

## **MINUTES**

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

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

**Call to Order:** By Rep. Alvin Ellis, Vice Chair, on January 25, 1993, at 3:02 p.m.

#### **ROLL CALL**

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

Rep. Alvin Ellis, Vice Chair (R)  
Rep. Ray Brandewie (R)  
Rep. Ervin Davis (D)  
Rep. Ed Dolezal (D)  
Rep. Dan Harrington (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)  
Rep. Diana Wyatt, Vice Chair (D)

**Members Excused:** Rep. H.S. "Sonny" Hanson

**Members Absent:** Rep. Fritz Daily

**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 210, HB 224, HB 246  
Executive Action: HB 224

#### **HEARING ON HB 224**

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

REP. SCHWINDEN, House District 20, Roosevelt County, stated HB 224 was requested by the Montana School Boards Association and stemmed from the resignation of a school board trustee in Roosevelt County. He noted the bill simply provides for the

submission of resignations of school trustees to the local clerk and recorder. The resignations were previously filed with the secretary of state. REP. SCHWINDEN said the secretary of state has no objection to this piece of legislation.

Proponents' Testimony:

Bruce Moerer, Montana School Boards Association, said HB 224 is a simple bill. He stated trustees had to resign to the secretary of the state, whereas county and township officers submitted their resignations locally to the county clerk and recorder. He commented the bill cleans up the regulation of resignation notification.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. SCHWINDEN asked for a do pass recommendation. He suggested the committee consider placing HB 224 on the consent calendar.

HEARING ON HB 246

Opening Statement by Sponsor:

REP. SIMON, House District 91, Billings, stated HB 246 deals with a policy issue. He said under current state law, disputes on a school district board can be appealed to the county superintendent of schools. He stated the decisions can be appealed to the Office of Public Instruction, and then to the court system, if the situation warrants. REP. SIMON said HB 246 would eliminate one step in the appeals process. He indicated many of the state's county superintendents of schools are not trained as hearings officers. It was noted that some county superintendents call on other county superintendents to conduct hearings for them because they, themselves, are not qualified. He commented on the number of decisions which have been appealed and suggested the county superintendent part of the appeals process does not work as effectively as it should.

Proponents' Testimony:

Phil Campbell, Montana Education Association, asked MEA to be placed on record in support of HB 246. He stated HB 246 authorizes OPI to conduct hearings about school controversies. He noted there would not be a need for new staff at OPI, since the trained staff which presently hears controversies over special education issues would satisfy the requirement. He explained

there are counties with combined county superintendent/county treasurer positions. He noted these counties contract for hearings officers.

**Terry Minow, Montana Federation of Teachers**, said MFT supports the bill for it will speed up the hearing process.

**Opponents' Testimony:**

**Rick Bartos, Montana Association of County Superintendents**, stressed the low percentage of reversed decisions heard by county superintendents of schools. He said the state supreme court has applauded this unique process which allows a non-lawyer, who is elected by the county and has the qualifications of a teacher, to be able to decide school controversies. He stated this process has worked for the last fifty years. Written testimony was provided. **EXHIBITS 1 AND 2**

**Mary Ann Brown, Gallatin County Superintendent of Schools**, commented teachers are best served if they are judged and evaluated by peers in the system, not by attorneys. She asked the committee to vote against HB 246.

**Larry Stollfuss, Montana Association of County School Superintendents**, remarking that county superintendents of schools give fair and impartial hearings, asked the committee to oppose HB 246.

**Rachel Vielleux, Missoula County Superintendent of Schools**, stated county superintendents can and do hear cases outside their own counties, particularly when another county superintendent has been disqualified for bias. She explained the federal government set specific regulations on hearing procedures for special education cases, but did not for other cases because the present county superintendent hearings are adequate. **Ms. Vielleux** indicated the variety of cases she has heard, and suggested these types of cases might not be better decided if assigned to a state hearings officer unfamiliar with the area. Written testimony from the Missoula County Board of County Commissioners was presented. **EXHIBIT 3**

**Loran Frazier, School Administrators of Montana**, stood in opposition to HB 246.

**Informational Testimony:**

**Don Waldron, Montana Rural Education Association**, stated MREA is neither in favor of nor opposed to HB 246. He said hiring other hearings officers would require additional funding and more of a time delay. He suggested it might be more cost effective to offer training to the present county superintendents of schools. He asked the committee to give careful consideration to the bill, for although it would result in a more costly and lengthy process, it could potentially produce better results.

Questions From Committee Members and Responses:

REP. SPRING asked Phil Campbell if he believed the bill would result in loss of local control. Mr. Campbell replied HB 246 does not require hearings officers to be state attorneys. With regards to local control, he commented the question is whether the hearings officer is neutral. Mr. Campbell responded he was not sure the issue of loss of local control was a valid one.

REP. BRANDEWIE asked Mr. Campbell how many hearings officers there are presently in the state. Mr. Campbell replied he did not know. REP. BRANDEWIE asked how much these officers get paid. Mr. Campbell was unable to give a response. REP. BRANDEWIE asked how Mr. Campbell could then suggest the bill would result in a savings. Mr. Campbell replied a savings would be recognized because it would result in an elimination of a step in the appeals process. REP. BRANDEWIE stated the government already has someone employed in the county with a known pay scale. He suggested these hearings officers would not necessarily live in the counties they served. He stated the bill could result in travel and lodging expenses now not recognized. He said it would create another paying position and, thus, a further expense to the county.

REP. BRANDEWIE asked Rick Bartos how many hearings are held in the state each year. Mr. Bartos replied there are approximately forty hearings per year but offered this might be a conservative figure. REP. BRANDEWIE asked how many hearings officers he felt would be needed to keep up with the present case load. Mr. Bartos replied it is his understanding OPI presently has twelve or fifteen hearings officers for the six to ten special education hearings held each year. He explained people have the right to refuse the choice of a hearings officer, so he suspected there would be more officers required in order to provide for the impartiality buffer. REP. BRANDEWIE asked for an indication of what a hearings officer might be paid. Mr. Bartos replied hearings officers charge \$45 per hour, plus expenses, for special education cases. Mr. Bartos suggested there is an "artificial" limit on the allowable contract amount from OPI, but OPI cannot truly limit the contract amount because a hearing officer cannot be prejudiced by the state superintendent's office. He said many times these contracts exceed the limited dollar amount, usually set at about three thousand dollars.

REP. MCCULLOCH asked Mr. Bartos if it was correct there was less than one hearing held per year in each county. Mr. Bartos replied with the estimate he offered, that is indeed correct. REP. MCCULLOCH asked how many of those forty cases were appealed to the superintendent of public instruction. Mr. Bartos replied he could not answer that question directly, but said with his experience at OPI, of the 100% of the cases appealed to the county superintendent's office, only about 35-50% are appealed to OPI. He said the district court would eventually see approximately 20-25% of the original number.

REP. SIMPKINS asked how many of the forty or so cases involve teachers versus other school related activities. Mr. Bartos replied the majority of the cases involved teachers. He said each year is, of course, dependent upon the type of events that occur. REP. SIMPKINS asked if cases need to be appealed in Lewis and Clark County because this is the county in which appeals are concluded. He went on to ask if this piece of legislation would cause this condition to change, or if it would direct appeals to the local county. Mr. Bartos responded that HB 246 would not change the appeal from OPI to the district court. He stated it is his understanding the bulk of the cases would still go to the first judicial district in Helena.

Closing by Sponsor:

REP. SIMON stated he received the fiscal note quite recently and was unable to review it before this hearing. He indicated OPI noted seventeen appeals in the last eighteen months. REP. SIMON asserted there are some very competent county superintendents of schools but stressed they are educators who are asked to hold hearings on issues of law. He commented on the difficulty of maintaining impartiality when local issues are involved. He asked how a county superintendent could truly be competent enough to hold hearings which deal with issues of law.

