

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION & CULTURAL RESOURCES**

**Call to Order:** By Rep. H.S. "Sonny" Hanson, Chair, on January 22, 1993, at 3:13 p.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Sonny Hanson, Chair (R)  
Rep. Alvin Ellis, Vice Chair (R)  
Rep. Ray Brandewie (R)  
Rep. Fritz Daily (D)  
Rep. Ervin Davis (D)  
Rep. Ed Dolezal (D)  
Rep. Jack Herron (R)  
Rep. Bob Gervais (D)  
Rep. Bea McCarthy (D)  
Rep. Scott McCulloch (D)  
Rep. Norm Mills (R)  
Rep. Bill Rehbein (R)  
Rep. Sam Rose (R)  
Rep. Dick Simpkins (R)  
Rep. Wilbur Spring (R)  
Rep. Norm Wallin (R)

**Members Excused:** None

**Members Absent:** Rep. Diana Wyatt and Rep. Dan Harrington

**Staff Present:** Andrea Merrill, Legislative Council  
Susan Lenard, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 194, HB 202, HB 206  
Executive Action: HB 43, HB 72, HB 91, HB 105, HB 106, HB 143, HB 173, HB 177, HB 194, and HB 206

#### **HEARING ON HB 202**

##### **Opening Statement by Sponsor:**

**REP. KADAS**, House District 55, Missoula, stated HB 202 updates accounting procedures and other school funding provisions.

**Proponents' Testimony:**

**Kathy Fabiano, Office of Public Instruction,** commented that OPI requested HB 202. She said it amends certain statutory references dealing with school district accounting and budgeting to be consistent with generally accepted accounting principles. She stated the bill also amends a few sections of law overlooked when HB 62, which revised the timing of foundation program payments, was passed during the second special session. Finally, HB 202 clarifies legislative intent and corrects inconsistencies in law governing certain payment schedules responsible for calculating and distributing funds to schools. Amendments to HB 202 were offered. **EXHIBIT 1**

**Rachel Vielleux, Missoula County Superintendent of Schools,** urged the committee to support HB 202.

**Opponents' Testimony:** None.

**Questions From Committee Members and Responses:**

**REP. ROSE** asked **Kathy Fabiano** to respond to the situation where a small rural school, located over 30 miles to the next nearest school, established an attendance center and up until the twenty-first of January could collect back foundation money. He commented he was not comfortable with a private school receiving state money. **Ms. Fabiano** said the amendments on attendance centers deal with whether the ANB of the center will be combined with the school to which it is attached, when calculating foundation money, or whether it stands alone. She stated there is a section of law which allows OPI to count it as a separate budget unit if it is more than three miles from another school. **Ms. Fabiano** said problems occur when attendance centers don't meet the accreditation standards. She stated OPI cannot afford to fund those centers as separate budget units.

**REP. ROSE** asked how much money would be involved in creating an attendance center. **Ms. Fabiano** responded it would depend on the size of the school to which it is attached. **REP. ROSE** asked if there was state foundation money involved. **Ms. Fabiano** replied there was.

**REP. SIMPKINS** asked if the state would distribute money to include the county's portion of the foundation schedule. **Ms. Fabiano** said that situation occurred under HB 62. She stated all of the county equalization money now comes into the state on a monthly basis, and OPI pays the full foundation payment to school districts on a monthly basis. **REP. SIMPKINS** asked who earns the interest on this money. **Ms. Fabiano** responded, by law, the county treasurer has to invest the money within three days of its receipt. The interest earnings then get put back into the county bond. All of the collections are received by the twenty-fifth of each month.

Closing by Sponsor: REP. KADAS closed the hearing on HB 202.

HEARING ON HB 206

Opening Statement by Sponsor:

REP. FISHER, House District 3, Whitefish, explained HB 206 would add accumulated sick leave money to a special fund for certified individuals in a district. She stated it would allow districts to move general fund money into this account in order for the resources to be available when it came time to pay recipients. REP. FISHER said she had not yet reviewed the fiscal note attached.

Proponents' Testimony:

Lynda Brannon, Montana Association of School Business Officials (MASBO), stated the intent of the bill, requested by MASBO, was to allow for responsible accounting and to ease the liability which currently exists on school general funds. She remarked that not every district in the state needs to recognize termination pay provision in their negotiated contract. She urged the committee's support of HB 206.

