

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - SPECIAL SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By Senator Blaylock, on December 6, 1993, at 10:40 a.m.

#### **ROLL CALL**

**Members Present:**

Sen. Chet Blaylock, 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:** Senator Harry Fritz

**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: Senate Bill 30 and Senate Bill 34  
Executive Action: None.

#### **HEARING ON SENATE BILL 30**

**Opening Statement by Sponsor:** Senator "Chuck" Swysgood, SD 37, Dillon said Senate Bill 30 transfers Certification Standards and Practice Advisory Council from the Board of Public Education to the Office of Public Instruction and increases the fees for teacher's certification from \$6 to \$20 and new licenses from \$6 to \$10. He said his interest is getting general fund money back out of OPI and that is what part of this bill does.

**Proponents' Testimony:** Jack Copps, Deputy Superintendent for OPI, handed out testimony on SB 30. (exhibit 1)

Steve Gaub, Superintendent of Schools at Charlo, spoke in support of Senate Bill 30. He said today when times are tough and hard deliberations on where to cut, knowing education will be taking a

large amount of this cut, he believed this is one area that should be looked at. It makes sense that we should be paying more for that license.

**Opponents' Testimony:** Eric Feaver, MEA, Montana Educational Association), spoke in opposition of House Bill 30 and handed in his testimony. (exhibits 2 and 3)

Terry Minow, MFT (Montana Federation of Teachers), spoke in opposition of SB 30. She said teachers would see their local property taxes go up like anyone else, they would see their class loads increase and depreciation on their salaries. She said if the committee does support this bill she would urge them to consider the amendments as outlined by Mr. Feaver.

Wayne Buchanan, Board of Public Education, said this bill does two things, it removes the council from the administration of the Board and gives it to the Superintendent of Public Instruction and it increases the teacher fees. He pointed out the difference between an Advisory Council administered by the body to which it surrenders that advice and one that is housed and staffed by another agency. He gave the example of the Legislative Council, Legislative Fiscal Analyst, etc. as giving advice to the Legislature as opposed to councils giving advice to a Board. To give this council to the OPI would reduce the influence the Council has. The primary purpose of the Council is to advise the Board and said that is where it should stay. He quoted Mr. Copps as saying this saves approximately \$150,000 and said it rebates \$150,000 in general fund money to the general fund. In return by his own calculations the Superintendent will be statutorily appropriated the first year \$582,000 which are the fees the Superintendent has plus some of the reserve amounts that are in that fund now. The second year that number would be \$609,000 by their calculations. In '91-'92 the Superintendent issued 6,347 certificates and they say that will go up to \$100 per certificate. He did not believe it was fair to say this money will be recovered by the general fund, and at least by the current HB 2, it is not.

Bob Anderson, MSBA (Montana School Boards Association) told how the Advisory Committee was established and said they have appreciated the independence the committee has had, and apparently they did not feel they could take a position one way or another on this bill. He had not heard this system was broken, and was concerned about having it "fixed".

**Informational Testimony:** None.

**Questions From Committee Members and Responses:** None.

**Closing by Sponsor:** Senator Swysgood said it is not his intention to give more money to anybody than is necessary to

operate the program. His intent is to eliminate the general fund support for the license that goes to a profession when we do not support any other profession with their licensing.

Senator Wilson took over the chair for the next hearing.

#### HEARING ON SENATE BILL 34

**Opening Statement by Sponsor:** Senator Blaylock gave his reasons for sponsoring SB 34, making it clear to the committee and those present that this was not an easy decision. With class rooms becoming crowded, many schools asking for classroom variances, and the problems with special education children in a class of 25, 30 or more, it became a choice between the integrity of quality education or bus transportation. He assured those present that with the defeat of the sales tax and the success of the petition drive to stop the income tax, the crunch is upon us. We are millions of dollars short, a choice had to be made, and this is the one he chose. He explained that with the state funding being removed, the county levy would also be gone. Special Education transportation funding remains at approximately \$800,000 because it is federally mandated. The requirement by state law that the state must transport pupils that live three miles or further from school is gone, allocation of forest reserve funds to transportation is gone, county transportation committees are gone and transportation bonus payments are gone. He pointed out all requirements for school bus transportation, with the exception of Special Education are gone. The two methods left for school districts which wish to provide transportation would be that the school district can ask their voters to levy for transportation in that district. The other method would be that parents or interested parties on a bus route can contract privately for bus transportation. The bill will save between \$10 million and \$11 million, which means \$20 million to \$22 million per biennium which will go a long way toward protecting the integrity of the classroom which is crucial to education. He had been asked what good education is if you cannot get the pupils there. He pointed out that it is the balance--what good does it do to get them there if the educational classrooms are mediocre to poor to non-existent.

Senator Blaylock said this bill may not pass, but if 671 goes down, this bill will be back in January of '95. We will be many millions of dollars short. SRS alone, had told him they will be \$36 million short and we have to come up with those kinds of money. He said when he and Senator Brown co-chaired the committee on Education they changed the funding which had been 1/3 district, 1/3 county and 1/3 state. They changed it to 1/2 from the state and 1/2 from the county and in the regular session they wanted to fund their half from the state level. The money was not there, was funded transportation out of the SEA (School Equalization Account) and by our own statutes, we cannot do that. It will not happen again, and that means the Legislature, if we keep bus transportation, will have to come up with another \$20

million to \$22 million. It will not come out of SEA any more. He pointed out that he does not like this, and the reason he is putting it in is the integrity of the classroom. We are getting not only over loaded classrooms, but children coming out of crack mothers, alcohol syndrome babies, fetal syndrome babies, etc. in those classrooms and are quite difficult if not impossible to handle and still give quality teaching to the class.

**Proponents' Testimony:** Nancy Keenan, State Superintendent of Schools, OPI, spoke in favor of SB 34. She said cuts must be made and this is a very hard decision to make and her choice was to do what is best for the students. The task facing us in balancing the budget is difficult, and is a task in which we cannot excuse the K-12 school system from those cuts. She said she did not like this bill and had worked very hard in her 20 years of education to help build the system we have. Last session \$29 million was cut from K-12 and Saturday the House passed an \$11 million cut to Basic Entitlements and an additional \$15 million to Reserves, a total of another \$26 million cut to your schools. The state cannot be all things to all people, it must set priorities, it must make choices and if it does not do so, it will cause deterioration of the basic vital services the state provides. This also holds true with Montana schools and education research shows that the basic fundamental part of education as well as common sense, dictates that student teacher ratios will allow for individual attention to each child and is truly the most important component of education. Our limited fiscal resources in this state make it impossible to maintain a high quality ancillary program and services and this thing we call a basic comprehensive instructional program.

Ms. Keenan pointed out the importance of bussing for the safety of our children. Other aspects of education are also important which makes it difficult to choose which is the most important. The question is whether other programs and services we provide are the essential mission of public education. She believes we must protect the integrity of the school day by avoiding the across the board cuts. We support and believe in the integrity of the school board, but they face the same pressure. People come in and say cut but not me or cut but not here. These Boards have the same pressure and have not necessarily used good discretion in the last couple years when it came to setting these priorities. This year the number of overloaded classes in grades 1, 2 and 3 have doubled and 164 school districts have asked for classroom overload deferrals. She said that means those cuts, which we don't see are happening in your elementary schools. Your SAT and your ATT scores are pretty good now, but when those K-1,2,3 kids get there after being in classes of 30 and over, you will see Montana Public Education go down the other way because that is the integrity of the school day, that part of the day we teach. She said it was necessary to look to the future, and maintain the integrity of the school today, do what our mission is about, teach.

Eric Feaver, MEA, (Montana Education Association) said he would applaud Senator Blaylock and Superintendent Keenan for taking the stand they have taken here. It must be very difficult for any politician, especially for the friends of Public Education those two have been for many years to promote something that in some people's minds looks so injurious to Public Education. This session came together to cut state budget and provide property tax relief. House Bill 34 does both; it cuts \$10 million out of the state budget and provides \$10 million in property tax relief at the county level in mandated county transportation levies. He said SB 34 promotes local control, which is historically the argument districts have made with both vigor and validity. Let us at the local Board of Trustee level decide how to spend the money, and that is what this bill would do. This bill would force local Boards to prioritize their programs and their spending, and if they decide to continue those programs and spending, they go to the voters and ask for their affirmation. He pointed out that it is not only school employees who have signed contracts with the school district, there are many contracts with the private sector which will suffer from the cut backs along with the public sector. He pointed out that HB 22 is a "no-seeum" bill but you do see it in the classroom, which is out-of-sight, out-of-mind to the public at large.