HEARING ON HB 210

Opening Statement by Sponsor:

REP. PECK, House District 15, Havre, noted HB 210 would require a school attendance center be located within the boundaries of the school district it serves. He proposed several amendments may need to be made in order to clean up language in the bill. He said the assumption in the fiscal note, which stated students will remain in a public school and attend school in a district where they reside, is erroneous. REP. PECK commented these students will not attend the local public schools. He said the indicated difference of \$159,200 should actually be the total amount the state provided. This amount is \$264,862 annually, based on current enrollment. REP. PECK stated the intent of the bill is to deal primarily with the Hutterite Colony attendance centers. He noted HB 210 is directed out of concern for the constitutional prohibition present in the Montana Constitution, and not out of animosity toward the colonies or their inhabitants. He said the present situation violates the constitution. REP. PECK said that since the state is faced with school consolidations, this piece of legislation will prevent the opening of operating attendance units. He contended the colony does not want to put its children in public schools, but is willing to make an agreement with a neighboring school district to run an attendance unit for them. REP. PECK noted there is usually a financial benefit to the colonies, since they are rural districts and are not required under current law to aggregate

their ANB. He said the budget set-up does not cost the local district, but does cost the state of Montana a significant amount. **EXHIBIT 4A**

Proponents' Testimony: None.

Opponents' Testimony:

**Jack Copps, Deputy Superintendent of the Office of Public Instruction**, stood in opposition to the bill stating OPI is unable to support any piece of legislation which targets a minority group in the state. He suggested the bill would specifically restrict educational opportunities in the forty-one Hutterite colonies. He stressed the attendance centers in the state are clearly public in every aspect. He commented on the existence of inter-local agreements and said they work to make education better for the children in Montana. **Mr. Copps** said the message of HB 210 is that local control is fine except in the regulation of attendance centers. He noted the sole purpose of HB 210 is to protect local school districts who want to say no to local Hutterite attendance centers, but do not have the courage to do so. He stated it would restrict the rights of those districts who wish to allow the colonies to have attendance centers.

**David Hofer, Board Chairman in a School District in Liberty County**, stated the colonies have two attendance units not located within the districts' boundaries. He said the two schools approached the Chester school district and asked for an attendance center. Subsequently, through his school, the two districts signed an inter-local agreement. He stressed HB 210 contradicts the Inter-Local Agreement Act. **Mr. Hofer** said all of the schools at the colonies comply with the public education requirements. He presented an example of an inter-local agreement to the committee. **EXHIBIT 4**

**Don Waldron, Montana Rural Education Association**, stated MREA represents District 10, Mr. Hofer's district, in Liberty County. He said the Chester school district agreed for an outside district to serve the colonies because it meant they would not have to travel so far within their own district. **Mr. Waldron** maintained inter-local agreements comply with insurance requirements and do cover liability. He stressed the students in each colony have the option of attending the colony school or the other public school within the district, as do the students not living at the colony. He asserted the inter-local agreements are beneficial and suggested an amendment be put in place that would recognize inter-local agreements, if HB 210 passes.

**Gwen Andersen, Teton County Superintendent of Schools**, provided written testimony, remarking on the five colony schools affected. Contained within the testimony was an example of an inter-local agreement and an attendance center agreement. **EXHIBIT 5**

**Richard Cameron, Lavina Superintendent of Schools**, offered a letter to the committee from Mr. Robert Heppner, Superintendent of Ryegate Public Schools. Written testimony was provided. **EXHIBIT 6 and 7**

**George Ainslie, Lavina Public School Board Member**, stated all of those utilizing inter-local agreements are well served by them and asked the committee to vote against HB 210.

**Jill Siderius, Teacher of New Rockport Colony School**, provided written testimony. **EXHIBIT 8**

**Charlotte Tacke, Supervising Teacher at Golden Ridge School**, stated HB 210 would deny Hutterite children the right to a public education. She said the long distances necessary to travel do not prevent colony schools from receiving proper attention. **EXHIBIT 9**

**Scott Haynes, School Board Member, Golden Ridge School District**, noted his district runs the attendance center for the New Rockport Colony and said it has been a very positive experience for all. He asked the committee to let the attendance centers work.

**Lowell Knowlen, Representing Hutterite Colony Interests**, stated he has worked for the past year to get standard education for the children at Hutterite colonies who were not receiving proper public education. He said education costs less per student at the Hutterite colony schools than any other school in the state. He noted the existence of off-district attendance centers which have served Hutterite colonies for the last forty-five years, with entirely positive results. **Mr. Knowlen** said if a school is an attendance center, then by law it is already aggregated. He questioned if equal dollars truly means equal education. Noting that if this was so, then all schools should spend the same amount on each student. **Mr. Knowlen** said the fiscal note does not take into account that no money is presently received from local levies, nor costs incurred for transportation, both of which would change if students at the colonies did not attend the colony schools.

**Questions From Committee Members and Responses:**

**REP. ROSE** stating that "attendance center" is not presently defined, and would be defined in HB 202, asked **Jack Copps** under what authority OPI was presently paying for the attendance centers. **Mr. Copps** replied that OPI received authority for them under the attorney general's opinion, which clearly indicates that schools can exist on Hutterite colonies. **REP. ROSE** asked how funding was determined. **Mr. Copps** replied the foundation amount is determined by the number of students at the school whether they exist in two buildings or one. **REP. ROSE** asked what it cost the state to run one of these attendance centers. **Mr. Copps** replied he did not have the figure, but stated it is less than it would be to transport the children to the community schools. **REP.**

ROSE asked if there was a way to bypass the county superintendent or the county commissioners to open a school. Mr. Copps answered that by law, in order to open a school, one must go through the county superintendent, the county commissioners, and the state superintendent. He said he was not certain of the statutes surrounding the situation where there are two buildings which constitute a single school and where the elementary school was opened in accordance with the law. REP. ROSE asked the true function of an attendance center. Mr. Copps said it was to provide free public education common to every other school in the state. REP. ROSE asked what prevents the elementary school in Townsend from building an attendance center to provide for the Catholic high school here in Helena, so that it receives the same benefits. Mr. Copps said it would be up to the discretion of the trustees to determine if it would be proper.

REP. GERVAIS stated he was not comfortable with HB 210. He noted the cultural differences between Hutterites and Native Americans. He was concerned with the inherent problems that would arise if schools from the two cultures were forced to consolidate.

REP. WALLIN asked Mr. Copps if the key word was "free" public education. Mr. Copps replied he used the term to explain all children in the state are entitled to a free public education. REP. WALLIN stated parochial schools in Gallatin county would like to receive ANB money and can't, while the Hutterite colony schools are able to although the state taxpayers have not paid for the school buildings. Mr. Copps said the parochial schools in the state are not ready to turn over their schools to local district authorities or to local school boards. He stated it was the school board who was responsible to ensure that a public education was being given to the students, not the colony itself.

REP. MCCULLOCH commented the use of the word prejudice with regard to this bill was inappropriate. He asked when and how inter-local agreements came about and who may enter into them. Mr. Copps said the statute was enacted sometime before 1979, for the purpose of allowing school districts to form a joint effort, by formal agreement, with the goal of improving their operations.

REP. SIMPKINS asked Mr. Copps if a school can establish an attendance center (perhaps in an already existing house or building, rather than building on to the present school), a half mile away strictly for kindergarten classes, and run it as an attendance unit. Mr. Copps replied a school district could provide instruction in that type of setting as long as the state fire marshall said it was safe enough for that purpose. REP. SIMPKINS asked if HB 210 would affect the ability of a school district from doing so. Mr. Copps stated this bill would prevent such a situation from happening if it occurred in another school district.