Don Waldron, Montana Rural Education Association, stated the fifty day reference does not interfere with district contracts.

Bruce Moerer, Montana School Boards Association, said HB 206 is similar to ones carried in the past. He said sick leave compensation is a liability which needs to come out of the general fund. He suggested it makes sense to move money from the general fund over to a special fund each year in order to pay off the liability when it occurs. Mr. Moerer said money not put into this fund would be left over in the general fund and would be cash reappropriated. This cash reappropriated amount would reduce the GTB costs for the next year.

Loran Frazier, School Administrators of Montana, stood in support of HB 206.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. WALLIN asked Ms. Brannon if there is a cap on this fund. Ms. Brannon replied the fund is limited by law to 30% of the school district's liability as of July 30th of the previous fiscal year.

REP. DAILY asked Bruce Moerer if this bill has any effect on teacher contracts. Mr. Moerer replied the accumulated sick leave amount is just a cap on dollars and has nothing to do with

amounts to be decided during negotiations. **REP. DAILY** asked if there was a reserve fund for teacher contracts for sick leave. **Mr. Moerer** replied there is no such reserve fund.

**REP. MCCARTHY** asked if HB 206 would require districts to set up a fund if they did not currently have one. **Mr. Moerer** explained as he understood the bill, it does not require schools to transfer money, it only allows them to do so if the fund exists.

Closing by Sponsor: **REP. FISHER** closed the hearing on HB 206.

#### HEARING ON HB 194

##### Opening Statement by Sponsor:

**REP. TUSS**, House District 35, Cascade, stated the intent of HB 194 is to repeal the termination date of traffic education for middle and elementary schools, relative to pedestrian, passenger and bicycle safety. She noted the bill was drafted at the request of the Office of Public Instruction.

##### Proponents' Testimony:

**Gail Gray**, Office of Public Instruction (OPI), stated that the purpose of the bill is to make the definition of traffic education permanent in statute. She stressed traffic education should be an integral part of K-12 education.

**Don Waldron**, Montana Rural Education Association, commented MREA believes HB 194 takes care of a long overdue definitional change. He asked for the committee's support.

**Bruce Moerer**, Montana School Boards Association, stood in support of the bill.

##### Opponents' Testimony: None.

##### Questions From Committee Members and Responses:

**REP. WALLIN** asked **Ms. Gray** if the requirement to offer these classes extends their present cost. **Ms. Gray** replied it does not require any funds not already assigned. It removes the sunset provision now in place.

**REP. SIMPKINS** asked **Ms. Gray** if this instruction takes place during school hours, and if so, how many hours are utilized for this purpose. **Ms. Gray** responded it varies from school to school and program to program. She said a bicycle safety program may be offered as part of a physical education class or even held on Saturdays. She stated none of the programs are mandatory.

REP. MILLS asked for the amount of money spent annually on this program. Ms. Gray responded she did not have the exact figure, but went on to explain money is diverted from traffic fines to reimburse schools on a per student basis for the number of students who have successfully completed driver's education. She said OPI ensures the amount reimbursed per student is not reduced from the last year it was held. Ms. Gray stated the amount at the time the program came into effect was approximately \$140 per student, and is now the same.

Closing by Sponsor:

REP. TUSS thanked the committee for its consideration and urged passage of HB 194.

EXECUTIVE ACTION ON HB 43

Motion: REP. MCCULLOCH MOVED HB 43 DO PASS.

Discussion:

REP. DAVIS stated he is violently opposed to the bill. He stressed these regulations should be considered during contract negotiations. He suggested all teachers should be offered a teacher's contract and that administrative and/or coaching duties should exist as supplemental contracts. REP. DAVIS said when those other duties cease, that portion of the contract should expire and the individual should go back into the classroom if they are automatically rehired. He stated there are schools which offer separate contracts for separate duties, and stressed he does not support legislation on issues which should be addressed during negotiations at individual schools.

REP. DAILY said only 40% of the school districts in Montana have a stipulation in their contract allowing an administrator to retain the same seniority a teacher would earn for the same amount of time in the district.

