High School Tuition and in light of its interpretation by the State  
28 Office of Public Instruction and Cascade County Superintendent of  
29 Schools, one must legitimately determine the consequences and effect  
30 of the statutes. The consequences and effect of simply determining  
31 which school is closer creates not only meaningless school district  
32 boundaries, but also unfairness to taxpayers and confusion to school  
trustees attempting to follow their constitutional mandate to administer

1 the running of their respective schools.

2  
3 It is genuine hardship which is the evil to be prevented, and  
4 when construing a statute, the statute should be constructed  
5 with an eye to determine what evil the statute intends to remedy.  
6 The mere wish of parents' or students' preferences in schools  
7 outside the resident school district is not a hardship nor does  
8 it represent an "evil." An evil and unfair result occurs when  
9 a school district has to pay tuition for students within their  
10 own district who may by one means of reckoning be slightly closer  
11 to an out of district school than their own district's school.

12  
13 School districts should not be compelled to pay tuition outside  
14 their own district when the students in question could easily  
15 attend tuition free within their district of residence even  
16 though they may have a personal preference to go elsewhere. No  
17 student is denied the right to go to the high school of his choice  
18 in Montana. What is at issue here is the question of forced payment  
19 of tuition by a school district when a student within its own  
20 boundaries wants to go elsewhere. To strap every school district  
21 trustee with the responsibility of guessing the future course and  
22 attendance of pupils slightly closer to an outside school, to require  
23 those trustees to make no long term plans, to insist that trustees  
24 avoid bus purchases because they are unable to predict the future  
25 whims of parents or pupils, to require a special treatment to  
26 students "near the line" in order that they won't bolt to another  
27 school and cause budgetary havoc, is the real evil to be prevented.

28  
29 H.B. 497 will establish that there will be a rule of reason applied  
30 to out-of-district tuition payments.

31 The Centerville Board of Education most strongly urges the Education  
32 Committee of the Montana State House of Representatives to present  
this bill to the House recommending its passage.

Respectfully submitted,

*Jim Moulds*

Jim Moulds, Superintendent  
Centerville Public Schools  
Sand Coulee, Montana 59472

Board Chairman

*Thomas L. Lang*

Board Vice-chairman

*Monte E. Moulds*

NAME Patrice Anthony BILL NO. 497  
ADDRESS P.O. box 83 Hockett, N.H. 59456 DATE 3/18/85  
WHOM DO YOU REPRESENT Centerville High School  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



NAME: Penny Strickland BILL NO. 497  
ADDRESS: Evans Rt. Stockert Mt. DATE 3/18/87  
WHOM DO YOU REPRESENT Centerville High School  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



WITNESS STATEMENT

HB 497  
March 12, 1985  
State Education  
and Cultural  
Resources

NAME Fay W. Lesmeister BILL NO. HB 497  
ADDRESS Box 38 - Simms, MT. 59477 DATE 3/18/85  
WHOM DO YOU REPRESENT? Simms School District 6&F  
SUPPORT X OPPOSE                      AMEND                     

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The trustees of School District 6&F wish to go on record as being in support of H.B 497 as amended.

Through the passage of H.B 497 our trustees are hopeful that inconsistencies and conflicting sections of current school tuition laws will be clarified, streamlined and made consistent.

Increasingly districts such as ours are being placed in the position of seeing district students, for arbitrary reasons, moving from school to school and district to district. Because most schools are not in the geographical center of their district current law necessitates the payment of tuition to the receiving district with little or no discretion left to the resident district.

H.B 497 with its current amendments specifying distances of less than 3 miles to the receiving school and more than 20 miles from the resident school addresses the concerns of my trustees regarding current and previous problems encountered by District 6&F related to attendance areas and tuition.

We urge your recommendation of "Do Pass" on this bill.

EXHIBIT #4  
H.B. 497  
March 12, 1989  
Montana Education  
& Cultural Resources

Testimony  
in opposition to  
HB 497

by  
Sandra Green  
Resident of North Jefferson County

Mr. Chairman, members of the Committee, my name is Sandra Green, I work at the Montana Chamber of Commerce in Helena but I am a resident of North Jefferson County, ten miles south of Helena and I am testifying in opposition to HB 497.

I purchased my home in the country for many reasons, not one of them being to send my children to school in Boulder, almost 20 miles from my home and thirty miles from my place of employment.

High school is an important time in the life of a teenager. I purchased a home three years ago in an area where we wish to live and expected that my children would be able to attend high school in Helena as the children in our area have been doing for more than 20 years. The request to allow our children to continue to attend Helena High, if they so choose, is not something new but rather something that was expected, both by myself and my children when we bought our home. I don't feel it is fair or logical to expect the children to spend what might well be the most important four years of their lives in an environment they are opposed to when the precedent has been set that makes it not a necessary situation. The education of my children was a strong consideration when purchasing my home and it does not seem justifiable or appropriate "to make changes in the ground rules once the game has started" and everyone has made their commitment.

I strongly urge this committee to oppose HB 497.

Thank you.

10/19/77 45  
H. B. 1197  
1220, 1165  
Sen. Ed. 1  
Ed. 1165

NAME Carol L. Ferguson BILL NO. HB497  
ADDRESS P.O. Box 163, Olney, Mt. DATE 3/18/85  
WHOM DO YOU REPRESENT myself, my children & several neighbors  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: In the interests of "excellence in education" and of giving our educational system opportunities to meet the needs of individual students, the State of Mt. & our individual districts should be doing what they can to encourage diversity of educational opportunity. Instead HB497 would create such a financial burden for individual affected families that they might be compelled either to delay college for some youngsters in the family or to compromise another youngster's high school opportunities.

