

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The sixth meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands, on January 21, 1987, at 1:00 p.m., in Room 312-D of the State Capitol.

ROLL CALL: The roll was called with all members being present.

CONSIDERATION OF HOUSE BILL NO. 174:

REP MARY LOU PETERSON, House District No. 1, sponsor of the bill stated that HB # 174 was introduced because of the concern of almost every school district regarding the loss of school books and the damage done to school property. The bill provides for a way of holding up grades or diplomas in order to receive payment for damaged books or other school property and providing a way that that payment could be made. Some could be agreement with the local school district or local boards making a policy that volunteer work could be provided as a means of making restitution if a student did not have the money.

PROPOSERS:

RICK BARTOS, Attorney for the State Superintendent of Public Instruction, rose as a proponent to the bill. He stated there were two proposed amendments he would like the committee and Rep. Peterson to consider: 1) With regard to the way the bill is presently written, it was his opinion that it was in violation of federal law, and more specifically "the family education rights privacy act". On page 2, line 14, he recommended to insert the provision "provided however that the pupil, parent or guardian shall have the right to inspect and review educational records of the pupil who is enrolled and attending the school". 2) To provide that no provision in this section be used to prevent the transfer of a pupils records from one school to another when the pupil has enrolled and attends the new school, and a school official has requested the records be transferred. He said with those two amendments, the OPI would give their whole-hearted endorsement.

BRUCE MOERER, representing the Montana School Boards Association said he would support HB # 174 for the reasons given by the sponsor. He stated he would have no objections to clarification along the lines as pointed out by the OPI and its two amendments.

RICK HILL, Superintendent of schools in Troy, Montana rose in support of the bill. He passed out EXHIBIT NO. 1 to the committee, which was a letter from the State of Washington refusing to forward a student's transcript until \$75.00 worth of fines were paid. He also handed out EXHIBIT NO. 2, which was a sheet that indicate what it would cost the school district if a junior in high school would walk out with the school books, a total of \$137).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE:

A question and answer period followed regarding the problem of not transferring transcripts between private and public schools because of nonpayment of tuition; the possibility of tort action because of a school district's refusal to transfer a students transcript; and the procedure for payment if several students are involved in damaging property.

REP. PETERSON closed by stating she is a great believer in free public education, but part of the education has to be some responsibility for textbooks and materials that are provided in free public education. She said she totally agreed with the first amendment on page 2, line 14, but the second amendment takes away the leverage in the bill.

CONSIDERATION OF HOUSE BILL NO. 175:

REP. MARY LOU PETERSON, House District No. 1, sponsor of the bill stated she was carrying the bill for the OPI concerning the disqualification of county superintendents from hearing in special ed matters. The special ed program requires certain qualification for all the movement and the evaluation and work being done is special ed and the county superintendent does not have to have any of those qualifications.

PROPOSERS:

GAIL GRAY, Director of Special Education for the OPI, stated she supported HB # 175, and handed out a copy of her prepared statement, see EXHIBIT NO. 3. She noted that the office of civil rights and the department of education continues to find Montana out of compliance and express great concerns that we do not use the county superintendent for this purpose. She recommend instead of have a two-tier level of impartial hearings, they go to a one tier. Instead of going to the county superintendent for the for the first level, they would start immediately with the state superintendent.

Education and Cultural
Resources Committee
January 21, 1987
Page Three

CHRIS VOLINKATY, lobbyist for Developmentally Disabled People for the State of Montana said she endorsed the bill for the reasons stated by Gail Gray.

JESS LONG, Executive Secretary of the School Administrators of Montana rose in support of the bill. He testified that the School Administrators of Montana are in accord with this bill and the county superintendents are one of the affiliate groups within the same framework and are in favor of the bill.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE:

In response to a question from REP. EUDAILY concerning the appeal process, Gail Gray explained that if a parent did not like the decision of the hearing officer appointed by the state superintendent they could appeal to the court.

REP. PETERSON closed by noting that if there is a review by the county superintendent and then by the state superintendent's office, there is a time lag in settling these cases. She thought that everyone was in accord and requested a do pass on the bill.