REP. MCCULLOCH distributed sample contracts from schools which allow administrators to retain seniority earned during their time as administrators, when and if they are hired back into the classroom. He stated REP. WANZENRIED's bill and the governor's bill cannot be implemented if HB 43 does not pass. Sample contracts were provided. EXHIBIT 2

REP. BRANDEWIE said he supports the bill, stating it would be better to have an individual in a district adjust to a lower salary than to have other individuals lose their jobs altogether. He said HB 43 potentially would allow more individuals to retain positions within each district. He emphasized the bill deals with fairness and reality.

REP. SPRING noted his support of the bill. He said it could save a district a good deal of money.

REP. DOLEZAL spoke in support of the bill, but suggested the concerns covered in the bill should be a part of school negotiations as noted by REP. DAVIS. He said schools are often not able to recognize savings when they are required to hire an individual at a high salary and are often forced to fire teachers to create a position for a former administrator.

REP. SIMPKINS stated he does not support HB 43 because there are contracts in existence which do not guarantee the retention of administrative experience when considering seniority.

REP. MILLS said he supports the bill because individuals should be paid in accordance to the responsibilities of their job.

REP. ELLIS stated contracts are likely to change upon the passage of this bill.

REP. MCCULLOCH addressed REP. SIMPKINS concerns with the bill, and said HB 43 states that outside the teachers union, administrators shall maintain seniority.

REP. HANSON indicated he opposes HB 43 because of a bill already passed requiring administrators to go back to teacher's salary. He stated he has difficulty with individuals who have been with the system for perhaps twenty years and who are kicked out of the system because the district contract does not recognize their seniority.

Vote: HB 43 DO PASS. Motion carried 12 to 6 with REPS. SIMPKINS, GERVAIS, HARRINGTON, DAVIS, DAILY, and HANSON voting no. EXHIBIT 3

#### EXECUTIVE ACTION ON HB 105

Motion: REP. MCCULLOCH MOVED HB 105 DO NOT PASS.

Discussion: REP. MCCULLOCH stated HB 105 creates another unnecessary reserve. He said the bill would account for roughly 2.2 million dollars in Billings alone. He commented neither the legislature nor the taxpayers are interested in creating another reserve.

REP. WALLIN stated, with the limitations put on the amount schools can have in their reserves, he sees no reason for the bill.

Vote: HB 105 DO NOT PASS. Motion carried 11 to 7 with REPS. GERVAIS, HARRINGTON, DAVIS, DAILY, BRANDEWIE, ELLIS, and HANSON voting no. EXHIBIT 4

Motion/Vote: REP. SIMPKINS MOVED HB 105 BE TABLED. Motion carried 16 to 2 with REPS. GERVAIS and DAVIS voting no.

EXECUTIVE ACTION ON HB 106

Motion: REP. BRANDEWIE MOVED HB 106 DO NOT PASS.

Discussion: REP. DOLEZAL asked Ms. Merrill to review the amendments and their impact on the bill. Ms. Merrill stated she combined the two sets of proposed amendments.

Vote: HB 106 DO NOT PASS. Motion carried 16 to 2 with REPS. GERVAIS and WYATT voting no.

Motion/Vote: REP. SIMPKINS MOVED HB 106 BE TABLED. Motion carried 13 to 5 with REPS. DAILY, DAVIS, GERVAIS, HARRINGTON, and MCCARTHY voting no. EXHIBIT 5

EXECUTIVE ACTION ON HB 72

Motion: REP. ELLIS MOVED HB 72 DO PASS.

Discussion:

REP. DAILY stated, considering HB 53 (which allows for the county superintendent position to be controlled at the discretion of the county) was passed out of committee, he opposes HB 72.

Motion/Vote: REP. SIMPKINS MADE A SUBSTITUTE MOTION THAT HB 72 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 177

Motion: REP. REHBEIN MOVED HB 177 DO NOT PASS.

Discussion: REP. SIMPKINS remarked REP. BIRD is attempting to do some good with HB 177, but said it is only a piecemeal approach to reorganizing the educational system.

Motion/Vote: REP. MILLS MADE A SUBSTITUTE MOTION THAT HB 177 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 91

Motion: REP. BRANDEWIE MOVED HB 91 DO NOT PASS.

Discussion:

REP. BRANDEWIE stated he sees HB 91 as potentially limiting the district participation in school funding.

REP. GERVAIS asked if Bruce Moerer could help to clarify the bill. Mr. Moerer said cash left over at the end of the year must either be put into a reserve fund, providing the 104% cap has not been reached, or it may be put into cash reappropriated. Cash reappropriated is the portion of the levy above the foundation and special education schedules. He stated this is the difference between the schedules and the 135% cap. Mr. Moerer said money put into the permissive area will lower the permissive mills and the guaranteed tax based subsidy.