Terry Minow, MFT (Montana Federation of Teachers) said they support SB 34. She said in ten years of lobbying this is the first cut to education she had ever had to support. The alternative is HB 22, an across the board cut and a raiding of reserves that will allow this legislature and the state of Montana to pretend that education was not hurt by \$26 million in cuts. HB 22 hides the cuts which is "business as usual". This is not supposed to be a "business as usual" session. SB 34 is a desperate attempt to protect the core of education, which is what happens in the classroom. Student teacher ratios are rising and schools have already started the practice of sacrificing the quality of our education in order to limp along. The needs of our children are increasing and we cannot meet those increasing needs by stuffing more and more children into our classrooms with fewer and fewer teachers. She urged support of SB 34 to support the quality of education provided to Montana students.

Steve Henry, President of Billings Education Association, said in normal times he would not be advocating this type of cut in education. He said one of the best school boards he had ever had the privilege to work with, in 1987 had to face over \$3 million cuts in Billings. They reviewed many of the same things you are going through, but in the end analysis the cuts basically came from teachers with 106 teachers and two administrators being laid off and the closure of one small elementary school. We get nervous when we talk about going back home because the pressure has become great and once again they spread those cuts across the teaching staff. He said in 1986 he had 25 6th graders in his classroom and in 1988, after the cuts he had 36 students. He did not believe the current statutes and rules provide for the

greatest cost efficiencies in school transportation, nor do they address the service and safety needs of parents and students. He gave the committee a sheet giving routes etc. of bus runs for Billings Public Schools and said many of the busses were not full, but were of the size to receive the maximum transportation payment.

**Opponents' Testimony:** Larry Akey, Montana Association for Pupil Transportation, which represents school trustees, school superintendents, school principles and business officials, school bus contractors and drivers. He said they oppose SB 34 and his testimony is attached. (exhibit 5)

Representative Bob Gervais, HD 9, Browning and the Blackfeet Reservation spoke in opposition to SB 34. He said the reason the Legislature is here to cut government and did not know we identified government as the poor people and the children in the state. The people he represents are a little different than some of the districts because he comes from a county that is the poorest in the states. There are two counties in Montana, one of them is Glacier and the other is Big Horn County. They are the 95th and the 100th poorest counties in the United States. They do not have too many taxpayers in his county, but he is one who is a taxpayer and his tribe is one of the biggest taxpayers in Glacier County. They do have their district in Pondera County which is Heart Butte. He had assumed there were four taxpayers there, but was told there is only one in that district which makes it difficult for people in that category. They did not have a choice in centralized schooling, it was just done on the Reservation. He has grandchildren that are riding the bus 90 miles a day, and that is not unusual on the Reservation. Many of these people are on welfare, are single parents, do not have money for a car and with welfare already being cut he was not certain how they would buy gas if they did own a car. He said this puts his area in a bad situation, and the weather in his area is some of the worst weather in the United States. Children cannot walk home from school, the weather gives us too much ice and wind. If we are going to break the welfare cycle we must get an education and under this bill we will not increase classes, we will practically eliminate them since the students cannot get to school. In regard to the 874 monies, he said under HB 667, when the districts in this state reach the 80 and 100% level they no longer get 874 money as it is, it is equalized. The Federal Government is looking at the 874 money now, and we may not know it as it is today. He suggested taking a good look at HB 22 when it comes over to the Senate.

Don Waldron, MREA (Montana Rural Education Association) spoke in opposition to SB 34 and handed in written testimony. (exhibit 6)

Curt Coulter, Coulter Auto & Bus Contractor, Choteau, said his business has provided bus transportation for 52 years and run a small service station, garage and towing service. They have seven employees, part time and full time, and without these

contracts and going with SB 34 we will be out of business within three to five years. His testimony is attached. (exhibit 7)

Linda Michel, MAPT (Montana Association for Pupil Transportation), and an executive secretary in the office of a contractor in Great Falls for school busses transporting pupils and a parent who relies on that transportation to get her own son to school, spoke in opposition to SB 34. She said she lives in Dutton, drives 80 miles per day to work to make sure students in Great Falls are delivered to and from school safely on the busses. She works and cannot get off work to get her own child to and from school. She said she did not sign the petition against 671 and stated they do not have any private schools in Dutton and do not have that option.

Jan Riebhof, elementary principal from the Belgrade school district told how this bill would affect their school district. She said over 50% of the students in Belgrade are currently running busses with 900 children into Belgrade every day. They run 17 regular bus routes and average about 50 to 55 children on each bus. They own their own school busses, have them on a regular maintenance schedule, and on a regular purchase schedule on their transportation account. She said they have a little more than 50% funding from the state and county and they fund the rest. If this bill should pass, their first attempt would probably be to try a voted levy, but they did not think it would pass. She assumed the next choice would be a fee for children to ride the bus, but a lot of the students in the outlying areas come from families that cannot afford to pay a fee and would be forced to pay their own transportation. That would probably be okay if the car was running, if not, the kids would not get to school. She believed a lot of those 900 students would not be able to find their own transportation to school and would get education only during the part of the year they could get a car to run. She believed we would not be providing an equal chance for education for all students if we eliminate transportation.

Laurie Koutnik, Executive Director, Christian Coalition of the State of Montana, said she did sign the petition. She said she had children who currently ride the bus to and from school and to and from activities related to school. It was incomprehensible to her that this bill is being introduced and she did not understand why those who are strong education proponents would consider sponsoring or supporting this measure. Senate Bill 34 is nothing but pure blackmail. She could not believe there was no other financial outlook for public education than to cut bussing. She proposed several cost saving measures such as cutting \$10 million from the transportation budget through competitive contracting services. The privatization of retail liquor would save the state \$3.5 million and she believed it more important to provide children with bussing than to sell liquor in the state. She gave committee members a copy of a program from the Montana Rep. (exhibit 8) and asked if supporting programs such as this is more important than bussing. She said the local

districts themselves should make necessary changes where they so choose, don't overlook those who know their schools and don't encourage bus routes by state subsidies. When every state agency is restructuring and taking necessary cuts, let the OPI enjoy some serious administrative cuts. If we care about our children, let's not use vindictive measures to use the students to keep promises made to bus contractors during the petition process. Let's let the children ride and cut the fear and intimidation of the tactics of SB 34.

Dale Duff, Rocky M W Transportation, said he has been involved in school bussing for three generations and is the past president of the Montana Pupil Transportation. He has worked with the state office over several administrations. Currently he is the President of Rocky Mountain Transportation in Whitefish, which is a diversified transportation company that does hold school bus contracts. His motivation in coming to this hearing is that he knows something about transportation and can give some information that will allow members to make a decision. This bill is a well intended policy bill and has had powerful speakers behind it, but it misses the mark because it does not save the people of Montana a dime. This bill will transfer the burden of cost to the local districts and will have some recognizable consequences. He said in Montana we now have a well established pupil transportation system that works. It is the safest form of transportation in the U. S. today and the Montana system is the envy of other states. It is an extremely cost efficient system and while there were comments made about busses running that were only partly full, he would ask that you look at the state office records and see the number of busses that are over loaded. If you shift that burden, the result will be various levels of efficiency in cost per student. You will have various levels of safety compliance. He said he knew something about safety because he is the owner of the company that had the most horrendous school bus accident in the state of Montana. If this burden shifts you not only shift the financial burden, you shift the burden of safety control and that quality will deteriorate. There is only one other state in the Union that does not provide state support for public transportation to schools.

Gwyn Jenson, Parent, said as a concerned parent and a former rural farm daughter, she would oppose SB 34. She said she was fully aware of the need for budget cuts, but to be realistic, cutting back bus transportation will not ensure a higher education for our youth. It returns our life style of the 1920's when her father and siblings walked to school each day. In our fast paced society and with the consolidation of schools, there are no longer those country schools. We are already short of teachers and she asked what parents are to do about schools when they live 15 to 40 miles from school such as Absarokee, Ekalaka, Valley View, etc. all across the state. Some children are traveling 70 miles one way to get an education, and what are the parents to do when they need to be at work at the same time their children need to go to school, or the one parent family trying to



keep an income for their family. With the passage of SB 34 we will be back in the 1920's and how can we expect our children to compete in the world under these conditions. She said she hoped the committee would carefully study these matters before voting this bill in to become a law in Montana.

Kenneth Michel, MAPT, Dutton, a past trustee of the school district and a parent of a child on a 45 mile twice a day bus route said he could see the necessity of having good dependable transportation for our children. This bill would take away that dependability from the districts that do not have the tax base or the ones who have voters who do not feel the necessity for spending the money for good bus routes. He said this would not only affect the rural areas, but the larger towns also where kids would have to cross the busy streets. The purpose of this bill is to save money, and "where we really need to save money is the fat and the paper pushers". He gave the example of the OPI and said " they have doubled, or nearly so, the number of employees since Nancy Keenan was elected to office. These additional employees, as it appears to me, in the OPI, have created a huge amount of unnecessary paper work to the district clerks and superintendents with no apparent improvement in the quality of education, at least in our district anyway. Let us face reality; the real reason for spending money on education is to educate our kids, not to provide bureaucrats with jobs and taxpayers with more of a tax burden. Let's cut funds for education where it has the least effect on our children's education and the most effect on the budget".

