

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

Call to Order: By Senator H.W. Hammond, Chairman, on  
January 18, 1989, at 1:00 pm in Room 402 in the  
State Capitol

#### ROLL CALL

Members Present: Senators; H.W. Hammond, Dennis Nathe, Chet  
Blaylock, Bob Brown, R.J. "Dick" Pinsoneault, William  
Farrell, Pat Regan, John Anderson Jr., and Joe Mazurek

Members Excused: None

Members Absent: None

Staff Present: Dave Cogley and Julie Harmala

#### HEARING ON HB 14

##### Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JOHN COBB, District #42, stated that this bill's intent is to change the sponsorship and guidance of the Fire Service School from the Board of Public Education to the Board of Regents. The Board of Public Education now is the administrator of the school, providing the planning, the coordination and the general supervision of the Fire School. The Board has not been able to do this. In 1984 the Board of Public Education expressed concern that it did not have adequate resources to handle the administration of the school and that the Board and the school had different responsibilities and concerns. The purpose of the school which is located in Great Falls, Montana is to provide support and training for the state's fire services and to provide public education programs and promote fire safety prevention. The purpose of the Board of Public Education was K-12 education and the board is suppose to submit the budget and to provide planning, coordination and general supervision to the school. The board has been unable to do this. This is not a criticism of the Board as Representative Cobb pointed out, it is just that they do not have the staff to do it.

It was recommended that the school find a new sponsor. The board has spent the last couple of years looking for a sponsor ranging from the Department of Commerce, state lands, OPI, the Fire Marshall, and The Board of Regents.

The Board of Regents has approved this transfer and the school has approved this transfer. The Board of Regents can offer more support which enables the school to spend more time with training and education. They do not want to have to do their own budget planning and clerical work.

Left undecided for the Board of Regents is how the school will be administered. It could be done either by the Vo-Tech School or Northern for this extension service. The Fire School and the people still active have no problem in letting the Board of Regents decide who should take care of this extension service.

Representative Cobb went on to say that he felt that this bill would handle this administrative problem as well as provide more efficiencies for the school.

List of Testifying Proponents and What Group they Represent:

CLAUDETTE MORTON, THE BOARD OF EDUCATION  
BUTCH WEEDEN, DIRECTOR OF THE FIRE SERVICE TRAINING  
SCHOOL  
LYLE NAGEL, STATE VOLUNTEER FIREFIGHTERS ASSOCIATION  
ERIC FEAVER, THE MONTANA EDUCATION ASSOCIATION

List of Testifying Opponents and What Group They Represent:

NONE

Testimony:

CLAUDETTE MORTON, who was asked by the Chairman of the Fire Service Training Committee, Mr. Nicholson to speak on his behalf, stated that the Board of Public Education has been happy with the program itself. The reason though that they are asking for it to be moved is because the Board has limited resources and can not provide the back-up that is needed. An agreement has been reached by the Board of Public Education and the Board of Regents in terms of long range planning, in fact it is their hope, that things above the high school level could be the Board of Regents activities and things high school and below are Board of Public

Education activities.

She went on to say that the Board has looked at all the options and do believe this is a continuing education program and in some cases a vocational program. She stated that they support the Board of Regents administering this school.

BUTCH WEEDEN, added that in his 7 years in the position he has seen the depth and gravity of issues that this Board of Public Education has had to deal with and he feels that the school's operation is not germane to the other things on their agenda. He supports the Board of Regents administering the Fire Service School. The Board of Public Education has more serious problems to deal with than whether fire fighter certification standards should be changed. Also in other states the ones that have the greatest success and programs with national reputations are all under their Board of Regents or their university systems.

He said that because they were able to successfully recruit a professional educator to the staff along with their connection with the university system and other individuals, they have been able to dramatically increase the effectiveness of the program without increasing the cost of the operation.

Mr. Weeden stated that the Fire Service Advisory Council have also endorsed the concept of moving to the university system along with the MT Fire District Association, The MT Fireman's Association, the Society of Fire Service Instructors, and the MT State Fire Chiefs.

LYLE NAGEL feels that this would be an improvement and he urged the committee to support HB 14.

ERIC FEAVER, representing the MEA stated that they rise in support of HB 14.