REP. BRANDEWIE asked Mr. Moerer if HB 91 will mean less district participation and if it will cost more at the state level. Mr. Moerer replied it will cost more at the state level only in those districts which receive guaranteed tax based subsidy.

REP. SIMPKINS said of the 29 largest school in the state, twenty-eight of them receive guaranteed tax base money. He suggested the fiscal note should be somewhere in the neighborhood of eight million dollars. Mr. Moerer stated REP. SIMPKINS comment, which implied the majority of students in Montana are in districts which receive guaranteed tax based subsidy, is correct.

REP. DOLEZAL called attention to the comment on the bottom of the fiscal note. It stated the long range effects of this particular legislation may create an incentive for districts to underestimate revenues from other non-levy sources resulting in increased GTB. Mr. Moerer replied he wasn't sure if that was important.

Motion/Vote: REP. SIMPKINS MADE A SUBSTITUTE MOTION THAT HB 91 BE TABLED. Motion carried 11 to 7 with REPS. DAILY, DAVIS, HARRINGTON, GERVAIS, MCCARTHY, MCCULLOCH, and WYATT voting no. EXHIBIT 6

EXECUTIVE ACTION ON HB 173

Motion: REP. SIMPKINS MOVED HB 173 DO NOT PASS.

Discussion:

REP. SIMPKINS questioned what actually happened to the library in the first place. He noted a law presently exists requiring the



superintendent of public instruction to maintain this library. After inquiry to the legislative auditor, **REP. SIMPKINS** discovered the library initially utilized five FTEs. These FTEs were then reduced down to one half FTE. The superintendent decided to make contracts with other colleges to take over the responsibilities of this function. He said these contracts were a violation of law. He stressed since present law was on the books, this particular action required coming to the legislature first and changing the law before any contract negotiations could take place. He commented on the fiscal note, highlighting on the savings of one FTE, and questioned the whereabouts of the other four FTEs. **REP. SIMPKINS** maintained it is an obvious responsibility of law to provide this service to the school districts of Montana. He said the superintendent decided she did not want to operate under the law and so chose to disregard it.

**REP. ROSE** commented with the advent of telecommunications coming into the state, he sees no reason for the bill and advocated support for a Do Not Pass.

**Motion:** **REP. ELLIS** MADE A SUBSTITUTE MOTION THAT HB 173 BE TABLED.

**Discussion:**

**REP. MCCULLOCH** explained over the past few years some of the FTE positions for this function have been cut. He said with current prices, the library would cost at least one hundred thousand dollars. **REP. MCCULLOCH** commented the bill does just what the legislature has been directed to do, and stressed if the committee voted in favor of tabling the bill, it would effectively require a department to spend money that is not available. He spoke strongly against the tabling motion.

**REP. ELLIS** stated he agrees with the point raised by **REP. SIMPKINS** and said the staff at OPI increased during the time the library was being phased out. He stressed he did not believe passing HB 173 is a solution to the problem.

**REP. SIMPKINS** emphasized what occurred at OPI was a violation of law. He said the money for the library comes from the general fund and fees charged for the library are to be put into a special account. He stated with the current budget request, only one FTE is going to be eliminated, where OPI was initially budgeted five FTEs for this purpose. **REP. SIMPKINS** stated it was not up to OPI to decide whether or not to provide this library, and it certainly was not up to them to decide to contract someone else to be responsible.

**Vote:** HB 173 BE TABLED. Motion carried 10 to 8 with **REPS. DAILY, DOLEZAL, HARRINGTON, GERVAIS, MCCARTHY, MCCULLOCH, WALLIN,** and **WYATT** voting no. EXHIBIT 7

EXECUTIVE ACTION ON HB 143

Motion: REP. MCCARTHY MOVED HB 143 DO PASS.

Discussion:

REP. REHBEIN stated HB 143 does not mean a savings or a cutting, but a redirection of money. He suggested that small rural schools in the state shouldn't be the only ones to sacrifice.