Cliff Roessner, Business Manager and Clerk for the Helena schools, said he was not here to really oppose the bill, because if he were to oppose it he would have to come in with some alternatives to find the additional funding needed, and he did not have that. He said three years ago the Helena School District was paying \$2.17 per mile to it's bus contractor. When he took over as Business Manager the bus contractor came in and said he would like to renegotiate the contract since it was the end of the five years and proposed a 5% increase. Mr. Roessner said that was not good enough, and they could do better. They went out for competitive bids. The lowest responsible bid came in at \$1.70 per mile which was a 40 cent per mile reduction. Today we are paying \$1.78 per mile for our contractor. When the comment was made that there was \$10 million to be made by privatization and going to contractors, he would question that figure and believed it should be looked at very carefully. Other school districts in the state have followed suit, and he only knew of one contract where they are now paying more than they were under their previous contract. Passing this cost off onto the Helena voters would require the Board of Trustees to levy against themselves approximately a 6 mill levy. He said two years ago they went to the voters for a bond issue to improve the two high schools and lost by 77 votes. He could not see where any levy to increase taxes upon themselves at this time, would pass.

Robert Gray, home owner in Helena and General Manager of Home Owner of Treasure State Transit School Bus contract handed in his testimony. (exhibit 9)

Senator Brenden, SD 10, said we are using hysteria to balance the budget and trying to impinge the integrity of a minority of people. He said he did sign the petition, did not agree 100% or even 50% with the professor from Missoula, but knew government has grown far beyond it's means. When we have our counties up in Northeastern Montana continually losing population as they did in the '80's, you know how hard it is to keep budgets and schools intact. We just heard a school consolidation bill, HB 22, to close down some of the schools that live too close under the parameters of this proposed bill and five of those 19 come from come from his area. He agreed with Mr. Natelson that just because you cut a program it does not mean you gut it and kill it. He asked Ms. Keenan for the figures on the growth, if there has been some, on what the bureaucracy in her office has been in the last ten or twelve years in the state of Montana. He asked if there are more FTE's than there were in the 1980's. Senator Branden said, "Senator Blaylock, please, we have fought for years on land access and you want more of that, you want more of our crops for shares to go to the state coffers, you want more grazing increases. There is a very minute minority band of us hardy Northeastern and Eastern Montana people that happen to believe in education as well, let's not let hysteria get in the way of cutting programs when we know it will probably not happen, but we are just out there to make a point. I firmly believe we can cut programs and cut red tape and still have a quality state educationasl system. Money isn't the total answer."

Harry Erickson, SAM (School Administrators of Montana) with 150 members has voted to oppose any categorical cuts in education. He also opposed SB 34 as a Superintendent of Schools in Belgrade. They transport 55% of their kids, have a large number of people in their district who are on AFDC, a large number of parents who are working parents and depend on a transportation system that we have developed over many years. Their school has not asked for any variance on class loads, they have been kept within what the state accreditation standards call for.

Informational Testimony: None.

Questions From Committee Members and Responses: Senator Yellowtail asked Superintendent Keenan if in fact, the staffing in her office had doubled. Ms. Keenan said "I wish. No they have not, Mr. Brenden. Under Ed Argenbright's administration there were probably 176 FTE. When I took office that was cut and it has been cut again this session by six FTE. It was cut last session by about six or eight FTE and general fund support of my staff, over half of my staff (52%) is federally funded. We fund them from Aids grants, we fund them from the Arts grants, we fund them from chapter two money, we fund them from federal money on

what is called chapter one appropriations. Half of my staff, required there by state law, is federally funded. No sir, my staff has not increased, it has decreased since the Argenbright administration." Senator Yellowtail thanked Superintendent Keenan and said he would like the record to stand corrected and clarified on this point. While it is not germane to this bill, the allegation has been misleading and the public record needs to reflect the facts of the matter.

Senator Brenden asked Superintendent Keenan if she would give him a list of all her FTE's of the state and federally funded and all the consultants you have so he could make his own conclusion.

Senator Yellowtail asked the chair, with all due respect for chairmanship, to rule that question out of order. That is not germane to this hearing nor this bill. That is a matter, Senator Brenden, if you wish, for the Finance and Claims committee of the Senate and is not appropriate for the purposes of this hearing.

Chair Wilson concurred and said the question is disallowed.

Senator Toews said he sort of liked this bill but could not get past the equalization part of it. He asked if either the sponsor or someone from the OPI could explain how we get past the equalization part of this. Senator Blaylock said that is a good question and he could not give a definitive answer as to what will happen. He had talked to different people and his feeling is that if we cut out all state aid for school transportation except for Special Ed, there will not be a question of equalization. Because of some of the testimony made here, they say if some of the school districts put on levies and some don't there could be a court case, and he would agree to that. If people want to take this to court, they may do so.

Senator Waterman said as we cut back and shift the 2.8% reduction across the board in the Foundation Program, there is also an equalization problem there if we allow them to take that to the voters. Some areas will vote for and some against and it will raise the same equalization question. Senator Blaylock said yes, it does.

Senator Waterman said she had missed part of the hearing, and wanted to be clear on one aspect of the bill. We are not eliminating state transportation, we are eliminating state funding and it then becomes a local control issue and a local responsibility so they can continue to operate busses. They will have the resources of the 1/2 of the funding that is now raised at the county level. Senator Blaylock answered no, that option necessarily comes out. When you stop the state half, the county half drops off. County transportation committees are gone, too.

Senator Waterman said they can raise that locally, they have that option. Senator Blaylock answered yes.

Senator Waterman asked if they can weigh this against other programs in their general fund budget and if they could fund transportation out of general fund. Senator Blaylock said no and agreed that it had to be a separate voted levy.

Senator Stang said in regard to the integrity of the school classroom and the fact that Wayne Buchanan has left, he would request he come to the meeting when we do the executive action so we can question him about the variances that have been issued in some of these school districts, how that relates to the integrity of the classroom and the funding for both the transportation and the classroom.

Chair Wilson asked that the record reflect the request.

Senator Hertel said we have not had much discussion in regard to Special Education, and noticed it is left out of the bill. He said he realized there are some mandated situations involved, knew it was an expensive program with special equipped busses and some have to go an extreme distance, etc. He would like ideas on why this was not considered. Senator Blaylock said because the Federal government demands it and we can not get out of it.

Senator Yellowtail asked Senator Blaylock what the implication of not passing this bill at this time would be, in terms of the 1995 Legislature's options. He said he understood this bill will not affect the current biennium, and is effective during the '94-'95 year. He asked if it is conceivable the 1995 Legislature could come, repeal this bill and restore the state support of pupil transportation if that Legislature feels the resources are available. Senator Blaylock answered yes, there would be one year loss of service. Senator Yellowtail asked if it is conceivable that this bill could be made effective for the '95 school year to allow the next Legislature the opportunity to make that determination and Senator Blaylock answered yes.


Senator Yellowtail said the issue then, is the contingency on the availability of funds and your point is that if this action is not accomplished in this Legislature, then the 1995 Legislature would not have the option of eliminating that funding. Senator Blaylock said that is correct.

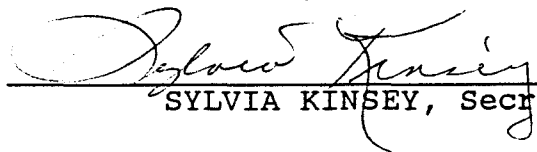
Senator Yellowtail asked if, to address that contingency, it would be conceivable that this Legislature might attach a contingency on this bill that would make the effectiveness of this bill depend on the outcome of the citizen's initiative referendum in 1994. Eddy McClure, Leg. Staff, said she believed anything of that sort was possible and she would have to work up the wording on it and check with people who knew more about the initiative process and that vote. She said they have done contingencies before. Senator Yellowtail asked Ms. McClure if she would check on the legality and she said she would check on it before executive action.

Closing by Sponsor: Senator Blaylock thanked the committee for a good hearing and thanked the people who attended the hearing as well as those who gave testimony. This is part of the democratic process we all believe in and it is important for our society. He said he did not disagree very much with Mr. Akey's statements and said there are bad parts of this bill. If this is the choice we have to make, we will have to do it. He pointed out on some of the opponent's testimony, that it is his belief that Montana, if we continue the course we are in, is drifting toward the thing that has begun to happen in California. When they froze the property tax with proposition 13, they had \$5 billion in reserve and were able to fund their state government for a while. That is gone, and they have been debating the funding for the California school system. Teachers were on TV saying their classrooms were going up and up in the number of students. Montana does not have the reserve funds and if we don't do this now and if 671 does not pass, we will have to do it in '95, there will be no choice. He made the plea that we not turn our back on the things that are good in our state.

ADJOURNMENT

Adjournment: 12:40 P.M.

