

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

February 20, 1987

The sixteenth meeting of the Education and Cultural Resources Committee was called to order by the chairman, Senator Bob Brown, at 1:06 p.m. in Room 402 of the state Capitol.

ROLL CALL: All committee members were present.

EXECUTIVE SESSION

ACTION ON SENATE BILL 344: CLAUDETTE MORTON, Executive Secretary of the Board of Public Education, presented proposed amendments to the committee. (Exhibit 1)

PHIL CAMPBELL, Montana Education Association, indicated approval of the amendments.

SENATOR REGAN expressed a concern about statutorily appropriating money in Section 5 (2) of the amendments in Exhibit 1.

SENATOR MAZUREK moved to amend the bill as per amendments 1 -6 on attached standing committee report (Exhibit 2). The motion CARRIED unanimously

SENATOR REGAN questioned the fee amount saying there is a technical problem as this is a finance bill originating in the Senate.

RENATOR REGAN moved to increase the fees to \$5 per year and to fund the council with the extra money generated going into the general fund, and being then applied to OPI. The motion CARRIED. (Amendments 7-11 on attached committee report Exhibit 2.)

SENATOR MAZUREK moved Senate Bill 344 DO PASS AS AMENDED. The motion CARRIED with Senator Hammond voting no and Senator Smith absent.

ACTION ON SENATE BILL 343: SENATOR BLAYLOCK moved to amend the bill on page 2, line 1 (Exhibit 3). The motion CARRIED.

SENATOR BLAYLOCK moved Senate Bill 343 DO PASS AS AMENDED.

SENATOR PINSONEAULT urged the members to allow districts to retain local control.

SENATOR REGAN said she was on the picket line in the strike ten years ago and that remains a real sore spot to this day. She said it affected students and teachers and felt mediation is the best thing to do. If mediation doesn't work, there has got to be a better solution than a strike, which is a bitter experience and which no one wins. She felt third party resolution is the way to do it.

The motion FAILED on a roll call vote. (Exhibit 4)

SENATOR SMITH moved to place the bill on the table. The motion CARRIED unanimously.

ACTION ON SENATE BILL 323: SENATOR REGAN asked if the bill was legal and if there is a means test in it.

SENATOR MAZUREK said the court would look with disfavor on the \$10,000 income provision. He suggested amending the bill as per Exhibit 5.

SENATOR REGAN suggested passing the bill with a sunset provision.

SENATOR MAZUREK moved the amendment. (Exhibit 5). The motion CARRIED unanimously.

SENATOR MAZUREK moved Senate Bill 323 DO PASS AS AMENDED.

SENATOR MCCALLUM made a substitute motion to lay Senate Bill 323 on the table. The motion CARRIED with Senators Mazurek and Regan voting no, and Senator Blaylock absent.

ACTION ON SENATE BILL 322: SENATOR NEUMAN moved Senate Bill 322 DO PASS.

SENATOR PINSONEAULT said he favored the bill as a means of sitting down and discussing consolidation across the state and see if we can make it work.

SENATOR NEUMAN said it is not his intent to close schools, but rather to reorganize and save some money in case we are short in the Foundation Program funding. There are many areas where savings can be made, and we need to look at the whole system to see if it can be improved.

SENATOR HAMMOND said he has looked at many studies and no money was saved as a result of consolidation. He felt local control would be lost. He said a regional board won't keep all the little schools, they'll combine them. Also, regional boards are appointed and the people won't like that at all. When students have to move to other schools, they lose access. He noted suits are already pending on equal funding.

SENATOR SMITH expressed concern that this legislation will force consolidation and hurt small towns. He worried about students having to ride buses longer and more often.

SENATOR NEUMAN said he really didn't want to cause any trouble. He said perhaps his approach was naive and he realizes he can't please everyone in the state, but we do need a tool to work with in case of education funding cuts.

SENATOR BLAYLOCK said he fears a ten percent cut in education. He felt it isn't wise to keep cutting without the tools to fix things up.

The motion by Senator Neuman that Senate Bill 322 DO PASS, FAILED on a roll call vote. (Exhibit 6)

SENATOR MCCALLUM moved Senate Bill 322 BE LAID ON THE TABLE.

SENATOR NEUMAN said he wants to keep the districts working together, not drive them apart. He felt they wouldn't profit from a floor debate as it would just be more derisive. He agreed to leaving the bill on the table.

The motion CARRIED unanimously.

ACTION ON SENATE BILL 217: SENATOR BROWN said his school superintendent felt if the consolidation bills went down, this might be a good intermediate step. He felt there was merit in the bill, among them, giving special education cooperatives more stability. He presented some

amendments for the committee's consideration. (Exhibit 7)
He said whatever the committee decides is all right with
him.

SENATOR MAZUREK moved a technical amendment, page 3,
lines 20 and 21, which would strike "superintendent of
public instruction" and insert "board of public educa-
tion". The motion CARRIED unanimously, with Senator
Blaylock absent.

SENATOR HAMMOND said there are problems because of the
option districts have to pull out of the cooperative.
This is disruptive to the students and the schools
and creates an unstable basis for the cooperative itself.