REP. ELLIS commented on the primary reason for the increase in educational costs in Montana. He said if all of the high schools in the state with less than fifty students were closed, the state would save only seventeen million dollars. REP. ELLIS said the increase in costs come from schools hiring individuals who work outside the classroom. He stated the funding for schools is so complex, it "takes an accountant, an attorney, and many individuals responsible for processing forms and paperwork, in order to follow proper procedures." He stated small schools would be more than happy to receive the money back they contribute to help support larger schools across the state, if this bill were to pass.

REP. SPRING stated the legislature needs to start somewhere and noted his support for the bill.

REP. BRANDEWIE remarked although he might vote against a do pass motion, taxpayers in his community do not feel obligated to keep schools open in order to save a community. He said he does not know how the state can afford a \$15,000 per student expenditure.

REP. DAVIS said only four or five schools in the state would be affected. He insisted these children should not be blamed for living where they do, and suggested a savings can be recognized somewhere else.

REP. SIMPKINS stressed small schools do not get any GTB aid money. He stated all of the equalization goes to large schools, and since small schools are already paying more than their share, HB 143 would force them to again pay beyond what is equitable.

Vote: HB 143 DO PASS. Motion failed 8 to 10 with REPS. DAILY, DOLEZAL, HARRINGTON, MCCARTHY, MCCULLOCH, MILLS, SPRING, and WYATT voting yes. EXHIBIT 8

Motion/Vote: REP. ELLIS MOVED HB 143 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 194

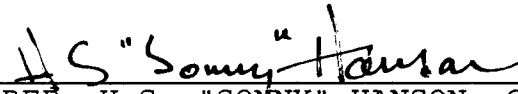
Motion/Vote: REP. BRANDEWIE MOVED HB 194 DO PASS. Motion carried 17 to 1 with REP. WALLIN voting no.

EXECUTIVE ACTION ON HB 206

Motion/Vote: REP. DAILY MOVED HB 206 DO PASS. Motion carried unanimously. (Standing committee report not prepared at the request of the chairman.)

ADJOURNMENT

Adjournment: 4:47 p.m.

  
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REP. H.S. "SONNY" HANSON, Chair

  
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SUSAN LENARD, Secretary

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# HOUSE OF REPRESENTATIVES

## Education and Cultural Resources COMMITTEE

ROLL CALL

DATE

1/22/93

NAME	PRESENT	ABSENT	EXCUSED
REP. SONNY HANSON , CHAIR	✓		
REP. ALVIN ELLIS , VICE-CHAIR	✓		
REP. DIANA WYATT , VICE-CHAIR		✓	
REP. RAY BRANDEWIE	✓		
REP. FRITZ DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. ED DOLEZAL	✓		
REP. DAN HARRINGTON		✓	
REP. JACK HERRON	✓		
REP. BOB GERVAIS	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. NORM MILLS	✓		
REP. BILL REHBEIN	✓		
REP. SAM ROSE	✓		
REP. DICK SIMPKINS	✓		
REP. WILBUR SPRING	✓		
REP. NORM WALLIN	✓		

## HOUSE STANDING COMMITTEE REPORT

January 25, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 43 (first reading copy -- white) do pass .

Signed: Sonny Hanson  
Sonny Hanson, Chair

HOUSE STANDING COMMITTEE REPORT

January 25, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 194 (first reading copy -- white) do pass .

Signed: Sonny Hanson  
Sonny Hanson, Chair

OFFICE OF PUBLIC INSTRUCTION  
PROPOSED AMENDMENTS TO HB 202, INTRODUCED COPY

1. Page 17, line 11  
Delete: "and purchase or otherwise acquire".
2. Page 27, line 14  
Following: "that"  
Insert: "anticipates"  
Delete: "has".
3. Page 27, line 20  
Following: "(a)"  
Insert: "No later than May 10 of each year, the"  
Delete: "The".
4. Page 27, line 25  
Following: "~~(ii)~~ the"  
Delete: "current"  
Insert: "ensuing year's certified"
5. Page 28, line 1  
Delete: "being taught on May 1 of the current year"
6. Page 28, line 2  
Following: "(ii)"  
Delete: "an estimate of the ANB and the number of grade levels".
7. Page 28, line 6  
Following: "~~(v)~~"  
Delete: "(iii)".
8. Page 28, line 8  
Following: "(b)"  
Insert: "An elementary school district that has an enrollment increase in the current year, which results in adjusted ANB of at least 14 but less than 18 pupils and is approved under provisions of 20-9-166, may submit the application provided for under section (1)(a) during the current school year."  
(c)".
9. Page 28, line 10  
Following: "if the"  
Delete: "anticipated or current"  
Insert: "actual or adjusted".
10. Page 28, line 12  
Following: "~~ef~~"  
Delete: "in the current year or documentation is provided that indicates that the anticipated ANB will require a minimum of five grade levels to be taught in the ensuing school year."