CONSIDERATION OF HOUSE BILL NO. 69:

REP. HARRIET HAYNE, House District No. 10, sponsor of the bill stated the bill is an act to increase the taxable valuation required for creation of a new elementary school district and to provide that there be a compelling need for creation of any new district and amending section 20-6-216 and 20-6-217.

PROPOSERS:

DICK SIROKMAN, Superintendent of schools from Valier, handed out EXHIBIT NO. 4 and EXHIBIT NO. 5. He testified in favor of HB # 69. He noted that EXHIBIT NO. 4 is an example of the monetary effect imposed on Valier if creation of a new school district were allowed in Heart Butte. He said that Montana has .4 percent of all the students in the nation, but has 10 percent of the school districts.

ERIC FEAVER, President, Montana Education Association, rose in support of HB # 69. He said he would prefer it be amended on page 1, lines 18 and 23 so that the variables for the qualifications for a new school district would read "one million dollars" on line 18 and "two million dollars" on

on line 23. He stated it is no accident that the board of public education has chosen to ask the legislature to consider a moratorium on the creation of a new school district or the recreation of old school districts out of currently unified or consolidated school districts.

BRUCE MOERER, representing the Montana School Boards Association stated he was in support of HB # 69 and Mr. Feaver's amendments.

JESS LONG, Executive Secretary of the School Administrators of Montana rose in support of the legislation and the proposed amendments.

RICK BARTOS, representing the State Superintendent of Public Instruction's Office, said it supports the bill whole heartedly, as the office is responsible for several actions that alleged disparity among districts. The problem will not be resolved if the state is continued to be cut up into additional districts.

CLAUDETTE MORTON, Executive Secretary to the Board of Public Education, stated she supported the bill and asked the committee's consideration of the amendment. She also noted the board wished to go on record as supporting a moratorium for any new districts, because most of the schools that would be started would be small schools and the ANB is higher per child in a small school.

LORNA FRANK, representing the Montana Farm Bureau, stated she supported the change in the bill, along with the amendment that was suggested.

REP. SCHYE reported that he had sat on the legislative finance committee and had been in discussion with REP. HAYNE on the amendments that were presented. He noted the finance committee had also included high schools in their bill that was coming up and were working out amendments with REP. HAYNE so they wouldn't have to go through the hearing twice.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE:

In response to a question from REP. SWYSGOOD, Rick Bartos replied that if small schools would want to consolidate it would not create a new district, but would be a consolidation of existing districts and would not be banned by this legislation.

Education and Cultural
Resources Committee
January 21, 1987
Page Five

A question and answer period followed regarding whether the bill had been introduced to prevent five districts that had applied for new districts from being implemented.

REP. HAYNES closed by saying the bill would do two things - increased the taxable valuation required for the creation of a new elementary district and also requiring a compelling need in order to establish a new district.

CONSIDERATION OF HOUSE BILL NO. 145:

REP. RALPH EUDAILY, House District No. 60, sponsor of the bill stated he was sponsoring HB # 145 at the request of the school bus contractors, who feel that they fit into the same exempt status under certain conditions as the local school districts do as far as unemployment insurance benefits are concerned. He reviewed the bill in detail.

PROPOSERS:

G. D. BEACH, Montana School Bus Contractors, stated the current law as it read is an aberration in the fact the school districts are able to not pay this unemployment compensation whereas the school bus contractors must pay this compensation. He then reviewed a handout, see EXHIBIT NO. 6 which shows the approximate cost of unemployment compensation fees to all the contractors in the state as approximately \$82,000. He recommended a do pass on HB # 145.

JERRY PERKINS, owner of Karst Stage, Bozeman, stated there was talk of being on even parity with the school districts, but when the school districts do not have to pay unemployment compensation fees for the same services that the contract bus owners do, then the unemployment system is being taken advantage of.

JOHN HELM, operations manager for Ryder Transport, parent company for KAL bus lines, Billings rose to speak on behalf of Ryder and KAL lines in support of HB # 145, which would deny unemployment benefits under certain circumstances to our employees. Two topics he wished to address were 1) The philosophy behind the unemployment benefit was designed to provide a benefit to an employee who for one reason or another is denied the opportunity to continue working when they fully expect to continue their job - and that the school bus driver does not qualify under that definition. 2) The inequity that currently exists in the State of Montana regarding the school district employees drivers who perform the exact same duties, exact same number of

Education and Cultural
Resources Committee
January 21, 1987
Page Six

hours, days, etc. do not qualify for unemployment, our drivers do.

