

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

February 18, 1987

The fourteenth meeting of the Senate Education and Cultural Resources Committee was called to order by the chairman, Senator Bob Brown, at 1:00 p.m. in Room 402 of the State Capitol.

ROLE CALL: All committee members were present.

CONSIDERATION OF SENATE BILL 344: SENATOR BROWN, District 2, sponsor of the bill, said the bill creates a Certification Standards and Practices Advisory Council and assigns it to the Board of Public Education. New Section 2 establishes the council, consisting of seven members appointed by the majority vote of the Board of Public Education, and details the nominating process. New Section 3 details the operating procedures for the council. New Section 4 is the key section of the bill. It empowers the council to study and make recommendations to the Board in the areas of teacher and administrator certification. It also establishes a filing fee which should generate \$199,000 a year, which would fund the council. He said the bill gives teachers a chance to regulate themselves in an advisory capacity and requires the Board to listen to their advice.

PROPOSERS: PHIL CAMPBELL, Montana Education Association, presented written testimony in support of the bill. (Exhibit 1)

TERRY MINNOW, Montana Federation of Teachers, said the creation of the council is appropriate as it will enhance the professional status of teachers.

OPPOSERS: JOHN VOORHIS, Office of Public Instruction, presented testimony in opposition to the bill. (Exhibit 2)

BOB ANDERSON, Montana School Boards Association, expressed several concerns. He felt his organization, MSBA, MEA and MFT do not represent all school boards and teachers. He didn't know if it was fair to those who are not members

and not represented by these organizations. He thought things are working well as they are, and teachers and administrators are well represented in the certification process. He recommended elimination of the substitute and temporary teacher provision on page 5, lines 5-7, as being unnecessary. He felt on page 6, lines 7-9 preempted the rule making authority of the Board of Public Education. He supported the fee increase as a good way to pay for a necessary and efficient service.

JESS LONG, School Administrators of Montana, spoke in opposition to the bill saying this same bill had been seen several times before. He felt whatever problems exist could be resolved without creation of another advisory board. He said there is good input to the certification standards system at present and that Mr. Voorhis and his department have done a good job. He noted the National School Administration Association survey disclosed administrators do not feel such advisory boards are effective or necessary. He also felt the one person who would represent the administrators would not necessarily be representing all the administrators in the state.

There were no further opponents.

DISCUSSION BY COMMITTEE MEMBERS: SENATOR REGAN asked if having this bill come up five times in twelve years suggests teachers want to have a voice in certification.

MR. VOORHIS replied no. In a survey, teachers indicated they don't want this legislation. The bill surfacing again only indicates there is no closure on this subject.

SENATOR HAMMOND asked if an Executive Secretary would be hired.

SENATOR BROWN replied no, they can request help from the Board of Public Education staff.

SENATOR HAMMOND said he never felt teachers were very concerned about certification. He asked if teachers really have to "sell" their services.

SENATOR REGAN replied emphatically, yes. She said Parents Night is the one big shot teachers have to sell schools and their services, and they need to do it at every opportunity.

SENATOR MAZUREK said he couldn't understand why in the world the people representing teachers would want to keep teachers from representing themselves.

SENATOR BLAYLOCK asked Mr. Voorhis if it didn't bother him that this is the only profession in the state that doesn't have representation.

MR. VOORHIS replied it would, if they (the teachers) weren't represented on the Board of Public Education.

SENATOR REGAN asked who is on the Board.

MR. VOORHIS said 4 of the 7 members have an educational background.

SENATOR BROWN closed by saying he was disappointed by the opposition to the bill since this is only an advisory board. He pointed out former versions of the bill have had teeth, but this does not. We asked if duplication was a problem, why didn't the Board of Public Education appear in opposition to the bill. He indicated he has no problem with deleting the substitute teacher provision. He said the bill is the best opportunity for teachers to represent themselves and their profession.

CONSIDERATION OF SENATE BILL 343: SENATOR BLAYLOCK, District 43, sponsor of the bill said the bill provides for arbitration of labor disputes between school districts and school employees. He presented a proposed amendment to the committee. (Exhibit 3) He said although he had not been through a strike personally, there had been a strike in Billings. It was bitter and derisive and bad for teachers, schools and students. This bill would set up an arbitration process and establish a compulsory arbitration standard. Senator Blaylock said firemen had asked for this legislation also, as they didn't want to go on strike leaving cities and people with no protection. He sponsored that legislation and noted it had worked well for them. Senate Bill 343 would do the same thing for teachers.

PROPONENTS: PHIL CAMPBELL, Montana Education Association, said this bill sets up "last best offer arbitration". When negotiations break down, each side sets up their last best offer and it goes to an arbitrator. He said the right to strike is necessary to add balance and maintains the equity of the bargaining process. He said

the bill substitutes reason and equity for force and disruption. Iowa, Connecticut, and Minnesota all have this provision and only 3.1% of 370 districts have gone to arbitration.

