

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION

Call to Order: By Senator Blaylock, on March 8, 1993, at 3:14 p.m.

ROLL CALL

Members Present:

Sen. Chet Blaylock, Chair (D)
Sen. Harry Fritz, Vice Chair (D)
Sen. John Brenden (R)
Sen. Bob Brown (R)
Sen. John Hertel (R)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)
Sen. Mignon Waterman (D)
Sen. Bill Wilson (D)
Sen. Bill Yellowtail (D)

Members Excused: None

Members Absent: None

Staff Present: Eddy McClure, Legislative Council
Sylvia Kinsey, Committee Secretary

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

Committee Business Summary:

Hearing: HB 403
HB 410
HB 443

Executive Action: HB 403
HB 410
HB 324

HEARING ON HOUSE BILL 403

Opening Statement by Sponsor:

Representative Joann "Jody" Bird, House District 52, Superior, said this bill was introduced at the request of the Montana School Boards Association and the meat of the bill is on page 2, (3) lines 6 through 11. She read those lines and said all they

want to do is to authorize the school district to issue refunding of the bonds under the Board of Investments Bond program. She said Representative David Ewer, District 45, Helena, had wanted to testify for her bill and read his testimony. (exhibit 1).

Proponents' Testimony:

Bruce Moerer, Montana School Boards Association, said this is a simple bill from the standpoint of a school district. In the period of declining interest rates, if school districts can refinance their bond issues they could save their taxpayers a lot of money with lower interest rates. The problem with small school districts, if you refinance the bond issue, you have all the up-front costs again, it is expensive and takes a certain amount outstanding to make it worth the effort. If districts can go to the Board of Investments and use INTERCAP (the Board of Investments variable rate finance program), get in on another type of bond issue and refinance at a real low interest rate it would be a good deal for the districts. The law as it stands says you have to guarantee a savings of 1/2 of 1% and since INTERCAP rates fluctuate from year to year, you can't guarantee that savings. He pointed out the savings at the present time is 3% to 7%, depending on what their current bond issue is if they go with INTERCAP, but it cannot be technically guaranteed. The exception to the 1/2 of 1% savings clause has to be made in order for the districts to use INTERCAP.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Stang asked what Title 17, Chapter 5, Part 16 was and Mr. Moerer said that is the Board of Investments funding bill in the law. That is where the INTERCAP program comes from also.

Senator Stang asked if districts could then get any variable rate finance program and not be limited to INTERCAP. Mr. Moerer said they can only get funding into that part from the Board of Investments. That is the only mechanism the Board of Investments has at the present time. This additional language was added at the request of Mae Nan Ellingson, Bond Counsel because she felt it was needed for additional clarification and it was done on the House floor.

Chair Blaylock referred to the sponsor's statement that this was really quite an important change and asked her to expand on the statement. Ms. Bird said it helps with smaller school districts who have small amounts to refinance because they can refinance at

a lower rate. It is also important to remember that these are variable interest rates and those rates can change. They are not automatically locking themselves into a savings.

Chair Blaylock said the Board of Investments has to follow the Prudent Man Investment rule and asked if it would be true that the Board of Investments loan rate on these bonds would always be cheaper than what they could get from other investors. Representative Bird said no, but she was sure these schools, with the way money is now, will be very careful in bonding and the situation would take care of itself.

Senator Stang asked if they decide to pick up the bond under INTERCAP and their variable rate goes up, what would be the "out" for the school district and Mr. Moerer said that would be a risk. There would be a possible "out" if they could refinance under a fixed rate when it looked like interest rates were going to go up. At the present time INTERCAP is 3% to 4% lower than what the good market is for bond issues anyway. There is usually a cushion and INTERCAP is enough cheaper than conventional financing that it gives some safety factor. That is part of what the Board of Investments would help them analyze before letting them do it in the first place.

Chair Blaylock said if you allow this, will there become a reluctance on the part of bond buyers to buy school bonds, thinking the districts can get "out" so why should they put their money in them. Mr. Moerer did not see a problem because those bond issues are written that way now and you couldn't do it if the bond issue prohibited it to begin with. The bigger districts have already gotten out of those big bonds, it is the little districts that get caught in the squeeze.