GILE MITCHELL: Representing the OPI, said he would like to draw the committee's attention to the fact that half of the students who are transported in Montana are under the contracted system. He stated we are looking for cost cutting measures for school districts and this would be one way that would enable the district to choose a contractor who could provide lower rates. He was in support of the legislation.

PEG HARTMAN, Acting Commissioner of the Department of Labor and Industry, stated she supports the bill for two reasons, 1) it equalizes the unemployment benefits paid to public and private employees and 2) under the current system it is cheaper for a school district to hire their own employees than it is for them to use the private sector, and she believed it was the legislature's intent to encourage additional business in the private sector.

JESS LONG, Executive Secretary for the School Administrators of Montana rose in support of the legislation.

BRUCE MOERER, representing the Montana School Boards Association spoke in favor of the bill.

OPPONENTS:

DON JUDGE, representing the Montana State AFL/CIO, spoke in opposition to HB # 145. Mr. Judge stated that the issues raised before the committee were twofold; they were fairness for the competitors of our local school districts and savings of taxpayers dollars. He noted these are both admirable arguments but they seem to ignore the real issues and problems that the bill presents; seasonal employment is one of the reasons that we have unemployment insurance.

Mr. Judge submitted to the committee that most of the school bus drivers were female; therefore there is a discriminatory application there. He urged a do not pass recommendation.

REP. JERRY DRISCOLL, House District No. 92, said the Montana unemployment law says to be eligible to draw benefits you leave your last employment through no fault of your own, and not be working. He stated the people who drive buses or work for school districts are not working because the employer did not have the work for them to do, that it is not their fault, so they are eligible.

QUESTIONS FROM THE COMMITTEE:

A question and answer period followed concerning how much an average bus driver would receive from unemployment; the nominal effect the removal of \$82,810 would have on the other employers in the fund; the fact the bus drivers receive written notice at the end of the season they will be employed at the beginning of the next school term; the fact that some school bus contractors also provide services for sports functions, etc. and the average pay of a bus driver.

CHAIRMAN SANDS asked John Helm as a matter of public policy what was the difference between this kind of private seasonal employment and any other kind of private seasonal employment. Mr. Helm replied that there is a difference in seasonal employment between loggers, school bus drivers, ski resort operators, etc.. The nature of their jobs and the periods of the year that they work and the reasons that they cannot work during the off seasons and are all reasons. You cannot make an across-the-board generalization.

REP. EUDAILY closed by commenting it was a very good frank discussion from people who are involved on both sides of the issue. He mentioned that there are 679 district owned buses in Montana and 642 contractor owned buses, so it is almost even. He also noted that there are 2,726 certified drivers of which 1,891 are males and 835 are females, so it is definitely not a female operation entirely. He stated that all the bill is trying to do is say if they are doing the same job, and basically working for the same person, which is the school district, they should come under the same rules and regulations.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 117:

REP. THOMAS moved that HB # 117 DO PASS. CHAIRMAN SANDS then offered amendments to the bill, see EXHIBIT NO. 7. He briefly explained they would 1) that the school board would adopt the resolution and then it would require that notice of that resolution be published in the paper if there is a paper of general circulation or if there wasn't a paper then it would have to be posted like school elections; 2) the resolution would be effective 14 days after the notice was published and then the taxpayer would have the right to appeal just as in the bill now. CHAIRMAN SANDS then moved the amendments; he then called for further discussion on the amendments; the question was called, the motion on the amendments CARRIED unanimously.

Education and Cultural
Resources Committee
January 21, 1987
Page Eight

The question was called on a DO PASS AS AMENDED motion on HB # 117, the motion CARRIED.