11. Page 29, line 18  
Following: "(a)"  
Delete: "In order to determine the amount of revenue raised by this levy which is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the foundation programs of all elementary districts of the county. (b)".
12. Page 32, line 4  
Following: "(a)"  
Delete: "In order to determine the amount of revenue raised by this levy which is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the foundation programs of all high school districts of the county. (b)".
13. Page 33, line 18  
Following: "county"  
Delete: "Out-of-county"  
Insert: "County".
14. Page 33, line 25  
Following: "{2}"  
Insert: "(1)".
15. Page 34, line 6  
Following: "tuition"  
Insert: "."  
Delete: "and elementary tuition for which the county is responsible"  
Insert: "(2) The county superintendent shall direct the county treasurer to deduct from the revenues available in the basic county tax for elementary schools account, prior to remittance of the funds to the state treasurer under the provisions of 15-1-504 and 20-9-212, the amount required for the month to pay the county's obligation for elementary out-of-state tuition".



ARTICLE XIV: REDUCTION IN FORCE

EXHIBIT 2

DATE 1/22/93

HB 43

14.1 PROCEDURE

In the event the School District determines to reduce staff the provision of the Article shall apply.

14.2 DEFINITION

A. Teacher: The term teacher used herein shall refer only to tenured teachers, regularly employed at least half time by the School District.

B. Qualified: Qualified means a tenured teacher who is certified by the State Department of Public Instruction for a position established by the School District, and who has taught in such subject matter category for at least one semester within the last 5 years while a member of the Havre School District.

C. Subject Matter: Subject matter shall mean such categories as are determined by the State Department of Public Instruction for certification purposes.

D. Days: Means teacher duty days, unless otherwise stated.

14.3 SENIORITY

A. Seniority shall mean the number of days of continuous service of the regular school year (excluding summer session and extended employment), commencing with the first day of actual service with the School District including authorized leave of absences allowed by the School District pursuant to this Agreement.

B. Probationary teachers shall not acquire seniority until such teacher acquires tenure and upon acquisition of tenure, the seniority date shall relate back to his/her first day of continuous service. Long term substitute service under contract, immediately prior to regular contract service shall be counted toward a teacher's seniority.

C. In determining the list of seniority, an employee whose employment has been legally terminated by resignation, or terminated but whose employment was subsequently reinstated without interruption, shall be deemed to be continuous service.

D. Certified teachers employed by the School District in professional positions outside the teachers's unit, i.e.,

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administrators, shall maintain seniority in the teacher's unit consistent with total teaching service in the School District provided the administrative employee is qualified and certified as described herein.

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p. 2

E. In the event that seniority is equal for purposes of layoff, the second order will be determined by the educational placement on the salary schedule. The final order, if needed, shall be determined by lot.

#### 14.4 SENIORITY LIST

A. On or about December 1 of each school year, the School District shall cause a seniority list, (by name, date of employment, qualification, and certification), to be prepared from its records. It shall thereupon post such list in an official place in each school building.

B. Any person whose name appears on such list, and who may disagree with the findings of the School District, and the order of seniority on said list, shall have fourteen (14) days from the date of postings, to supply written documentation, proof and request for seniority change, to the School District's Superintendent's Office.

C. Within fourteen (14) days thereafter, the School District shall evaluate any and all such written communications regarding the order of seniority contained in said list, and make such changes as the School District deems warranted. The final seniority list shall thereupon be prepared by the School District, and shall be posted in each school building. Such list shall be binding on the District and all teachers shown thereon. Each year thereafter, the School District shall cause such seniority list to be updated. Such list shall govern the application of Reduction in Staff, Article XIV, until thereafter revised.

D. Any person disagreeing with the final seniority list prepared pursuant to subd. C. above may pursue the matter through the Grievance Procedure provided by Article XI.