Questions From Committee Members: Senator Pineseault asked if their was a contract that had to be dealt with for the staff. He went on to say that The Board of Regents "track record" had not been setting any national records and they keep taking on responsibilities. He used as an example, the Vo-Tech Centers. They took them and now they are suggesting to impose a state wide 2 mil levy to run the Vo-Tech. He wondered if this program came funded. Ms. Morton replied that the fire

service school does come funded in that they have proprietary money and there is money in the general fund. She went on to say that this has not been the problem for the Board of Public Education, the issue has been the problem with the Board not being able to offer any accounting or personnel that the Regents could. Because of the Boards of Regents larger staff, they could provide these functions with a liaison with the rest of state government.

Senator Hammond along with Ms. Morton assured the committee that the Fire Service employees are state employees and they are all on state phone banks. These things are in place already and they are a state agency.

Senator Mazurek asked what the purpose of the Fire Service Training School was and also he asked if volunteers got a certificate from this school before they could function. Mr. Weeden responded by stating that there were no requirements in the state of Montana for firefighters competency. All the volunteers do participate in a program to obtain certificates, but there is no mandate that they do so. It is basically an out reach program and they constantly use the expertise in the field rather than having to have this expertise on staff.

Closing by Sponsor: Representative Cobb closed by saying that the Fire Service is like a "little lost dog," needing a place to go. They are doing a good job and it isn't supposed to cost any more money. Last session they did clean up the language on what their responsibilities are and they are doing what they are suppose to be doing.

#### DISPOSITION OF HB 14

Recommendation and Vote: No executive action was taken.

#### HEARING ON SB 127

Presentation and Opening Statement by Sponsor: SENATOR DENNIS NATHE, District #10, stated that SB 127 is basically attempting to say, use one procedure or the other. Right now both procedures can be used simultaneously with extra costs to the school districts to defend itself simultaneously. This is

also an extra cost to the people who bring the charge.

We are just saying use one system or the other.  
By doing this we also reduce the possibility of  
having two different decisions.

List of Testifying Proponents and What Group they Represent:

BRUCE MOERER, THE MONTANA SCHOOL BOARD ASSOCIATION  
CHIP ERDMAN, A PRIVATE CITIZEN  
JESS LONG, THE SCHOOL ADMINISTRATORS OF MONTANA

List of Testifying Opponents and What Group They Represent:

PHIL CAMPBELL, THE MONTANA EDUCATION ASSOCIATION  
TERRY MINOW, THE MONTANA FEDERATION OF TEACHERS  
MICHAEL SHERWOOD, THE MONTANA TRIAL LAWYERS ASSOCIATION

Testimony:

PROPONENTS:

Bruce Moerer stated that this problem is a sign of budget problems. He pointed out that there have never been problems in negotiations like what has been happening in the last couple of years. There has been bitterness and several grievance appeals since Initiative 105 was enacted, along with funding problems. Now the process of negotiating can not buy peace and harmony.

Mr. Moerer went on to say that there is a real risk of having two different outcomes. One way or the other must be decided upon, if the teacher chooses to file a grievance under the collective bargaining agreement or if they appeal to the county superintendent, either is fine, but they should not be able to do both.

He requested an amendment to the bill that would make the election apply if either the employee or the union filed a grievance under the collective bargaining agreement. This would not change the intent of the bill as it was introduced.

Mr. Moerer requested a favorable recommendation and a do pass of SB 127.

Chip Erdman, as a private person, appeared to speak to the situation and he feels that this bill makes the employee chose which way to go. This deals with a policy problem and should be dealt with before it

becomes a real problem. In several cases in termination situations where a teacher files a grievance, they have binding arbitration under the contract. This is final and binding arbitration. They also have the right to file an appeal before the county superintendent. These are the same issue. The county superintendent proceedings ultimately is appealed to the OPI, which ultimately appeals to the district court, then on to the Supreme Court. If the arbitrator says the district is right or visa versa, and the Supreme Court says just the opposite, then you have inconsistent final results. This to Mr. Erdman seems to be a waste of resources and gives the teacher after proceeding half way through the process the ability to choose whatever forum looks most favorable to him at that time.

He feels that the possibility of inconsistent results places the parties involved in an awkward position and with this SB 127, it is clarified that a district's decision should be fought in one forum or the other.

Jess Long asked for support of SB 127 because when working on grievances in dual forums superintendents spend a lot of time, therefore it would be advantageous in the long run since it is not taking anything away from teachers and administrators.