Mr. CAMPBELL said these provisions will avert strike activity where even preparation for a strike tends to polarize a community. Even talk of a strike can be very stressful for students, as well as parents, teachers, and trustees. Teachers are reluctant to strike because of the effect on students and communities. As a result, school boards tend to have the balance of power. He said the unions will say it can be bargained, but, Mr. Campbell maintains, if its not broken, don't fix it. Over 7500 active members of the MEA representing 9,000 teachers at the bargaining tables overwhelmingly support this concept. He urged the committee to support the bill as it is a peaceful way to resolve disputes.

There were no further proponents.

OPPONENTS: TERRY MINNOW, Montana Federation of Teachers presented testimony in opposition to the bill. (Exhibit 4)

BOB ANDERSON, Montana School Boards Association, presented testimony in opposition to the bill. (Exhibit 5)

DON JUDGE, Montana AFL-CIO, presented his testimony in opposition to the bill. (Exhibit 6)

JESS LONG, School Administrators of Montana, said in opposition to the bill, that his organization is certainly not in favor of strikes, but doesn't think this is the right solution to the problem.

There being no further opponents, the meeting was opened to discussion by committee members.

DISCUSSION BY COMMITTEE MEMBERS: SENATOR MAZUREK asked what is the rationale for two years.

MR. CAMPBELL said it is based on the Foundation Program and legislative funding.

SENATOR NEUMAN asked what would happen if the Foundation Program is frozen. Does the award come from the local district, or where.

MR. CAMPBELL said that would be one of the factors the arbitrator would take into consideration.

There being no further discussion, Senator Blaylock closed by saying the effect of the bill would be to enhance quality of life rather than to detract. He said a strike affects students terribly and produces a horrible internal conflict for them. He said the money issue is usually the only one which cannot be settled; most other factors can be taken care of early in the process. He said he was surprised SAM was opposed to the bill as they were deeply disturbed several years ago when their position was threatened. Senator Blaylock felt this bill is the best for education and the most fair solution for all concerned.

CONSIDERATION OF SENATE BILL 323: SENATOR MAZUREK presented the bill for Senator Yellowtail, District 50, sponsor of the bill. He said the bill includes in the definition of resident student, any person, including his dependents, who paid Montana state income tax for two consecutive years on an income of at least \$10,000 each year. He said the new material on page 2, lines 16-20 is an addition to the criteria of resident tuition exceptions.

PROPOSERS: LEONARD COLVIN, a coal miner representing the Decker Coal Company, said there are some families who live just over the border in Wyoming but who work and earn their money in Montana, shop in Billings, and pay Montana taxes. They only live in Wyoming because there is absolutely no housing available in Montana.

DON JUDGE, AFL-CIO, said this support will encourage people paying taxes in the state to send their children to college in Montana.

KELLY HOLMES, Montana College Coalition, expressed support for the bill.

OPPOSERS: LARRY WEINBERG, representing the Montana University system, said the chief objection is the financial differential in tuition costs. If there is no financial support from the state, then they will have to spread the available money thinner. He said they would certainly like to have more students in the university system, but they need the funds for them if more are coming in with less financial support. He said a compromise was reached during the last session which resulted in legislation of this nature. If a person lived in another state, earned more than half his income in-state,

and paid taxes in-state, and the other state had reciprocity, Montana would reciprocate also. He said this would result in discrimination of a sort and the courts would frown on it. He noted the new material on page 2 does not reflect accurately what the title says, and suggested it be amended. He asked if a student registers for winter quarter, January 1, which year do they need to cite to qualify. He suggested proponents could come to the Board of Regents to accomplish this same thing.

DISCUSSION BY THE COMMITTEE: SENATOR NEUMAN questioned "paid" in reference to taxes. He asked what if someone made \$10,000, but paid no taxes.

SENATOR MAZUREK said he felt that needed to be clarified also.

SENATOR SMITH asked how many students this concerned.

MR. WEINBERG said he didn't know the answer, although the southeastern corner of the state is of primary interest in this bill, he would have to look at all the border states.

MR. COLVIN stated there are about two hundred men employed at the mine. If fifty students were interested, it would be the very maximum.

SENATOR BLAYLOCK asked if these people are paying taxes in Montana, then what is the difference if they live just across the line.

MR. WEINBERG said taxes aren't the only requirements. Residency is a requirement for such things as voting and hunting and fishing licenses. He felt they have a legitimate argument; but so do a lot of other people.

SENATOR HAMMOND said more students fuel funding. With enrollments declining, we should support any way of enticing more students into the system.

MR. WEINBERG said it is a real rock and a hard place situation. Residency questions have gone to the Supreme Court and have been sustained.

SENATOR YELLOWTAIL had arrived during the discussion, and he closed by saying these are simple, clean, policy decisions. The people are taxpayers of Montana, and part of the Billings business community. They simply

live in Sheridan, Wyoming because there is no place to live in Montana. Without this bill, we won't get the students.

EXECUTIVE SESSION

ACTION ON SENATE BILL 302: SENATOR REGAN moved the amendments as per the attached standing committee report (Exhibit 7). The motion CARRIED unanimously with Senator Farrell absent.

SENATOR REGAN moved Senate Bill 302 DO PASS AS AMENDED. The motion CARRIED unanimously with Senator Farrell absent.

There being no further business, the meeting adjourned.