#### 14.5 VOLUNTARY LAYOFF

Senior teachers may accept voluntary lay-off during a period when the School District is placing tenured teachers on layoff. Teachers accepting voluntary layoff will, as with all teachers on layoff, continue to accrue seniority. Voluntary layoff, shall be for a period of the succeeding school year unless altered by mutual agreement. Teachers wishing to be recalled from voluntary layoff for the next

ARTICLE XVIII  
REDUCTION IN STAFF

Section 3. Seniority:

Subd. 1. Seniority shall mean the number of days of continuous service of the regular school year (excluding summer session and extended employment), commencing with the first day of actual service in the School District including authorized leave of absences allowed by the School District pursuant to this Agreement.

Subd. 2. Probationary teachers shall not acquire seniority until such teacher acquires tenure and upon acquisition of tenures, the seniority date shall relate back to a teacher's first day of continuous services. Continuous service shall include a teacher who is under contract for more than ninety (90) days in a single school year. Long term substitute service under contract, immediately prior to regular contract service, shall be counted toward a teacher's seniority.

Subd. 3. In determining the list of seniority, an employee whose employment has been legally terminated by resignation, or terminated but whose employment was subsequently reinstated without interruption, shall be deemed to be continuous service.

Subd. 4. Certified teachers employed by the School District in professional positions outside the teacher's unit, i.e., administrators, shall maintain seniority in the teacher's unit consistent with total administrative and teaching service in the School District, provided the administrative employee is qualified and certified as described herein.

Subd. 5. In the event that seniority is equal for purposes of layoff, order of seniority shall be determined by lot.

8.11 REDUCTION IN FORCE

- a. A Reduction in Force and the term "layoff" as used herein shall mean any suspension from employment arising out of a reduction in the teacher work force of the District, and shall be separate and distinct from the terms retirement, resignation, non-renewal, discharge, dismissal, or termination.
- b. Grades 7-12 and Grades K-6 shall be considered as separate units for purposes of this section so that the layoff procedure with respect to one such unit shall not apply to other units.
- c. Non-tenured teachers shall be excluded from this Reduction in Force provision.
- d. If the layoff affects a particular educational program or unit, layoffs will be confined to personnel employed in such program or unit. However, nothing shall be interpreted or applied so as to prohibit the Board from assigning laid off personnel to positions in other units or programs, for which they are qualified, held by less senior teachers.
- e. Definition - Seniority shall be defined as the total length of continuous service, including full credit for service of less than a full duty day or service of less than a full contract year, if a teacher has signed a contract for the ensuing school year with the District. Seniority shall accrue from the date of employment. Seniority will not be broken by approved leaves of absence. Seniority will not be broken by employment by the Board in a position outside the appropriate unit if the Board required certification/license for employment in that position. In the event of identical dates of employment, those holding advanced preparation as of November 15, 1985, shall have precedent. In the event of both identical dates of employment and advanced preparation, rank shall be determined by lot. This order once established shall not change. Teachers hired after November 15, 1985, shall accrue seniority solely by date of hire.
- f. Loss of Seniority - A teacher shall lose his seniority for any of the following reasons:
- 1) if teacher is dismissed and not subsequently reinstated.
  - 2) if teacher retires.
  - 3) if teacher resigns.
  - 4) if teacher overstays a leave of absence without obtaining an extension of the leave.
  - 5) If a teacher declines an offer of recall to the previous-held positions or an equivalent position.
- g. Seniority List - A seniority list shall be prepared by the Board at least once a year not later than January 1. Needed corrections to this list shall be presented to the Board in writing prior to January 20. Corrections after this date may be made only with the written agreement of the Board. A copy of this list shall be provided to the Association and shall be available in all buildings for review during regular working hours.
- h. When a reduction in force takes place, the least senior teacher shall be laid off first, provided that the least senior teacher does not have experience and qualifications that are substantially greater than a more senior teacher. If the less senior teacher has such experience and qualifications, a more senior teacher shall be laid off first.