ACTION ON HOUSE BILL NO. 174:

REP. THOMAS moved a DO PASS on HB # 174, REP. WILLIAMS then moved DO PASS on both amendments. REP. SWYSGOOD moved to segregate the amendments. CHAIRMAN SANDS stated that without objection that motion would be granted. CHAIRMAN SANDS called for discussion on the first part of the amendments; the question was called; the motion on the first part of the amendment was CARRIED.

REP. WILLIAMS then moved that the second part of the amendment from OPI be adopted. CHAIRMAN SANDS called for further discussion. REP. DAILY stated he felt the second amendment was really important because of students transferring from a parochial school to a public school. There could be abuse where a student couldn't pay the tuition and the school could hold up your records from the other school. REP. EUDAILY agreed that the second amendment was very important.

CHAIRMAN SANDS stated he had a couple of points he would like to make; 1) he was going to vote against the amendment because REP. PETERSON wanted to make it more difficult for students to get their transcripts, and this amendment would actually make the reverse happen. 2) If there is any legal problem, educational malpractice or whatever, the appropriate way to deal with it is to send a letter to the school that refuses to provide the transcript and say if there is any liability arising as a result, that it would be their responsibility. 3) When a student transfers, the only way a transcript is requested is when the school that he is arriving at asks for it from the school that he left.

A further discussion was held on the concerns of CHAIRMAN SANDS, the question was called on the amendment, the motion CARRIED with 15 favorable and 3 opposing votes, with REPS. PHILLIPS, SWYSGOOD and SANDS voting no. (Roll call vote 1).

REP. GLASER submitted another amendment for the committee's consideration, on page 2, line 13, after the word "for" insert the words "the pupil's share of ". The motion CARRIED unanimously. See EXHIBIT NO. 8.

CHAIRMAN SANDS called for further discussion on the bill. A lengthy discussion was held concerning school districts taking students to small claims court to recover damages;

the fact that damages to computer equipment have been \$2,500 - \$3,000 in a school district; and the fact that schools have insurance to cover their losses on buildings and large equipment but not on books and materials.

The question was called on a DO PASS AS AMENDED motion, the motion FAILED with 6 members voting in favor and 12 members opposing. CHAIRMAN SANDS stated without objection the vote would be reversed to a DO NOT PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 175:

REP. MERCER moved that HB # 175 DO PASS. CHAIRMAN SANDS called for further discussion. A lengthy discussion was held regarding the needs of the special education children. REP. KEENAN explained the procedure of the individual education plan; the due process provisions if a parent doesn't accept the school psychologists findings of a handicapped child; the fact that most cases that have been contested at the county superintendent level have gone on to the OPI would save one step in the decision making process.

The question was called on the DO PASS motion on HB # 175, the motion CARRIED with 15 favorable and 3 opposing votes. (Roll call vote 3).

ADJOURNMENT:

There being no further business to come before the committee the meeting was adjourned at 3:00 p.m.



REP. JACK SANDS, CHAIRMAN

DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date JANUARY 21, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	X		
REP. RICHARD NELSON, VICE CHRMN.	X		
REP. FRITZ DAILY	X		
REP. RALPH EUDAILY	X		
REP. WILLIAM GLASER	X		
REP. DAN HARRINGTON	X		
REP. NANCY KEENAN	X		
REP. ROLAND KENNERLY	X		
REP. EARL LORY	X		
REP. JOHN MERCER	X		
REP. GERALD NISBET	X		
REP. JOHN PHILLIPS	X		
REP. TED SCHYE	X		
REP. BARRY STANG	X		
REP. TONIA STRATFORD	X		
REP. CHARLES SWYSGOOD	X		
REP. FRED THOMAS	X		
REP. MEL WILLIAMS	X		

STANDING COMMITTEE REPORT

JANUARY 21, 19 87

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES
report HOUSE BILL NO. 117

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Rep. Jack Sands,

Chairman

REVISE PROCEDURE BY WHICH SCHOOL TRUSTEES MAY SELL SCHOOL PROPERTY

1. Page 2, lines 1 and 2.

Strike: line 1 through "shall" on line 2

2. Page 2, lines 14 through 20.

Strike: line 14 through "(3)" on line 20

Insert: " (2) The resolution may not become effective for 14 days after the notice required in subsection (3) is made.