REP. MILLS asked if there have ever been applications for attendance units anywhere except the Hutterite colonies. Mr. Copps stated there have been requests to join other school districts for instructional purposes, but could not recall a case where an attendance center was requested other than at Hutterite colonies. He remarked the only other place he has seen the language of an "attendance center" or "attendance unit" was in the attorney general's opinion. REP. MILLS asked if there were other inter-local agreements in existence that had the impact of these attendance center agreements. Mr. Copps replied a few examples of inter-local agreements include consortiums and cooperatives. In these, school districts come together for the purpose of developing curriculum, professional development, and equipment purchasing.

REP. DOLEZAL asked the sponsor to respond to comments made about the present loophole with regard to attendance centers and how HB 210 addresses that loophole. REP. PECK stressed it is his opinion OPI is operating outside of the law. He stated OPI has no authority to run attendance centers except at the attorney general's opinion. He stated the legislature has never authorized attendance centers. He went on to say the intent of HB 210 is to state one district should not interfere with the operations of another district by setting up an out-of-district attendance center.

REP. SPRING asked Mr. Copps to define the nature of the school board of trustees at Hutterite colony schools. Mr. Copps was unable to give a definitive answer other than to say that where the district is contiguous with the Hutterite boundaries, he would suspect the board would be composed of Hutterite members. He said he was not familiar with a case where a Hutterite served on any public school board other than for those schools located on a colony.

REP. ROSE asked Mr. Cameron if the colonies, for which his district runs attendance centers, get to use modern technology. Mr. Cameron responded the colonies do not use projectors, but suggested computers may be utilized in the future. He stated the colony members do not like videos at this time.

Closing by Sponsor:

REP. PECK noted the 1979 opinion from the Supreme Court. He quoted the court found "Article 2, section 8 of the former constitution of the state of Montana; that in no uncertain terms, can any school district directly or indirectly appropriate or pay from public funds to aid the support of any school controlled in whole or in part by any church sect or denomination." He stated the new constitution has essentially the same language. He said laws established for public reasons cannot be compromised by private agreements. REP. PECK noted no-one denies the right of individuals to a public education, but if residents in the state of Montana choose not to put their children in public schools,

HOUSE EDUCATION & CULTURAL RESOURCES COMMITTEE

January 25, 1993

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they do not have the right to demand education on their own terms. In conclusion, REP. PECK stated the present situations result in financial gain to the two parties involved, at the expense of the taxpayers in the state.

EXECUTIVE ACTION ON HB 224

Motion/Vote: REP. HARRINGTON MOVED HB 224 DO PASS. Motion carried unanimously.

MOTION/Vote: REP. WYATT MOVED HB 224 TO BE PLACED ON CONSENT CALENDAR. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:43 p.m.

  
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REP. ALVIN ELLIS, Vice Chair

  
\_\_\_\_\_  
SUSAN LENARD, Secretary

AE/SL

# HOUSE OF REPRESENTATIVES

## Education and Cultural Resources COMMITTEE

ROLL CALL

DATE

MONDAY

1/25/93

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 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 224 (first reading copy -- white) do pass and be placed on consent calendar.

Signed: *AS Sonny Hanson*  
Sonny Hanson, Chair

Committee Vote:

## **MONTANA SUPREME COURT DECISIONS REVIEWING COUNTY SUPERINTENDENT DECISIONS**

Historical Analysis of Percentage of Affirmations and Reversals of  
County Superintendent's Decisions

**95%** of all cases appealed to Montana Supreme Court **AFFIRMED**  
the County Superintendent

**5%** of all cases appealed to Montana Supreme Court **REVERSED**  
the County Superintendent

1. Montana Supreme Court repeatedly upheld the constitutionality  
of the County Superintendent Due Process Hearing.

2. Montana Supreme Court has expanded, by court decree, the  
cases the County Superintendent shall hear as hearing officer.

Yanzick vs. Polson School District  
**County Superintendent Decision Affirmed**  
District Court Reversed

Glacier County School District No. 9 vs. Monte Fague 9 Ed. Law 8  
**County Superintendent Decision Affirmed**

Birrer vs. Wheatland County School District 89-401  
**County Superintendent Decision Affirmed**

Harris vs. Cascade County School District 89-430  
**County Superintendent Affirmed**

Throssell vs. Gallatin County School District  
**County Superintendent Affirmed**  
(Court expands power of County Superintendent for all cases and controversies)

Holmes vs. Madison County School District 9 Ed Law 81  
**County Superintendent Affirmed**  
State Superintendent Reversed

Booth vs. Missoula County School District No. 1 6 Ed Law 62  
**County Superintendent Affirmed**

Flynn vs. Frazer School District No. 2 86-302  
**County Superintendent Affirmed**  
District Court Reversed

Foraness v. Frazer School District 86-511  
**County Superintendent Affirmed**

Anderson vs. Missoula County School District No. One  
**County Superintendent Affirmed**  
District Court Reversed

Cummings vs. Missoula County School District No. One  
**County Superintendent Affirmed**

Stansberry vs. Roosevelt County High School District #5A 86 533  
**County Superintendent Affirmed**  
District Court Reversed

EXHIBIT 1  
DATE 1/25/93  
SB HB 246

Johnson vs. Beaverhead County High School District 88-085  
**County Superintendent Decision Affirmed**

Massey vs. Miles City School District  
**County Superintendent Decision Affirmed**  
State Superintendent Decision Reversed

Youngquist vs. Lame Deer School District  
**County Superintendent Decision Affirmed**

Sorlie vs. Yellowstone County School District  
County Superintendent Decision Reversed  
State Superintendent Decision Reversed  
District Court Decision Reversed

To: Montana House Education Committee

From: Montana Association of County School Superintendents  
Rick Bartos

House Bill 246

House Bill 246 is BAD, COSTLY and UNNECESSARY legislation.

**1. If it is not broke, don't fix it.**

The present system is fair to labor and management. In 1981, the rules were drafted by labor (MEA, MFT) and management (MSBA) in consultation with OPI. They are fair.

County Superintendent decisions have a remarkable record on appeal to the Montana Supreme Court. 95% of all cases are affirmed by the Court. This record is better than any district court of state superintendent record.

The system has been in place since 1947. Since 1981 Montana Supreme Court have repeatedly affirmed the County Superintendent.

**2. County Superintendent's Powers Have Been Held Constitutional by the Montana Supreme Court.**

Montana Supreme Court has repeatedly held the controversy system constitutional. The Supreme Court's confidence in the County Superintendent resulted in the court expanded the powers over all controversies.

**3. THE LEGISLATION IS COSTLY--State and County Pays More.**

Cost--- \$ 100,000 additional State General Fund  
Cost---\$ 70,000 additional County General Fund  
(conservative estimates)



House Bill 246 will have a dramatic fiscal impact on the state general fund and shift additional expense to the county governments without funding.

Fiscal note states the fiscal impact on Counties will be at least **\$ 67,000** per year. That is very conservative estimate.

Fiscal note is not accurate as to state impact. Administrative rule changes will require FTE; administrative hearing process; court challenges. The state genral fund could be affected by over **\$100,000**. Fiscal note fails to state travel, lodging, travel compensatory time, pre-hearing disputes, telephone and secretarial support staff.

#### **4. Loss of Local Control--Turning your schools over to Helena Lawyers**

If you vote for House Bill 246, you are turning over crucial decisions of your schools to faceless, contracted lawyers from Helena who do not necessarily understand the community, the school or education. Helena lawyers will decide what is best for your school.