  
SENATOR BLAYLOCK, Chair

  
SYLVIA KINSEY, Secretary

CB/sk

# ROLL CALL

SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES DATE

12-6-93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BLAYLOCK Chair	✓		
SENATOR FRITZ, V.C.			✓
SENATOR BRENDEN	✓		
SENATOR BROWN	✓		
SENATOR HERTEL	✓		
SENATOR STANG	✓		
SENATOR TOEWS	✓		
SENATOR WILSON	✓		
SENATOR WATERMAN	✓		
SENATOR YELLOWTAIL	✓		

4401  
12-6-93  
Education

SENATE EDUCATION  
EXHIBIT NO. \_\_\_\_\_  
DATE \_\_\_\_\_  
BILL NO. \_\_\_\_\_

SENATE EDUCATION  
EXHIBIT NO. 1  
DATE 12-6-93  
BILL NO. SB 30

SB 30

Sponsor: Senator Swysgood

An act proposing

1. Increasing certification fees to fund entirely the certification functions of the Office of Public Instruction.
2. The transfer of the Certification Standards and Practices Advisory Council from the Board of Public Education to the Superintendent of Public Instruction.

Hearing  
Senate Education  
SRS Auditorium  
December 6, 1993  
10:30 a.m.

## RATIONALE FOR SB30

- I. For increasing certification fees.
- II. For transferring the Council from the Board of Public Education to the Superintendent of Public Instruction.



For increasing certification fees

1. The functions of certification in the Office of Public Instruction are totally dependent on state general fund dollars. The Office of Public Instruction currently maintains 23,800 active certification files and the numbers are increasing dramatically, more than 2,000 last year. The process is confusing and expensive.
2. Given present staffing, it is impossible to accommodate the increasing demands for certification information from schools, higher education institutions, individuals for out-of-state requests for information and applications, for additions to the data bases required by additional renewal requirements and, at the same time, maintain a reasonable processing time for processing certification and renewal applications. It is reasonable to anticipate a 200% increase in the workload in the next biennium. The office must either add three FTE staff or add one FTE and convert records and application materials and processing to electronic media. Electronic media is the least expensive and most logical short and long range alternative.
3. Other professions and occupations requiring a Montana license to practice, are generally responsible for the cost incurred.

An enclosed sampling of annual renewal fees indicates that only barbers and cosmetologists would pay less if teachers, administrators, and specialists were charged \$20.00 certificate renewal fee.

4. Given the present deficit, it is time for certification costs to be covered by certification fees.

For transferring council to Superintendent of Public Instruction

- A. The Superintendent is charged by statute with the responsibility to make recommendations to the Board of Public Education on all matters regarding certification (20-4-102).
- B. The Superintendent is most knowledgeable in matters regarding certification as the certification process is the function of her office. It is the superintendent's duty to "issue, renew, or deny teacher certification and emergency authorization of employment." (20-3-106).
- C. The Council is best informed and best able to perform its duties as it is assigned to and works with those who have a working knowledge of certification matters.
- D. The Superintendent of Public Instruction is best equipped to make her recommendations to the Board of Public Education as she is advised by a council representative of those who seek certification.

WORK VOLUME AND STAFFING

Basic Data on Volume and Supervisors/Staff Numbers:

<u>State</u>	<u>Approximate Annual Issue of Certificates/Renewals</u>	<u>Ave. FTE of Cert Adm &amp; Staff</u>
Alaska	5,000	6
Arizona	17,000	20
California	150,000	54
Colorado	20,000	10
Hawaii	3,200	8
Idaho	7,500	5
Montana	6,500 (23,800 Active certificate holders)	3.5
Nevada	2,500	6
New Mexico	16,000 *	9
North Dakota	4,000	3.5
Oregon	16,500	13
South Dakota	3,649	3
Utah	12,000	5.5
Washington	14,000	16
Wyoming	4,500	9.5

\*includes classified school personnel (some others may also)

APPLICATION AND LICENSE FEES  
IN SELECTED PROFESSIONS AND OCCUPATIONS  
FOR MONTANA

December 1992

<u>Profession or Occupation</u>	<u>Application or Initial Fee</u>	<u>One time Test Fee</u>	<u>Renewal Fee Per Year</u>
Barber	\$15	\$30	\$15
Cosmetologist/Manager/ Operator (Mont. trained)	\$35	(included)	\$10
Nursing	\$35	(separate)	\$20 (+\$20 if late)
Occupational Therapist	\$160	(included)	\$60
Psychologist	\$110	\$150	\$100
Public Accountant (out-of-state transfer fee \$70)	\$70	\$130	\$70
Realty: Broker	\$65	-	\$60
Realty: Sales	\$35 (+\$35 recovery fee)		\$30
Respiratory Care	\$60	(separate)	\$40
Sanitarians	\$50	\$90	\$35
Social Workers & Prof. Counselors	\$75 (+\$75 for original license)	\$75	\$75
Speech Pathologists & Audiologists	\$40 (+\$25 for wall license)		\$25
Teachers	\$6	\$80	\$6

Source: Information shown is result of telephone survey of Department of Commerce departments (OPI for teacher license). Details vary greatly and the reliability of this information is only assured as a generalized comparison of fees. For detailed information and regulations contact the source.

exh 2

SENATE EDUCATION

EXHIBIT NO. 2

DATE 12-6-93

BILL NO. SB 30

AMENDMENTS to SB 30 (Swysgood)

- (1) Page 1, line 8, after "CERTIFICATION" and before "FUNCTIONS" insert "AND TEACHER PROFESSIONAL DEVELOPMENT"
- (2) Page 1, line 9, after "INSTRUCTION" add "EXPANDING THE POWERS AND DUTIES OF THE OFFICE OF PUBLIC INSTRUCTION; EXPANDING THE DUTIES OF THE CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL,"
- (3) Page 7, line 4, insert new subsection to read  
"(34) design, deliver, and promote teacher professional development programs; and"  
  
Renumber existing subsection "(34)" to "(35)"
- (4) Page 8, line 2, strike "70%" and replace with "35%"
- (5) Page 8, line 9, insert new subsection to read  
"(d) 35% to the superintendent of public instruction to fund teacher professional development programs."
- (6) Page 10, line 12, insert new subsection to read  
"(f) design and delivery of teacher professional development programs; and"  
  
Reletter existing subsection "(f)" to "(g)"

SENATE EDUCATION  
EXHIBIT NO. 3  
DATE 12-6-93  
BILL NO. SB 30

SENATE BILL NO. 30

INTRODUCED BY

*Surgeon General*

(ii) one who teaches within grades 9 through 12; and

(iii) one additional teacher from any category in

subsection (2)(a) or (2)(b);

(b) one person employed as a specialist or K-12

specialist;

(c) one faculty member from an approved teacher

education program offered by an accredited teacher education

institution;

(d) one person employed as an administrator, with the

certification required in 20-4-106(1)(c); and

(e) one school district trustee.

(3) The board of public education shall select and

appoint the members by June 1. If a vacancy occurs on the

council, the board of public education shall appoint a

person from the category of membership, as provided in

subsection (2), in which the vacancy has occurred to serve

the unexpired term.

(4) Members shall serve staggered 3-year terms and must

be appointed so that no more than three appointments expire

in any 1 year."

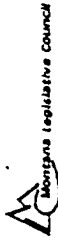
Section 2. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties.

The superintendent of public instruction has the general

supervision of the public schools and districts of the state

and shall perform the following duties or acts in



Montana Legislative Council

SB 30

INTRODUCED BILL

1 implementing and enforcing the provisions of this title:

2 (1) resolve any controversy resulting from the  
3 proration of costs by a joint board of trustees under the  
4 provisions of 20-9-362;

5 (2) issue, renew, or deny teacher certification and  
6 emergency authorizations of employment;

7 (3) negotiate reciprocal tuition agreements with other  
8 states in accordance with the provisions of 20-5-314;

9 (4) serve on the teachers' retirement board in  
10 accordance with the provisions of 2-15-1010;

11 (5) approve or disapprove the orders of a high school  
12 boundary commission in accordance with the provisions of  
13 20-6-311;

14 (6) approve or disapprove the opening or reopening of a  
15 school in accordance with the provisions of 20-6-502,  
16 20-6-503, 20-6-504, or 20-6-505;

17 (7) approve or disapprove school isolation within the  
18 limitations prescribed by 20-9-302;

19 (8) generally supervise the school budgeting procedures  
20 prescribed by law in accordance with the provisions of  
21 20-9-102 and prescribe the school budget format in  
22 accordance with the provisions of 20-9-103 and 20-9-506;

23 (9) establish a system of communication for calculating  
24 joint district revenues revenue in accordance with the  
25 provisions of 20-9-151;

1 (10) approve or disapprove the adoption of a district's  
2 budget amendment resolution under the conditions prescribed  
3 in 20-9-163 and adopt rules for an application for  
4 additional direct state aid for a budget amendment in  
5 accordance with the approval and disbursement provisions of  
6 20-9-166;

7 (11) generally supervise the school financial  
8 administration provisions as prescribed by 20-9-201(2);