The 20 mile-limit amendment will divide neighbors & families by imposing a tuition payment for one youngster where there currently is none for another. To the youngsters this means denial of special educational opportunities, denial of job opportunities & denial of opportunity for church-related activities.

Three of my four youngsters have been honors students at Helena High;

they have taken courses which would not have been available at Jefferson High. In the last year my oldest daughter has held a job related to her <sup>proposed</sup> college major; she has earned over \$3,000 toward her college education. Had she had to attend Jefferson High she would not have had this opportunity.

~~For~~ For some students H.H.S. & Helena-based activities are more appropriate; for others Jefferson ~~High~~ High is appropriate. It's in the best interests of the students to allow them the freedom of choice to meet their own needs.

EXHIBIT #6  
H.B. 497  
March 18, 1985  
Sen. Ed L.  
Cult. Res.

WITNESS STATEMENT

Name Kyle Schaff Committee On cultural resources  
Address Star Rt Box 113 Clancy Date 3-18-85  
Representing self Support ✓  
Bill No. 497 HB Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The Boulder pass is closed during the winter thus it is harder to get to and from when
2. Auto mechanics is not able to be taken at Boulder and I want to be in this after High Sch.
3. Drive to Helena than Boulder from my house
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

EXHIBIT # 7  
HB 497  
March 16, 1985  
Sen. Ed. Kelly  
Recd.

WITNESS STATEMENT

Name Mary Wayne Committee On Education and Culture  
Address St. Route Box 107 Clancy Date 3-18-85  
Representing Self Support ✓  
Bill No. 497 (HB) Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Sports - it is too far for the parents to travel  
takes up too much time to get home
2. Job opportunities after school few - You can't get a  
job after school to earn money because there  
is not enough time
3. Endangering our lives over the pass - during the  
winter there is a danger at the bus loading.  
We should have the right to endanger  
our lives going over the ~~pass~~ boulder  
hill during the winter.
4. We should have a choice!

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



NAME Kathy Jeffman BILL NO. HJR 26  
ADDRESS 5110 S California DATE 3/18/85  
WHOM DO YOU REPRESENT Delena High School  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I'd like to rise in support of this <sup>resolution</sup> bill. I feel it is a terribly important bill and one that should be easily passed if the community is serious about improving the school system. It seems some adults of the community have the idea that school is primarily for the community. It seems some adults look upon school as a tool to produce future citizens who will benefit the community. Sure this aspect of education is important but the majority of students of course believe that the primary purpose of education is for the students not the community. The absence of a student rep on local school boards indicates to most students that their opinions and feelings are not being represented. Students basically feel alienated from the school board and don't feel welcome in attending a meeting even though meetings are open to the public. The absence of a student rep makes students feel as if they aren't the most important part of the educational system when they are the educational system →

There is a definite lack of communication  
between higher ups in the school system  
and the students who attend school.

School boards often make decisions that  
few students rarely know about and  
kids become very angry because it's  
their education that's being tampered with.

This void can only be filled by a  
student rep on the local school board.

In considering this ~~bill~~<sup>resolution</sup>, please remember  
who education is really for and ~~not~~  
do pass ~~this resolution~~ HJR 26 - thank you!

Michelle E. Wing, ASMSU Lobbyist

HJR 26 - In Support

March 18, 1985

EXHIBIT 11  
HJR 26  
March 18, 1985  
Sen. Ed. S.  
Cult. Res.

Benefits

1. increases Board's awareness of student opinion
2. increases student awareness of Board activities
3. allows development of working relationship between students and administrators  
(removing the "us vs. then" attitude)
4. teaches students involvement in representative government  
( combatting the young voter apathy syndrome)

Current Examples

1. University level
  - a. students are on all committees, from faculty searches to computer policy boards to health service groups, as voting members
  - b. Board of Regents student member - voting member
2. Principal's Advisory Councils
3. School Boards

Personal Experience

I was an unofficial, non-voting student representative for the Bozeman School District during my senior year in high school. I feel that I benefitted the district as well as myself, serving in that capacity.

I urge your support of House Joint Resolution 26.

The funding problems facing Montana's schools appear not to come from a conspiracy to raise local property taxes but rather the problems come from a basic misunderstanding as to what Montana has decreed constitutes a minimum educational program and how that program should be financed. The misunderstanding of the requirements occurs in state school financing of the general fund budget which finances those general maintenance and operational costs of a district not financed by other funds established for special purposes.

State law 20-7-111 mandates that "the Board of Public Education shall define and specify the basic instructional program for pupils in public schools, and such program shall be set forth in the standards of accreditation." The Board of Public Education has fulfilled this mandate.

Another state law 20-9-303 defines "The term 'foundation program'" as the minimum operating expenditures, as established herein, that are sufficient to provide for the educational program of a school." The crux of the funding misunderstanding occurs from the failure of the foundation program to fully fund the requirements of the Standards Accreditation. State law 20-9-352 clearly shows that the foundation program and the permissive levy are separate. The foundation program alone should fund the required program of a school.

The following standards show which courses must be offered in all public schools. (See exhibit 1)

High School	Standard 402.8
Junior High	Standard 402.9
Elementary	Standard 403

Once the course requirements are established, teachers must be hired to teach those courses. The question remains, "How many?" The following standards give us a partial answer. See exhibit 2)

High School and Junior High	Elementary
Standard 304.1	Standard 305.1
Standard 304.2	Standard 305.2
Standard 304.3	Standard 305.3
Standard 304.4	Standard 305.4
Standard 304.5	Standard 305.5
Standard 304.6	

In addition to the teaching staff, accreditation standards or state law require certain other staff members, as listed below, to operate our school.