(3) The trustees shall cause notices of the resolution to be published in a newspaper of general circulation in the district. If there is no newspaper of general circulation, the trustees shall cause notices of the resolution to be posted in the manner required for school elections in 20-20-204.

(4)"

3. Page 2, line 21.

Strike: "within 10 days after"

Insert: "prior to"

4. Page 3, line 9.

Strike: "(4)"

Insert: "(5)"

FIRST

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STANDING COMMITTEE REPORT

January 21,

19 87

EDUCATION AND CULTURAL RESOURCES

Mr. Speaker: We, the committee on

HOUSE BILL NO. 174

report

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Rep. Jack Sands,

Chairman

ALLOW SCHOOL DISTRICT TO WITHHOLD SCHOOL RECORDS UNTIL ANY DAMAGES PAID FOR.

1. Page 2, line 13.

Following: "for"

Insert: "the pupil's share of"

2. Page 2, line 14.

Following: "damages:"

Insert: "The pupil, parent, or guardian may have the right to inspect and review the educational records of the pupil if the pupil is enrolled and attending the school."

3. Page 2, line 22.

Following: "process."

Insert: "Nothing in this subsection may be used to prevent the transfer of a pupil's educational records from one school to another school when the pupil has enrolled in and attends a new school and a school official requests from the former school that the records be transferred."

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ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE JAN. 21, 1987 BILL NO. HB # 174

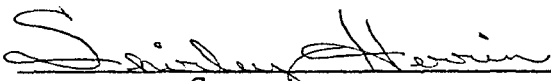
NUMBER 1

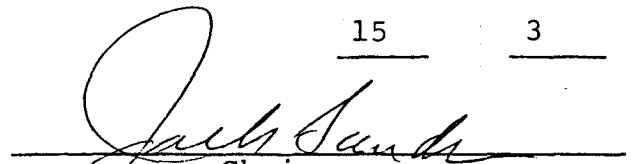
NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		X
REP. RICHARD NELSON, VICE CHAIRMAN	X	
REP. FRITZ DAILY	X	
REP. RALPH EUDAILY	X	
REP. WILLIAM GLASER	X	
REP. DAN HARRINGTON	X	
REP. NANCY KEENAN	X	
REP. ROLAND KENNERLY	X	
REP. EARL LORY	X	
REP. JOHN MERCER	X	
REP. GERALD NISBET	X	
REP. JOHN PHILLIPS		X
REP. TED SCHYE	X	
REP. BARRY STANG	X	
REP. TONIA STRATFORD	X	
REP. CHARLES SWYSGOOD		X
REP. FRED THOMAS	X	
REP. MEL WILLIAMS	X	

TALLY

15

3


Secretary


Chairman

MOTION: REP. WILLIAMS moved that amendment no. 2 from the

OPI DO PASS - the motion CARRIED with 15 favorable and 3
opposing votes.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE Jan. 21, 1987 BILL NO. HB # 174

NUMBER 2

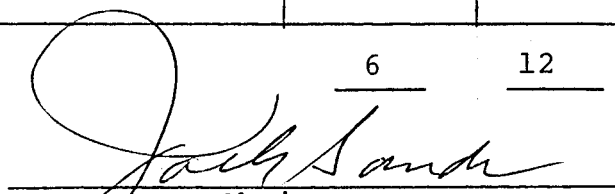
NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	x	
REP. RICHARD NELSON, VICE CHAIRMAN		x
REP. FRITZ DAILY		x
REP. RALPH FUDAILY		x
REP. WILLIAM GLASER	x	
REP. DAN HARRINGTON		x
REP. NANCY KEENAN		x
REP. ROLAND KENNERLY	x	
REP. EARL LORY	x	
REP. JOHN MERCER		x
REP. GERALD NISBET	x	
REP. JOHN PHILLIPS		x
REP. TED SCHYE		x
REP. BARRY STANG		x
REP. TONIA STRATFORD	x	
REP. CHARLES SWYSGOOD		x
REP. FRED THOMAS		x
REP. MEL WILLIAMS		x