Closing by Sponsor:

Representative Bird said when this bill was heard in the House, Don Waldron REA, Gene Huntington, Manager of Public Financing for Dain Bosworth Inc. and Loren Frazier, SAM, also testified as proponents for this bill, there were no opponents in the House Committee and they received a comfortable vote on the House floor. She said there was a note that came out of the House they can make ten year loans but the Board cannot empower the school districts to do anything more than they normally do.

EXECUTIVE ACTION ON HOUSE BILL 403

Motion/Vote: Senator Hertel moved House Bill 403 BE CONCURRED IN. Motion PASSED with Senators Waterman, Wilson, Yellowtail and Brenden absent. Senator Stang to carry the bill on the Senate floor.

HEARING ON HOUSE BILL 443

Opening Statement by Sponsor:

Representative McCulloch, House District 96, Billings, said this bill was introduced at the request of several librarians around the state who currently have no ability to collect funds from students to replace damaged or stolen books or materials. This bill could be used as leverage to receive funds for this purpose. He handed out materials in support of the bill, (exhibits 2, and 3) and suggested some amendments. (exhibit 4)

Proponents' Testimony:

Barbara Ridgway, Coordinator of Libraries, and speaking for herself, told of the losses in school districts. She said a company which nationally calculates average costs for the books, in 1990 calculated the average cost of an elementary book to be \$13.01 and a secondary book \$40.61. In her district a three year loss in an average size elementary school was \$819.00 and in a small elementary school \$494.00; this includes only library materials and does not take into account text books and other materials. At the secondary level in three years the loss was \$5,180 and is a substantial problem to the schools.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Brown said the kid can go ahead and graduate, but if he/she transfers before he/she graduates and owes the school district money, then grades, diploma and transcripts can be withheld. He was curious as to what kind of an imposition this would be on the kid. Representative McCulloch said it would vary from district to district. It was brought up in the House Education Committee that this is already being done, the policy is already in place. Senator Brown asked if they could get into legal trouble for doing this at the present time and Representative McCulloch said apparently they could. He had talked to Jack Copps, OPI, and was told that is the policy here.

Senator Brown said if he wanted to go into the army he might need the proof of a high school diploma, or if he wanted to transfer to another school they would want his grades to follow. He asked if it would it make it impossible to get into the other school. Representative McCulloch said no, and that is why he has added the appeals process. He said he was not doing this to create any kind of hardship for dysfunctional families or low income families, and that is why they set up the appeals process.

Senator Brown said he was trying to understand what kind of a sanction this is. If the kid wanted to go into the University system, is there a requirement to have a transcript or something to show the person graduated from a high school, that would be a reason for the bill to be paid. Representative McCulloch said that would be additional leverage.

Senator Toews said you cannot even transfer between school systems without your grades transferring with you. It is effective to use in our schools. He said they had used it in a private school system and it was very effective.

Senator Brown said he did not know what they would do if they got a kid in the middle of the year and did not know what to base the grades on or what the student had passed or not passed.

Representative McCulloch said the school district would still get that information. It is in the language of the bill, they can not release the information to the student, but the district would get it so they could properly educate that individual.

Senator Waterman was concerned about charging students fees. The argument is that there is always money available through civic groups or whatever to cover the cost of the fees to be in football or whatever, or someone would donate the instrument so they could be in band. She said there are a number of students because of pride or whatever, that do not come forward. She would differentiate between fees and books. Those things that the school district supplies, we have a right to expect them to take care of them and return them when they leave. She really questioned the shop fees and those fees we continue to add on. It is not unusual for kids in Helena to have to come up with \$300 in fees to cover things. She was concerned as to whether this bill covered those fees. Representative McCulloch said that would be left up to the individual district and that was his purpose of putting that in the bill so that districts would have the ability to establish what they wanted to charge and what they want to do including the policy to pick it up.

Senator Waterman said if the district decides they are going to fees, which more and more of them are doing, and we get all the pressure about not funding athletics etc., we will see districts moving more and more to fees. A district could decide to assess heavy fees for kids to participate in activities and then withhold the diploma for kids who leave without paying, she was nervous over this possibility. Representative McCulloch said that would be where the appeals process would come into play. Senator Waterman asked if they would appeal it to the same board and was told yes.