OPPONENTS:

Phil Campbell, representing MEA, stood in strong opposition of SB 127. He stated that this bill is usually taken care of at the local level and most contracts that have arbitration have a selection remedies in the contracts that specifies that a teacher has to chose one or the other. This is dealt with at the local level through collective bargaining. A superintendent does not deal with an issue of whether or not there is a contract violation. He pointed out that there is a method in place to take care of this problem. The situation is that the MSBA is bringing an issue to the state, to make a state policy, when it should be handled at the local level. This is a local control issue, dealing through collective bargaining.

He went on to say that there are also time lines to deal with, when filing grievances. It is difficult to file a statutory appeal, go through

that process and then come back to file a grievance under a contract.

He recommended to the committee a do not pass.

Terry Minow, representing the MFT, stated that they rise in opposition to SB 127. This bill she pointed out, tinkers with a system that is working quite well right now. If the appeals were a financial burden on the counties, Gordon Morris would be here from MACO supporting this bill. This is merely a hypothetical problem.

She recommended to the committee a do not pass.

Michael Sherwood, from the Montana Trial Lawyer Association, opposes this bill because the purpose of this bill may even be more limiting than realized. He pointed out that the language may be interpreted to mean that when an employee has a present controversy and has filed a complaint in a separate matter under a collective bargaining agreement, he may not be able to file an appeal on the present controversy with the superintendent.

Senator Hammond interjected, that there is an amendment to satisfy any vagueness in the language of SB 127.

Exhibit #1 - Dave Cogley supplied the committee with information on amending SB 127.

Questions From Committee Members: Senator Mazurek asked if there was a grievance procedure other than this for holding one claim in obeyance until it has been resolved and then an appeal can be taken to court. Mr. Moerer replied that yes this is the procedure, but there could be two full hearings on the same case.

Senator Regan questioned the fact that a teacher would be giving up a basic right to judicial review of the controversy with SB 127. Mr. Moerer responded by saying that districts believe that when they collectively bargain in union contracts and place final and binding arbitration provisions in a contract, then this should end the matter and the teacher should not be able to go on to court. He feels that this bill should include language dealing with final and binding arbitration, because with the present situation a teacher can go to final and binding arbitration but they can also bring a parallel action, with the possibility of getting two final determinations that may be

inconsistent.

Senator Pinsoneault asked Mr. Campbell if there was probably a remedy in 99% of the situations under the contract. He replied by pointing out that contractual issues are dealt with under a contract. He went on to say that this piece of legislation deals with a grievance filed under any collective bargaining agreement and not necessarily with arbitration that is final and binding. There are a number of contracts that do not have final and binding arbitration and this is a problem. The contracts that have the decision of grievance procedure would end with the school boards who created the controversy in the first place. This would clearly be an inequitable statute if it were to pass.

#### DISPOSITION OF SB 127

Recommendation and Vote: There was no executive action taken.

#### HEARING ON SB 136

Presentation and Opening Statement by Sponsor: SENATOR DENNIS NATHE, District #10, stated that this bill is in response to the Sorlie Decision (667 P2d 400) which stated that someone in a tenure administrative position who has been transferred back to teaching must be paid the administrative salary they were receiving before being transferred.

Section 2 of the SB 136 provides for the transfer and protection for the individual. Section 3 provides for a teacher being transferred into an administrative position.

List of Testifying Proponents and What Group they Represent:

BRUCE MOERER, THE MONTANA SCHOOL BOARDS ASSOCIATION

List of Testifying Opponents and What Group They Represent:

JOHN FERRO, PRINCIPAL OF JEFFERSON ELEMENTARY SCHOOL IN  
HELENA, MONTANA  
SHARON DALE, SECONDARY PRINCIPAL AT PLAINS, MONTANA



PEARL JEWELL, THE MONTANA ASSOCIATION OF ELEMENTARY AND  
MIDDLE SCHOOL PRINCIPALS  
LYLE EGGUM, ELEMENTARY PRINCIPAL AT EAST HELENA,  
MONTANA  
HENRY BAUTT, COUNTY SUPERINTENDENT  
JACK COPPS, DEPUTY SECRETARY OF THE OFFICE OF PUBLIC  
INSTRUCTION

Testimony:

PROPONENTS:

Bruce Moerer stated that this bill is speaking to the matter of moving administrators back to the classroom. He pointed out that they have tried to work this bill out to be as fair as possible to administrators, but because of the cuts in the school budgets positions must be cut and position moved. Under the Massey ruling a tenured administrator can bump a non tenured teacher and to take care of this situation, there have been several protections built in. The reason for doing this is declining enrollments and/or program changes.