TALLY

6

12


Secretary


Chairman

MOTION: REP. THOMAS moved DO PASS - REP. WILLIAMS moved the
amendments the motion FAILED with 6 favorable and 12 opposing
votes. CHAIRMAN SANDS stated without objection the vote
would be reversed to DO NOT PASS AS AMENDED

STANDING COMMITTEE REPORT

January 21, 1987

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES

report HOUSE BILL NO. 175

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. Jack Sands,

Chairman

DISQUALIFY COUNTY SUPERINTENDENT FROM SPECIAL EDUCATION CONTROVERSIES


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ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES COMMITTEE
 DATE JAN 21, 1987 BILL NO. HB #175 NUMBER 3

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	X	
REP. RICHARD NELSON, VICE CHAIRMAN	X	
REP. FRITZ DAILY	X	
REP. RALPH EUDAILY	X	
REP. WILLIAM GLASER		X
REP. DAN HARRINGTON	X	
REP. NANCY KEENAN	X	
REP. ROLAND KENNERLY	X	
REP. EARL LORY	X	
REP. JOHN MERCER	X	
REP. GERALD NISBET	X	
REP. JOHN PHILLIPS		X
REP. TED SCHYE	X	
REP. BARRY STANG	X	
REP. TONIA STRATFORD	X	
REP. CHARLES SWYSGOOD		X
REP. FRED THOMAS	X	
REP. MEL WILLIAMS	X	

TALLY

15

3

Spaiden Harvin
 Secretary

Jack Sands
 Chairman

MOTION: REP. MERCER motion DO PASS - CARRIED with 15 favorable
 and 3 opposing votes.

Ferndale High School

EXHIBIT # 1
DATE 121-87
HB #174

Dr. Jack Thompson, Superintendent

Ferndale School District #502

Daniel P. Farrell, Principal
Ronald M. Cowan, Asst. Principal
Sherrie A. Martin, Asst. Principal

August 29, 1986

Telephone (206) 384-9211
P.O. Box 428
Ferndale, Washington 98248

Troy Public Schools
P. O. Drawer O
Troy, Montana 59935

RE:

It is our school's policy to not release transcripts, grades, or official records until all outstanding fines or fees have been paid.

Students often leave our school without paying fines or turning in materials and the school suffers financially.

The State Legislature saw the magnitude of this problem and passed SHB 462 giving the schools the authority to withhold grades, transcripts, and official records.

According to our records this student owes the following fees:

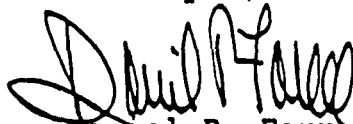
Prac. Chinese Reader #419	\$ 8.00
Algebra #502	10.00
Sophomore Comp Book #288	10.00
Bookkeeping 1 #43	10.00
Sophomore Literature Book	8.00
U.S. History	15.00
Food from Foreign Waters	6.95
Mexico Cookbook	<u>7.95</u>

Total \$75.90

When this matter is cleared up we will release the records requested. If you have any questions, please call 384-9211.

Send remittance to: Mrs. Shirley Eldred
c/o Ferndale High School
P. O. Box 428
Ferndale, WA 98248

Thank you,


Daniel P. Farrell
Principal

DPF:mt

EXHIBIT # 2
DATE 1-21-87
HB # 174

TEXTBOOK REPLACEMENT SCHEDULE

English - Grammar Text	\$ 14.49
- Literature Text	19.50
Spanish - Text	19.20
Physics - Text	23.67
History - Text	20.95
Elective - Accounting - Text	20.50
Math - Text	<u>18.72</u>

TOTAL - \$137.03



EXHIBIT #3
DATE 1-21-87
#175

OFFICE OF PUBLIC INSTRUCTION

**STATE CAPITOL
HELENA, MONTANA 59620
(406) 444-3095**

Ed Argenbright
Superintendent

January 21, 1987

To: Representative Jack Sands
Chairman, Education and Cultural
Resources Committee

From: Gail Gray, Director
Special Education

Re: Testimony on House Bill 175

The Office of Public Instruction supports this bill which would disqualify a county superintendent from hearing or deciding matters of controversy involving the education or possible identification of a handicapped child. Handicapped children and youth are entitled to due process under state and federal statute and regulations. This can result in a hearing by an impartial hearing officer. It has been the statutory requirement in Montana that the county superintendent is the first-level hearing officer and that appeals of their decision be made to the Superintendent of Public Instruction, who in turn appoints a state-level hearing officer to hear the appeal.