Senator Stang said this bill does not say anything about fees. Senator Waterman said that is why she asked, because he used the shop fees as an example.

Senator Stang told of an incident that happened in one of his

school districts where a kid transferred, the Superintendent refused to send the kid's grades for four weeks and as a result the kid was not eligible for basketball for between 4 and 6 weeks. He asked if this bill could be used in that sense for some of these Superintendents personal vendetta. Representative McCulloch said he would be willing to sit down with members who have major concerns to try to work this out.

Chair Blaylock asked if school districts can do this already and Representative McCulloch said they can but there is nothing in the statute to back them up.

Chair Blaylock asked why we should pass a law declaring that schools can do something they can already do and Representative McCulloch said in his district and in others they feel that leverage is not ample enough.

Senator Fritz pointed out stealing a library book is serious, and he felt this was pretty light treatment.

Senator Stang said in Section 1, part A it says "Duties and Sanctions. (1) A pupil shall comply etc. If that school district should see fit to make this a policy, he could not see why we need this bill. Representative McCulloch said in talking to the OPI lawyer, they told him there is nothing to back that kind of thing up and if someone should appeal it, the school could lose. Senator Stang said to him the constitution of the schools in the state of Montana that leaves local control up to the school districts, would take precedence.

Chair Blaylock asked if there had been court cases on this issue and Representative McCulloch said no, not that he was aware of.

Senator Brown said the purpose behind the bill is that even though some school districts follow policy similar to this now, there is a chance that some parent or student could bring legal action saying they had no right to do this. Representative McCulloch said that was correct, and that some districts don't do it because they do not feel there is any legal authorization.

Closing by Sponsor:

Representative McCulloch said he would talk to Senators who have concerns to see if there is some way to work them out.

HEARING ON HOUSE BILL 410

Opening Statement by Sponsor:

Representative Simpkins, House District 39, Great Falls, said this is a bill to help teachers to comply with the state laws and to implement the desires of the state Board of Education. This bill makes one additional duty assigned to the Board of Trustees. He said the purpose of the bill is explained on lines 12 through

18 on page 5 of the bill. He said schools would contact the Veteran's organizations who are willing to furnish the flags for the schools. He passed out materials to the committee, (exhibits 5 and 6) and suggested amendments. (exhibit 7)

Proponents' Testimony:

Joe Brand, State Legislative Chairman of the Veterans of Foreign Wars of Montana, said he supports this legislation. He said when he went to school they had a flag in every classroom and said the pledge of allegiance. He did not realize there would be classrooms today that do not have flags. He said we have been a very patriotic country and hoped the young people today would get the same kind of education in their schools. He said if the school called the VFW Post nearest them, they would see that they received a flag at no cost.

Dick Baumberger, Disabled American Veterans of Montana, said he rose in support of House Bill 410 and would encourage the committee's utmost consideration.

Hal Manson, American Legion, said there were flags in the classrooms in Helena when he went to school there. He said he knew the flags were in the classrooms now because Lewis & Clark Post # 2 of the American Legion was requested several years ago to put flags in the classrooms, and did so. He said they are larger than those the bill requests, but that refers to the minimum, not the maximum. He said he was sure the posts, even in the small communities would be willing to provide the flags if the school district cannot afford them.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Waterman said while this is a great idea, she was also a strong believer in local control and private-public partnerships. She said if there are VFW and American Legion posts in all communities in the state and they are willing to provide the flags, she felt rather than the Legislature mandating the flags, she believed it would be a great public relations program for the veterans in the state to make an effort to contact every school district in the state and offer them a flag. She said they could have ceremonies and get their pictures in the paper, etc.

Representative Simpkins said he would like to say the reason is because it is not being done. He said he had discussed this with some teachers and they said it was unconstitutional because of

separation of church and state. They seemed to feel the issue was morality and he did not feel the only people who had morals were those in a church. If we have a law, there will no longer any misunderstanding and it will be done.

Senator Waterman said she believed the place for the American Legion or the VFW to go is to the school board, and she could not imagine a school board in the state of Montana that would not be supportive if they were offered a flag for every classroom. Representative Simpkins said he did not know how to answer her because it was a matter of philosophy.