Mr. Moerer stated that the standard of review of the school board's decision to reassign is that the reassignment can not be "arbitrary and capricious." The only reason that reassignment of principals is being discussed is because of financial problems and they want to take away the fear of this only being done just in retaliation. He went on to say that this bill would protect districts from having to pay administrative salaries when administrators are moved back into the classroom. Paying an administrator who is holding a teaching position but is being paid an administrator salary is actually in violation of the terms of the collective bargaining agreement.

OPPONENTS:

John Fero, a principal at Jefferson Elementary has two reservations with SB 136. First, he stated, the word "comparable" bothers him. For example, if a middle school principal is put back in the classroom, then moved to a high school vice principal position, there would be a question as to whether it was a "comparable" position. Secondly, an administrator may be moved into a teaching position and he may have let his teaching

certificate expire.

Exhibit #2 - A written explanation of Mr. Fero's testimony.

Sharon Dale feels that in an attempt to override the Sorley Decision which would allow reassignment of principals would mean less due process than presently required. This would allow the leadership of principals to be replaced by the temporary assignment of the tenure teacher to administrative positions potentially causing disruption of the student's education. A qualified principal brings visionary school direction and guidance to a school. Ms. Dale appeared as an opponent to SB 136 because of the potential for abuse within the Montana school systems and she ask the committee for a do not pass.

Exhibit #3 - A written explanation of Ms. Dale's testimony.

Pearl Jewell asked the committee to consider the following when deciding on SB 136, first consider the money saved when the administration returns to the classroom when duties and programs are not cut. Someone will have to assume these duties and programs must continue. Secondly, consider the danger of this being used as a way to remove an administrator for another reason. This could be used as a way to handle termination problems. She understands that this bill addresses the reality of economics of the schools but it does not address the economics of the individual. This may also be a way to deal with consolidation efforts and she feels to accomplish this, there are other ways without hurting people.

Lyle Eggum stated that although the language of this bill attempts to provide the opportunity to appeal such a decision, it does not provide full due process for the person involved. The question is: Does the person being transferred become a part of the negotiated teachers agreement in the district when notified of the change of status?

Mr. Eggum suggested some changes in SB 136 which are included in:

Exhibit #4 - which is a written proposal by Mr. Eggum.

Henry Badt stated that in essence there was a hidden objective with SB 136, which was to be able to terminate principals by making it easier for boards to rush the termination process. Because principals are so visible and subject to criticism from individuals and groups within the community they need some protection in order to do their job effectively. It is important as far as education is concerned that the principal is allowed as much flexibility and authority to make decisions without worrying about the school board being able to terminate their position because they simply disagree with a position.

Jack Copps stated that SB 136 would have a fiscal impact as well, because no termination would go uncontested, which would cost the district a large sum of money. Therefore he opposed SB 136.

Questions From Committee Members:

Senator Pinsoneault asked Mr. Copps why he thought that any attempt to remove a principal from his/her position would end up in court. Mr. Copps replied that because of the language, seniority is not addressed nor is program changing or tenure vs. nontenure, therefore arbitrary decisions may be necessary.

DISPOSITION OF SB 136

Discussion:

Amendments and Votes:

Recommendation and Vote: No executive action was taken on SB 136.

HEARING ON SB 126

Presentation and Opening Statement by Sponsor: SENATOR DENNIS NATHE, District #10, stated that this bill attempts to address a situation when the teacher hired with multiple endorsements (which is one of the things a school board looks for when hiring) is tenured and then drops endorsements. This bill would prohibit this, except if they were dropped in concurrence with the school district.

List of Testifying Proponents and What Group they Represent:

BRUCE MOERER, THE MONTANA SCHOOL BOARDS ASSOCIATION  
JESS LONG, THE SCHOOL ADMINISTRATORS OF MONTANA

List of Testifying Opponents and What Group They Represent:

CLAUDETTE MORTON, EXECUTIVE SECRETARY FOR THE BOARD OF  
PUBLIC EDUCATION  
HENRY WAUTS, THE COUNTY SUPERINTENDENT ASSOCIATION  
TERRY MINOW, THE MONTANA FEDERATION OF TEACHERS  
ERIC FEAVER, THE MONTANA EDUCATION ASSOCIATION

Testimony:

Bruce Moerer, representing the MSBA, testified that because we have had a number of problems arise over the last couple of years, these being budget related, reassigning of personnel to make the maximum use of their efficiency has caused school boards to hire those teachers with multiple endorsements. They of course do the district more good in the long run.