SENATOR BOB BROWN, Chairman

jdr

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/18

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BOB BROWN	✓		
SENATOR CHET BLAYLOCK	✓		
SENATOR GEORGE McCALLUM	tardy		
SENATOR ED SMITH	✓		
SENATOR PAT REGAN	✓		
SENATOR JOE MAZUREK	✓		
SENATOR BILL FARRELL	✓		
SENATOR TED NEUMAN	✓		
SENATOR DICK PINSONEAULT	✓		
SENATOR SWEDE HAMMOND	✓		

Each day attach to minutes.



Montana Education Association

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SENATE EDUCATION

EXHIBIT NO. 1

DATE 2/18/87

SB 344

SENATE EDUCATION

SUBMITTED TESTIMONY BEFORE THE SENATE EDUCATION COMMITTEE SUPPORTING
ESTABLISHMENT OF A CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL
(SB 344)

February 18, 1987

The 1980's are noted by a remarkable re-examination of the nation's educational processes. Federal and state education authorities, as well as teacher training colleges, individual researchers, and interested private organizations such as the National and Montana Education Associations, have participated in a wide-ranging and on-going reassessment of practically every aspect of education. Instructional practices, school of education admissions standards, teacher pre-service and in-service policies, certification and licensing requirements including teacher testing and expanded internship, career development and teacher compensation incentives, peer review, evaluation practices and monitoring, and literally dozens of other matters, have not only been the focus of investigation but also of experimentation in many states.

In most instances, it is still too early to fully evaluate the promise of investigatory research or the effectiveness of the states' variety of experiments. Nevertheless, the Education Commission of the States (ECS) recognizes that potentially valuable approaches to school and teacher improvement incorporate one or more of the following elements:

- Concentrating decision-making authority closer to the classroom
- Upgrading the management skills of both administrators and teachers
- Moving away from regulatory controls (imposed by bodies many steps removed from the classroom)
- Cooperative planning (involving teachers, administrators, and educators from the colleges of education)
- Program revision based on feedback from implementers

Whatever approach to improving education is selected and regardless of specific elements incorporated into the approach, "success" appears to hinge on directly including educators in efforts to improve educational practices and professional standards.

Teachers themselves are undoubtedly the most valuable resource available for accomplishing an educational renaissance. In the past, both nationally and in Montana, this resource has been entirely neglected or under-utilized by relegating its input to ineffective and temporary committees which only indirectly communicated with policy-makers. For example, the recently released results of the second annual Metropolitan Life/Harris Survey of the American Teacher (1985) reports that only 37% of teachers were consulted about educational reforms instituted in their states. A full 63% indicated that they were not consulted. This condition is quite likely a factor in explaining why the results of reform are mixed; and of why more than a third of teachers perceived a negative impact on teachers because of reform and nearly as many more saw no positive or negative impact.

In Montana as it specifically relates to certification standards and practices, practicing educators have similarly been frozen out of making an effective impact on improving the quality of the professional workforce. The Governor's current

Building the profession

By Tom Bilodeau: MEA Director of Instruction and Professional Development

Examination of the generic characteristics of such professions as medicine, law, architecture, and accounting indicates that while teaching shares some of those characteristics, there is one glaring exception: teachers have been denied the responsibility of self-governance and the opportunity of "building the profession" from within. Unlike the other professions, educators, as a profession, have been only peripheral participants in the process of setting standards for professional entry and practice. Any serious attempt to achieve in teaching the status, prestige, autonomy and responsibility of other professions suggests a need to move in the direction of establishing mechanisms for genuine participation by practitioners in determining professional standards and practices. To this end, the MEA supports a bill pending before the legislature calling for the establishment of an "Advisory Certification Standards and Practices Council."

The proposed council would be composed of seven members — four of whom being practicing teachers. The council would be advisory to the Montana Board of Public Education on matters as diverse as: teacher, specialist, and administrator certification standards; teacher education program review; and standards of professional practice and ethics relating to license denial, suspension, and/or revocation actions. Finally, the council would be funded through a \$3.00 increase in annual teacher license fees.

The proposed council is the outgrowth of more than ten years of work by the MEA. This specific bill comes in response to the Board of Public Education's failure to create a similar council last spring. The Board's failure was at least in part the result of an expressed concern that the proper forum for establishing such a council was the legislature and not the Board. This concern, as well as a number of other specific substantive concerns identified by opponents (mostly administrators) of the 1986 proposal, have been addressed in the current bill. Accordingly, it is anticipated that support for the bill will expand beyond teachers and the education

school faculties and now include individual administrators, MSBA, and elements of the existing educational governance structure.

Your active and vocal support for this bill will be critical in determining its fate. Presently the bill is awaiting

hearing before the Senate Education Committee. The Committee Chairperson, Bob Brown (R) Whitefish, is sponsor of the bill. We urge your support of this important step toward excellence.

Meeting The Challenge

"A NATION AT RISK" (1983)

National Commission on Excellence

Findings Regarding Teaching

The Commission found that not enough of the academically able students are being attracted to teaching; that teacher preparation programs need substantial improvement; *that the professional working life of teachers is on the whole unacceptable*; and that a serious shortage of teachers exists in key fields.

"A NATION PREPARED" (1986)

Carnegie Task Force on Teaching as a Profession

Raising the quality of teacher preparation will not work by itself, since few people will go to the added expense and effort of a longer period of teacher preparation unless the career that is offered is at least as attractive as other professions requiring demanding preparation.