Senator Fritz commented that he hoped all the flags will be American made. When Representative Simpkins had said you could buy a cheap flag over the counter, his own experience was that most of these things are not made in America. Representative Simpkins agreed they should be American made flags, and this could be put into the bill if desired.

Chair Blaylock said during his tenure in Laurel in secondary schools, the students themselves decided they wanted to say the Pledge of Allegiance once a week. He had one student who was a top student and a splendid person stand with her hands at her side without repeating the Pledge. He assumed it was a religious belief but did not inquire. The other students soon turned to look at her, she did withstand the pressure, but many students can not do so. He said they do not know they can stand on the Supreme Court decision of 1943 which says you do not have to say the Pledge. He asked why not leave this to the local people, as Senator Waterman suggested. Representative Simpkins said because not every classroom has an American flag and he believed they should have one. He felt if a person had religious convictions, they would have to stand on those principles and have them strong enough within themselves to hold up to those convictions.

Closing by Sponsor:

Representative Simpkins referred to his proposed amendment. (exhibit 7) He believed this amendment would take care of the variance in size of the flags.

Senator Waterman asked if Representative Simpkins would have any objection if the size was given as "approximately" and Representative Simpkins felt his amendment was sufficient. If the word "approximately" was used you could get down too small. He said there was one other minor correction in item # 22, it says procure and display outside daily in suitable weather at each school in each district an American flag that measures not less than 4 feet by 6 feet. He said he did not see a flag flying on Saturday, Sunday or Summer time in schools and this could be amended to state "school day" rather than "daily".

EXECUTIVE ACTION ON HOUSE BILL 324

Motion: Senator Stang moved that HB 324 BE NOT CONCURRED IN.

Discussion: Senator Stang asked if this bill has to go out of committee because it is a Constitutional Amendment. Senator Fritz (temporary Chair) said there was another Constitutional Amendment that came out of committee on an adverse committee report but was put up on the floor anyway. Even though the Senate accepted the adverse committee report, it showed up on second reading anyway, and is probably the fate of this bill. It received 57 votes in the House, so there is a mathematical possibility it could obtain 100 votes.

Senator Stang asked what would happen if we table the bill. Senator Waterman said she thought it would still have to go. The question has been raised.

Senator Stang said they used to kill these bills in the House and said he believed it was killed in committee. Chair Fritz said we have never tried to table one. Senator Stang said even if it was pulled out, he would like to see it go as a do not concur in, because at least the Committee of the Whole knows the Education Committee did not particularly care for the bill.

Senator Waterman said if this bill needs 43 votes to pass, if the Education Committee all votes against it, it is dead.

Senator Stang said he would rather try the Rules Committee.

Substitution Motion: Senator Stang made a substitute motion that HB 324 BE TABLED.

Discussion: Senator Fritz said if this motion passes he will ask the Rules Committee what the procedure is, and we may have to come back, take it off the table, and take further action.

Vote: The motion that HB 324 BE TABLED PASSED with Senator Blaylock leaving a yes vote, Senators Brown and Brenden absent.

EXECUTIVE ACTION ON HOUSE BILL 410

Motion: Senator Hertel moved to amend HB 410 to say "on school days" in (22), page 5.

Discussion: Senator Hertel said this would take care of the problem of having someone hired to display the flag on non-school days.

Vote: Motion to amend HB 410 PASSED, Senator Blaylock, Brown and Brenden absent.

Motion/Vote: Senator Waterman moved to add the word "approximately" to the size of the flag, page 5, line 11. Motion PASSED, Senators Blaylock, Brown and Brenden absent.

Motion: Senator Stang moved to amend HB 410 by striking (23), lines 12 through 18 in it's entirety.

Discussion: Discussion was held on alternatives such as a "whereas" stating the Veterans organizations being willing to donate flags and waiving the requirement if the cost to a school was too high.

Senator Stang WITHDREW HIS MOTION to strike (23) in it's entirety.