FLORIE MCCURDY said border wars are always going on
in cooperatives which make an unstable situation for
staffing. Because of that instability, some of the
co-ops are evolving into inservice training for all
district schools.

SENATOR PINSONEAULT moved to TABLE Senate Bill 217.
The motion CARRIED with Senators Blaylock, Mazurek, and
Brown voting no.

There being no further business, the meeting adjourned.



SENATOR BOB BROWN, Chairman

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/20/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BOB BROWN	✓		
SENATOR CHET BLAYLOCK	✓		
SENATOR GEORGE McCALLUM	✓		
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.

DATE 2/20

COMMITTEE ON

Education

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Jerry Miron	MEP			
TOM BILODEAU	MEA	CERT INT ARB	X	
Claudette Morton	Board of Public Ed.			
Bruce W. Miller	MSBA			
Steve Schumacher	MEA			
Mike & Julia Farfield	MEA			
Dynnie Olson	MEA			
Alyn Kaitaniemi	MEA			
Chris Lindemann	MEA			
Dan Black	Students of University			
Hallie Olson	MEA	322		X
DEE BIRD	MEA	322		X
Marion & Jettan	HEV	343 322	X	X
Bob Wolin	Florence Carlton H/S.			
Larry Wyman	F.V.C.C.			
Willie	MEA	322		X
Leo Perkins	MEA - Dan Lodge	322		X
Sandra L. Zeiler	MEA	322		X
Bob Carter	MEA	³¹³ Int Arb.	X	
Claudette Morton	Board of Public Education	344 322	X X	
Chip Erdmann	"Local Control"	322		X
Jerry Mc Vay	MEA	³⁴³ 322	X	X

AMENDMENTS TO SB344 - AN ACT TO CREATE A
CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL
ALLOCATED TO THE BOARD OF PUBLIC EDUCATION

STATE OF MONTANA

ENR. NO. 1

DATE 2/20/27

BILL NO. CS 304

Section 1(3)

① "Specialist" means a person employed by a school district in a profession other than teaching profession, ~~special-educational-capacity, including--but--not--limited--to--a--school--psychologist,--occupational-therapist, physical-therapist, audiologist, or speech-therapist.~~

Section 2(3)

② (3) The board of public education shall appoint the members listed in subsection (2) from persons who are nominated and certified as eligible by each of the following:

- (a) six nominees from the Montana education association;
- (b) two nominees from the Montana federation of teachers;
- (c) two nominees from the Montana school boards association;
- (d) two nominees from the Montana association of colleges of teacher education; and
- (e) two nominees from school administrators of Montana; and
- (f) nominees from any interested individual or other groups.

Section 4(1)(f)

③ → ~~(f) --review-of-accreditation-standards,--including-the-accreditation process and enforcement procedures;~~

~~(g) (f) the status and efficacy of approved teacher education programs in Montana;~~

④ ~~(h) --certification-fees-and-the-disposition-of-the-fees-to-the-credit of-the-fund-provided-in-20-4-109,--and~~

④ ~~(i) (h) policies related to the denial, suspension, and revocation of teaching certification and the appeals process. For the purpose of preparing recommendations in this area, the council is authorized to review the individual cases and files that have been submitted to the board of public education.~~

Section 4(3)(c)

(5) (c) ~~if the board disapproves or modifies a recommendation, submit to the council in writing the specific reasons for such action:~~

Section 5(1)

(6) Section 5. Section 20-4-109, MCA, is amended to read:

"20-4-109. Fees for teacher and specialist certificates. (1) Each person applying for the issuance of renewal of a teacher or specialist certificate shall pay a fee of not to exceed ~~\$2~~ \$7 for each school fiscal year that the certificate will be valid. In addition to this fee, each person who has never held any class of Montana teacher or specialist certificate or for whom an emergency authorization of employment has never been issued shall pay a filing fee of ~~\$2~~ \$7. Such fees shall be paid to the superintendent of public instruction, who shall deposit the fees with the state treasurer to the credit of the general state special revenue fund created in subsection (2).

would complete cover the cost of issuing certificates in OPI

Section 5(2)

(7) (2) There is an account in the state special revenue fund. Money from fees for teacher or specialist certificates required in subsection (1) must be deposited in the account. The money in the account is appropriated one-fourth to the board of public education for expenses for the certification standards and practices advisory council created in (section 2). Any Three-fourths of the money remaining in the account is appropriated to the superintendent of public instruction for the sole purpose of to funding the cost of issuing teacher and specialist certificates."

Amend 17-7-502 MCA to add item 3(qq)

(qq) There is an account in the state special revenue fund. Money from fees for teacher or specialist certificates required in subsection (1) must be deposited in the account. The money in the account is appropriated one-fourth to the board of public education for expenses for the certification standards and practices advisory council created in (section 2). Three-fourths of the money in the account is appropriated to the superintendent of public instruction for the sole purpose of funding the cost of issuing teacher and specialist certificates.

8

NEW SECTION. Section 7. Effective date. This bill is effective July 1, 1987.

STANDING COMMITTEE REPORT

SENATE EDUCATION

EXHIBIT NO. 2

DATE 2/20/57

February 20, 1957
BILL NO. SD 344

MR. PRESIDENT

EDUCATION

We, your committee on

SENATE BILL

No. 344

having had under consideration

First reading copy (White)
color

CREATE CERTIFICATION STANDARDS & PRACTICES COUNCIL TO BOARD OF PUBLIC ED.

SENATE BILL

No. 344

Respectfully report as follows: That

Be amended as follows:

1. Title, lines 7 through 9.
Following: "FUND" on line 7
Strike: "FOR" on line 7 through "CERTIFICATES" on line 9
2. Title, line 10.
Strike: "IMMEDIATE"
3. Page 1, lines 22 through 25.
Following: "a" on line 22
Strike: "special" on line 22 through "therapist" on line 25
Insert: "profession other than the teaching profession"
4. Page 3, line 9.
Strike: "and"
5. Page 3, line 11.
Following: "Montana"
Insert: "; and
(f) nominees from any interested individual or group"
6. Page 5.
Following: line 4, line 9, and line 13
Strike: subsections (d), (f) and (h) each in its entirety
Renummer: remaining subsections

DO PASS

XXXXXXXXXX
DO NOT PASS

CONTINUED

Chairman.

SENATE EDUCATION

EXHIBIT NO. 3
DATE 3/30/87
BILL NO. SB 343

AMENDMENT TO SENATE BILL 343

Page 2, line 1.

Following: "employer"

Insert: "other than an agency under the control or supervision of the board of regents of higher education shall not be included"

ROLL CALL VOTE

EDUCATION

COMMITTEE NO. 4

DATE 2/20/87

SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES BILL NO. SB 343

Date 2/20/87 Senate Bill No. 343 Time 1:00

NAME	YES	NO
SENATOR BOB BROWN, CHAIRMAN	X	
SENATOR CHET BLAYLOCK, VICE CHAIRMAN	X	
SENATOR GEORGE McCALLUM		X
SENATOR ED SMITH		X
SENATOR PAT REGAN	X	
SENATOR JOE MAZUREK	X	
SENATOR BILL FARRELL		X
SENATOR TED NEUMAN		X
SENATOR DICK PINSONEAULT		X
SENATOR SWEDE HAMMOND		X

JILL ROHYANS
Secretary

SENATOR BOB BROWN
Chairman

Motion: by Senator Blaylock that Senate Bill 343 do pass as amended.

Motion Failed

SENATE EDUCATION

EXHIBIT NO. 5

DATE 3/10/10

BILL NO. 323

Amendment to Senate Bill 323:

Page 2, line 16.

Following: "who"

Strike: remainder of line 16 through "immediately"
on line 18

Insert: "earned more than one-half of his income in
Montana and filed and paid state income tax for two
consecutive years"

ROLL CALL VOTE

SENATE EDUCATION

EXHIBIT NO. 6

SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES

DATE 2/20/87

BILL NO. SB 322

Date 2/20/87 Senate Bill No. 322 Time 1:45

NAME	YES	NO
SENATOR BOB BROWN, CHAIRMAN		✓
SENATOR CHET BLAYLOCK, VICE CHAIRMAN	✓	
SENATOR GEORGE McCALLUM		✓
SENATOR ED SMITH		✓
SENATOR PAT REGAN	✓	
SENATOR JOE MAZUREK		✓
SENATOR BILL FARRELL		✓
SENATOR TED NEUMAN	✓	
SENATOR DICK PINSONEAULT	✓	
SENATOR SWEDE HAMMOND		✓

JILL ROHYANS
Secretary

SENATOR BOB BROWN
Chairman

Motion: by Senator Neuman! that
SB 322 DO Pass

motion failed

Amendments for SB217
Senator Brown
Senate Education
2-20-87

SENATE EDUCATION

EXHIBIT NO. 7

DATE 2/20/87

BILL NO. SA 217

1. Page 1, lines 17 through 19.
Following: "Title 20 " on line 17
Strike: ", " on line 17 through "education" on line 19
Insert: "if a member district desires other services"
2. Page 1.
Following: line 19
Strike: subsection (3) in its entirety
Re-number: subsequent subsections
3. Page 2.
Following: line 9
Strike: subsection (b) in its entirety
Re-number: subsequent subsection
4. Page 2, line 14.
Following: "(c)"
Strike: "If a district is required to participate in an
educational service cooperative under subsection (4)
(b), all"
Insert: "All"
5. Page 2, line 16.
Following: "clerical,"
Insert: "part-time, itinerant, and support personnel"
Following: "related-services"
Strike: "personnel"
6. Page 3, line 17.
Strike: "and"
7. Page 3, line 19.
Following: "endorsed as"
Strike: "a special education"
Insert: "an"
8. Page 3, line 21.
Strike: "."
Insert: "; and
(e) shall have a governing board of not more than seven
members who are selected by the member schools."
9. Page 4, line 14.
Following: "cooperative"
Insert: "and"
10. Page 4.
Following: line 14

Strike: subsection (4) in its entirety
Renumber: subsequent subsection

STATE EDUCATION

EXHIBIT NO. 7

DATE 2/20/87

BILL NO. SB 217