Giving teachers a greater voice in the decisions that affect the school will make teaching more attractive to good teachers who are already in our schools as well as people considering teaching as a career. However, professional autonomy is the first requirement.

If the schools are to compete successfully with medicine, architecture, and accounting for staff, then teachers will have to have comparable authority in making the key decisions about the services they render.

As teaching makes the transition from occupation to profession, it can draw for inspiration on the experience of other professions. In no area is this more true than with respect to professional standards.

Virtually every occupation regarded by the public as a true profession has codified the knowledge, the specific expertise, required by its practitioners, and has required that those who wish to practice that profession with the sanction of its members demonstrate knowledge and the ability to apply it. That is, the leading members of the profession decide what professionals in that area need to know and be able to do.

PUBLIC SUPPORT FOR THE EDUCATIONAL PROFESSION
AND
THE PROFESSION'S CAPACITY TO RAISE STANDARDS AND PRACTICES

SENATE EDUCATION

EXHIBIT NO. 1

DATE 2/18/87

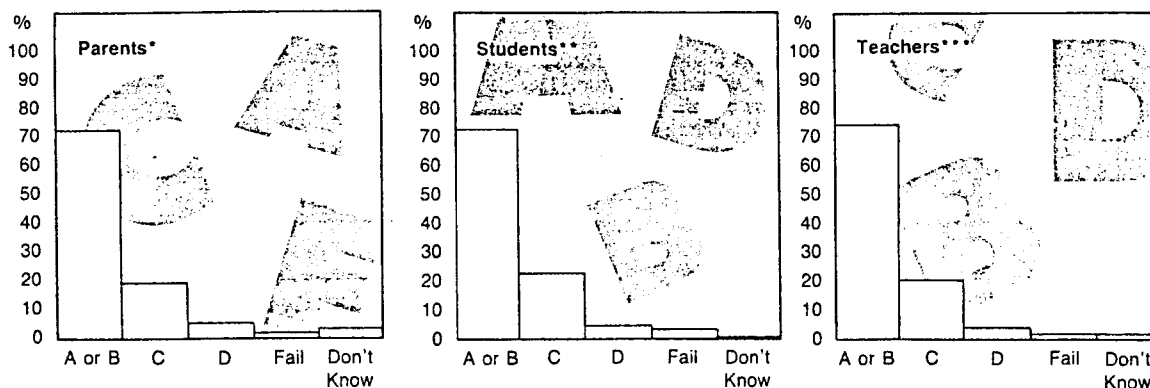
BILL NO. SB 344

nationally, with the exception of states such as Oregon and Minnesota, active practicing educators do not wield autonomous and/or exclusive control of regulatory bodies which determine the standards and practices of their profession. This anomolous situation is unique among the recognized "professions," i.e. law, medicine, accounting, engineering, etc. Indeed, it is unusual even among most statutorily recognized or regulated "nonprofessional" occupations, e.g. barbering and plumbing. Various explanations for the current situation are frequently heard. Most of these explanations to one degree or another express the view that public education is a singularly important function of state government and that because of this, the public interest is better served by maintaining control of the profession by nonpracticing educators, or even by citizens without occupational interests in the profession.

The Association believes this view to be fundamentally flawed for many reasons. Most critically, the Association perceives little if any reason to believe that the profession of teaching is distinguishable from other professions in terms of their capacity to "police themselves" simply based on the public nature of employment. Ultimately, the unique condition of the teaching profession in regard to its limited authority of self-government appears to be based on a perception that something is seriously wrong with education, and that the practicing educational profession has a self-interest in ignoring or perpetuating these deficiencies. In actual fact, however, the assumed perception is not borne out by surveys of the public or of the teaching profession. Indeed, inadequacies in the educational system are recognized by the lay public and teaching profession alike and there is little evidence that narrow self-interest distinguishes professional from public views. Moreover, public confidence in the educational community is on the rise and the public is specifically convinced of the competence and professional commitment of their children's teachers and school administrators.

Let's look at the most recent Phi Delta Kappa/Gallup Poll (1985) concerning public attitudes toward the public schools. When parents were asked to grade their childrens' schools, 71% gave the schools an A or B grade while only 7% assigned a grade of D or F. Interestingly, when teachers were asked to grade the school where they teach, virtually identical results were obtained. In short, public and professional impressions do not vary and both are largely positive. (See the bar charts below.)

HOW PARENTS, STUDENTS, AND TEACHERS GRADE THEIR OWN SCHOOLS



*Based on school oldest child attends.