EXHIBIT 3DATE 3 1/22/93HB 43

## HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

## ROLL CALL VOTE

DATE 1/22/93 BILL NO. HB 43 NUMBER \_\_\_\_\_MOTION: DO PASS

NAME	AYE	NO
Rep. Sonny Hanson - Chair		✓
Rep. Alvin Ellis - Vice Chair	✓	
Rep. Diana Wyatt - Vice Chair	✓	
Rep. Ray Brandewie	✓	
Rep. Fritz Daily		✓
Rep. Ervin Davis	✓	✓
Rep. Ed Dolezal	✓	
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais		✓
Rep. Bea McCarthy	✓	
Rep. Scott McCulloch	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins		✓
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	

12 6

## HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

EXHIBIT 4DATE 1/22/93SB HB 105

## ROLL CALL VOTE

DATE 1/22/93 BILL NO. HB 105 NUMBER \_\_\_\_\_MOTION: DO NOT PASS

NAME	AYE	NO
Rep. Ray Brandewie		✓
Rep. Fritz Daily		✓
Rep. Ervin Davis		✓
Rep. Ed Dolezal	✓	
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais		✓
Rep. Bea McCarthy	✓	
Rep. Scott McCulloch	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	
Rep. Diana Wyatt	✓	
Rep. Alvin Ellis		✓
Rep. Sonny Hanson		✓
	11	7

EXHIBIT 5  
DATE 1/22/93  
~~SB~~ HB 106

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/22/93 BILL NO. HB 106 NUMBER \_\_\_\_\_

MOTION: TO TABLE

NAME	AYE	NO
Rep. Ray Brandewie	✓	
Rep. Fritz Daily		✓
Rep. Ervin Davis		✓
Rep. Ed Dolezal	✓	
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais		✓
Rep. Bea McCarthy		✓
Rep. Scott McCulloch	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	
Rep. Diana Wyatt	✓	
Rep. Alvin Ellis	✓	
Rep. Sonny Hanson	✓	

13

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EXHIBIT 6  
DATE 1/22/93  
HB 91

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/22/93 BILL NO. HB 91 NUMBER \_\_\_\_\_

MOTION: TABLE

NAME	AYE	NO
Rep. Sonny Hanson - Chair	✓	
Rep. Alvin Ellis - Vice Chair	✓	
Rep. Diana Wyatt - Vice Chair		✓
Rep. Ray Brandewie	✓	
Rep. Fritz Daily		✓
Rep. Ervin Davis	✓	✓
Rep. Ed Dolezal	✓	
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais		✓
Rep. Bea McCarthy		✓
Rep. Scott McCulloch		✓
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	



EXHIBIT 7  
DATE 1/22/93  
HB 173

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/22/93 BILL NO. HB 173 NUMBER \_\_\_\_\_

MOTION: TABLE

NAME	AYE	NO
Rep. Sonny Hanson - Chair	✓	
Rep. Alvin Ellis - Vice Chair	✓	
Rep. Diana Wyatt - Vice Chair		✓
Rep. Ray Brandewie	✓	
Rep. Fritz Daily		✓
Rep. Ervin Davis	✓	
Rep. Ed Dolezal		✓
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais		✓
Rep. Bea McCarthy		✓
Rep. Scott McCulloch		✓
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin		✓

EXHIBIT 8  
DATE 1/22/93  
HB 143

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/22/93 BILL NO. HB 143 NUMBER \_\_\_\_\_

MOTION: DO PASS

NAME	AYE	NO
Rep. Sonny Hanson - Chair		✓
Rep. Alvin Ellis - Vice Chair		✓
Rep. Diana Wyatt - Vice Chair	✓	
Rep. Ray Brandewie		✓
Rep. Fritz Daily	✓	
Rep. Ervin Davis	✓	✓
Rep. Ed Dolezal	✓	
Rep. Dan Harrington	✓	
Rep. Jack Herron		✓
Rep. Bob Gervais		✓
Rep. Bea McCarthy	✓	
Rep. Scott McCulloch	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein		✓
Rep. Sam Rose		✓
Rep. Dick Simpkins		✓
Rep. Wilbur Spring	✓	
Rep. Norm Wallin		✓

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Failed 10 to 8

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Education & Cultural Resources COMMITTEE

BILL NO. HB 202

DATE 1/22/93 SPONSOR(S) REP. KADAS

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Kathy Fabiano	OPI	X	
Jean Anderson	OPI		

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

## Education : Cultural Resources

**COMMITTEE**

BILL NO. HB 206

DATE 1/22/93

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Education & Cultural Resources. COMMITTEE

BILL NO. HB 194

DATE 1/22/93 SPONSOR(S) REP. TUSS

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Gal Ing</i>	<i>OP I</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Bruce W. Moore</i>	<i>BSBA</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Dan Waldner</i>	<i>MREA</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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