9 (12) prescribe and furnish the annual report forms to  
10 enable the districts to report to the county superintendent  
11 in accordance with the provisions of 20-9-213(5) and the  
12 annual report forms to enable the county superintendents to  
13 report to the superintendent of public instruction in  
14 accordance with the provisions of 20-3-209;

15 (13) approve, disapprove, or adjust an increase of the  
16 average number belonging (ANB) in accordance with the  
17 provisions of 20-9-313 and 20-9-314;

18 (14) distribute BASE aid and special education allowable  
19 cost payments in support of the BASE funding program, in  
20 accordance with the provisions of 20-9-331, 20-9-333,  
21 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

22 (15) provide for the uniform and equal provision of  
23 transportation by performing the duties prescribed by the  
24 provisions of 20-10-112;

25 (16) approve or disapprove an adult education program

1 for which a district proposes to levy a tax in accordance  
 2 with the provisions of 20-7-705;  
 3 (17) request, accept, deposit, and expend federal money  
 4 in accordance with the provisions of 20-9-603;  
 5 (18) authorize the use of federal money for the support  
 6 of an interlocal cooperative agreement in accordance with  
 7 the provisions of 20-9-703 and 20-9-704;  
 8 (19) prescribe the form and contents of and approve or  
 9 disapprove interstate contracts in accordance with the  
 10 provisions of 20-9-705;  
 11 (20) approve or disapprove the conduct of school on a  
 12 Saturday or on pupil-instruction-related days in accordance  
 13 with the provisions of 20-1-303 and 20-1-304;  
 14 (21) recommend standards of accreditation for all  
 15 schools to the board of public education and evaluate  
 16 compliance with the standards and recommend accreditation  
 17 status of every school to the board of public education in  
 18 accordance with the provisions of 20-7-101 and 20-7-102;  
 19 (22) collect and maintain a file of curriculum guides  
 20 and assist schools with instructional programs in accordance  
 21 with the provisions of 20-7-113 and 20-7-114;  
 22 (23) establish and maintain a library of visual, aural,  
 23 and other educational media in accordance with the  
 24 provisions of 20-7-201;  
 25 (24) license textbook dealers and initiate prosecution

1 of textbook dealers violating the law in accordance with the  
 2 provisions of the textbooks part of this title;  
 3 (25) as the governing agent and executive officer of the  
 4 state of Montana for K-12 vocational education, adopt the  
 5 policies prescribed by and in accordance with the provisions  
 6 of 20-7-301;  
 7 (26) supervise and coordinate the conduct of special  
 8 education in the state in accordance with the provisions of  
 9 20-7-403;  
 10 (27) administer the traffic education program in  
 11 accordance with the provisions of 20-7-502;  
 12 (28) administer the school food services program in  
 13 accordance with the provisions of 20-10-201, 20-10-202, and  
 14 20-10-203;  
 15 (29) review school building plans and specifications in  
 16 accordance with the provisions of 20-6-622;  
 17 (30) prescribe the method of identification and signals  
 18 to be used by school safety patrols in accordance with the  
 19 provisions of 20-1-408;  
 20 (31) provide schools with information and technical  
 21 assistance for compliance with the student assessment rules  
 22 provided for in 20-2-121 and collect and summarize the  
 23 results of the student assessment for the board of public  
 24 education and the legislature;  
 25 (32) administer the distribution of guaranteed tax base



1 aid in accordance with 20-9-366 through 20-9-369; and  
 2 (33) provide assistance to the certification standards  
 3 and practices advisory council as provided in 20-4-132; and  
 4 (35) <sup>live</sup> perform any other duty prescribed from time to time  
 5 by this title, any other act of the legislature, or the  
 6 policies of the board of public education."

7 **Section 3.** Section 20-4-109, MCA, is amended to read:

8 "20-4-109. Fees for teacher and specialist  
 9 certificates. (1) A person applying for the issuance or  
 10 renewal of a teacher or specialist certificate shall pay a  
 11 fee not to exceed \$6 \$20 for each school fiscal year that  
 12 the certificate is valid. In addition to this fee, a person  
 13 who has never held any class of Montana teacher or  
 14 specialist certificate or for whom an emergency  
 15 authorization of employment has never been issued shall pay  
 16 a filing fee of \$6 \$10. The fees must be paid to the  
 17 superintendent of public instruction who shall deposit the  
 18 fees with the state treasurer to the credit of the state  
 19 special revenue fund account, created in subsection (2), to  
 20 be used in the following manner:

21 (a) \$3 15 for expenses of the certification standards  
 22 and practices advisory council created in 2-15-1522;  
 23 (b) 15 to the superintendent of public instruction to  
 24 be used by the certification standards and practices  
 25 advisory council for research in accordance with the duties

1 of the council provided for in 20-4-133;

2 (c) \$3 702 to the board of public education to be used  
 3 by the certification standards and practices advisory  
 4 council for research in accordance with the duties of the  
 5 council provided for in 20-4-133 superintendent of public  
 6 instruction to fund the teacher, administrator, and  
 7 specialist certification functions of the office of public  
 8 instruction.

9 (2) There is an account in the state special revenue  
 10 fund. Money from fees for teacher or specialist certificates  
 11 required in subsection (1) must be deposited in the account.  
 12 The money in the account to be used for the purposes of  
 13 subsection (1)(b) is statutorily appropriated, as provided  
 14 in 17-7-502, to the board of public education for use by the  
 15 certification standards and practices advisory council  
 16 superintendent of public instruction to be expended for the  
 17 purposes in subsections (1)(a) through (1)(c) in the same  
 18 proportion as the collections provided for in those  
 19 subsections."

20 **Section 4.** Section 20-4-132, MCA, is amended to read:

21 "20-4-132. Meetings -- assistance. (1) The council  
 22 shall meet quarterly and at other times as may be required  
 23 for the proper conduct of the business of the council at the  
 24 call of the chairman presiding officer.

25 (2) The council may adopt rules for the conduct of its

1 business.  
 2 (3) The council shall keep a record of its proceedings.  
 3 (4) The council may request must be provided research,  
 4 administrative, and clerical staff assistance from by the  
 5 board--of--public---education superintendent of public  
 6 instruction.  
 7 (5) The council shall select a chairman presiding  
 8 officer and a vice-chairman vice presiding officer from its  
 9 appointed members.

10 (6) A quorum for a meeting is not less than four  
 11 council members.

12 (7) Council members are entitled to travel expenses  
 13 incurred for each day of attendance at council meetings or  
 14 in the performance of any duty or service as a council  
 15 member in accordance with 2-18-501 through 2-18-503."

16 **Section 5.** Section 20-4-133, MCA, is amended to read:

17 "20-4-133. Duties of the council. (1) The council shall  
 18 study and make recommendations to the board of public  
 19 education and to the superintendent of public instruction in  
 20 the following areas:

21 (a) teacher certification standards, including but not  
 22 limited to precertification training and education  
 23 requirements and certification renewal requirements and  
 24 procedures;

25 (b) administrator certification standards, including

1 but not limited to precertification training and education  
 2 requirements and certification renewal requirements and  
 3 procedures;

4 (c) specialist certification standards, including but  
 5 not limited to precertification training and education  
 6 requirements and certification renewal requirements and  
 7 procedures;

8 (d) feasibility of establishing standards of  
 9 professional practices and ethical conduct;

10 (e) the status and efficacy of approved teacher  
 11 education programs in Montana; and

12 (F) cert policies related to the denial, suspension, and  
 13 revocation of teacher, administrator, and specialist  
 14 certification and the appeals process. For the purpose of  
 15 preparing recommendations in this area, the council is  
 16 authorized to review the individual cases and files that  
 17 have been submitted to the board of public education under  
 18 the provisions of 20-4-110.

19 (2) The council shall submit a written report annually  
 20 to the board of public education and to the superintendent  
 21 of public instruction with its recommendations for the above  
 22 areas. The council may submit recommendations to the board  
 23 of public education and to the superintendent of public  
 24 instruction at other times that the council considers  
 25 appropriate.

1 (3) The board of public education shall:

2 (a) at a regularly scheduled meeting, consider any  
3 recommendations and reports of the council; and

4 (b) approve, disapprove, or modify each recommendation  
5 of the council by majority vote of the board."