Presently the county superintendent is elected by the people of the county. The County Superintendent is accountable to all parties including teachers, taxpayers and school boards. The County Superintendents are not attorneys but rely upon the County Attorneys if legal questions arise.

#### **5. County Superintendents As Non-Attorneys are Better Able to Mediate and Resolve Controversies.**

If Helena lawyers were hearing officers there would be no incentive to mediate or resolve cases. There would be a tendency of milking the system. Do we need another state Worker Compensation Court fiasco?

**6. To eliminate duplication remove the State Superintendent from the "review" process.**

This committee will:

- Estimate Cost Savings to State General Fund \$ 100,000.
- provide more rapid conclusion to cases.
- Maintain local control, keep lawyers from running your school;
- Maintian impartiality of decision making
- Not raise costs to county.
- Stick with a winner on appeal record. Don't break what works.**



BCC-93-035  
January 25, 1993

(406) 721-5700

EXHIBIT 3  
DATE 1/25/93  
HB 246

Representative Sonny Hanson, Chair  
House Education and Cultural Resources Committee  
Montana House of Representatives  
State Capitol  
Helena, MT 59620

Dear Representative Hanson,

We are writing in opposition to HB 246 which replaces the County Superintendent of Schools with the Superintendent of Public Instruction for hearing and deciding certain school controversies.

This bill will not save the State any money, but will increase costs to the Counties. The County Superintendent of Schools is a full-time position and part of the job is to hear these issues and make the decisions. Hiring a hearing officer to travel to Counties at the expense of the County will only increase costs. In addition, County Superintendents will still be responsible for certain portions of the hearing process and will still be required to attend these hearings.

In addition, we feel that bringing in hearing officers from outside the affected area will mean that the officer will have to be briefed extensively, and in all probability, not be sensitive to the local climate.

We feel that this bill is not necessary, is not cost effective, and will, if passed, bring a greater financial burden to the Counties. Thank you for your consideration of our viewpoint.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

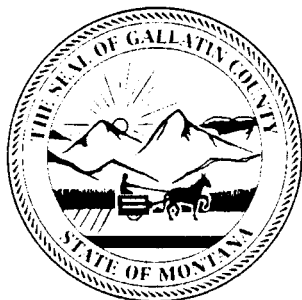
Ann Mary Dussault, Chair

Barbara Evans, Commissioner

Fern Hart, Commissioner

BCC/SS:ss

cc: Rachel Vielleux, Missoula County Superintendent of Schools



# County of Gallatin

County Commission

311 West Main - Room 301  
Bozeman, Montana 59715

Telephone (406) 585-1400  
Telefax (406) 585-1403

January 27, 1993

Representative Sonny Hanson, Chairman  
Education and Cultural Resources Committee

EXHIBIT 3  
DATE 1/25/93  
~~SB~~ HB 246

Dear Representative Hanson:

Please enter this letter into testimony on HB 246, which proposes to replace the County Superintendent of Schools with the Superintendent of Public Instruction for hearings.


We are concerned that this legislation may be extremely costly to counties who presently have a capable Superintendent of Schools to perform this function as part of their job. At the present time, we are able to handle appeals without adding increased staff by utilizing our Superintendent of Schools and County Attorney. If this function were to pass to the Office of Public Instruction, we would have to pay the state for the appeals officer and likely be charged attorney fees, as our County Attorney would not be assisting. We do not want to pay these costs when we can perform the job ourselves at no extra cost.

We cannot support HB 246 unless there is a state funding mechanism attached to it to pay the extra costs. Please recognize that counties are still under I-105, and do not have the authority to levy more mills to pay for new services.


Thank you.

Sincerely,

GALLATIN COUNTY COMMISSION

  
A.D. Pruitt, Chairman

  
Deb Berglund, Member

  
Jane Jelinski, Member

A:\WP51\HB246.DEB  
cc: Norm Wallin  
Wilbur Spring

Current practice of paying attendance centers as single budget unit versus paying attendance centers as separate budget units.

DISTRICT	FUNDED AS ONE BUDGET UNIT			FUNDED AS SEPARATE BUDGET UNITS		
	ANB	TOTAL FP	ANB	FP	ANB	TOTAL FP
* Liberty Elementary	57	128,838	45	102,918	12	26,610
* Golden Ridge Elem	42	66,809	12	26,610	30	59,381
Pendroy Elementary	33	61,238	23	55,048	10	24,634
Sunburst Elementary	246	488,334	24	55,667	222	447,192
Bynum Elementary	60	135,217	24	55,667	36	63,095
* Lavina Elementary	84	184,809	47	107,283	37	63,714
		1,065,245		403,193		684,626
						1,087,819
				NET SAVINGS		22,574

\* OUTSIDE DISTRICT

INTERLOCAL AGREEMENT  
Elementary School District No. 10 & 33

This agreement is entered into by and between Elementary School District No. 10, Galata, MT and Elementary School District No. 33, Chester, MT for the establishment of public school attendance centers. The attendance centers shall be established and administered by School District No. 10 within the boundaries of School District No. 33 for the purpose of providing on-site educational services at the Riverview and Sage Creek Hutterite Colonies. The powers, rights and responsibilities of the contracting parties are contained in the following provisions:

- 1) There will be no financial obligation on the part of School District No. 33 to fund the establishment or the operation of the attendance centers.
- 2) School District No. 10 hereby agrees to waive tuition fees from School District No. 33 for students attending either attendance center.
- 3) School District No. 10 and 33 enter into this agreement with the understanding that school district boundaries will not change through this agreement. Should this agreement result in changes in boundaries for either district, the agreement shall be null and void.
- 4) School District No. 10 and 33 enter into this agreement with the understanding that taxable valuation and/or tax revenue will not be effected by this agreement. Should this agreement result in changes in taxable valuation or tax revenue (with the exception of foundation program monies as determined by the average number belonging), for either district, the agreement shall be null and void.
- 5) School District No. 33 hereby agrees that School District No. 10 will collect all foundation program monies for students enrolled at the attendance centers.
- 6) School District No. 10 hereby agrees that students at the Riverview and Sage Creek Colonies have the option of attending school at Chester Public Schools, located in Chester, MT or enrolling at the attendance centers. It is further understood that foundation program monies "follow the child".
- 7) School District No. 10 hereby agrees to allow any eligible students residing in School District No. 33 to enroll at the attendance centers.
- 8) School District No. 10 shall be totally responsible for the administration of the attendance centers including establishing and maintaining budgets according to the School Laws of Montana.

- 9) Supervision of teaching and non-teaching personnel utilized at the attendance centers shall be solely the responsibility of School District No. 10 and the Liberty County Superintendent of Schools. School District No. 33 shall incur no liability due to the conduct of individuals utilized by School District No. 10 at the attendance centers. It is strongly recommended by School District No. 33 that the trustees of District No. 10 request school visitations by the Liberty County Superintendent on a monthly basis.
- 10) School District No. 10 shall be responsible for securing desks, textbooks, instructional equipment and all other supplies for the attendance centers.
- 11) All real and personal property used in this undertaking shall belong to School District No. 10 and the Riverview and Sage Creek Colonies. As such, the manner of acquiring, holding and disposing of such property shall be their concern.
- 12) It shall be the responsibility of School District No. 10 to ensure that the attendance centers are established and operate within the guidelines created by the Montana State Accreditation Standards and the School Laws of Montana.
- 13) School District No. 10 shall provide School District No. 33 with proof of insurance coverage. School District No. 10 shall list School District No. 33 as a named insured on liability and errors and omission policies.
- 14) District No. 10 hereby agrees to indemnify, defend and hold District No. 33 harmless from any and all claims from damages or losses which may arise from or be incident to the operation of the attendance centers.
- 15) This agreement shall be in full force and effect from August 15, 1992 through June 30, 1993. This agreement will be reviewed annually and must be approved by both parties prior to March 1 of any succeeding year, if the agreement is to continue for the next school year.