Two recent federal court decisions, MAYSON V. TEAGUE and MATLOCK V. MCELRATH, have found illegal the use of school personnel as impartial hearing officers in special education cases. In response to this and continued concerns expressed by the Office of Special Education Programs and the Office of Civil Rights of the Department of Education, our Office decided to pursue state legislative action which would reduce special education hearings to one level. Approximately half of the states have only one level of appeal. This is particularly true of small population states.

This proposal has widespread support. It has been shared with special education administrators and regular administrators, including those at the building, district, and county levels. The county superintendents were particularly supportive. They would no longer bear the cost of associated legal counsel, transcripts, etc., for hearings related to special education. Parents and professionals have indicated support because they see this as reducing the time and costs associated with the present two-tier appeal system. In all cases, related to special education, the decision of the county superintendent has been appealed.

For reasons of cost and time efficiency, litigation possibilities, and the desire of all involved, we urge your passage of this bill.

VALIER PUBLIC SCHOOLS

SCHOOL DIST. #18 • VALIER, MONTANA 59486



Superintendent 279 2311
High School 279 3613
Elementary 279 3314

Monetary Affects of a new Heart Butte High School on Valier District #18

18 Heart Butte students presently attending Valier High School.

F.P. Loss	\$22,000
Permissive Loss	5,500
874 Loss	<u>56,000</u>
Total Loss	\$83,500 (18.75 mills)

Residual Affect on Elementary

24 Heart Butte students presently attending Valier Elementary

F.P. Loss	\$27,000
Permissive Loss	7,000
874 Loss	<u>50,000</u>
Total Loss	\$84,000 (24.42 mills)

As we fragment schools, the states share of F.P goes up.

School - 100 students	\$147,592
2 Schools of 50 each	<u>155,192</u>
State add. cost	(\$7,600)
School - 200 students	\$267,318
2 schools of 100 each	<u>295,184</u>
State add. cost	(\$27,866)

January 21, 1987

APPROXIMATE COSTS THAT MONTANA
SCHOOL BUS CONTRACTORS MUST PAY
FOR UNEMPLOYMENT INSURANCE

Number of contracted busses in Montana*	661
Average gross wage of a school bus driver**	<u>\$4,320</u>
Total estimated payroll for Montana school bus drivers.	\$2,855,520
Average unemployment rate	<u>2.9%</u>
Cost to the Montana School Bus Contractors	<u>\$ 82,810</u>

It is important to note that this is a cost that School Districts do not have to pay. Current Montana law says that drivers who are employed by the school district may not draw unemployment; yet drivers employed by school bus contractors are eligible. The Montana School Bus Contractors Association urges that the legislature change this so that contractors can be on equal ground with district owned operations.

* Source: School Bus Fleet Magazine Annual Fact Book - December, 1986.

* Source: Montana School Transportation Association.

Amendments to House Bill 117

EXHIBIT # 7
DATE 1-21-87
HB # 117

1. Page 2, lines 1 and 2.

Strike: line 1 through "shall" on line 2

2. Page 2, lines 14 through 20.

Strike: line 14 through "(3)" on line 20

Insert: " (2) The resolution may not become effective for 14 days after the notice ~~provided~~_{required} in subsection (3) is made.

(3) The trustees shall cause notices of the resolution to be published in a newspaper of general circulation in the district. If there is no newspaper of general circulation, the trustees shall cause notices of the resolution to be posted in the manner required for school elections in 20-20-204.

(4)"

3. Page 2, line 21.

Strike: "within 10 days after"

Insert: "prior to"

4. Page 3, line 9.

Strike: "(4)"

Insert: "(5)"

H.B. BILL NO. 117

INTRODUCED BY M. Hansen Nelson Bob Brown

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE BY WHICH TRUSTEES OF A SCHOOL DISTRICT MAY SELL OR DISPOSE OF SCHOOL PROPERTY; AND AMENDING SECTION 20-6-604, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-6-604, MCA, is amended to read:
"20-6-604. Sale of property when resolution passed after hearing -- appeal procedure. (1) Whenever the trustees of any district determine that a site, building, or any other real or personal property of the district is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of such district, the trustees may sell or otherwise dispose of such real or personal property in accordance with this section and without conforming to the provisions of 20-6-603.