6 NEW SECTION. Section 6. Effective date. [This act] is  
7 effective July 1, 1994.

-End-

12-6-93  
SB 34

SENATE EDUCATION  
COMMITTEE NO. 14  
DATE 12/6/93

BILLINGS PUBLIC SCHOOLS--TRANSPORTATION DEPARTMENT  
SPECIAL EDUCATION ROUTES--STUDENT COUNTS--MORNING & NOON RUNS

*This was left  
Add to Run - Do not know  
who it came from.*

BILL NO.	ROUTE	RUN	SCHOOL	AREA SERVICED	RIDERS	SCH. TIME
	2	42-603	BEARTOO	HEIGHTS	5	8:30
	3	43-600	BENCH	HEIGHTS	4	8:30
	4	43-601	BENCH	HEIGHTS NORTH P NORTHSIDE	5	8:30
	5	50-602	CA. ROCK	HEIGHTS	6	8:00
	6	55-601	MILES	BLUE CREEK SOUTH SIDE	7	8:30
	7	42-601	BEARTOO	HEIGHTS	8	8:30
	8	42-600	BEARTOO	HEIGHTS GRAND NORTHSIDE	8	8:30
	9	80-601	DEACONE	HEIGHTS	3	8:30
10	63-605	ROSE PA	WESTEND		4	8:30
NOON	57-611	NORTH P	WEST/SOUTH		2	12:55
11	50-603	CA. ROCK	16TH ST W.		3	9:00
NOON	63-610	ROSE PA	BLUE CRK/SOUTH		3	12:00
12	66-600	WASHING	SOUTHSIDE MEADOWL CENTRAL HIGHLAN		8	8:30
13	33-601	RIVERSI	WESTEND MILES		2	8:00
14	57-601	NORTH P	SOUTHSIDE/CENT		4	8:30
16	52-603	ROSE PA	SOUTHSIDE HIGHLAN CENTRAL		8	8:30
17	63-602	ROSEPAR	CENTRAL S. & N.		8	8:30
19	01-601	GARFIEL	BLUE CREEK BURLING SOUTHSIDE		19	8:30
20	NOON 32-610	LINCOLN	WEST		1	12:00
22	02-600	PONDERO	NORTHEAST SOUTHSIDE		4	8:30
23	80-600	DEACONE	WESTEND SOUTHSIDE		5	8:30

BILLINGS PUBLIC SCHOOLS--TRANSPORTATION DEPARTMENT  
SPECIAL EDUCATION ROUTES--STUDENT COUNTS--MORNING & NOON RUNS

	RUN	SCHOOL	AREA SERVICED	RIDERS	SCH.TIME
	-----	-----	-----	-----	-----
25	47-602	BURLING	CENTRAL	10	8:30
NOON	59-611	ROSE P	WESTEND	2	11:00
		POLY			
28	47-601	BURLING	WESTEND	8	8:30
NOON	02-610	PONDER	SOUTHSIDE	8	12:00
NOON	57-610	NORTH P	SOUTHSIDE	5	1:00
29	63-600	ROSEPA	WESTEND	3	8:30
		HIGHLA			
NOON	59-612	ROSE P	WESTEND	6	12:00
30	47-603	BURLING	WESTEND	4	8:30
34	47-604	HIGHLAN	HEIGHTS	4	8:30
		BURLING	NORTHSIDE		
	33-604	RIVERSI	BLUECREEK	1	9:00
36	33-600	RIVERSI	NORTHSIDE	9	8:00
			SOUTHSIDE		
	01-602	RIVERSI		7	8:30
		ORCHARD			
		GARFIEL			
37	52-600	HIGHLAN	HEIGHTS	10	8:30
		ROSEPAR	NORTHSIDE		
38	31-602	LEWIS	HEIGHTS/NORTHS	6	8:00
			CENTRAL		
	54-602	MEADOWL	WESTEND/CENTRA	6	8:30
	33-602	RIVERSI	WESTEND	3	9:00
41	01-603	GARFIEL	HEIGHTS	4	8:30
		ORCHARD	NORTHSIDE		
42	50-600	CA.ROCK	HEIGHTS/SANDST	2	7:45
44	60-600	SENIOR	HEIGHTS/NORTHS	11	7:30
NOON	43-610	BENCH	NORTHSIDE/HEIG	5	12:00
45	21-601	CAR.CEN	NORTHSIDE	3	7:40
	59-600	POLY DR	WESTEND	6	8:40
46	55-600	MILES	HEIGHTS	5	8:30
		BURLING	NORTHSIDE		
	33-603	GRAND	WESTEND	3	9:00
		RIVERSI	NORTHSIDE		

BILLINGS PUBLIC SCHOOLS--TRANSPORTATION DEPARTMENT  
SPECIAL EDUCATION ROUTES--STUDENT COUNTS--MORNING & NOON RUNS

	RUN	SCHOOL	AREA SERVICED	RIDERS	SCH.TIME
47	01-604	LINCOLN GARFIEL	WESTEND	3	8:30
48	54-603	MEADOWL	CENTRAL	4	8:30
49	63-601	HIGHLAN ROSEPAR	WESTEND	6	8:30
50	52-601	HIGHLAN ROSEPAR	HEIGHTS	4	8:30
60-CHAIR	24-600	SKYVIEW	NORTHSIDE/HEIG	4	7:30
	42-602	BEARTOO	HEIGHTS	2	8:15
61-CHAIR	24-601	SKYVIEW	HEIGHTS	3	7:30
	63-604	ROSEPAR	HEIGHTS/SOUTH	3	8:30
62-CHAIR	31-600	LEWIS	WESTEND	6	7:40
	21-600	BIG SKY CAR.CEN	CENTRAL/ WESTEND	7	8:30
63-CHAIR	31-601	LEWIS	NORTHSIDE/ SOUTHSIDE	5	7:45
	56-600	NEWMAN	WESTEND	2	8:30
64-CHAIR	70-601	WEST HI	WESTEND	8	7:30
	03-601	EAGLE	WESTEND/HEIGHT	6	8:30
NOON	59-610	POLY D	WEST/NORTH	6	12:00
NOON	59-613	POLY D	CENTRAL	1	12:00
65-CHAIR	31-603	LEWIS	WESTEND	4	7:45
	61-600	RIMROCK	CENTRAL	1	8:10
	61-600	MEADOW	WESTEND	1	8:30
66-CHAIR	03-600	EAGLE	HEIGHTS	6	8:30
NOON	21-611	CAR.CEN	WESTEND	10	12:00
67-CHAIR	60-601	SENIOR	SOUTH/CENT/WES	10	7:30
	55-602	MILES	SOUTH/CENTRAL	3	8:30
68-CHAIR	70-600	WEST	WESTEND	2	7:30
	54-600	MEADOWL	WESTEND	3	8:30
TOTAL AM/NOON RIDERS				358	
PLAN-2 D-4					

BILLINGS PUBLIC SCHOOLS--TRANSPORTATION DEPARTMENT  
SCHOOL BUS ROUTE SUMMARY--RIDER COUNT AND TICKET COUNT

ROUTE	RUN	SCHOOL	AREA SERVICED	RIDERS WED. 10/23	RIDERS THUR. 10/24	RIDERS FRI. 10/25	TICKETS
1	24-001	SKYVIEW	MARY ST BITTERROOT	16	12	14	48
	43-001	BENCH	LAKE ELMO RD LAKE ELMO AREA	41	41	41	41
2	24-002	SKYVIEW	BITTERROOT DR.	15	15	12	26
	50-002	CA.ROCK	BITTERROOT DR. YELL. RIV. RD.	28	27	24	34
3	50-005	CA.ROCK	HWY 310 INDEPEN. LA. ROUNDUP RD.	41	38	40	45
4	24-004	SKYVIEW	BENCH YELL. RIV. RD	17	16	15	31
5	24-005	SKYVIEW	HAWTHORNE LA	19	18	16	34
	50-005	CA.ROCK	HAWTHORNE LA MARY ST.	31	29	28	38
7	24-007	SKYVIEW	BENCH BLVD. MARY ST.	13	11	9	28
8	60-008	SENIOR	POLY DR.	33	29	36	51
9	24-009	SKYVIEW	HWY 310 INDEPENDENT LA ROUNDUP RD	32	23	24	50
10	60-011	SENIOR	OLD HARDIN RD LOCKWOOD	16	12	17	37
11	60-002	SENIOR	OLD HARDIN RD BEECRAFT	28	29	27	48
12	60-003	SENIOR	RIMROCK RD.	18	10	13	42
13	70-013	WEST	JACKSON ST.	31	31	30	48
14	60-005	SENIOR	OLD HARDIN RD DICKIE RD COULSON RD.	34	32	37	64
15	33-009	SENIOR RIV.SI.	HWY 87 PRYOR RD. BLUE CRK. RD.	39	37	38	23 32