Motion: Senator Waterman moved to amend HB 410 to add a Whereas, veteran groups including the Veterans of Foreign Wars and the American Legion are willing to donate flags that are requested of them" and delete the final sentence in (23) page 5 and add are not provided by a local civic group.


Vote: The motion to amend PASSED with Senator Blaylock abstaining, Senators Brown and Brenden absent.

Motion/Vote: Senator Hertel moved HB 410 BE CONCURRED IN AS AMENDED. Voted, PASSED, Senator Toews voted no, Senator Brown Blaylock and Brenden absent. Senator Brown was assigned to carry the bill.

ADJOURNMENT

Adjournment: 4:30 p.m.


CHET BLAYLOCK, Chair


SYLVIA KINSEY, Secretary

CB/sk

ROLL CALL

SENATE COMMITTEE EDUCATION

DATE _____

3/4/92

[illegible]

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 9, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 403 (first reading copy -- blue), respectfully report that House Bill No. 403 be concurred in.

Signed: Chet Blaylock
Senator Chet Blaylock, Chair

M- Amd. Coord.
— Sec. of Senate

Senator Stang
Senator Carrying Bill

531014SC.Sma

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 9, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 410 (first reading copy -- white), respectfully report that House Bill No. 410 be amended as follows and as so amended be concurred in.

Signed: Chet Blaylock
Senator Chet Blaylock, Chair

That such amendments read:

1. Page 1, line 18.

Following: "Allegiance"

Strike: "."

Insert: "; and"

2. Page 1, line 19.

Following: line 18

Insert: "WHEREAS, veteran groups in montana have demonstrated a willingness to donate flags to any school requesting flags."

3. Page 5, line 10.

Following: "weather"

Insert: "on school days"

4. Page 5, lines 12 and 13.

Following: "measures"

Strike: "at least"

Insert: "approximately"

5. Page 5, lines 16 through 18.

Following: "if the" on line 16

Strike: "cost of the"

Following: "flags"

Strike: remainder of line 16 through "district" on line 18

Insert: "are not provided by a local civic group"

-END-

EXHIBIT NO. 1

DATE 3-8-93

BILL NO. 45 403

HB _____ WOULD ALLOW SCHOOL DISTRICTS TO REFINANCE THEIR VOTED SCHOOL BONDS THROUGH THE BOARD OF INVESTMENTS' VARIABLE RATE FINANCE PROGRAM (THE BOARD'S "INTERCAP" PROGRAM). INTERCAP ~~IS A~~ LOANS HAVE THEIR INTEREST RATE CHANGE ANNUALLY; CURRENTLY THE INTEREST RATE IS 4.95%; IT WILL BE ABOUT 3.75%, FOR 1993-1994.

I BELIEVE THAT IT IS VERY LIKELY THAT SCHOOL DISTRICTS WILL SAVE MONEY THROUGH INTERCAP.

THE ESSENTIAL POLICY POINT THE COMMITTEE SHOULD CAREFULLY CONSIDER IS: UNDER CURRENT LAW, SCHOOL DISTRICTS MUST SHOW A GUARANTEED SAVINGS THROUGH A BOND REFUNDING. INTERCAP - BECAUSE IT IS A VARIABLE RATE PROGRAM - CANNOT GUARANTY A NET SAVINGS.

AGAIN, WHILE I BELIEVE INTERCAP WILL SAVE SMALL SCHOOL DISTRICTS MONEY BY USING INTERCAP, THE ~~BOARD~~ ^{BILL} ~~ESTABLISH~~ ^{ESTABLISH} ~~WOULD~~ ^{WOULD} A PRECEDENT DIFFERENT FROM CURRENT LAW.

DAVID FISER

February 9, 1993

STATE EDUCATION
EXHIBIT NO. 2
DATE 3/8/93
BILL NO. LB 443

To: Representative Scott McCulloch
From: Senior High Librarians *SR, PL*
Re: HB443

Here is what we have to tell you!

General statement:

Schools have no statutory ability to withhold any student records in order to collect outstanding financial obligations a student may have. Examples: text books, library materials, shop fees, musical instruments. This is true when a student drops school, when a student graduates, or when a student remains in school. Legal limitations foil attempts to withhold grades, transcripts, diplomas, or new class schedules.