**Gallup Youth Survey, 1985.

***PDK/Gallup Poll of Teachers' Attitudes Toward the Public Schools, 1984.

executive secretary and then legislative researcher, Teresa Olcott Cohea, cogently summarized this process when reporting to the 1976 Subcommittee on Occupational Licensing concerning the unproductive experience of prior practicing educator advisory councils on certification. Ms. Cohea reported the following problems with the councils:

- ° Classroom teachers and administrators were underrepresented (p. 4)
- ° Expanding membership of the councils made the councils unwieldy and as subsequent appointments were made by the state superintendent without reference to interest group composition, the council's imbalance usually was worsened. (p.5)
- ° The councils were advisory to the state superintendent and thus only indirectly capable of having recommendations heard by the Board of Public Education. (p. 5)
- ° The councils' advisory charge was vague or the topical scope very limited. (p. 6)
- ° Budgets for the councils' activities were inadequate. (p.7)

Cohea Report, April 27, 1976

SB 344 -- proposes to establish a Certification Standards and Practices Advisory Council is intended to be a step toward remedying this situation and of addressing the deficiencies noted by teachers nationally and the special failings of prior advisory councils in Montana. It is submitted in the hope that by wedding the current favorable public climate for educational reform to the professional resources, energies, interests, and aspirations of practicing educators, lasting improvements can be attained in Montana's efforts to "develop the full educational potential of each person..." through provision of "quality education" for all.

SB 344 SUMMARY

- ° Establishes a 7-member "Certification Standards and Practice Council."
- ° Council would be advisory to the Board of Public Education.
- ° Council advisory authority would extend to: entry and renewal certification standards for teachers, specialists and administrators; ethical and practice standards relating to license denial, suspension and revocation; teacher and administrator education program review; and related matters.
- ° Council would be composed of: 4 teachers, 1 administrator, 1 faculty member of an approved teacher education institution, and 1 member of a local school district board of trustees.
- ° Nominations for Council membership would be submitted to the Board of Public Education by the affected representative groups: MEA, MFT, SAM, MCATE, and MSBA.
- ° Council activities would be funded by raising annual license fees from \$2 to \$5 and earmarking the revenue.

teaching and disciplinary problems (Koppich 1985)

- ° 87% believe they would learn from observing other teachers, but only 6% do so regularly. (Koppich 1985)
- ° 77% believe they would benefit from observation by other teachers, but only 3% have that experience. (Id.)
- ° 93% would like to be allotted time on the job to consult with other teachers, but only 14% can have time to consult. (Id.)

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Additional points as well as corroboration of many noted above may also be found in the 1985 Metropolitan Life/Harris Survey of the American Teacher. Many of these ideas are clearly not expressions of narrow professional self-interest. Moreover, while many of these and other ideas are commonly heard from both the profession and from the public, some of the ideas (e.g. mutual observation and peer consultation) are obviously the result of first-hand, practical professional experience. The profession appears ready and willing to tackle the tough questions of self-governance and of pre-service, induction and in-service certification standards, and of maintenance of high standards through effective control of professional practices. The public moreover appears confident that the profession is capable of the task.

This is particularly true in Montana. The 1984 State Board of Education/Bureau of Business and Economic Research survey of Montanans demonstrated that two-thirds of the public believed the quality of current teaching to be "excellent," effectively an "A" grade on PDK/Gallup's format. Indeed, this endorsement by the public may well reflect Montana teachers' higher-than-average commitment to education. For example, a 1984 MEA survey of 4,000+ teachers revealed that 59% expected education to remain their career for the rest of their working lives. This figure was a full 8% higher than national results of a 1983 NEA teacher opinion poll. Career commitment translates into professional commitment; the same MEA poll indicated that more than one-third of those surveyed held masters (9%) or masters plus credits (25%) preparation. Finally, the same survey documents the high priority which the Montana teaching profession attaches to educational quality and professional standards. For example, when asked to prioritize twenty-two items ranging from collective bargaining, to public relations, to raising certification standards on a scale of high to low priority, seven items including assuring attention to children's needs, gaining teacher responsibility and respect as an organization, and raising teacher preparation and admission (induction) standards were rated as "highest priority."

In short, educators are ready to expend their professional training and experience in the service of promoting and raising teaching standards and practices. The public appears willing to support action on these professional matters. The MEA has historically attempted to promote this process to the degree possible. It has for example most recently gone the extra mile by endorsing initial certification NTE testing and then has closely followed test scoring validation and implementation. The MEA is also at this time cooperatively working with the Eastern Montana College of Education to objectively determine practicing professionals' assessments of demands of the profession. We are also working with the Office of Public Instruction, Montana School Boards Association, School Administrators of Montana, as well as the deans to develop an effective administrator training course to familiarize personnel new to Montana to our educational system and tradition. Many occasional and temporary alliances are made on specific topics. However, the "big picture" is never viewed. What is needed is creation of the vehicle to afford educators a meaningful, on-going, and institutionalized impact on their profession as teachers, specialists, administrators, deans, and school board members. This proposal for establishment of a Certification Standards and Practices Advisory Council is the chassis for this vehicle.

The public's grading of their childrens' teachers and administrators is similarly laudatory in nature: 68% gave teachers a grade of A or B, and 69% indicated that the performance of their administrators merited an A or B. The questions and results are noted below:

Using the A, B, C, D, FAIL scale again, what grade would you give the teachers in the school your oldest child attends?

Public School Parents	A %	B %	C %	D %	FAIL %	Don't Know %
TOTAL	22	46	21	5	2	4
Education						
College	24	48	17	4	1	6
High school	18	46	25	5	3	3
Occupation						
White collar	21	53	17	2	1	6
Blue collar	24	40	25	6	3	2
Oldest Child Attends						
High school	16	46	26	7	3	2
Elementary school	25	48	20	3	2	2
Oldest Child's Class Standing						
Above average	29	51	16	3	*	1
Average or below	14	42	29	7	5	3

*Less than one-half of 1%.