12-6-93  
SB 34

BILLINGS PUBLIC SCHOOLS--TRANSPORTATION DEPARTMENT  
SCHOOL BUS ROUTE SUMMARY--RIDER COUNT AND TICKET COUNT

	RUN	SCHOOL	AREA SERVICED	RIDERS	RIDERS	RIDERS	TICKETS
16	60-016	SENIOR	OLD HARDIN RD. JOHNSON LA.	30	30	25	43
18	56-001	NEWMAN PONDER ORCHAR	BLAINS TRL CRT AGRI SUB-DIV. SO. OF I-90	54	50	52	60
20	60-013	SENIOR	BLAINS GARDEN AV	32	28	24	47
21	48-003	CE.HEIT	56TH ST. WELLS GARD.EST	39	39	30	42
22	70-022	WEST	RIMROCK RD. POLY	19	17	17	40
23	60-010	SENIOR	LOCKWOOD BECRAFT WESTGATE	33	35	40	52
24	70-001	WEST	KING AV. E ORCHARD LA.	39	39	29	53
	33-001	RIV.SI.	36TH ST W. OLYMPIC SUB. PARKLAND W.SUB	39	38	39	49
25	70-004	WEST	SHILOH RD. RIMROCK RD.	20	25	19	44
26	48-001	CE.HEIT	70TH ST. W GRAND SHILOH ESTATES	37	40	41	47
27	33-003	SENIOR RIV.SI.	PRYOR RD. BLUE CRK.RD.	50	46	48	65
28	70-007	WEST	KING & 88TH ST HESPER RD. CENTRAL AV	25	21	19	47
29	70-008	WEST	GRAND AV MOLT RD RIMROCK RD YELLSTONE CC	33	36	35	57
30	70-009	WEST	HESPER RD DANFORD DR. NEIBUER RD. SHILOH RD.	14	17	19	38



BILLINGS PUBLIC SCHOOLS--TRANSPORTATION DEPARTMENT  
SCHOOL BUS ROUTE SUMMARY--RIDER COUNT AND TICKET COUNT

	RUN	SCHOOL	AREA SERVICED	RIDERS	RIDERS	RIDERS	TICKETS
	-----	-----	-----	-----	-----	-----	-----
31	70-010	WEST	AGRI. SUB. HALLOWELL LA.	32	29	27	43
	33-031	RIV.SI.	OLYMPIC SUB.	18	17	17	20
32	33-004	RIV.SI.	SHILOH TRL VIL 31ST ST. W.	40	38	37	45
	58-001	ORCHARD	BLAINS TRL CRT	37	39	37	39
33	70-012	WEST	DUCK CREEK RD. DUSTIN DR. ELYSIAN RD.	15	12	16	37
35	41-001	ARROWHE	WEST--MOLT RD COUNTRY CLUB	29	29	32	39
36	60-036	SENIOR	COLTON BLVD REHBERG LA	17	17	17	49
39	34-001	WIL.JAM	WELLS GARDEN YELLSTONE CC	40	44	42	47
	41-002	ARROWHE	COUNTRY CLUB RIMROCK RD	50	54	54	53
40	34-002	WIL.JAM	MOLT RD. RIMROCK RD.	26	24	26	40
	48-002	CE.HEIT	KING AV. CENT. BIG SKY 56TH ST. W.	18	30	24	38
41	50-001	CA.ROCK	BITTERROOT DR.	33	37	35	39
42	43-002	BENCH	LAKE ELMO RD WICKS LANE	52	42	55	55
43	43-003	BENCH	NORTH PARK HILLTOP LAKE ELMO RD	44	37	42	45
44	01-001	GARFIEL	SUGAR AVE GARDEN AV	38	42	40	54

PLAN-6  
D-2

4/5  
SENATE EDUCATION  
EXHIBIT NO. 5  
DATE 12-6-93  
BILL NO. SB 34

EXHIBIT 5  
12-6-93  
SB 34

## TESTIMONY BEFORE THE SENATE EDUCATION COMMITTEE

Presented by Larry Akey for the Montana Association for Pupil Transportation

December 6, 1993

Mr Chairman and members of the Committee, for the record I am Larry Akey. I appear today on behalf of the Montana Association for Pupil Transportation. The Association represents people from all across Montana involved in school transportation issues: school superintendents and business officials, school bus contractors and bus drivers. We oppose Senate Bill 34.

Let me say from the outset that I am not an expert in school transportation or in school finance. The experts are here this morning from all over the state, and in deference to you and to them I will keep my remarks short.

The proponents of this bill have told you what this bill does. Let me just quickly review it for you.

Senate Bill 34 eliminates all state and county contributions for school transportation. Currently, state and county reimbursements pay on average for a little more than half of all school transportation costs. Senate Bill 34 eliminates these reimbursements, placing all the burden for school transportation on local taxpayers.

Senate Bill 34 shifts the districts' transportation budget from a permissive to a voted levy.

Senate Bill 34 eliminates the role of the Superintendent of Public Instruction in regulating school transportation, and severely curtails the role of county superintendents. It also wipes out county transportation committees, which act as the principal forum for solving school transportation disputes. In effect, this legislation throws out the entire body of school transportation case law, without providing any mechanism for resolving future disputes

Senate Bill 34 removes the requirement for school districts to transport all eligible students if it chooses to transport any. And it removes the definition of which students are eligible for district funded transportation. As a result, it removes all guarantees that similarly situated students will receive similar treatment, either within a district or across districts.

Senate Bill 34 shifts the costs of transportation for extracurricular athletics and activities from the school district's general fund budget to its transportation budget -- if it has one.

Why do we think Senate Bill 34 is a bad bill? Let me offer several reasons.

**First, school transportation is an essential element of our public school system.** Schools cannot provide a quality education without access. Proponents of Senate Bill 34 will try to cast the debate as "textbooks vs. transportation." In fact, getting kids to school safely, on time and ready to learn is intrinsically linked to a quality education.

The federal government recognizes access is a critical part of education for special needs kids -- in fact, they mandate it. What the proponents of Senate Bill 34 haven't told you is that many of these special needs children currently ride buses that are running regular routes. Even if this legislation passes, the state will still have to provide transportation for these kids. It will just do so in buses with a lot of empty seats and at a much higher cost per pupil.

In addition, an adequately funded school transportation system provides educational opportunities outside the four walls of the classroom, opportunities that will almost surely disappear if the Legislature adopts Senate Bill 34.

**Second, Senate Bill 34 places a disproportionate burden on rural taxpayers.** Senate Bill 34 shifts the entire burden for school transportation to the local districts. By their very nature, rural districts on whole stand to lose more state and county funding than will urban districts. Moreover, rural districts have fewer alternatives available to students who will inevitably lose school bus transportation under Senate Bill 34.

Montana's Constitution guarantees educational equality for each person in our state. Judge Loble wrote, "the local tax burdens associated with transportation costs contribute ... to the inequities and disparities in Montana's school finance system." Elimination of state funding for school buses can only serve to exacerbate the inequalities the Legislature must continue to address.

**Senate Bill 34 threatens the safety and well-being of children.** National statistics clearly show school buses provided the safest means of transporting kids to school -- about twenty-five times safer than passenger cars, for example. State law asserts authority over students on their way to and from school. Arguably, this assertion contains a commensurate liability for their safety. Moreover, although the legislation retains the state's ability to set vehicle and driver certification, it removes the mechanism for enforcing these safety standards.

**Senate Bill 34 contributes to traffic congestion and pollution.** Elimination or reduction of school buses will result in a substantial increase in parents having to transport their child in separate vehicles. This can only result in greater traffic problems around schools; greater wear and tear on schools' infrastructure and higher emission of pollutants associated with automobile exhaust.

**Senate Bill 34 impedes voluntary consolidation of school districts.** Without taking a position one way or another on the desirability of consolidation, it is clear combining small districts will require more money for pupil transportation, not less.

**Finally, Senate Bill 34 promotes uncertainty and administrative inefficiency.** Districts relying exclusively on a voted levy cannot adequately plan their transportation needs. Where districts contract with private parties, less expensive multiple year contracts will go by the wayside. If voted levies fail, existing multiple year contracts will have to be bought out or litigated. Increased reliance on "fee for service" contracts will result in higher administrative costs.

The members of the Montana Association for Pupil Transportation know, perhaps better than anyone, that the current system of school transportation has some problems that we need to address. Transportation issues were left out of the school finance discussions earlier this year, not because they are unimportant, but because they are so complex.

Our Association stands ready to address those issues, and to work with Superintendent Keenan and the members of this body to develop solutions that will benefit the school kids and the taxpayers of our state. I'm not sure this Special Session is the appropriate place to take on these issues. But if you believe it is, let's roll up our sleeves and go to work.

In conclusion, then, let me say we do not believe Senate Bill 34 addresses the educational needs of Montana's school children. Nor will it provide a workable school transportation system. We believe this proposal, however well intentioned, is a bad bill that should find a quiet resting place on the table in this Committee.

eqd 6  
SENATE EDUCATION  
EXHIBIT NO. 10  
12-6-93  
BILL NO. SB-34

EXHIBIT 6  
12-6-93  
SB 34

SENATE EDUCATION

12/6/93 Hearing  
10:30 A.M.

Senate Bill 34 - Senator Blaylock

The Montana Rural Education Association (MREA) is comprised of about 152 primarily rural school districts. MREA realizes K-12 education must take a cut in order for the legislature to balance their budget. We think that local districts should make decisions on what to cut rather than have the Legislature make specific program cuts. In other words, we feel across-the-board cuts enables local districts to better meet their own needs.