Some facts and figures:

Students now enrolled at Senior:
13 students owe \$226 in shop fees
79 students owe \$1998 for text books
1 student owes \$175 for text books (teachers have been warned to issue him no books - we don't know how this will hold up.)
1 student owes \$105 for a track warmup
14 students owe \$187 for library books.

Students who dropped or transferred during first semester 1992-93 left school owing \$1033.39 in books, fees etc. - \$182 in library books.

Dave Edwards, who is a music coordinator for the district, gave me the following information.

5 -10 instruments a year are "lost/stolen"
frequently these are scholarship instruments, loaned without a fee to a needy student who leaves without returning the instrument. Estimated cost average - \$500. (a cello may cost \$1000, a clarinet only \$200)
Last year, Edwards knew a student had transferred to a Missoula school. Although the new school officials knew the student had left with SD#2 property, they had no means to collect for the "stolen" article.
Police won't help collect the material: they will not call at homes of students.
Edwards has located material in a local pawn shop - "Riverside Middle School" was painted on the side of the case! The police will help recover the material from the pawn shop - he expects a 2 to 3 month lag.
Edwards identifies this as "my greatest headache."

Some statistics from over time -
from Senior High Library

These books were checked out (not stolen) and not returned.

1985-86	\$279
1986-87	\$447
1987-88	\$249
1988-89	\$229
1989-90	\$277
1990-91	\$211
1991-92	\$135

from Senior registrar

total amount for books checked out (text books and library claims)

drops and transfers	1990-91	\$3,952.92
	1991-92	\$1,916.15

(Sam Matthews, social studies dept chair, went through student records to tabulate these! We did get some people interested.)

from Skyview library

Again, these books were checked out and not returned.

1985-86	31 books	(650 students enrolled)
1986-87	13 books	(800 students enrolled)
1987-88	26 books	(1200 students enrolled)
1988-89	18 books	
1989-90	4 books	
1990-91	5 books	
1991-92	13 books	

(Skyview has automated circulation. Peggy Smith says this reduced the problems because it is easy to check on the students as they checkout from school.)

Average costs per books according to School Library Journal.
March 1992

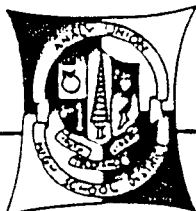
Junior High up	\$14.42
Adult fiction	\$21.88
Adult non fiction	\$45.24
Adult fiction paper back	\$11.29
Adult non fiction paper back	\$17.03

I called Dick Reich for district wide figures. He did not return my call.

Keep us posted.
D.

El Molino High School

ANALY-UNION HIGH SCHOOL DISTRICT



Telephone
707 887-2271

H. Lewis Alsbrook

Superintendent

Thomas A. Glover

Principal

7050 Covey Road, Forestville, California 95436

SENATE EDUCATION
EXHIBIT NO. 3
DATE 3/8/93
BILL NO. NB 443

DEAR PARENT AND/OR GUARDIAN:

Your signature below represents your responsibility and knowledge of books which will be issued your student upon enrolling at El Molino High School.

According to the California State Education Code 48904.3, schools can now withhold records, transcripts, diplomas, etc. if a students leaves the attending school and owes for books or materials not returned.

This form acknowledges your awareness of conditions of the California State Education Code to withhold records if books and materials are not returned.

Mel Shoemaker
Parent/Guardian
Signature

Nike Shoemaker
Student Signature

9/6/89
Date

SENATE EDUCATION

EXHIBIT NO. 4

DATE 3/8/93

BILL NO. HB 443

Amendments to House Bill No. 443
3rd Reading Copy

Requested by Representative McCulloch
For the Senate Committee on Education

Prepared by Andrea Merrill
March 4, 1993

1. Title, line 11.

Following: "MET;"

Insert: "REQUIRING TRUSTEES TO ADOPT A POLICY REGARDING AN APPEAL
PROCESS FOR DECISIONS TO WITHHOLD A PUPIL'S GRADES, DIPLOMA,
OR TRANSCRIPTS;"

2. Page 3, line 15.

Strike: "and"

3. Page 3, line 22.

Following: "transferred"

Insert: "; and

(v) adopt a policy regarding a process for a pupil or the
pupil's parent or guardian to appeal the school district's
decision to request that another school district withhold a
pupil's grades, diploma, or transcripts"

Part 3

Teachers' Powers, Duties, and Privileges

20-4-301. Duties of teacher — nonpayment for failure to comply.