Superintendent (Exhibit 3)	State Law 20-4-401 Standard 203.1 Standard 202.7	
Principals (Exhibit 3)	Standard 204.1 Standard 204.2	
Librarians (Exhibit 4)	Standard 404.3 Standard 404.4	High School Elementary
Guidance (Exhibit 4)	Standard 406.2 Standard 407	High School Elementary
Custodians (Exhibit 4)	Standard 503.1 Standard 504.1 Standard 504.2	High School & Elementary
Secretaries (Exhibit	Standard 207.1 State Law 20-3-324 (Records necessary to fulfill duties)	
Library Aide	Standard 404.3 Standard 404.4	
District Clerk	State Law 20-3-321	

Once the number of employees has been established, the next question becomes one of salary. School districts are forced to compete freely both with private industry and each other for teachers. The salaries are therefore set by competition. Other factors such as location and size may enter into the competition but the expected result is one that allows a district to compete with the other schools in Montana or with industry.

Non-certified staff members must be hired from the local community. Their salaries are also established by competition but are based on local norms.

Standards for accreditation also require certain other expenditures. Library standards are the most clearly stated budget requirement.

Library expenditures other than personnel: (See exhibit 5)

HIGH SCHOOL

Standard 404.6

ELEMENTARY

Standard 404.6

Expenditures for instructional materials are also required although the amounts are not as clearly designated as are the library expenditures: (See exhibit 50

ELEMENTARY

Standard 403.2

## EXHIBIT "1"

402. (8) The basic instructional program for each high school shall be at least 16 units of course work which shall include at least those given below:

- (a) Language arts: 4 units. The basic minimum program in the four skills of communication (speaking, listening, reading and writing) is required each year.
- (b) Social sciences: 2 units.
- (c) Mathematics: 2 units.
- (d) Science: 2 units.
- (e) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two-year period. Students must take health and physical education for two years. Participation in interscholastic athletics cannot be utilized to meet this requirement.
- (f) Fine arts: 1 unit. Fine arts include music, art, drama.
- (g) Practical arts: 2 units. Practical arts include home economics education, industrial arts, business education and agriculture.
- (h) Two electives.

402. (9) Basic instructional program for junior high school, middle school, and grades 7 and 8 budgeted at high school rates must offer:

- (a) Language arts: 3 units in junior high and 2 units for middle school and 7th and 8th grades.
- (b) Social sciences: 3 units in junior high and 2 units in middle school and 7th and 8th grades.
- (c) Mathematics: mathematics offerings are to include both algebra and general math in grade 9, 3 units in junior high and 2 units in middle school and 7th and 8th grades.
- (d) Science: 3 units in junior high and 2 units in middle school and 7th and 8th grades.
- (e) Health and physical education:  $\frac{1}{2}$  unit each year in junior high and  $\frac{1}{2}$  unit each year in middle school and 7th and 8th grades.
- (f) Art:  $\frac{1}{2}$  unit each year in junior high and  $\frac{1}{2}$  unit each year in middle school and 7th and 8th grades.
- (g) Music:  $\frac{1}{2}$  unit each year in junior high and  $\frac{1}{2}$  unit each year in middle school and 7th and 8th grades.
- (h) Practical arts (includes home economics, industrial arts, business education and agriculture)  $\frac{1}{2}$  unit each year in junior high and  $\frac{1}{2}$  unit each year in middle school and 7th and 8th grades.

**403. Basic Instructional Program: Elementary**

- (1) An elementary school shall have a minimum educational program that includes the subject areas listed below:
  - (a) Language arts including reading, literature, writing, speaking, listening, spelling, penmanship and English.
  - (b) Arithmetic, written computation and problem solving.
  - (c) Science, ecology and conservation.
  - (d) Social sciences, including geography, history of the United States, history of Montana, agriculture and economics. Contemporary and historical traditions and values of American Indian culture may also be included.
  - (e) Fine arts, including music and art.
  - (f) Physical education.
  - (g) Safety, including fire prevention as outlined in state statutes.
  - (h) Health education.
  - (i) Weekly time allotments for each subject area are flexible; however, in grades 1, 2 and 3, the standard school day must consist of at least four hours. In grades 4, 5, 6, 7 and 8, the standard school day must consist of at least six hours. Daily time allotments do not include time allotted for the lunch period, and time allotments should be scheduled to give balance to the educational program. Two recesses per day may be counted toward the standard school day. One recess per day may be counted as physical education if a planned activity supervised by a certified teacher is provided.
- (2) Basic instructional course material or textbooks in the fundamental skill areas of language arts, mathematics, science and social studies must be reviewed by authorities at intervals not exceeding five years. All instructional materials must be sequential and, in addition, must be compatible with previous and future offerings.

**304. Teacher Load: High School, Junior High School, Middle School and Grades 7 and 8 Budgeted at High School Rates**

- 304.1 High schools and junior high schools shall employ at least four full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.
- 304.2 Middle schools and grades 7 and 8 budgeted at high school rates with 60 or more students shall employ at least three full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.
- 304.3 Grades 7 and 8 budgeted at high school rates with less than 60 students shall employ two and one-half full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.
- 304.4 Individual class size shall not exceed 30 students, except where schools are experimenting and have the approval of the state superintendent. Physical education and typing classes may have 45 students. Class size limits do not apply to instrumental music or choral groups.
- 304.5 No teacher shall have more than 28 clock hours of assigned student responsibility per week.
- 304.6 The number of students assigned a teacher per day shall not exceed 160. Typing and physical education classes shall be counted at two thirds of the actual enrollment. Study hall, regardless of size, shall be counted as 15 students. Student limits do not apply to instrumental music or choral groups. Library, guidance and study hall duties are assigned student responsibilities. However, in cases where a teacher is assigned full-time in these areas, the assignment may be for the entire day.