He stated that there have been a number of situations where teachers will get some degree of seniority and are protected by tenure and the collective bargaining agreement and will drop endorsements so they do not have to teach certain subjects. Because of the budget problems, the rearranging of staff is a way to save money and when a teacher drops an endorsement this has an impact on the budget of a school district.

Mr. Moerer stated that he realizes this situation is a product of the times and that funding is just as big an issue here as the reliance on multiple certification in the hiring process. If this flexibility in hiring is taken away from us, he feels the only answer is to come back to the legislature asking for more money.

The flip side of the coin, he went on to say, is when a tenure teacher can take advantage of an endorsement and can bump a nontenure teacher in any area that they have an endorsement in, even if they do not have experience in that area. Therefore a teacher could have the best of both worlds. So if they can maintain their endorsements they can always bump a nontenure teacher.

The Board of Public Education regulates requirements for certification and endorsement, but as Mr. Moerer stated, they should not get involved in the regulation of dropping endorsements. It should be a matter between the district and the teacher. He went on to say that this then becomes a matter of leverage in collective bargaining, who starts out with the leverage, does the teacher or the district have the leverage. The teacher can just drop an endorsement if they want to and then the district has to negotiate whereas if the district had the leverage, a teacher could not drop an endorsement unless the district chooses. This is an issue that has a financial impact and it is an area that we are not excited about because it causes a lot of heartache.

He stated that this is a budget problem that must be addressed and he recommended a do pass to the committee.

Jess Long, representing the SAM, testified that they are in support of SB 126.

OPPONENTS:

Claudette Morton stated that BPE rose in the awkward position of not being exactly a proponent or opponent because this is a complicated issue that had been reviewed by the BPE. After the BPE had looked at the legal questions, they decided it needed to be put into committee and studied. She stated that this issue appears to be more a labor management issue and that maintaining an endorsement should maybe be required by the school district rather than the BPE. Then the district may be should pay for the on going education to maintain these endorsements.

Ms. Morton asked that the committee not rush into solving this complicated issue through a legal remedy.

Eric Feaver representing the MEA stood in opposition of SB 126, although he stated that the MEA always recommends to those that teach to obtain as many endorsements as possible and to prepare for a wide array of curriculum instruction. He said that it is always advised that teachers teach in all their endorsements.

He also pointed out that tenure will never guarantee employment, if there is not sufficient money to pay for a position or a sufficient number of students to teach.

He feels that this problem is more apparent than real and the solution proposed is more obtrusive than liberating. He also questions how great the problem really is. Out of 9,750 teachers in the state of Montana we are talking about only a handful of teachers that request to the OPI to drop endorsements. Because there were fewer than a dozen who requested to drop endorsements in the least year, this is hardly a requirement for immediate action to be taken by the legislature.

He stated that this bill does give leverage to management. Obviously he pointed out, that when one side or the other has a preponderance of power, then there is no equality in the process of bargaining and this stalls negotiations. "SB 126 maybe very divisive in nature."

He felt that the word "current" also is cause for disagreement. Does this mean the year in which that individual is currently teaching or during the life of the contract.

He finished by adding that the MEA feels that this matter properly belongs before the BPE and because this bill would have a negative impact upon locally bargained contracts the MEA urges a do not pass.

Henry Badt, representing the CSA and a retired principal, stated that the practical application of SB 126 is that as a principal you never ask a teacher to teach something they are opposed to teaching. If you are going to put the best, most enthused teacher in a classroom, you are not going to force a teacher to teach something they have no interest in.

Also he went on to say, who is going to make these reassignments, who will make the decision. Every teachers has put in for supplies and if they are terminated this would cost the district a great amount of money. He therefore urges a do not pass on SB 126.

Terry Minow of the MFT, rises in opposition to SB 126,

because it is a matter of bargaining leverage and this would tip the balance to the administrators. She urges a do not pass on SB 126.

Questions From Committee Members: Senator Mazurek asked Mr. Moerer if the teacher was not doing himself a disservice dropping an endorsement. Mr. Moerer replied that the teacher now has the option to keep an endorsement until they think they have the necessary security to drop it. There is no continuing education regulation to maintain proficiency in that particular area of endorsement.