Using the A, B, C, D, FAIL scale again, what grade would you give the principals and administrators in the school your oldest child attends?

Public School Parents	A %	B %	C %	D %	FAIL %	Don't Know %
TOTAL	23	46	19	4	4	4
Education						
College	24	41	22	4	2	7
High school	22	49	15	4	7	3
Occupation						
White collar	27	45	14	4	3	7
Blue collar	23	43	20	5	6	3
Oldest Child Attends						
High school	20	48	18	5	7	2
Elementary school	25	46	20	4	3	2
Oldest Child's Class Standing						
Above average	32	45	16	4	2	1
Average or below	13	49	22	5	8	3

The PDK/Gallup Poll evinces a high level of public confidence in the schools and in the professionals who provide education for the public's children. Inductively, it would appear that the public would support expansion of practicing educators' ability to impact upon and improve their professional standards.

Moreover, the profession has ideas as to what might be done to improve both the quality of education and the profession. Recent polls reveal the following about teacher opinion:

- ° Fewer than half believed that training and preparation of prospective teachers today does a good job of preparing them for the classroom. (Harris, 1984)
- ° 90% of teachers favored requiring new graduates to serve an apprenticeship before certification. (Id.)
- ° Although 96% believed that school administrators should establish a formal system of help and support for new teachers, only 15% reported this type of system exists. (Koppich 1985)
- ° 94% saw positive effects in special incentives to encourage outstanding students to go into teaching.
- ° Teachers ranked teaching #1 of 12 major occupations in terms of benefit to society, but #12 in terms of respect granted by society. (Gallup 1984)
- ° 84% favored making it easier for incompetent teachers to be removed. (Harris 1984)
- ° 92% of teachers polled would like assistance from fellow teachers to solve

National policy studies in the last couple of years have recognized the severity of the education crisis in the U.S. and have agreed upon general principles to attract and keep able teachers. The National Governors' Association's Time For Results (August 1986) asserts that defining the body of professional knowledge and practice that teachers must have is the starting point for reform. To this end, the creation of a national board to define teacher standards is essential, according to the NGA. Although it endorses a National Board the National Education Association strongly favors strengthening already existing state standards boards and supporting creation of state standards boards in states where they do not exist. The MEA has responded to the findings of the various reports by sponsoring a bill calling for the establishment of an "Advisory Certification Standards and Practices Council."

Unlike the recognized "professions" and even regulated "nonprofessional" occupations, teaching does not possess the power to determine the standards and practices of the profession. National and state-wide polls have found that teachers often feel alienated because they are excluded from making decisions that affect them. In addition, polls have shown that public confidence in the schools and in teachers is high. It would seem that the public would support expansion of educators' ability to improve their professional standards. Teachers are willing and able to identify problems and have the practical knowledge to help institute reform. Unfortunately, they are stymied by their lack of decision making authority.

As of 1983, more than 30 advisory and autonomous standards bodies have been established by two-thirds of the states. Nearly 20 states have provided their professional bodies with advisory or autonomous powers on such issues as professional warnings and reprimands, and certification suspension, revocation and reinstatement. Composition of the professional bodies varies among states. Most, however, are made up of professionals actively practicing in teaching, administration, or higher education teacher training. A majority of states have between 10-20 members. There appears to be little correspondence between state population and governance body sizes.

Clearly, SB344 is neither radical nor far-fetched. In fact, SB344 is entirely appropriate because it makes the best use of teacher expertise in times of tight budgets and the public's demand for excellence.

SB 344
February 18, 1987

SENATE EDUCATION

EXHIBIT NO. 2

DATE 2/18/87

BILL NO. SB 344

Mr. Chairman, members of the Committee, my name is John Voorhis. I represent the Superintendent of Public Instruction and rise in opposition to SB 344.

Let me specifically deal with some of our concerns.

Membership -- The membership is too limiting and does not provide for the majority of certified teachers who are not represented (about 12,000 certified but not employed) and could not serve on this committee because they are not teaching. Currently the Board of Public Education has a Certification Review Panel that incorporates all certified people.

Organizational Priorities -- There have been examples where organizational priorities come into conflict with educational reality and the will of the majority. I will mention two. One: Past confrontations between the Board of Public Education and the professional organizations concerning the substitute teacher rule and whether they need to be certified best clarify the conflict between an organizational position and majority view. Two: The bill implies that a considerable number of currently noncertified people would now be considered for certification who have not been allowed certification before. Would a vested interest advisory committee support the Board's positions, established through the public process, or dominate so much of the Board's time in discussing these same issues, as this legislation has done to the legislature that the other more important educational priorities fall further behind?

Fees -- As this bill is drafted, it does not specifically deal with the \$130,339 required to operate the certification system. Would the Office

of Public Instruction be placed in a position of subsidizing this council since no start-up money is available and since we only collect half of our current expenses (\$60,000) through fees.

Reporting Concept -- The ideas of a constitutional Board being put in a position of reporting to their advisory board in writing why they reject or modify a recommendation is a concept we cannot support.

Duplication -- We share the concern of the Legislature about duplication. The Board of Public Education vigilantly adheres to their policy of seeking input and receiving proposals from all groups and individuals. This give you assurance of cooperative educational movement continuing without adding another costly level that duplicates effective existing functions.

For these reasons, we urge a Do Not Pass.

SENATE EDUCATION

EXHIBIT NO. 3

DATE 2/18/87

BILL NO. SB 343

Proposed Amendment to SB 343

Page 2, line 8. Delete the period at the end of Subsection 4(c) and add the following: except that agencies under the control or supervision of the Board of Regents of Higher Education shall not be included.



MONTANA FEDERATION OF TEACHERS

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

SENATE EDUCATION

EXHIBIT NO. 4

DATE 2/18/87

BILL NO. SB 343



Box 1246

Helena, Montana 59624

(406) 442-2123

February 18, 1987

Jim McGarvey
Executive Director

Senate Education Committee
Montana State Legislature

RE: Senate Bill 343

Dear Members of the Senate Education Committee:

As a representative of the Montana Federation of Teachers, AFT, AFL-CIO, I would like to express our opposition to Senate Bill 343. This bill would prohibit strikes of school district employees and institute binding arbitration of contract disputes. It would also mandate two year collective bargaining agreements.

Binding arbitration is allowed under current law and, if it is in the best interest of both the union and the school board, nothing prevents the two parties from coming to that agreement.

The right to strike is the most fundamental right of employees, and the record shows that school district employees and their unions have acted responsibly in exercising that right. In the last four years there have been only two strikes in Montana public schools, neither of which involved teachers. In a state with 383 operating elementary school districts and 163 high school districts, it is clear that the strike is rarely used in Montana.

SB 343 would impose additional costs on school districts in the form of arbitration fees and increases the likelihood of additional litigation costs if the decision of the arbitrator is challenged.

We also object to being required to sign two year collective bargaining agreements. This is another issue that is best left to local unions and the school boards with which they collectively bargain.

In summary, SB 343 interferes with a collective bargaining system that is working well in Montana. It takes the final decision-making authority away from the parties most intimately involved with the collective bargaining process. It adds additional costs to the collective bargaining process and raises the probability of increased litigation. Please give SB 343 a Do Not Pass recommendation.

Thank you for your consideration.

Sincerely,

Terry Lynn Minow
Legislative Coordinator
Montana Federation of Teachers
AFT, AFL-CIO

Democracy in Education — Education for Democracy

TESTIMONY

SB343

Bob Anderson, Executive Director
Montana School Boards Association

SENATE EDUCATION

EXHIBIT NO. 5

DATE 2/18/87

BILL NO. SB 343

HONORABLE SENATORS:

The Montana School Boards Association is opposed to SB343. I have two questions about the need for this bill. First, WHAT IS BROKEN WITH THE CURRENT COLLECTIVE BARGAINING PROCESS? The Montana Education Association, has not had a labor strike since 1981. The MFT since 1982. Some five years ago. In those five years, the MEA and MFT have entered into about 1000 collective bargaining agreements without a strike. So what is broken?

Let's look at the current labor dispute resolution process. The current process provides for Mediation followed by Factfinding and finally if all else fails a Strike. Last calendar year, 1986, Factfinding was requested six times by all of the public sector collective bargaining participants. In 1985 Factfinding was requested four times by all of the public sector collective bargaining participants. In 1984 Factfinding was requested seven times by all of the public sector collective bargaining participants. If there is so much labor strife that we need SB343, why hasn't there been more requests for Factfinding and more Strikes? You can see the current system of labor disputes resolution appears to work well. The current system is not overburdened and functions well and has minimized labor strife. So why fix something that is not broken.

The second question is HOW DOES THIS BILL IMPROVE THE QUALITY OF LIFE? There are four items that teacher unions are usually bargaining

for: Union Security, Binding Arbitration, Academic Freedom and finally more money. For mostly economic reasons the majority of the school districts have not granted large concessions on these items.

Would you as Senators like to obligate State government to pay more wages and/or obligate the state government to comply with some other provision of a contract just because some arbitrator ruled you should? Would you as Senators be willing to give up your control of state government to some arbitrator on these and other important items? Like you, the school boards do not wish to give up control of these and other items.

You will not be improving the quality of life by vacating the school board's control over these and other items in the collective bargaining process.

This does not mean the school board is not willing to discuss, enter into contract and change their positions on any of these and other items. One of our major school districts is currently in discussions with the MEA on a trade between Union Security Clause and greater flexibility in the right of transfer and assignment. By voting for SB343 you will be interfering with the flexibility to enter into these types of agreements. By supporting SB343 you are not improving the quality of life for the participants in the collective bargaining process.

There is also a problem with the proposed legislation as drafted. The problem is that it requires a two year agreement. Two year agreements in Section 12 does not allow the flexibility between the parties

3/18/87SB 343

to enter into a one year agreement or a three year agreement during these critical economic times. If a school district entered into a two year agreement at this time, the school board does not know for sure if the legislature will not meet in special session in a year from now and reduce the school foundation money. With a reduction in school foundation monies, how can we honor a two year agreement.