**305. Teacher Load: Elementary Schools**

- 305.1 In multi-grade classrooms, the maximum class load shall be as set forth below:
  - (a) Grades kindergarten, 1, 2, and 3: 20 students.
  - (b) Grades 4, 5, and 6: 24 students.
  - (c) Grades 7 and 8: 26 students.
- 305.2 Multi-grade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade.
- 305.3 In single-grade rooms, the maximum class load shall be as set forth below:
  - (a) No more than 24 students in kindergarten.
  - (b) No more than 26 students in grades 1 and 2.
  - (c) No more than 28 students in grades 3 and 4.
  - (d) No more than 30 students in grades 5 through 8.
- 305.4 In one-teacher schools, the maximum class load shall be 18 students.
- 305.5 No teacher shall have more than 28 clock hours of assigned student responsibility per week except for one- and two-teacher rural schools.



**203. District Superintendent**

- (1) Each school district operating both an elementary school and a high school must have a superintendent who shall be certified in accordance with state statutes and with the policies of the board of public education.
- (7) The board of trustees shall transact official business with professional personnel and other employees through the district superintendent of schools except as provided in section 39-31-101 through 39-31-304 of state law.

**204. Principal**

- (1) The principal shall be certified in accordance with the state statutes and with the policies of the board of public education.
- (2) Requirements for the services of principals are determined by enrollments of schools or school districts.
  - (a) Any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent shall provide for supervision at the minimum average of two days per teacher per year through the office of the county superintendent.
  - (b) In any school district with a combined elementary and secondary enrollment of more than 50 but less than 150 students and where the superintendent serves as both elementary and secondary principal, the superintendent shall devote half time to administration and supervision in both schools.

- (c) In any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, the superintendent may serve as half-time elementary or half-time high school principal. The district must employ a half-time elementary or high school principal or administrative assistant for the other unit in the district. The administrative assistant shall be defined as a person who holds a bachelor's degree and presents evidence of working toward the administrator's certificate on a planned program to be completed within five years of first assignment. The administrative assistant shall not supervise or evaluate staff or curriculum.
- (d) Any elementary or secondary school with an enrollment of 150 to 300 shall employ a principal (in addition to the superintendent) who shall devote half time to supervision and administration.
- (e) Any school with an enrollment exceeding 300 shall employ a principal (in addition to the superintendent) who shall devote full time to supervision and administration.
- (f) Any junior or senior high school with an enrollment of over 500 students shall employ an assistant principal who shall devote at least one half of each school day to supervision and administration.
- (g) Any elementary school with an enrollment of over 650 students shall employ an assistant principal who shall devote at least one half of each school day to supervision and administration.

- (3) In high schools, junior high schools, middle schools and 7th and 8th grades funded at high school rates, the full-time or part-time librarian shall have a teaching certificate with a library endorsement and the library shall be housed in a central location.

(a) In schools of 100 or fewer students, the librarian shall devote a minimum of 1½ hours or 2 periods per day in the library.

(b) In schools of 101 to 300 students the librarian shall spend a minimum of 3 hours or 3 periods per day in the library.

(c) In junior and senior high schools of 301 to 500 students, the librarian shall spend full-time in the library. One library aide shall be employed for each librarian, or the services of a student librarian or volunteer aide shall be available.

(d) Junior and senior high schools of 501 students shall have a full-time librarian and additional librarians at the following ratio:

Enrollment	Librarian
501 to 1,000	1.5
1,001 to 1,500	2
1,501 to 2,000	2.5
2,001 to 2,500	3

One library aide shall be employed for each librarian, or the services of a student librarian or a volunteer aide shall be available.

- (4) Elementary schools with four or more teachers must assign a teacher with a minimum of nine credit hours in professional library training at a ratio of one full-time librarian to 800 students or a minimum of one hour per day, whichever is greater. In school districts employing a certified teacher with a library endorsement, a trained para-professional under the direct supervision of this librarian may be employed to meet this requirement.

**406. Guidance and Counseling, High School, Junior High School, Middle School and 7th and 8th Grades Funded at High School Rates.**

- (2) A minimum equivalent of one full-time counselor for each 400 students shall be provided. All schools must have a counselor assigned for at least one hour a day or five hours per week.

**407. Guidance and Counseling: Elementary**

- (1) Guidance and counseling services shall be provided.

## MAINTENANCE AND OPERATION

## BUILDINGS, REMODELING AND IMPROVEMENTS, NEW EQUIPMENT

## 503. School Plant and Facilities

- (1) The school plant and facilities must be adequate for the number of students enrolled and for the curriculum offered. Facilities must be constructed and equipped to safeguard health and to protect students and staff against fire and other hazards. The local board of trustees or other designee shall review annually plant and facilities in cooperation with the local fire chief and the county sanitarian where such offices exist.
- (2) All high schools, regardless of enrollment, must have at least four general classrooms in addition to a study hall and a library. All rooms shall be neat, clean, well lighted, attractive and adequately heated and ventilated.
- (3) Schools must provide a special room with the necessary equipment for emergency nursing care and first aid.
- (4) Lunch rooms shall meet state standards for food handling establishments and the standards established by the superintendent of public instruction. (See Food Service Establishment Rules in Title 16, Chapter 10, Sub-Chapter 2 of the Administrative Rules of Montana.)
- (6) The furnishing and equipping of the school building shall be sufficient in quality and quantity to support a quality educational program. Hygienic requirements and adaptability to various school and classroom activities should be carefully considered in the selection of school equipment and materials. Adequate storage space, convenient to classrooms, should be provided for equipment and materials.
- (9) Minimum essential facilities must be available and accessible to all students.
- (10) Special education classrooms are in a school building and are in a regularly utilized school building comparable to regular classrooms within a district. Handicapped children are not discriminated against because of the lack of appropriate facilities.

## 504. Maintenance

- (1) The school grounds and buildings must be maintained in such manner so as to assure the health and safety of students and staff.
- (2) Custodial service and heating, lighting, ventilation, water supply and lavatories shall be such as to assure hygienic conditions for students and staff. Standards of the Public Accommodation and Consumer Safety section of Title 16, Chapter 10, Sub-Chapter 11 of the Administrative Rules of Montana must be met.

## 505. Safety

- (1) Fire drills should be conducted in accordance with state statutes.
- (2) Precautions for protection against disasters such as blizzards, fires, floods, earthquakes, bomb threats, or nuclear disasters must be taken throughout the buildings and grounds.
- (3) Safety precautions must be taken for the protection of students and staff against injuries in all buildings and on all grounds, particularly on playgrounds and in laboratories, shops and gymnasiums. Special provision must be made to protect students while operating power machinery.
- (4) Gas supply lines serving science laboratories, home economics rooms, shops or other rooms utilizing multiple outlets shall have a master shut-off valve that is readily accessible to the instructor or instructors in charge.
- (5) Home economics rooms, shops, offices and other rooms using electrically operated instructional equipment shall be supplied with a master electric switch readily accessible to the instructor or instructors in charge.

## SUPERINTENDENT

## 203. District Superintendent

- (1) Each school district operating both an elementary school and a high school must have a superintendent who shall be certified in accordance with state statutes and with the policies of the board of public education.
- (2) The district superintendent shall be responsible for the selection and assignment of all school employees and for the administration and supervision of the educational program, subject to the approval of the board of trustees.

Requires 162 Superintendents

- 202.(7) The board of trustees shall transact official business with professional personnel and other employees through the district superintendent of schools except as provided in section 39-31-101 through 39-31-304 of state law.

State Law 20-4-401

- 204.2 (d) Any elementary or secondary school with an enrollment of 150 to 300 shall employ a principal (in addition to the superintendent) who shall devote half time to supervision and administration.

Requires 14 Superintendents

In nine (9) other cases that require an administrator, the individual is called a superintendent even though one is not required. This individual in each case is the only administrator and as such could be listed here or as a principal.

9

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 State Total 185

204. (2) Requirements for the services of principals are determined by enrollments of schools or school districts.

(a) Any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent shall provide for supervision at the minimum average of two days per teacher per year through the office of the county superintendent.

(b) In any school district with a combined elementary and secondary enrollment of more than 50 but less than 150 students and where the superintendent serves as both elementary and secondary principal, the superintendent shall devote half time to administration and supervision in both schools.

Counted as Superintendents

(c) In any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, the superintendent may serve as half-time elementary or half-time high school principal. The district must employ a half-time elementary or high school principal or administrative assistant for the other unit in the district. The administrative assistant shall be defined as a person who holds a bachelor's degree and presents evidence of working toward the administrator's certificate on a planned program to be completed within five years of first assignment. The administrative assistant shall not supervise or evaluate staff or curriculum.

Describes 29 School Districts = 14.5 F.T.E. Principals

(d) Any elementary or secondary school with an enrollment of 150 to 300 shall employ a principal (in addition to the superintendent) who shall devote half time to supervision and administration.

Describes 179 Schools = 179 Principals

(e) Any school with an enrollment exceeding 300 shall employ a principal (in addition to the superintendent) who shall devote full time to supervision and administration.

Describes 179 Schools = 179 Principals

(f) Any junior or senior high school with an enrollment of over 500 students shall employ an assistant principal who shall devote at least one half of each school

Describes 33 Schools = 33 Assistant Principals

- (g) Any elementary school with an enrollment of over 650 students shall employ an assistant principal who shall devote at least one half of each school day to supervision and administration. ) Describes 2 Schools = 2 Assistant Principals

State Total Principals = 372.5

Assistant Principals = 35.0

## Guidelines for figuring elementary teacher numbers:

1. Enrollments in multi grade combination classrooms are:

K, 1, 2, 3	20
4, 5, 6	24
7, 8	26

2. The average of 20, 24, and 26 is 24. Therefore, 24 is used as the increment to increase class size.
3. Enrollment in single grade classrooms are:

K	24
1-2	26
3-4	28
5-8	30

4. The average of 24, 26, 28, and 30 is 27. Therefore, 27 is used as the increment to increase class size.
5. An assumption is made that multi grade combination classrooms are utilized until an enrollment of 252 is reached. At 252 there would be one sections of each grade level. i.e.:

K	24
1	26
2	26
3	28
4	28
5	30
6	30
7	30
8	30
<hr/>	
TOTAL K-8	252

6. Consequently, the increments from 18 to 251 are units of 24. From 252 on up the increments are units of 27.
7. The 7-9 junior high school enrollments were multiplied by .66 to get an approximate 7-8 grade enrollment.
8. By making these assumptions the totals are hedged on the conservation side. i.e. no schools are required to have more than these numbers of teachers. However, some schools could have fewer.

<u>Enrollment</u>	<u>(No of teacher required per school)</u>	X	<u>(No. of Schools)</u>	=	<u>Total No. of Teachers</u>
0-18	1		125		125
19-42	2		53		106
43-66	3		35		105
67-90	4		35		140
91-114	5		28		140
115-138	6		22		132
139-152	7		16		112
153-176	8		26		208
177-200	9		17		153
201-224	10		22		220
225-248	11		27		297
249-251	12		3		36
252-279	9		35		315
280-306	10		21		210
307-333	11		26		286
334-360	12		15		180
361-387	13		24		312
388-414	14		17		238
415-441	15		12		180
442-468	16		7		112
469-495	17		13		221
496-522	18		3		54
523-549	19		3		57
550-576	20		11		220
577-603	21		3		63
604-631	22		-0-		-0-
632-658	23		4		92
659-685	24		-0-		-0-
686-712	25		-0-		-0-
713-739	26		1		26
			<hr/> 604		<hr/> 4340



	1-50			Over 50			Over 100			Over 300						
	Sec.	Schools	Teachers %	Sec.	Schools	Teachers %	Sec.	Schools	Teachers %	Sec.	Schools	Teachers %				
Agriculture	62	18	12.4	5.2	62	16	12.4	4.8	181	42	36.2	4.9	132	22	26.4	1.6
Business	175	40	35	14.7	167	32	33.4	12.8	398	59	79.6	10.9	625	40	125	7.5
Consumer Ed.	3	3	.6	.2	3	3	.6	.2	8	8	1.6	.2	15	8	3	.2
Computer Ed.	15	10	3	1.2	16	14	3.2	1.2	35	30	7	1	80	26	16	1
Career Ed.	2	2	.4	.2	1	1	.2	.1	13	11	2.6	.4	5	2	1	.1
Distributive Ed.					1	1	.2	.1	4	2	.8	.1	59	15	11.8	.7
Eng. & Lang. Arts	187	41	37.4	15.7	202	31	40.4	15.5	664	59	132.8	18.1	1777	56	355.4	21.4
Fine Arts	109	37	21.8	9.2	119	32	23.8	9.1	330	58	66	9	697	56	139.4	8.4
Consumer Home.	58	23	11.6	4.9	112	32	22.4	8.6	227	54	45.4	6.2	434	55	86.8	5.2
Health	24	15	4.8	2	12	9	2.4	.9	61	18	12.2	1.7	95	15	19	1.1
Industrial Arts	79	24	15.8	6.6	101	23	20.2	7.8	286	51	57.2	7.8	701	54	140.2	8.4
Mathematics	159	41	31.8	13.4	157	33	31.4	12.1	429	60	85.8	11.7	1035	55	207	12.5
Science	142	41	28.4	11.9	144	33	28.8	11.1	422	59	84.4	11.5	901	55	180.2	10.9
Physical Ed.	51	31	10.2	4.3	69	30	13.8	5.3	208	51	41.6	5.7	636	53	127.2	7.7
Social Studies	117	40	23.4	9.8	132	33	26.4	10.1	384	58	76.8	10.5	1085	56	217	13.1
Trades & Industry	6	2	1.2	.5	4	1	.8	.3	12	5	2.4	.3	21	4	4.2	.3
TOTAL	1189	42	237.8	100	1302	33	260.4	100	3662	60	732.4	100	8298	56	1659.6	100
Adjusted for 7 & 8			237.8				260.4				717				1244.9	

Total Secondary Teachers required = 2890.2

The above figures are based on the 1981-82 second semester schedules for high schools and junior high schools in Montana. The teacher totals are based on one teacher per five sections of course work. Other courses are listed on the full report from the Office of Public Instruction. Only the required offerings are listed in this chart.

## LIBRARIAN

404. (3) in high schools, junior high schools, middle schools and 7th and 8th grades funded at high school rates, the full-time or part-time librarian shall have a teaching certificate with a library endorsement and the library shall be housed in a central location.

(a) In schools of 100 or fewer students, the librarian shall devote a minimum of 1½ hours or 2 periods per day in the library.

Describes 86 schools x .28FTE = 24.08 Librarians

(b) In schools of 101 to 300 students the librarian shall spend a minimum of 3 hours or 3 periods per day in the library.

Describes 78 Schools x .42 FTE = 32.76 Librarians

(c) In junior and senior high schools of 301 to 500 students, the librarian shall spend full-time in the library. One library aide shall be employed for each librarian, or the services of a student librarian or volunteer aide shall be available.

Describes 30 Schools x 1 FTE = 30 Librarians

(d) Junior and senior high schools of 501 students shall have a full-time librarian and additional librarians at the following ratio:

Enrollment	Librarian
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501 to 1,000	1.5 ---Describes 19 Schools x 2.5 FTE = 47.5 Librarians
1,001 to 1,500	2 ---Describes 10 Schools x 3.0 FTE = 30.0 Librarians
1,501 to 2,000	2.5 ---Describes 4 Schools x 3.5 FTE = 14.0 Librarians
2,001 to 2,500	3

One library aide shall be employed for each librarian, or the services of a student librarian or a volunteer aide shall be available.

178.34 Librarians

(4) Elementary schools with four or more teachers must assign a teacher with a minimum of nine credit hours in professional library training at a ratio of one full-time librarian to 800 students or a minimum of one hour per day, whichever is greater. In school districts employing a certified teacher with a library endorsement, a trained para-professional under the direct supervision of this librarian may be employed to meet this requirement.