(2) ~~the trustees of any district~~ If a decision to sell or dispose of property is made, the trustees shall adopt a resolution stating their intention to sell or otherwise dispose of such district real or personal property because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district.

STRIKE

(2) When such a resolution is adopted, the trustees shall set the date of the trustees' meeting when they shall consider the adoption of a resolution to authorize the sale or other disposition of such real or personal property. The trustees shall cause notices to be posted in the manner required for school elections that state the text of the resolution of intention to sell or dispose of the real or personal property and the time, date, and place when the resolution authorizing the sale or other disposition will be considered for adoption. Any elector of the district shall have the right to be present and protest the passage of the resolution. If the trustees adopt the resolution and an elector has protested such adoption at the trustee meeting conducted for the hearing on the resolution, such cause

of the resolution to be published, within 3 days, in a newspaper of general circulation in the district or by a radio or television broadcast. The resolution shall not become effective for 5 10 days after the date of its adoption.

STRIKE

(3) Any taxpayer may appeal the resolution of the trustees, at any time within 5 10 days after the effective date of the resolution, to the district court by filing a verified petition with the clerk of such court and serving a copy of such petition upon the district. The petition shall set out in detail the objections of the petitioner to the

(2) The resolution may not be effective for 14 days after date of its adoption and the notice provided in subsection (3) is made.

(3) The trustees shall cause ~~the resolution to be published~~ notices to be published. If no newspaper, cause notices to be posted as required for school elections

Glaser

HB # 174

29
EXHIBIT #8
DATE 1-21-87
HB #174

1. Page 2, line 13.

Following: "for"

Insert: "the pupil's share of"

2. Page 2, line 14.

Following: "damages."

Insert : "The pupil, parent, or guardian may have the right to inspect and review the educational records of the pupil if the pupil is enrolled and attending the school."

3. Page 2, line 22.

Following: "process."

educational

Insert: " Nothing in this subsection may be used to prevent the transfer of a pupil's records from one school to another school when the pupil has enrolled in and attends a new school and a school official requests from the former school that the records be transferred."

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HOUSE BILL # 145

DATE JANUARY 21, 1987

SPONSOR REP. EUDAILY

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Don Judge	MT STATE AFL-CIO, Helena		X
Jerrey Perkins	511 N. WALLACE BOYER, MT.	X	
Scott Beach	825 Mount Melia MT.	X	
JOHN HELM →	OVERLAND PARK, KS	X	
Chatter Simonson	P.O. BOX 31133 Billings 59107	X	
Greg D. Beach →	825 Mount Ave Missoula, MT 59801	X	
John St. 11	Helena, apt 3099 Riviera		
Jack Lupton	Missoula County Freehold, N.J.	X	
Peg Hartman	Dept. of Labor & Industry	X	
Jean Eaton	Dept. of Labor & Ind	X	
Bob Kingham	operating Eng & Technicians		X
Erin Jensen	MEA		X
Gale Mitchell	OPI	✓	
Jess W. Long	S.A.M.	X	
Jerry Driscoll	Bls		X
Kathy Hoepi	MET		X
Bruce W. Moerer	MSOA	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HOUSE BILL # 174 DATE JANUARY 21, 1987

SPONSOR REP. PETERSON

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Pick Hill	Troy	✓	
Sylvia Wetz	Nashua		
Harold Wetz	" "		
Dick Bards	OPD	✓	
Dick Sirokman	Va. lén	✓	
Bill ROTHMAN			
(Mrs Volinkaty	DT)	✓	
Bob Kinghorn	H		
Erni Jaur	MEA		
Bruce W. Meers	MSBA	✓	
Jesse W. Long	S.A.M		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EDUCATION AND CULTURAL RESOURCES COMMITTEE

DATE JANUARY 21, 1987

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.