David Hofen  
Chairman, School District #10  
Board of Trustees

8-12-92  
Date

Leman A. Street  
Chairman, School District #33  
Board of Trustees

8/12/92  
Date

EXHIBIT 5

DATE 1/25/93

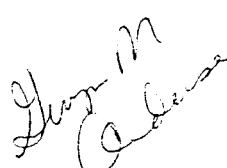
~~88~~ HB 210

TO: Members of House Education and Cultural Resources Committee

FROM: Gwyn M. Andersen, Teton County Supt. of Schools

RE: House Bill 210

DATE: January 25, 1993



I have provided each of you with a map of Teton County, some statistics about the attendance centers and the public schools that they are working with as well as a copy of the one of the two interlocal agreements that are in place (which have been reviewed by the OPI legal staff and filed with the Teton County Clerk and Recorder as well as the Secretary of State's office) and one of the three attendance agreements that are in place.

#### ATTENDANCE CENTERS IN GENERAL

Educators make a practice of making exceptions to meet the individual needs of students. We are spending hundreds of thousands of dollars attempting to meet the needs of students who have been identified as being "at risk" due to individual differences. We have Stay in School Programs, Homebound, Special Education, Gifted and Talented, and Chapter 1, just to name a few of the programs that are in place to meet the needs of the individuality of children. The services of these programs are provided in the "least restrictive environment" which may be at school or in homes as well as in alternative schools. Because of their cultural individuality, these students would soon join the ranks of those who are "at risk", then we could spend hundreds of thousands of dollars attempting to overcome the adversities they will face as well as attempting to educate them instead of the few thousand dollars that is currently being spent on attendance centers so that they can be educated in the least restrictive learning environment.

#### EDUCATIONALLY SOUND

I can tell you that the attendance centers in Teton County are educationally sound. Through attendance agreements the public schools on Hutterite Colonies are meeting the requirements of the accreditation standards and federal and state laws in regard to public education. As you can see from the attached attendance agreements the colonies have had to compromise some of their beliefs in order to comply with these standards and laws. In Teton County there has been some controversy about the attendance centers, some people believe that the school districts that accept attendance centers have sacrificed their beliefs about public education but I can assure you that all of the compromises that have been made in the area of curriculum and school law have been on the part of the Colony people. These agreements are renewable annually and very simply if the agreements are not complied with it is a good probability that an attendance center will not be granted for the following year. The school districts that are working with the



attendance center have a great degree of control over what takes place in these schools through the use of the attendance agreements.

#### INTERLOCAL AGREEMENTS

House Bill 210 reads that attendance centers must be within the boundaries of a school district. All attendance centers are within the boundaries of a school district, it is my understanding that what is intended here is that attendance centers must be attached to the school district in which they are residents. Parents have the right to make a choice as to where their children will attend school. Historically the schools in Teton County have not charged tuition and the students freely attend the school of their choice whether or not they live in the school district of the school which they attend. I have in my office 65 attendance agreements which address the needs of 102 students who are attending school outside of their resident district. That same courtesy must be allowed the parents of Hutterite children.

In Teton County we have three attendance centers, two of which operate with an interlocal agreement, which is a legal document, and have attached themselves to small rural elementary districts. Initially this was done because of budget restraints where funding was not received for the first six percent of an unexpected enrollment increase and the smaller districts with smaller enrollments were better able to receive funding for these students in the first year of operation. Since that time, I think both parties have learned that the Trustees and Supervising teachers from the smaller rural elementary districts are equipped to address the multi-grade situation because that is what they are operating in their districts, and it is a different teaching situation than the single grade classrooms in the larger districts. The rural districts utilize the County Superintendent as their administrator and thus no additional administrative costs have been incurred. There is some travel involved but, as many of you know travel is not a new concept to rural Montanans. I don't see any deterrent to combining with a school outside your resident district through the use of an interlocal agreement.

#### FISCALLY SOUND

You have in school law given local trustees "the sole power and authority to transact all fiscal business and execute all contracts in the name of the district. Now allow them to do that within the law according to their local situation.

The attendance centers in Teton County are fiscally sound as well. The cost per student ranges from \$2,627 at Miller Colony to \$2,398 at New Rockport. In the school district in which they reside the cost per student is \$4,393. Some of the factors to contribute to that cost per student is the fact that there are absolutely no transportation costs and no costs for student lunches. There are also no maintenance costs as the building is repaired and cleaned by the colony people and they provide all of the supplies and equipment to do so. In one case a new school building was built in

the others additions have been built on to allow for library space, handicapped accessible restrooms, work areas for teachers and for working with handicapped children. The Colony also pays for all of the utilities, including a telephone and in the cases where their host district is a long distance telephone call they are paying for all the long distance calls to the host district. You can also see from the attendance agreements that I have attached that the Colonies are providing at their expense all of the classroom equipment such as photocopy machines, tables, chairs, desks, filing cabinets, and shelving.

#### AGGREGATE ANB

The aggregate ANB may not give us the funding needed for the second year while ANB is generated. Thus we would like to have the option of a separate budget unit, just as other districts have if the buildings are more than 3 miles apart.

#### SUMMARY

In Teton County 63 more students have become a part of public education since September. I believe that public education in Montana is still far superior to the alternatives of home schools and private schools. Most of you having been participants in public education in Montana yourselves, must surely see the educational benefit to children that is taking place through attendance centers. Please don't close the door to education on these children because of their need for some flexibility in education due to their individuality. The door that has just been opened after 45 years.

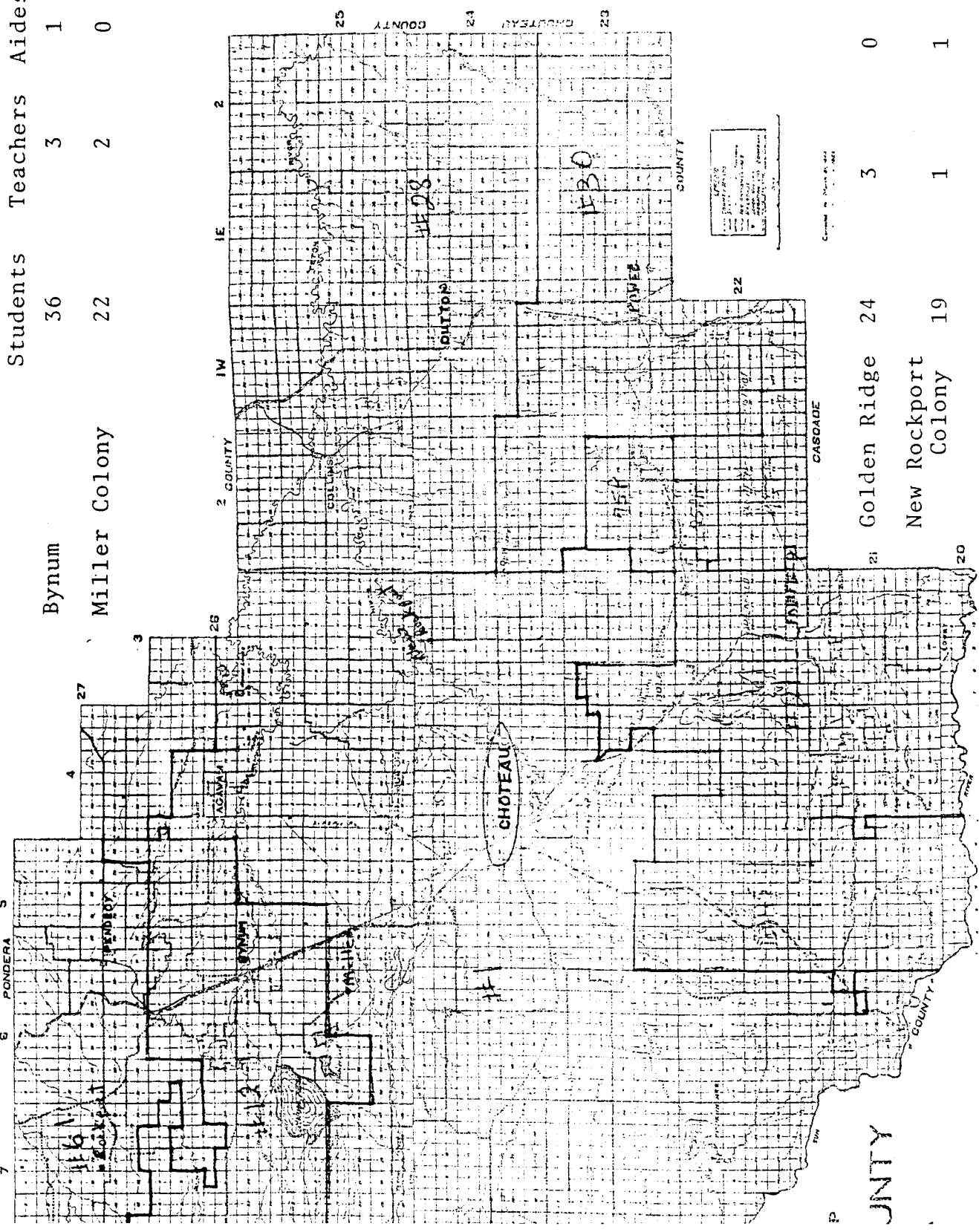
The attendance centers are both cost effective and educationally sound and they are a win win situation for the host districts as well as the colonies. We so rarely encounter win win situations that we should take advantage of them when we do.