(1) Any teacher under contract with a district shall:

(a) conform to and enforce the laws, board of public education policies, and the policies of the trustees of the district;

(b) utilize the course of instruction prescribed by the trustees;

(c) keep, in a neat and businesslike manner, a teacher's register in the form and on the blanks prescribed by the superintendent of public instruction;

(d) within 10 days after the conclusion of each school semester, prepare a report in the manner and on the forms prescribed by the superintendent of public instruction, which must include the pupil attendance and absence data from his teacher's register that is necessary to calculate ANB. The report must be submitted to:

(i) the district superintendent, if there is one;

(ii) the principal of the school, if there is one and there is no district superintendent; or

(iii) the county superintendent or all county superintendents when the teacher is reporting for a joint district, if there is no district superintendent or principal;

(e) exercise due diligence in the care of school grounds and buildings, furniture, equipment, books, and supplies; and

(f) provide moral and civic instruction by:

(i) endeavoring to impress the pupils with the principles of morality, truth, justice, and patriotism;

(ii) teaching the pupils to avoid idleness, profanity, and falsehood;

(iii) instructing the pupils in the principles of free government and training them to comprehend the rights, responsibilities, and dignity of American citizenship.

(2) The trustees are authorized to withhold the salary warrant of any teacher who does not comply with the provisions of subsection (1)(a) or (1)(b) until the teacher does comply with the provisions.

(3) The trustees may not pay any teacher his last month's salary until he has provided a complete and accurate semester report to the required person, as determined by the person and as required in subsection (1)(d) of this section.

History: En. 75-6108 by Sec. 89, Ch. 5, L. 1971; R.C.M. 1947, 75-6108; amd. Sec. 1, Ch. 337, L. 1989.

Cross-References

ANB defined, 20-1-101.

Abused or neglected child — duty to report,

41-3-201.



Board of Public Education

SENATE EDUCATION

EXHIBIT NO. 6DATE 3-8-93BILL NO. HB 410Claudette Monon
Executive SecretaryRESOLUTION

WHEREAS the Board of Public Education believes that Montana schools should increase their efforts to educate students in the American values of patriotism and love of country, and

WHEREAS the American home has changed and the American education system must increase its efforts to nurture the values that have been held precious by generations of Americans during the last two hundred years, and

WHEREAS schools should make a conscious effort to pass on feelings of civic pride and commitment to America that are critical to our country's future,

THEREFORE, BE IT RESOLVED that, as one small step in the process of increasing Montana students' awareness of their heritage as Americans, the Board of Public Education recommends that teachers in every public school classroom in Montana begin the day with the Pledge of Allegiance. Participation in the Pledge of Allegiance may not be made mandatory. Students or teachers who object for any reason to participation in the exercise shall be excused from participation.

RESOLVED BY THE MONTANA BOARD OF PUBLIC EDUCATION ON JANUARY 26, 1989.

A handwritten signature in black ink, appearing to read "Alan Nicholson".
ALAN NICHOLSON, CHAIRPERSON

SENATE EDUCATION

EXHIBIT NO. 7

DATE 3-18-93

BILL NO. HB 410

Amendments to House Bill No. 410
Third Reading Copy

Requested by Rep. Dick Simpkins

Prepared by Sheri S. Heffelfinger
March 3, 1993

1. Page 5, line 13.

Strike: "12"

Insert: "11"

Strike: "18"

Insert: "17"

DATE 3/8/93

SENATE COMMITTEE ON

Education

BILLS BEING HEARD TODAY:

HB 403, 410, 443

Name	Representing	Bill No.	Check One	
			Support	Oppose
<u>Ridgway</u>	<u>Self</u>	<u>443</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Bruce W. Mercer</u>	<u>MSBA</u>	<u>43 403</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Dick Bamberger</u>	<u>DAV</u>	<u>410</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Joe Hanson</u>	<u>American Legion</u>	<u>410</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY