

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By SENATOR CHET BLAYLOCK, on February 4, 1991, at 3:00 P. M.

ROLL CALL

Members Present:

Chet Blaylock, Chairman (D)
Harry Fritz, Vice Chairman (D)
Robert Brown (R)
Bill Farrell (R)
H.W. Hammond (R)
Dennis Nathe (R)
Mignon Waterman (D)
Bill Yellowtail (D)

Members Excused: Senator Dick Pinsoneault (D)

Staff Present: Eddy McClure (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Chairman Blaylock read to the committee from a letter dated February 4, 1991, which he had received from Terry Cohea regarding a meeting attended by Curt Nichols, Madalyn Quinlan, Terry Johnson and Terry Cohea in which they discussed the anticipated revenue flowing into the school equalization account during the 1993 biennium and the anticipated expenditures. (This letter will be offered to the committee as an exhibit at the committee meeting, Wednesday, February 6.)

Senator Blaylock said, in reading the letter aloud to the committee, that the executive budget revenue estimate assumes higher collections from income tax and corporations tax during the 1993 biennium; however, he expressed concern (since 65 percent of the money that is coming into the general fund is coming from individual income tax), that an adjustment might be needed which would require special session.

HEARING ON HB 104

Presentation and Opening Statement by Sponsor:

Representative John Johnson, District 23, presented HB 184 which is an act to allow reduction in the length of a school day for certain circumstances. He explained that because of the geographical distances in the state of Montana, this bill requests that some days be shortened in hours so teachers could travel to school meetings and service workshops. HB 104 would permit schools to dismiss early on the day before MEA meetings and certain holidays such as Thanksgiving when time is limited so teachers could travel and get to destinations on time. Local controls would be with school officials and school board trustees.

Representative Johnson presented an amendment to HB 104 which would clarify the type of day that might be shortened.

Proponents' Testimony:

Eric Feavor, MEA, testified as a proponent to HB 104. He said that MEA had supported the bill in the House and would support it in the Senate. He said that he would reiterate what Representative Johnson has said; i.e., there is an issue of distance and weather when one might be going from Plentywood to Bozeman, Helena or Great Falls for a convention during the third week of October. He expressed a need to be considerate to those people in allowing them to leave school early enough that they can get on the road and reach their destinations before a late hour.

HB 104 does conform with some practice and this is not to suggest that school districts don't follow the law but the fact is that on occasion some school districts throughout Montana history have indeed allowed teachers to leave early if they need travel time. This bill would allow that to happen in a more legalized fashion.

Mr. Feavor said that he would support the amendments offered by Representative Johnson which would answer any questions regarding how excused time would be counted for ANB purposes. The speaker also said that should the committee pass the bill and it pass through the Senate and return to the House, he thought that the House would be delighted to receive these amendments because they offer clarification regarding data collection and instruction that if such a day were shortened by as much as three hours for the very limited purposes of this bill, that day would count in the 180 days which are state funded. The speaker urged the committee to adopt the amendments and pass HB 104.

Dori Nielson, OPI, said that she had talked with Representative Johnson and read the amendments offered which she

felt would clarify the bill. OPI supports HB 104 as amended.

Kay McKenna, MACSS, said that she was the one who stood in opposition of HB 104 in hearing at the House but because of the amendments offered by Representative Johnson, MACSS would now support the bill as amended.

Opponents' Testimony:

Bruce Moerer, School Board Association, expressed opposition and concern with the HB 104 which they felt basically took classroom time away from children in favor of travel time.

Questions From Committee Members:

Senator Waterman said that she realized that many teachers had to travel long distances for meetings and conventions but she questioned the need for extra time for holidays such as Thanksgiving. Representative Johnson said that there are a number of teachers who live in other states and wish to go there on a holiday such as Thanksgiving and do need the extra travel time.

Senator Farrell said that since the school board might have the option of reducing school days by one, he was wondering what it costs to run a school statewide for one day. How many schools will take advantage of this. Is there an estimate?

Representative Johnson said that he had no estimate of how many school might take advantage of this. Taking advantage of the day before a teachers' convention would depend largely on the location of that convention and the distance in miles from the school, weather, etc., The wording of the amendment says, "up to three hours". There was no fiscal note requested at the time the bill was sent in.

Senator Farrell said that he wanted to know what it would cost taxpayers if 50 percent of the schools took one half day off.

Dorie Nielson said that she thought that fiscal costs to the district would remain the same if the time that day were cut by 1-3 hours since there would be some expenditures which could not change such as utilities, bus transportation, office staff, etc.,

Senator Farrell asked about the teachers' salaries if they took a half day off. Would they be paid for that time?

Dorie Nielson said that she thought if school time were reduced up to three hours, the day would still be an ANB day. She said that she didn't see that a cost factor was involved since the length of time that might be taken is not known. She pointed out that teachers were not paid for overtime either.

Senator Waterman pointed out that the committee had just passed a bill which would allow a school to run a four-day week as opposed to a five-day week if school officials chose to do so and could keep the same number of hours overall. The senator asked why this time (up to three hours) could not be picked up somewhere else in the schedule. She expressed concern regarding lost classroom time. She asked if in the event that this bill did not pass, could school districts still reduce by three hours and just pick those hours up in another week?

Representative Johnson said that this would not be possible because of the requirement that school had to be in session 30 hours a week. He said that this was one of the reasons for requesting the bill.

Closing by Sponsor:

Representative Johnson in closing said that HB 104 provides for time for educators to attend full sessions of meetings or development workshops as scheduled. The purpose of this bill is to help provide time for those who live and work in the outlying areas of the state. The bill is not mandatory but voluntary and would most certainly be decided upon by the local school board. The local board may decide not to allow time off. Limitation would be to two days per year. The bill is very specific but it does provide some flexibility in that area.

HEARING ON HB 208

Presentation and Opening Statement by Sponsor:

Representative Forrester, District 98, presented HB 208 which is an act to eliminate approval of Department of Commerce for destruction of certain records that are no longer necessary for school districts to keep. Records that might be affected would be such items as invoices, receipts, etc., that are over five years old. This would not be destroying any personal records or grades.

Proponents' Testimony:

Rick Floren, Montana Association of School District Officials, (MASDO), testified in support of HB 208. He said that this is a piece of legislation that was proposed by our organization to "clean up a housekeeping task" that we have found out, quite frankly, that some of our school districts are not meeting currently and we would like to eliminate that section from the law.

The following persons were in support of HB 208:

Loran Frazier, School Administrators of Montana
Bruce Moerer, School Board Association
Kay McKenna, Montana Association of County School Superintendents

There were no opponents.

Questions From Committee Members:

Senator Nathe asked where important school records are normally kept.

Kay McKenna, MACSS, said that in Lewis and Clark County important records such as transcripts are kept in the Clerk and Recorder's Office. She was not certain that this was the procedure for keeping records in other counties. Some schools keep records in a fire proof vault at the schools.

Senator Fritz said that as an historian, he was not sure that he was willing to have a school officer determine when a record is "old or worthless". He said that he had a "hunch" that the Department of Commerce is no longer in charge of this function and that this duty had perhaps been transferred at one point to the Records Management Division in the Department of Administration. He said that he would like to hear what the people at Records Management Division have to say about this function.

Rick Floren said that he would like to assure the members of committee that this is not a task of school administrators but of the board of trustees. All record destruction is done by them. He said that they were not talking about records that are either mandated by law or by OPI or by the auditors but rather records that are over five years of age that include such things as old payroll warrants, bills--and such things as you might throw away in your own personal life after the five years has transpired and the records were no longer needed. These are not student records which are protected by law. Those records are transferred to the County Superintendent's office.

Senator Pinsoneault expressed concern and related an experience to the committee regarding the actions of a principal of a school in his district who apparently had mis-used school funds. There was no evidence to prove what had been done because records had been destroyed. He did say that records which were destroyed were less than five years old. The senator expressed concern regarding HB 208 which would allow destruction of school records.

Closing by Sponsor:

Representative Forrester closed the hearing on HB 208.


EXECUTIVE ACTION ON HB 104

Motion:

SENATOR BROWN MOVED that the committee amend HB 104 as requested by Representative Johnson. Vote was unanimous. MOTION CARRIED.

ADJOURNMENT

Adjournment At: 4:00 P. M.



SENATOR CHET BLAYLOCK, Chairman



BETSY CLARK, Secretary

CB/bc

Ex. 1

2-4-91

HB 104

Amendments to House Bill No. 104
2nd Reading Copy

Requested by Rep Johnson
For the Senate Committee on Education

Prepared by Andrea Merrill
February 2, 1991

1. Page 2, line 3.

Following: "day"

Insert: "of pupil instruction"

2. Page 2, line 4.

Following: "by"

Insert: "as much as"

Following: "hours"

Strike: "or one-half of a school day"

