

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 6, 1989,
at 3:00 p.m.

ROLL CALL

Members Present: All, with the exception of:

Members Excused: Rep. Fritz Daily, Vice-Chairman

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Researcher

Announcements/Discussion: None

HEARING ON HB 46

Presentation and Opening Statement by Sponsor: Rep. Ray Peck, District 15, stated the bill was suggested by the Montana Education Association and after due consideration he felt it worthy of consideration and passage by the Legislature. Statutorily, substitute teachers are not dealt with under the current law by the Board of Public Education. Rep. Peck suggested a variety of amendments to the bill throughout the text. Of particular concern may be the cost to implement substitute teacher orientation. Rep. Peck added he didn't believe it would require additional personnel and could be set up by each school building principal. He also added that in many cases substitute teachers report to school in the morning having no idea as to routine and procedures for that particular school.

List of Testifying Proponents and What Group They Represent:

Phil Campbell, Montana Education Association (MEA)
Terry Minow, Montana Federation of Teachers (MFT)
John Voorhis, Office of Public Instruction (OPI)
Claudette Morton, Board of Public Education

Testimony:

Phil Campbell stated the MEA views HB 46 as a safeguard to school children, providing for lists of qualified substitute teachers and allowing for an orientation period in which to get acquainted with policy and procedures in each school. Mr. Campbell said the MEA is not suggesting only certified teachers be hired as substitutes, but that there should be certain requirements. Specific requirements could be set by local school boards. The focus of HB 46 is a background investigation to detect involvement in crimes against children. Persons holding a substitute permit would be exempt from being certified, with each permit being subject to revocation if necessary.

Terry Minow stated the need for the Board of Public Education to address the quality of substitute teachers. She said that as a minimum, substitutes must be free of criminal record.

John Voorhis stated the State Superintendent of Public Instruction supports the concept of HB 46 and reported that currently the state is capable of screening certified teachers but does not screen substitutes.

Claudette Morton stated the Board of Public Education will need to consider the diverse situations in Montana when developing appropriate rules to implement the law. She stated the difference in dealing with the substitute teacher issue in urban areas and rural areas of Montana pose entirely different questions. Ms. Morton continued by stressing the Board is prepared to take the time necessary for researching information to develop an effective screening program for Montana. She concluded her remarks by saying the Board will be in greater support of HB 46 upon seeing amendments.

List of Testifying Opponents and What Group They Represent:

Jesse Long, School Administrators of Montana (SAM)
Craig Brewington, Supt. of Schools, Fort Benton
Bruce Moerer, Montana School Boards Association (MSBA)
Chip Erdmann, Local Control

Jesse Long expressed concern over the unknown administrative rules to be applied with HB 46. Mr. Long stated school administrators and building principals in

general know the people substituting in their respective schools and would find themselves in severe trouble hiring abusive substitute teachers. He also stressed in many districts where there is already a shortage of substitute teachers it would become especially cumbersome to operate those schools upon implementing the permit system.

Craig Brewington stated in Fort Benton a system requiring permits would prove extremely prohibitive. Fort Benton schools from time to time hire private citizens and college students on school breaks as substitutes. Mr. Brewington said he could not remember one incidence of a problem with a substitute teacher, but could not say the same in regards to certified teachers. Mr. Brewington also stated principals and local school boards already operate with some type of checking systems. In closing, he commented that upon implementation of this permitting system there would inevitably arise litigation problems if revocation occurred.

Bruce Moerer stated schools are not irresponsible in the hiring of substitute teachers and handle each situation responsibly with no additional interference necessary.

Chip Erdmann stated that his organization of over 100 rural school districts already have problems in securing substitute teachers and this legislation will only make it more difficult.

Questions From Committee Members: Rep. Kilpatrick asked Phil Campbell if line 18, "reasonable training", was left to the discretion of the local school district. Mr. Campbell said yes, in some cases one-half hour orientation may be required while in others it may be lengthier and this determination should be left to each school board's discretion.

Rep. Stang asked Phil Campbell who would issue the permits and provide training. Mr. Campbell replied the Office of Public Instruction would issue the permits and local school districts would be responsible for training.

Rep. Darko questioned Bruce Moerer concerning the liability issue. Mr. Moerer said the permit

system would not solve the liability problems. He said merely having a permit would not guarantee a job completed with no problems.

Rep. Johnson asked Mr. Voorhis if there was a demonstrated need in Montana for permits. Mr. Voorhis replied that to date there have not been problems of child abuse involving substitutes. However, he continued if the national trends were of any indication the State of Montana should begin to address the problem.

Rep. Eudaily asked Mr. Campbell if the permit would be general for all grades and subject matter and Mr. Campbell said he thought a general type permit would be sufficient. Rep. Eudaily then questioned the idea of having substitutes able to teach any subject while certified teachers cannot. Mr. Campbell then replied that a district would make every attempt to fill the substitute position with persons competent in each particular academic area and stressed that the real issue is securing a substitute known to be of good character.

Rep. Simpkins asked Mr. Campbell if HB 46 allowed credits for time spent in the classroom and Mr. Campbell stated tenure is only available for certified teachers.