Please vote DO NOT PASS on SB243.

SENATE EDUCATION

EXHIBIT NO. 6DATE 2/15/87BILL NO. HB 343

Testimony points of Don Judge representing the Montana State AFL-CIO in opposition to SB 343.

Points made:

- (1) bill covers more than just teachers. also covered would be: Bus drivers, custodians, aides, clerks and food service. arbitration cost would rise ~~fast~~ accordingly.
- (2) Striking is a basic fundamental right of working people to withhold only tool of bargaining available --- their labor.
- (3) Strikes are not taken lightly by either side. Over 97% of all contracts negotiated nationwide are resolved without strikes.
- (4) current law calls for mediation, fact finding and makes arbitration available. Removing these dispute resolution mechanisms could make a farce out of actual bargaining as both sides simply posture for arbitration.
- (5) Bill is flawed:
 - a) page 4, line 17 and page 6, lines 12-13 give each state district court the right to reverse or modify the so-called "last best offer"
 - b) bill would, on page 5, lines 2-4, institutionalize mediocracy - works only to benefit of low-wage workers. Hurts efforts to improve conditions & salaries
 - c) two-year contract limitations cut into flexibility to

EXHIBIT NO. 7DATE 2/18/87BILL NO. SB 302

February 18,

87

19.....

MR. PRESIDENT

EDUCATION

We, your committee on.....

Senate Bill

302

having had under consideration.....

No.....

First

white

reading copy (.....)

color

REQUIRE APPROVAL OF HIGH SCHOOL TUITION FOR ONLY IN-STATE
PLACEMENTS

Senate Bill

302

Respectfully report as follows: That.....

No.....

Be amended as follows:

1. Title, line 4.

Following: "ACT"

Strike: "REQUIRING THE APPROVAL"

Insert: "PROVIDING FOR THE PAYMENT"

2. Title, lines 6 and 7.

Strike: "THE JURISDICTION OF HIS RESIDENCE BUT WITHIN"

3. Title, line 7.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "20-5-311"

Insert: "AND 20-9-313"

4. Page 3, lines 4 and 5.

Following: "residence"

Strike: "but within the state of Montana"

XXXXPASS

XXXXXX
DO NOT PASS

CONTINUED

Chairman.

Education Committee SENATE EDUCATION

February 18, 87

EXHIBIT NO. 7DATE 2/18/87BILL NO. SB 302

19.....

5. Page 3, line 6.

Following: "jurisdiction."

Insert: "If a child, other than a special education child, is placed by court order outside the state, the school district sending the child may receive foundation program funding for the child as if he were attending high school in the district. If the tuition for the child is greater than the foundation program funding for the child, the excess must be paid in the manner provided in 20-5-312 for a pupil attending high school outside the county of residence."

6. Page 4.

Following: line 9

Insert: "Section 2. Section 20-9-313, MCA, is amended to read:

"20-9-313. Circumstances under which the regular average number belonging may be increased. The average number belonging of a school for a given school fiscal year, calculated in accordance with the ANB formula prescribed in 20-9-311, may be increased when:

(1) the opening of a new elementary school or the reopening of an elementary school has been approved in accordance with 20-6-502. The average number belonging for such school shall be established by the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction.

(2) the opening or reopening of a high school or a branch of the county high school has been approved in accordance with 20-6-503, 20-6-504, or 20-6-505. The average number belonging for such high school shall be established by the county superintendent's estimate, after an investigation of the probable number of pupils that will attend such high school.

(3) a district anticipates an increase in the average number belonging due to the closing of any private or public school in the district or a neighboring district. The estimated increase in average number belonging shall be established by the trustees and the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction no later than the fourth Monday in June.

(4) a district anticipates an unusual enrollment increase in the ensuing school fiscal year. The increase in average number belonging shall be based on estimates of increased enrollment approved by the superintendent of public instruction and shall be computed in the manner prescribed by 20-9-314.

CONTINUED

Education Committee

SENATE EDUCATION

February 18, 87

EXHIBIT NO. 7

19.....

DATE 2/18/87

BILL NO. SB 302

(5) for the initial year of operation of a program established under 20-7-117(1), the ANB to be used for budget purposes is the same as one-half the number of 5-year-old children residing in the district as of September 10 of the preceding school year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of public instruction;

(6) a special full-time pupil, as defined in 20-9-311, in a given school year will no longer be considered a special full-time pupil in the ensuing school year (the superintendent of public instruction may grant one ANB for such pupil for the ensuing school year); or

(7) a high school district provides early graduation for any student who completes graduation requirements in less than eight semesters or the equivalent amount of secondary school enrollment or when a high school district provides early graduation for a class of students who have completed the requirements for graduation after 175 pupil-instruction days in the 12th grade. The increase shall be established by the trustees as though the student had attended to the end of the school year and shall be approved, disapproved, or adjusted by the superintendent of public instruction.

(8) a high school district is responsible for the tuition of a student who has been sent by court order outside the state pursuant 20-5-311(2) (b). Upon approval of the superintendent of public instruction, the student may be considered one ANB. " "

Renumber: subsequent section

AND AS AMENDED
DO PASS

.....SENATOR BOB BROWN.....