Senator Mazurek added that philosophically, if a teacher feels he/she is not capable to teach a subject, he does not see any justification for this bill.

Mr. Moerer responded by stating that actually this is a practical problem that stems from budget problems, which requires districts to make reassignments. He added that he still submits that most districts are not going to put somebody in a position where they would be incompetent.

Senator Blaylock asked how great of a problem is this and Mr. Moerer had to admit that there are not a great numbers of occurrences.

Senator Brown asked what a district could do if a teacher has tenure, to persuade a teacher to carry his endorsements. Mr. Moerer suggested that a teacher who is in danger of losing his/her job would probably not drop any endorsements. Because a district hires to maximize flexibility of assignment, they rely on multiple endorsements.

Senator Regan asked Ms. Morton when the BPE was going to take a look at requiring a teacher who carries an endorsement to maintain that endorsement by taking credits that apply. Ms. Morton responded by saying that it had been discussed that renewing a certificate would mean part of the credits be taken in the endorsement area. Senator Regan commented that public hearings should be held on this issue.

Closing by Sponsor: Senator Nathe, stated that SB 126 lays before the committee a problem that has been seen from both sides and there seems to be some inconsistency because of the Massey decision. This should be addressed this session, he feels. This would make the

administration of schools easier and it seems that there is no competency requirements for the certification of endorsements.

DISPOSITION OF SB 126

Recommendation and Vote: There was no executive action taken on SB 126.

ADJOURNMENT

Adjournment At: 3:10 pm

  
Senator H.W. Hammond, Chairman

HH\jh

Senmin.118



ROLL CALL

EDUCATION

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 1-18-89

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NAME	PRESENT	ABSENT	EXCUSED
<u>Chairman Swede Hammond</u>	✓		
<u>Vice Chairman Dennis Nathe</u>	✓		
<u>Senator Chet Blaylock</u>	✓		
<u>Senator Bob Brown</u>	✓		
<u>Senator Dick Pinsoneault</u>	✓		
<u>Senator William Farrell</u>	✓		
<u>Senator Pat Regan</u>	✓		
<u>Senator John Anderson Jr.</u>	✓		
<u>Senator Joe Mazurek</u>	✓		

Each day attach to minutes.

Amendments to Senate Bill No. 127  
Introduced Copy

Requested by School Boards Association  
For the Senate Committee on Education

Prepared by Dave Cogley  
January 18, 1989

1. Title, line 5 AND 6.

Following: "IF A"

Strike: "SCHOOL EMPLOYEE FILES A"

2. Title, line 6.

Following: "GRIEVANCE"

Insert: "CONCERNING THE CONTROVERSY HAS BEEN FILED"

3. Page 2, line 25 through page 3, line 1.

Following: "when"

Strike: "an employee who is a party to the controversy has filed"

4. Page 3, line 1.

Following: "complaint"

Insert: "concerning the controversy has been filed"

Amendments to Senate Bill No. 127  
Introduced Copy

Requested by School Boards Association  
For the Senate Committee on Education

Prepared by Dave Cogley  
January 18, 1989

1. Title, line 5 AND 6.  
Following: "IF A"  
Strike: "SCHOOL EMPLOYEE FILES A"
  
2. Title, line 6.  
Following: "GRIEVANCE"  
Insert: "CONCERNING THE CONTROVERSY HAS BEEN FILED"
  
3. Title, line 7.  
Following: "AGREEMENT"  
Insert: "THAT PROVIDES FOR BINDING ARBITRATION"
  
4. Page 2, line 25 through page 3, line 1.  
Following: "when"  
Strike: "an employee who is a party to the controversy has filed"
  
5. Page 3, line 1.  
Following: "complaint"  
Insert: "concerning the controversy has been filed"
  
6. Page 3, line 2.  
Following: "agreement"  
Insert: "that provides for final and binding arbitration of the  
dispute"

Amendments to Senate Bill No. 136  
Introduced Copy

For the Senate Committee on Education

Prepared by Dave Cogley  
January 25, 1989

1. Page 2, line 9.  
Following: "enrollment"  
Strike: ", "  
Insert: "or"
2. Page 2, line 10.  
Following: "exigency"  
Strike: ", or program change"
3. Page 3, line 23.  
Strike: "comparable"  
Following: "position"  
Insert: "for which he is endorsed"
4. Page 4, line 1.  
Strike: "(1)"
5. Page 4.  
Strike: lines 11 through 13 in their entirety

HELENA SCHOOL DISTRICT NO. 1

JEFFERSON ELEMENTARY SCHOOL

SENATE EDUCATION

EXHIBIT NO. #2

DATE 1-18-89

BILL NO. SB 136

1023 Broadway

Helena, Montana 59601

JOHN R. FERRO, Principal

Phone 442-6610

Temporary Administrative Assignment:

A Tenured teacher serving in a teaching position may, with written his consent, be temporarily assigned to an administrative position if a vacancy is created after July 1. The duration of the temporary assignment may not exceed that school year. The teacher may be returned to a teaching position comparable to the teaching position held before the temporary assignment and at the same salary or more than he would have received if he had been continuously employed in the teaching position.

NAME: Sharon Dale DATE: 1-18-89 DATE: 1-18-89  
BILL NO. \_\_\_\_\_

ADDRESS: Box 549 Plain High School Plain MT 59859

PHONE: 406-826-3666

REPRESENTING WHOM? Secondary Principals

APPEARING ON WHICH PROPOSAL: Senate Bill 136

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: Bill 136 is an attempt to  
override Sorley which would allow  
reassignment of principals with less due  
process than presently required.

It would allow the leadership of  
principals to be replaced by the temporary  
assignment of the tenture teacher to admin  
positions potentially causing disruption of  
the student's education because of the lack  
of visionary school direction and guidance by  
the principal.

I appear as an opponent of this bill  
(Senate bill 136) because of the potential for abuse within  
the Montana school systems and ask for a  
**PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.**

Defeat vote on this bill.  
"do not pass"

JANUARY 18, 1989

SENATE EDUCATION

SYMBIT NO. ~~4~~ 4

DATE 1-18-89

BILL NO. SB 136

TO: CHAIRMAN AND MEMBERS OF SENATE EDUCATION COMMITTEE

FROM: LYLE EGGUM , MONTANA ELEMENTARY AND MIDDLE SCHOOL  
PRINCIPALS ASSOCIATION

RE: SENATE BILL 136 - "TRANSFER BETWEEN TEACHING AND  
ADMINISTRATIVE POSITIONS"

The language of this bill attempts to provide the opportunity to appeal such a decision it does not provide full due process for the person involved. The question is: Does the person being transferred become a part of the negotiated teachers agreement in the District when notified of the change of status. Most negotiated agreements with district employees includes provision for due process and sometimes just cause wording. I am not a lawyer so have not provided a constructive proposal for change. Please consider this in your deliberations.

Section 2. Sub-section 7 - I would ask you to consider deleting the word comparable and insert between the words position and that the following (THEY ARE APPROPRIATELY ENDORSED TO ACCEPT). This will preserve the right to be reinstated in an appropriate position.

Section 3 - subsection 1 - I would ask you to consider adding to the end of the first sentence the words (PROVIDED THEY ARE APPROPRIATELY ENDORSED FOR THE ASSIGNMENT.) Add an additional sentence: (THE PROVISION OF THIS SECTION SHALL NOT BE UTILIZED IN CASES OF REDUCTION IN ADMINISTRATIVE STAFF.)

subsection 2- Delete the entire subsection.

One year is enough to get a district through a crisis. It would enable a district to thwart the accreditation standards by utilizing temporary placements for 3 years and then pass it on to the next person down the hall for 3 years.

Thank you for the opportunity to bring these concerns to your attentions. If I can answer any questions about my comments please let me know.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Sharon Dale Eric Fleur	Northwest Region MASSP MEA	136		X
Lyle Nagel	MT. St. Vol. Fire Fighters Assn.	HB 14	✓	
Henry E. Lohr	MT. St. Vol. Fire Fighters Assn.	HB 14	X	
Claudette Morton	Board of Public Ed	HB 14	✓	
John Fero	Montana Elem. Principals	SB 136		✓
Malce Sherwood	MTLA	127		
Phil Campbell	MEA	127		✓
Bruce W. Moore	MSBA	SB 126, 127, 136	✓	
Delroy Stephens <b>Rep. Jewell</b>	MT Ltr. Assn. MAESP MAEMSP	136		✓
Chip Erdmann	Self	127	X	
Lyle Eggen	Mont. Elem. School Principals	136		✓
Jack Long	SAM	126 127	X	

(Please leave prepared statement with Secretary)