Describes:

300 Schools x .14	FTE = 42 Librarians
91 Schools x .25	FTE = 22.75 Librarians
76 Schools x .375	FTE = 28.5 Librarians
54 Schools x .5	FTE = 27 Librarians
19 Schools x .625	FTE = 11.875 Librarians
5 Schools x .75	FTE = 3.75 Librarians
1 School x .875	FTE = .875 Librarians

136.75 Librarians

178.34

136.75

State Total

315.09

## COUNSELORS

406. (2) A minimum equivalent of one full-time counselor for each 400 students shall be provided. All schools must have a counselor assigned for at least one hour a day or five hours per week. } One counselor for each 400 students must be provided but no less than 5 hours in a 30 hour week = 16.7%  
16.7% of 400 students = 66.8 students
- (3) A separate room specifically designed for guidance and counseling shall be provided. } 60 schools with 67 or fewer students =  
60 x .167 = 10.02 counselors
- (a) Adequate space and facilities for clerical assistance shall be provided. } 25 schools with 68-100 students =  
25 x .21 FTE = 5.25 counselors
- (b) A guidance library shall be provided which is available to all students. } 31 schools with 101-150 students =  
31 X .31 FTE = 9.61 counselors
- 26 schools with 151-200 students =  
26 x .44 FTE = 11.44 counselors
- 14 schools with 201-250 students =  
14 x .56 FTE = 7.84 counselors
- 13 schools with 251-300 students =  
13 x .69 FTE = 8.97 counselors
- 9 schools with 301-350 students =  
9 x .81 FTE = 7.29 counselors
- 6 schools with 351-399 students =  
6 x .94 FTE = 5.64 counselors
- 46 schools with 400 or more students =  
94.15 counselors

400 or more	94.15
fewer than 400	<u>66.06</u>
Total State	160.21

407. Guidance and Counseling: Elementary } No specific number is required. 132.2  
(1) Guidance and counseling services shall be provided. } counselors were listed by the state for elementary schools for the 1983-84 school year.

## LIBRARY EXPENDITURES

404. (6) After a school library has assembled the minimum collection, the annual expenditure for the library collection, exclusive of textbooks and audiovisual materials, must meet the minimum expenditures given below:

Funding: high school, junior high school, middle school and 7th and 8th grades funded at high school rates:

					Or whichever is greater
50 or fewer students	\$ 900	---	44 schools x \$900=\$39,600		
51-100	1,440	---	40 schools x \$1,440=\$57,600	1 school at \$1,755	
101-200	1,800	---	57 schools x \$1,800=\$102,600		
201-500	3,600	---	39 schools x \$3,600=\$140,400	+ 9 schools at 36,531	
or \$9 per student, whichever is greater.					
501-1,000	5,400	---	9 schools x \$5,400=\$48,600	+ 2 schools at 12,987.	
or \$7.20 per student, whichever is greater.					
1,001-1,800	7,200	---	2 schools x \$7,200=\$14,400	+ 4 schools at 34,605	
or \$6.30 per student, whichever is greater.					
1,800 +	10,800	---	0 schools	= 0 + 6 schools at \$106,158.60	
or \$5.40 per student, whichever is greater.					
			Total required = \$595,237.40		

A minimum of \$1.80 per student  
shall be expended for media soft-  
ware.

Total required = \$112,832.40

## Funding: Elementary

300 or fewer students—\$8.10 per student or \$180, whichever is greater.	}	311 schools total = \$190,275.40
Over 300—\$2,430 plus \$4.50 per student over 300 enrollment.		71 schools total = 379,562.70
A minimum of \$1.80 per student shall be expended for media soft- ware.	}	Total required = <u>161,097.70</u>
		Total for State = \$1,439,005.60

**20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of each district shall have the power and it shall be their duty to perform the following duties or acts:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board may deem necessary, accepting or rejecting such recommendation as the trustees shall in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel deemed necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and otherwise govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or an emergency budget of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) establish the ANB, foundation program, permissive levy, additional levy, cash reserve, and state impact aid amount for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous federal programs fund, building fund, housing and dormitory fund, traffic education fund, and interlocal cooperative agreement fund in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, vocational education, and special education parts of this title;

(18) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(19) make such reports from time to time as the county superintendent,

## CLERICAL SALARIES

**207. Student Records**

- (1) Each school shall keep a permanent file of students' records which shall include the name and address of the student, parent or guardian, birth date, academic work completed, level of achievement (grades, standardized achievement tests), immunization record as per 20-5-406, MCA, and attendance data of the student. Student records shall be kept in a fireproof file or vault in the school building or for rural schools, in the county superintendent's office. Each school district shall establish policies and procedures for the use and transfer of student records which are in compliance with state and federal laws which assure that an individual's privacy is respected.
- (2) All inactive permanent records from a school that closes shall be sent to the county superintendent or the appropriate county official.
- (3) Special Education Records
  - (a) Each school shall maintain a separate records file for each student receiving special education and/or related services. As a minimum, each record will contain a current referral form, permission for evaluation, child study team report with accompanying evaluation data, individualized education program and permission for program placement.
  - (b) Records will be maintained in confidential manner to include secure storage.
  - (c) Each district shall establish written procedures for the destruction of confidential records. Records are to be kept for a minimum of five years after termination of special education services or after age 18 or legal age.

## TEXTBOOK EXPENDITURES

**20-7-601. Free textbook provisions.** (1) The trustees of each district shall provide free textbooks to the public school pupils of the district. The trustees shall purchase such textbooks at the expense of the district and loan them to such pupils free of charge, subject to the textbook damage policy of the trustees.

(2) For the purpose of this section only, textbooks shall not include those books or manuals which are rendered unusable as a result of having pages designed to be written upon or removed during the course of the study they serve. When the parents of a pupil attending a school of the district so request, such textbooks shall be sold to them at cost.

History: Ea. 75-7602 by Sec. 394, Ch. 5, L. 1971; R.C.M. 1947, 75-7602.

**Cross-References**

Free education to be provided, Art. X, sec. 1,  
Mont. Const.

**20-7-602. Textbook selection and adoption.** Textbooks shall be selected by the district superintendent or by the school principal if there is no district superintendent. Such selections shall be subject to the approval of the trustees. In districts not employing a district superintendent or principal, the trustees shall select and adopt the textbooks on the basis of recommendations of the county superintendent.

History: Ea. 75-7603 by Sec. 395, Ch. 5, L. 1971; R.C.M. 1947, 75-7603.