EXHIBIT 5  
DATE 11/25/93  
BY HB 210

Students Teachers Aides

Bynum 36 3 1

Miller Colony 22 2 0



Golden Ridge 24 3 0

New Rockport Colony 19 1 1

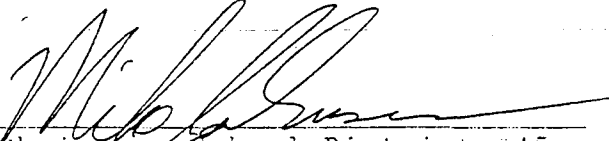
INTERLOCAL AGREEMENT

Elementary School Districts No. 45 and 1

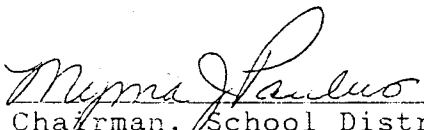
This agreement is entered into by and between Elementary School District No. 45, Fairfield, MT and Elementary School District No. 1, Choteau, MT for the establishment of a public school attendance center. The attendance center shall be established and administered by School District No. 45 within the boundaries of School District No. 1 for the purpose of providing on-site educational services at the New Rockport Hutterite Colony. The powers, rights and responsibilities of the contracting parties are contained in the following provisions:

- 1) There will be no financial obligation on the part of School District No. 1 to fund the establishment or the operation of the attendance center.
- 2) School District No. 45 hereby agrees to waive tuition fees from School District No. 1 for students attending the attendance center.
- 3) School District No. 45 and 1 enter into this agreement with the understanding that school district boundaries will not change through this agreement. Should this agreement result in changes in boundaries for either district, the agreement shall be null and void.
- 4) School District No. 45 and 1 enter into this agreement with the understanding that taxable valuation and/or tax revenue will not be effected by this agreement. Should this agreement result in changes in taxable valuation or tax revenue (with the exception of foundation program monies as determined by the average number belonging), for either district, the agreement shall be null and void.
- 5) School District No. 1 hereby agrees that School District No. 45 will collect all foundation program monies for students enrolled at the attendance centers.
- 6) School District No. 45 hereby agrees that students at the New Rockport Colony have the option of attending school at Choteau Public Schools, located in Choteau, MT or enrolling at the attendance center. It is further understood that foundation program monies "follow the child".
- 7) School District No. 45 hereby agrees to allow any eligible students residing in School District No. 1 to enroll at the attendance center.
- 8) School District No. 45 shall be totally responsible for the administration of the attendance center including establishing and maintaining budgets according to the School Laws of Montana.

- 9) School District No. 45 shall be responsible for securing desks, textbooks, instructional equipment and all other supplies for the attendance centers.
- 10) All real and personal property used in this undertaking shall belong to School District No. 45 and the New Rockport Colony. As such, the manner of acquiring, holding and disposing of such property shall be their concern.
- 11) It shall be the responsibility of School District No. 45 to ensure that the attendance center is established and operated within the guidelines created by the Montana State Accreditation Standards and the School Laws of Montana.
- 12) District No. 45 hereby agrees to hold district No. 1 harmless from any and all claims from damages or losses which may arise from or be incident to the operation of the attendance center.
- 13) This agreement shall be in full force and effect from November 10, 1992 through June 30, 1993. This agreement will be reviewed annually and must be approved by both parties prior to March 1 of any succeeding year, if the agreement is to continue for the next school year.

  
Chairman, School District #45  
Board of Trustees

11/10/92  
Date

  
Chairman, School District #1  
Board of Trustees

11-10-92  
Date

ATTENDANCE CENTER AGREEMENT

THIS AGREEMENT made and entered into this 10th day of January, 1993, by and between Pendroy School District #61, Pendroy, Montana and Rockport Colony, Pendroy, Montana.

NOW, THEREFORE, in consideration of their mutual covenants and agreements hereinafter set forth the parties agree as follows:

1. An Attendance Center shall be established at the Rockport Colony for the period of January 11, 1993 through June 30, 1993.

2. It is understood and expressly agreed that Pendroy School District shall not be obligated to contribute any funds or other financial support towards the maintenance or operation of the Attendance Center or to the employment of any teacher other than those funds and moneys received through the ANB State Foundation Program. It is further understood that the Rockport Colony shall supply all funds to operate the school until sufficient ANB State Foundation program funds are received by the Pendroy School District.

3. The Attendance Center shall be operated at all times as a public elementary school of the Pendroy School District in accordance with all State and federal laws, including all budgeting, accounting and financing statutes and rules, administrative rules and policies applicable to public schools and all rules and policies of the Pendroy School District including, without limitation, the following:

a) Teachers will hold required Montana Certification and teachers and teacher's aides will be employed, supervised and paid entirely by Pendroy School District. The teachers and teacher's aides will receive and be entitled to all the rights and privileges of Pendroy School District employees.

b) The Attendance Center will comply with all accreditation standards applicable to Montana public schools which may include the application for an alternative standard.

c) Pendroy School District will furnish textbooks, instructional equipment and classroom supplies for the Attendance Center. The curriculum offered shall be approved by the Pendroy School District.

d) Rockport Colony will provide individual student supplies such as pencils, paper, scissors, glue, crayons and etc. as requested by the teacher.

e) The teacher at the Attendance Unit will be allowed to develop an educational atmosphere through the use of bulletin boards, posters, and displays.

f) The school building will not be used by the Colony for religious purposes during the school day.

( Notwithstanding anything in this section to the contrary, however, the parties understand and agree that the Attendance Center may operate under a school calendar different from that of other elementary schools within the Pendroy School District. The Attendance Center will operate 180 student days and 7 PIR days.

4. Enrollment at the Attendance Center shall be open to any and all qualified residents of Pendroy School District.

5. All Pendroy School District library facilities shall be available to the Attendance Center students. If it is inconvenient for the students to visit the Pendroy School District library facilities, the teacher(s) employed by the School District for the Attendance Center may check out sufficient numbers of books as will service the needs of the students.

6. The Rockport Colony agrees to and does hereby lease to Pendroy School District its one school building located on the premises of the Colony for utilization by the School District in supplying educational services under this agreement.

Notwithstanding anything in this section to the contrary, however, it is further agreed as follows, to-wit:

a) The rental for the Rockport Colony's school building is \$1.00 per year and shall be paid by Pendroy School District at the commencement of this lease. The School District shall be entitled to utilize the Colony's school building during the hours of 8:30 a.m. through 3:30 p.m. on all school days. The Colony reserves the right to utilize said building for its own purposes before and after those times.

b) The Rockport Colony will provide all of the classroom furnishings for the teachers and students. Furnishings will include desks, tables, chairs, file cabinets, bulletin and chalk boards, clocks, and some shelving.

c) The Rockport Colony shall at all times contract for and pay at its cost and expense all utilities utilized at the Attendance Center.

d) A telephone will be installed at the Attendance Center for use by the school district employees. Installation costs and monthly charges will be the responsibility of the Rockport Colony. Calls made to the County Superintendent of Schools will be paid for by the Rockport Colony. All other calls made by the school district employees will be the responsibility of the Pendroy School District.

e) The Rockport Colony shall make available at the school, at the Colony's sole risk, cost and expense, a working photocopying machine for use by School District Personnel. The Colony shall at all times at its own expense maintain said photocopying machine in good working order.

f) The Rockport Colony shall at all times and at its sole cost, risk and expense, maintain its school building in a good state of repair and in compliance with all building, fire and safety codes generally applicable to school buildings in the State of Montana. Maintenance will include all maintenance supplies, paper towels, toilet tissue, soap, and other cleaning supplies. The Rockport Colony shall be responsible for the expense and installation of the public restrooms and a work area for the teacher to be completed as soon as possible.

g) The Rockport Colony shall at all times insure its school building and contents against loss by fire, windstorm and other customary casualties covered by a standard comprehensive policy of insurance or alternatively, self-insure its school building. In either event the Colony shall, and does hereby, agree to hold harmless Pendroy School District from all claims for damages, loss or destruction to said building and any of the Colony's property in, on or around said school building unless caused by negligence or willful misconduct of the School District or its employees or agents.

h) Each party shall carry its own public liability insurance or, alternatively, self-insure its own exposures.

7. This agreement may not be modified orally and no attempt at modification or amendment shall be binding unless it is in writing and signed by the parties hereto.

8. This agreement shall be binding upon and inure to the benefit of the successors of the parties hereto.

9. Each of the provisions of this agreement shall be severable, one from the other, and if any part or portion thereof shall be held invalid by any court of competent jurisdiction, the other part and portions hereof shall, nevertheless, for all purposes, remain in full force and effect.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

SCHOOL DISTRICT #61

By Lynda J. Levi 1/10/93  
Chairman, Board of Trustees

ATTEST:

Emily Haxmann  
School Clerk

ROCKPORT COLONY

By George L. Lofgren  
Title Representative

ATTEST:

Joseph J. Waldman Sec  
Secretary



EXHIBIT 6

DATE 1/25/93

SB HB 210

# RYEGATE PUBLIC SCHOOLS

P. O. Box 129  
207 2nd Ave. West

Phone (406) 568-2211

*'Home of the Blue Demons'*

**Ryegate, Montana 59074**

January 25, 1993

To: House Education Committee Members

Re: House Bill 210

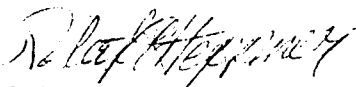
Dear House Education Committee Members:

I am opposed to HB210 because the State of Montana must provide equality of educational opportunity to all students, regardless of school district boundaries.

Attendance Units provide many Montana school districts the opportunity to provide equality of educational opportunity without destroying the unique cultural diversity of such an Attendance Unit.

You, as Legislators, should focus upon building Montana and not pursuing a continuing path of destruction as HB210 would do.

Sincerely,



Robert A. Heppner  
Superintendent

Richard W. Cameron, Superintendent  
Lavina Public Schools  
Box 146  
Lavina, MT 59046 ph 636-2761

Testimony given on HB 210 Hourse Education Committee  
January 25, 1993

I appreciate the opportunity to testify against HB 210. This proposed legislation is similar to last week's HB 143, in that it has a limited affect aimed at a very small number of districts. It is also similar because it will hurt kids. It will hinder the educational opportunities for children whose residence happens to be a Hutterite Colony.

We can have long winded philosophical debates on operating attendance centers at Hutterite colonies. One may argue that they should come into the school in town. Another will say that culturally, the Hutterite people are unprepared to take that step. At this point I say let's end the philosophy and do what we can for the kids. If at this time, the best and most expedient way is to have attendance centers, then we can have attendance centers. We as adults have to put these petty arguments behind us and do what is right and best for kids. If we have to take the services to them, so be it. I just don't feel that those of us that are in positions of authority can be so "mean spirited" as to dictate our way or none at all.

The Lavina Elementary School District 41 M of Golden Valley County is currently operating the attendance center at the Golden Valley Colony. The attendance center began this year and is located in the Ryegate School District. For their own reasons Ryegate did not feel that they could operate the attendance center. Ryegate had and currently does not have any objections to our operation of the attendance center. This is an inter-local agreement that the two school districts and the colony are happy with. The pre pupil cost at the colony is less than at either Ryegate or Lavina. The colony is one of the largest tax payers in our county. What is the problem? Dare I mention the word prejudice? Its an ugly word, but one that the members of the committee will have to deal with in regard to this proposed legislation. This bill is aimed at Hutterite attendance centers; that is the bottom line of the proposal.

If we are to educate the children of the colonies, at this time, this is the best means of doing so. Let the attendance centers continue. None of us can predict what will happen in the future. In South Dakota many attendance centers are operated. In recent years some of the colonies there are sending their students into the schools in town. Right now we are doing the right thing for kids. This bill will do the wrong thing to kids. I urge you to kill this legislation now.

I again ask the Montana Legislature to consider very carefully any and all bills that affect the students of this state. Montana does not have a lot of fat in education. Even if you cut our so called glut of administrators in half, you wouldn't dent our incredible \$300+ million "blanc hole".

black

This year my contract is for \$36,500 +house +health insurance. I hope you don't think that I'm banking large sums and taking out multiple stock options on this salary. My message is that if we must make cuts let's do them fairly across the board. Let's stop the rhetoric about how we can make it more efficient, trim the fat, and stream line. Most of the schools, including the larger ones, are struggling to comply with the State Board of Education's requirements now. Please, have the courage to say we are going to have hurt the students of the state. It is painful to be in politics and say that, but that would be the right thing to do. Picking on the small schools for a few hundred thousand dollars here, or the attendance centers at the Hutterite colonies is not the right thing to do.

Thank you,

A handwritten signature in dark ink, appearing to read "Richard W. Cameron", with a long horizontal flourish extending to the right.

Richard W. Cameron

Being from Kalispell where we rarely see Hutterites, I was very nervous to start a job in one of the colonies. I had heard stories and rumors about these people and I did not quite know what to expect. However, I was surprised and relieved to find out that these people so different from us in some ways and are yet so like us in so many. I believe their kids have the right to a public education just like any one of us.

I teach grades K-8 at New Rockport Colony. I have 19 students. Before I arrived at the school there is evidence that these students were having only five subjects taught to them. These were math, spelling, reading, music and handwriting. Since the attendance center has been established science, social studies, P.E., health and art have been added to the curriculum. These are all subjects that these students need in order to help them develop academically.