Rep. Cocchiarella asked Mr. Campbell if certified teachers would also require a permit and he replied probably not if they were certified to teach in the State of Montana. Rep. Cocchiarella then followed by asking if the general purpose of the bill was to ensure substitutes had no previous criminal record of crimes against children. Mr. Campbell said that was the intent of HB 46.

Rep. Zook asked Mr. Campbell why the Board of Public Education was better qualified in setting policy than local school boards. Mr. Campbell said they should work together with the requirements set forth by law.

Rep. Stang asked Mr. Campbell if the purpose of the bill was to make sure substitutes had no criminal background why not implement a system of fingerprinting. Mr. Campbell said a permitting system would be easier.

Rep. Stang then questioned Rep. Peck on the logistics of waiting to see a fiscal note on HB 46

and also seeing what rules the Board of Public Education would implement before deciding this important issue. Rep. Peck said there should have been a fiscal note already done to show cost figures.

Rep. Darko then asked Mr. Voorhis how many other states operated on a permit system. Mr. Voorhis to said he had not checked into this but would assume many use a permitting system.

Rep. Darko asked Bruce Moerer how many Montana school districts already have set board policies for hiring substitute teachers and he said he did not know.

Rep. Simpkins asked Phil Campbell is the Board of Public Education would be willing to amend where necessary and Mr. Campbell replied it would and that the main concern is the safety of children in schools in the State of Montana.

Rep. Phillips asked Claudette Morton how the Board of Public Education intended to run background checks on persons applying for substitute teaching permits. She replied that currently when a teacher applies for certification they sign and attest they have never been convicted of a felony. If the information attested to is found to be false the Board has the power to revoke certification. Rep. Phillips then said perhaps the Board could use the same procedure in having substitutes sign and attest to same.

Rep. Simpkins asked Mr. Campbell if the permit would be sufficient for use statewide and Mr. Campbell replied it would.

Rep. Harrington asked Rep. Peck if aside from all tangent issues addressed if the main intent of HB 46 was the implementation of a system issuing a permit for substitute teachers to teach in areas where there was not an abundance of certified teachers to call upon for substituting purposes and Rep. Peck replied that was the intent.

Closing by Sponsor: Rep. Peck stressed to the committee HB 46 contains about ten percent of what the committee members read between the lines. HB 46 would give rule making authority to the Board of Public Education implementing statutory authority in dealing with substitute teachers. He said the escalating trend

of sex crimes against children nationwide should prompt Montana into action to safeguard our children.

DISPOSITION OF HB 46

Motion: None

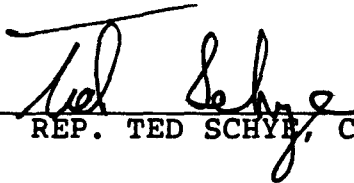
Discussion: None

Amendments and Votes: None

Recommendation and Vote: Chairman Schye stated the committee would vote on HB 46 in Executive Session at a later date.

ADJOURNMENT

Adjournment At: 4:30 p.m.



REP. TED SCHYE, Chairman

TS/dlm

0504.MIN

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 6, 1989

| NAME | PRESENT | ABSENT | EXCUSED |
|---------------------------------|---------|--------|---------|
| Rep. Ted Schye, Chairman | X | | |
| Rep. Fritz Daily, Vice-Chairman | | | X |
| Rep. Vicki Cocchiarella | X | | |
| Rep. Paula Darko | X | | |
| Rep. Ervin Davis | X | | |
| Rep. Ralph Eudaily | X | | |
| Rep. Floyd Gervais | X | | |
| Rep. Bill Glaser | X | | |
| Rep. Dan Harrington | X | | |
| Rep. John Johnson | X | | |
| Rep. Tom Kilpatrick | X | | |
| Rep. Richard Nelson | X | | |
| Rep. John Phillips | X | | |
| Rep. Richard Simpkins | X | | |
| Rep. Wilbur Spring, Jr. | X | | |
| Rep. Barry "Spook" Stang | X | | |
| Rep. Fred Thomas | X | | |
| Rep. Norm Wallin | X | | |
| Rep. Diana Wyatt | X | | |
| Rep. Tom Zook | X | | |
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VISITORS' REGISTER

HOUSE EDUCATION AND CULTURAL RES. COMMITTEE

BILL NO. HB 46DATE January 6, 1989SPONSOR Peck

| NAME (please print) | RESIDENCE | SUPPORT | OPPOSE |
|-------------------------|---------------------------|---------|--------|
| <i>James W. Long</i> | <i>S. A. M</i> | | X |
| <i>John Voortin</i> | <i>OPI</i> | X | |
| <i>Daniel Wilby</i> | <i>SAM</i> | | X |
| <i>Bruce W. Moerer</i> | <i>BSBA</i> | | X |
| <i>Phil Campbell</i> | <i>MEA</i> | X | |
| <i>Terry Minnow</i> | <i>MFT</i> | X | |
| <i>Sandra White</i> | <i>Hawana</i> | | X |
| <i>Craig Brezington</i> | <i>Fort Benton</i> | | X |
| <i>CITIE EDMAN</i> | <i>Local Control</i> | | X |
| <i>Charlotta Horton</i> | <i>Board of Public Ed</i> | X | |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.