## ACCREDITATION STANDARD (Elementary)

403. (2) Basic instructional course material or textbooks in the fundamental skill areas of language arts, mathematics, science and social studies must be reviewed by authorities at intervals not exceeding five years. All instructional materials must be sequential and, in addition, must be compatible with previous and future offerings.

TEACHER AIDES

107. (1) Specialists, paraprofessionals and teacher aides employed in a school will be considered in the evaluation of the entire school program for accreditation purposes. In cases where class enrollment is in excess of minimum standards, consideration will be given in determining the severity of deviation for those schools employing specialists, paraprofessionals and teacher aides.



## Part A

Exhibits 6-10 indicates the actual personnel or expenditures required by statute or accreditation standard. The following comparisons show the cost of the required personnel using 1984-85 salary figures.

Superintendents -  $185 \times 37,382.71$  (average 84-85 salary for 96 class 1 and 2 superintendents and 53 class 3 superintendents) = \$5,570,023

Principals -  $407.5 \times \$34,358.95$  (average salary 84-85 for 106 high school and junior high school principals and 206 elementary principals) = \$14,001,272.

Librarians -  $178.34$  high school and junior high school librarians  $\times \$21,764$  (MEA average high school teacher's salary for 1983-84) = \$3,881,392

$136.75$  elementary librarians  $\times 20,126$  (MEA average elementary school teacher salary for 1983-84) = \$2,752,231

Total Librarians - \$6,633,623

Counselors -  $160.21$  high school and junior high school counselors  $\times \$21,764$  (MEA average high school teacher's salary for 1983-84) = \$3,486,810

$132.2$  elementary counselors were listed by the state for elementary schools for the 1983-84 school year  $\times \$20,126$  (MEA average elementary school teacher's salary for 1983-84) = \$2,660,657

Total Counselors - \$6,147,467

Library Expenditures required - High School = \$708,069.80

Elementary = \$730,935.70

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\$1,439,005.50

Teachers -  $2,459.9$  high school teachers  $\times \$21,764$  (MEA average high school teacher's salary for 1983-84) = \$53,537,263.60

$4,340$  elementary teachers  $\times 20,126$  (MEA average elementary teacher's salary for 1983-84) = \$87,346,840

Total Teacher's Salaries = \$149,884,103.60

Other expenses required by Accreditation Standards  
(Exhibit 4-12)

Custodial and Operation (1982-83) (Exhibit 4)

Salaries	\$17,654,259
Other Supplies and Expenses	3,392,921
Heat for Buildings	10,109,720
Utilities except Heat	6,756,951

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Total - \$37,913,851

5% inflation - 39,809,544 83-84

4% inflation - 41,401,926 84-85

#### Maintenance (Exhibit 4)

Salaries	\$ 4,656,414	
Replacement & Parts	5,013,310	
Instructional Equipment Maintenance	919	
Contracted Services	4,846,139	
<hr/>		
Total -	\$14,516,773	
5% inflation -	\$15,242,612	
4% inflation -	\$15,852,316	84-85

#### Employee Health Insurance (A salary item) (Exhibits 4-10)

1982-83	- \$16,824,356	
5% Inflation -	\$17,665,574	83-84
4% Inflation -	\$18,372,197	84-85

#### Capital Outlay (Exhibit 4)

Rental Land and Buildings	\$ 201,203	82-83
Sites	654,064	
Buildings	1,930,312	
Remodeling and Improvements	5,497,082	
New Equipment	5,433,430	
Other	1,318,487	
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Total -	\$15,034,578	
5% inflation -	\$16,786,307	83-84
4% inflation -	\$17,457,759	84-85

Central Office Clerical Salaries	- \$5,044,154	82-83
(Exhibit 11)	5% inflation - \$5,296,362	83-84
	4% inflation - \$5,508,216	84-85

Building Level Clerical Salaries	- \$6,072,161	82-83
	5% inflation - \$6,375,769	83-84
	4% inflation - \$6,630,800	84-85

Teaching Supplies & Textbooks	- \$12,811,497	82-83
(Exhibit 13)	5% inflation - \$13,452,072	83-84
	4% inflation - \$13,990,155	84-85

## Part B

### Required expenditures (Explanation on Part A)

Superintendents	- \$ 5,570,023	84-85
Principals	- 14,001,272	84-85
Librarians	- 6,633,623	83-84
+4% Inflation	- 6,898,968	84-85
Counselors	- 6,147,467	83-84
+4% Inflation	- 6,393,366	84-85
Teachers	- 140,884,104	83-84
+4% Inflation	- 146,519,468	84-85
Central Office Clerical	- 5,508,216	84-85
Building Level Clerical	- 6,630,800	84-85
Teaching Supplies & Textbooks	- 13,990,155	84-85
Library Expenditures	- 1,439,006	84-85
Custodial & Operation	- 41,401,926	84-85
Maintenance	- 15,852,316	84-85
Employee Health Insurance	- 18,372,197	84-85
Capital Outlay	- 17,457,759	84-85

TOTAL - \$300,035,472 Required to be funded by the  
Foundation Program

# STANDING COMMITTEE REPORT

March 18, 1985

MR. PRESIDENT

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

having had under consideration **HOUSE JOINT RESOLUTION** No. **26**

**third** reading copy ( **blue** )  
color

**(Senator Brown will carry the bill.)**

**URGING SCHOOL BOARDS TO APPOINT NONVOTING STUDENT MEMBER**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** No. **26**

**BE CONCURRED IN**

**DO PASS**  
**XXXXXX**

**DO NOT PASS**  
**XXXXXXXX**

**Senator Chet Blaylock,**

Chairman.