My students are very enthusiastic and excited about everything. They are eager to learn not only the basics but also all the new subjects that have been added. Their attitudes are unbelievable. Along with being so eager I have very few discipline problems which gives the kids even more of a chance to learn.

Not only are the students' attitudes great, I have seen only a positive attitude among the parents and the others on the colony. They are willing to help out with anything and have been open to all the new things that are happening in the school.

In the past two months that I have been at the colony, I have found that there are no problems at all with my host district being about 45 miles away. Char Tacke, my supervising teacher and I keep in close contact through the phone and she comes to visit our school one afternoon a week. If I have a problem at any time she is always available to talk to. I also have the advantage that all of the students' parents are right there and available within a moments notice if something major were to happen.

Why should we give these kids a public education? There are many reasons. The two main reasons that I see are the fact that the Hutterites do pay taxes just like any of the rest of us. The other main reason is that these people deal with our community in a great many ways. One way is through their farming and the sale of their products into our community. This is a great boost to our economy. I feel that in the future the kids will be taking over this operation and that a public education will help them in dealing with the community much more effectively.

In conclusion, I believe that if a district wishes to help one of the colonies with their education than this should be their right. If the colony's district does not want to take the time and make the effort than let another district do it. We need to give these Hutterite children an education they deserve and this is through our attendance centers and a district willing to make it happen.

*Jill M. Siderius*

Committee Members, I appreciate the time you have allowed me to speak today. I am here to speak against House Bill 210 regarding attendance centers. As an educator in rural Montana schools for the past ten years it is my feeling that this bill denies the students of Montana the right to an equal education as guaranteed by the Constitution of the United States. I agree that these students should be an attendance center of the district that is closest to them, but when that district refuses to meet these students needs, that is a violation of their Constitutional Rights. Therefore the parents or guardians of these students should be able to seek the best possible means for their children's education, as is the right of all parents.

House Bill 210 would force a school district to provide services for children for which they have no real concern. By letting the Hutterite Colonies and schools out of their districts reach a mutual agreement, we are meeting the needs of the Hutterite children and affording the host school the opportunity to improve the educational services to all of its students.

Montana is a rural state, just because a school may be located closer to a Hutterite Colony than the colony's host school, does not make for less than ideal conditions. As Supervising Teacher of School District #45 of Teton county I travel fifteen miles in order to teach at a Kindergarten through sixth grade rural elementary school. I was also asked to supervise the Hutterite Colony which is located twenty-nine miles from my home, the extra distance traveled seems of little significance since many other educators travel much farther for their daily teaching assignments. The colony of which we became a host school for had employed a teacher who taught four subjects a day for six hours a day. The students in the colony are now afforded the opportunity to have a certified teacher who teaches seven subjects a day. The colony also was willing to update its school facility to help their students meet the world's changing needs.

I urge you, please vote against House Bill 210 and allow parents their Constitutional Right.

*Charlotte K. Jacke*

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Education: Cultural Resources COMMITTEE BILL NO. HB 224  
DATE 1/25/93 SPONSOR(S) REP. SCHWINDEN  
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Don Waldman	MREA		
Bruce W. Gower	MSBA	X	
Don Schick	Rep. Dist # 20	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

**Education & Cultural Resources**

**COMMITTEE**

**BILL NO. HB 246**

**DATE 1/25/93**

**SPONSOR(S) REP. SIMON**

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Don Waldron	M REA		<input checked="" type="checkbox"/>
Charlotte Tacke			<input checked="" type="checkbox"/>
Jill Siderius			<input checked="" type="checkbox"/>
Gwyn Andreesen	Tetra Co Supt		<input checked="" type="checkbox"/>
Elias P. Wipf	Elem. Dist 45		<input checked="" type="checkbox"/>
H Scott Haynes	Elem. Dist 45		<input checked="" type="checkbox"/>
Jacob J. Wipf	ELEM DIST 12 Bymum		<input checked="" type="checkbox"/>
Peter D Hofer	Liberty Elem. 10		<input checked="" type="checkbox"/>
Paul P Wipf Jr	Liberty Elementary Dist 10		<input checked="" type="checkbox"/>
GEORGE P HOFER	Elem Dist 45 -		<input checked="" type="checkbox"/>
Jacob J Hofer	ELEM DIST 61 Pendro		<input checked="" type="checkbox"/>
Peter Kleinsasser	ELEM DEST 41 M		<input checked="" type="checkbox"/>
John Hofer	ELEM DEST 41 M		<input checked="" type="checkbox"/>
JOHN WIPF	ELEM DEST 10		<input checked="" type="checkbox"/>

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Education & Cultural Resources COMMITTEE

BILL NO. 4B246

DATE 1-25-93 SPONSOR(S) Rep. Simon

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jacob P. Wilcox	ELEM DIST 41 M		✓
Lowell R. Kowalski	Hoodville, Collier & Self		✓
GEORGE AINSLIE	LAVINA SCHOOLS BOARD MEMBER		✓
Larry Stollfuss	Montana Association of County School Supts.		✓
Alma Rae Stollfuss	Concerned tax payer		✓
KARL ROOSA	POWER COUNTY SCHOOLS		X
RACHEL VIEUX	MISSOULA COUNTY SCHOOLS		X
Mary Ann Brown	<del>TH</del> Gallatin County		X
Rick Bards	MACS		X
Terry Munn	MEF	X	
S. P. W.	Elem Dist <del>44</del> <del>St. P. W.</del> 45		X
X Long, X L. Waldner	Elem Dist 45		X
Phil Campbell	MEA	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.



HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

EDUCATION COMMITTEE BILL NO. HB 276  
DATE 1-25-93 SPONSOR(S) REP. SIMON

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Leann Frazier</i>	<i>S AM</i>		<input checked="" type="checkbox"/>

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Education & Cultural Resources COMMITTEE

BILL NO. HB 210

DATE 1/25/93 SPONSOR(S) REP. PECK

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Don Waldron	MREA		✓
DAVID HOFER	Liberty ELEM. DIST. 10		✓
Peter D. Hofer	ELEM. DIST. 10		✓
Jacob P. Wipf	ELEM DIST. 12 <sup>Begonia</sup>		✓
George D. Hofer	ELEM DIST 61 <sup>Pendray</sup>		✓
Paul P. Wipf	ELEM DIST. #10		✓
Jacob P. Wipf	<sup>Lavina</sup> ELEM DIST #41M		✓
Peter Kleinsasser	<sup>Lavina</sup> ELEM DIST #41M		✓
John Hofer	<sup>Lavina</sup> ELEM DIST 41M		✓
Jacob Hofer	<sup>Pendray</sup> ELEM DIST 61		✓
Paul P. Wipf Jr.	ELEM DIST 10		✓
George P. Hofer	ELEM DIST 45		✓
Richard W. Cameron	Lavina Public Schools		✓
George F. Ainslie	LAVINA PUBLIC SCHOOLS BOARD MEMBER		✓

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Education COMMITTEE BILL NO. HB 210  
DATE Jan. 25, 1993 SPONSOR(S) Rep Beck

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JACOB J. WIPF	ELEM DIST. NO 12 Bymn		✓
JOHN J WIRZ	ELEM DIST 9-16		✓
Charlotte Tacke	School district #45 Teton Co.		✓
Jill Siderius	School district #45 Teton		✓
Gwyn Andreesen	Teton Co Supt.		✓
Elias P. Wipf	Elem. Dist 45		✓
A Scott Haynes	Board Member Dis 45		✓
Joseph Kromer	Hillside Colony & SIF		✓
Larry Stollfuss	Montana Assoc. County School Supt.		
Jack Coon	OPZ		✓
Harri P. Wipf	Elem Dist 45		✓
George L. Waldner	Elem Dist 45		✓

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