We oppose not only the elimination of state and county funds to transportation, we are also deeply concerned about the elimination of regulation and supervision of transportation. Traffic at our schools, safety of children to and from school, and conservation of fuel are all concerns of ours. By far the most important concern is getting the students to school and getting them there regularly and on time. You need to have students' attention to teach, but first you need to get them to school.

The MREA schools transport a much larger percentage of their students than the larger schools. With nearly 70% transported this is a major service of our schools - a service we cannot leave to chance.

We understand the rationale of the bill, but feel there has to be a better way to cut school funding.

The West Virginia Supreme Court observed:

"The fundamental, constitutional right to an education is no more important to children who live on a major public thoroughfare than it is to those on Sand Creek Hollow Road [the road on which the children in this case lived]. All children have the same right to a 'thorough and efficient' education and to deny them that right because they live on an inconvenient road would be to deny them the equal protection of the laws."

MREA feels the quote says it all for us. Please vote to oppose this bill in this committee.

Donald R. Waldron  
MREA Lobbyist  
P.O. Box 5418  
Helena, Montana 59604

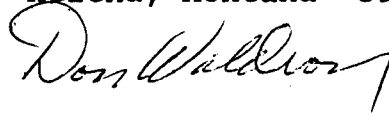


EXHIBIT NO. 7  
DATE 12-6-93  
BILL NO. SB 34

EXHIBIT 1  
12-6-93  
SB 34

SB 34 AGAINST

School Bus Contractor  
Coulter Automotive Inc.  
Box 97  
Charlo Montana 59824

We are a small school bus contractor in western Montana. If this bill were to pass it would cause our family business to fold. This would be a detriment to both the community and the state. We employ 7 full time and part time employees. Their wages and taxes would be lost.

Most parents can't afford to pay more for transportation. A lot of the families in our community are 2 income families. And most of these people work in towns anywhere from 8 to 60 miles away. In this situation they would have to get their students to school on the way to work. Is the school going to be responsible for these students that are there before and after regular hours.

The parents would be driving their students to school. This is going to cause problems by increasing traffic, pollution, and the possibilities of accidents. Many schools are not set up for an increase in drop off traffic.

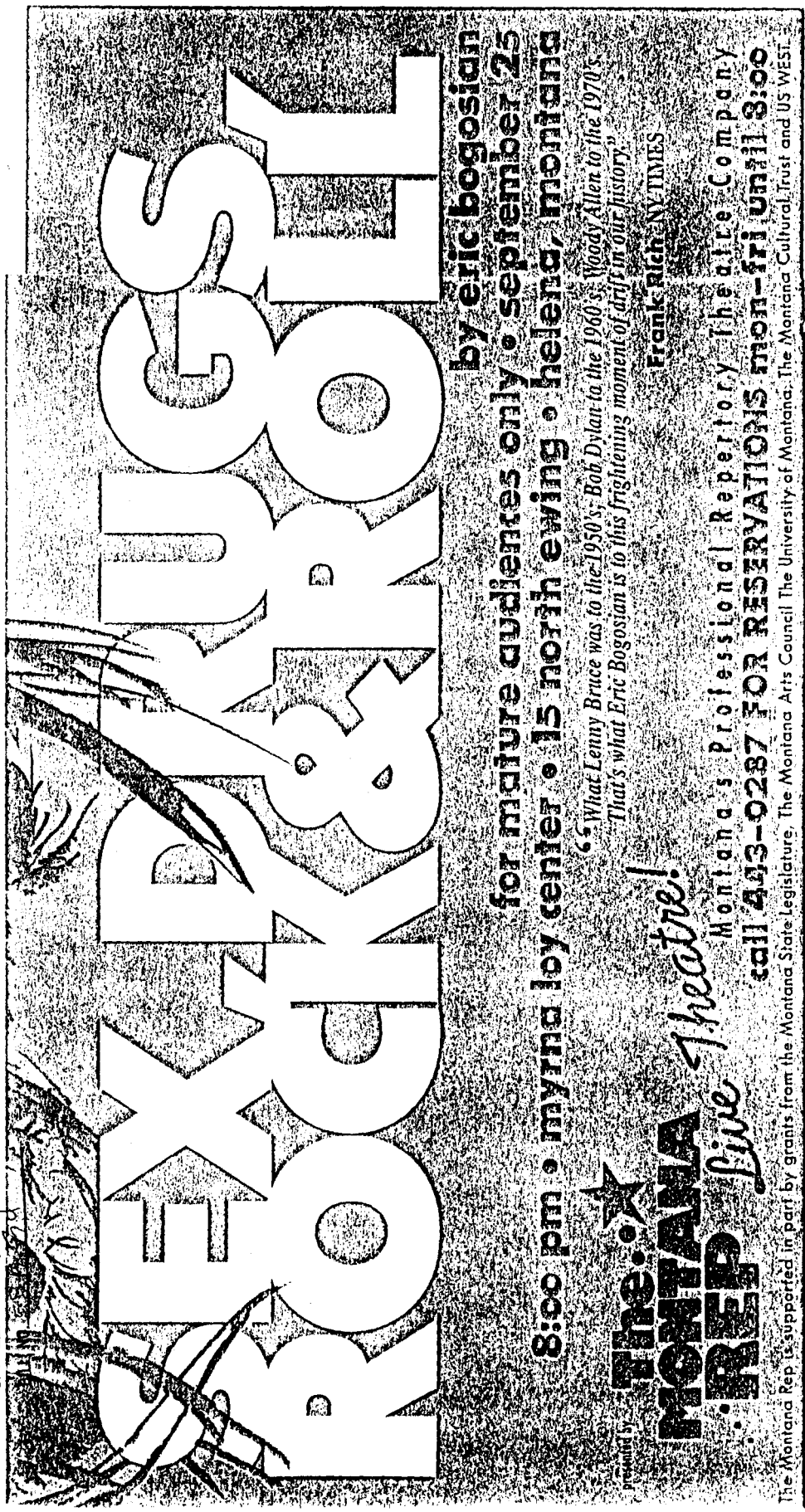
Our school system has gone through a significant growth in the last five years. Our community is a great place to live. But what are we doing to encourage people to stay here let alone move to Montana.

Curt Coulter  
President  
Coulter Automotive



EXHIBIT 8  
12-6-93  
SB 34

STATE EDUCATION  
EXHIBIT NO. 8  
DATE 12/6/93



**EXCURSION**

by **eric bogosian**

for mature audiences only • september 25  
8:00 pm • myrna loy center • 15 north ewing • helena, montana

**THE MONTANA REP** live theatre!

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*"What Lenny Bruce was to the 1950's, Bob Dylan to the 1960's, Woody Allen to the 1970's  
That's what Eric Bogosian is to this frightening moment of drift in our history."*

Frank Rich, NY TIMES

The Montana Rep is supported in part by grants from the Montana State Legislature, The Montana Arts Council, The University of Montana, The Montana Cultural Trust and US WEST.



12-6-93 7  
SB 34  
TREASURE STATE TRANSIT, INC.

3000 Bozeman  
Helena, Montana 59601  
(406) 442-2288

SENATE EDUCATION  
EXHIBIT NO. 9  
DATE 12-6-93  
BILL NO. SB 34

December 6, 1993

Senate Education Committee  
Senator Chet Blaylock, Chairman  
Capitol Station  
Helena, MT. 59620

Honorable Senators,

As A Helena home owner, the General Manager of Treasure State Transit, Inc., and a member of the board of directors of the Montana School Bus Contractors Assn., I am strongly requesting that you reject Senate Bill # 34. I feel this bill greatly jeopardizes many lives, rights and mandates within the education system in Montana. Trickle down effects of this bill are astounding.

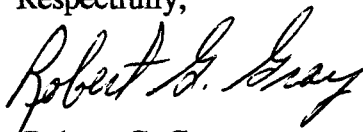
1. The Mandatory Education Law will be un-enforceable.
2. Drastic rise in County Taxes.
3. Possibility of elimination of School Busing, if a levy were to fail.
4. Existing multi-year contracts must be met. How?
5. Efforts to encourage consolidation are lost.
6. Loss of social learning within the school atmosphere, as more home-schooling would result.
7. Lower national grade averages within the state.

SAFETY • SERVICE • DEPENDABILITY

8. Mass confusion around schools each morning and afternoon.
9. Greatly increased potential for accident, injury and death.
10. Increase in auto and accident insurance rates.
11. Increase in energy consumption.
12. increase in pollution.
13. Need to increase school parking-lot and loading zone.
14. Increase in traffic enforcement.
15. Inability for two working parents to continue working due to the need to get their children to and from school.
16. Increase in children on the streets prior to and following school hours.
17. Increase in juvenile crime.

Thank you for your time and consideration of these points.

Respectfully,

  
Robert. G. Gray

DATE 12-6-93SENATE COMMITTEE ON EducationBILLS BEING HEARD TODAY: SB 30-34

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Jim STANTON	BAKER SCHOOLS	SB-34		X
BRUCE CLAUSEN	TERRY Public Schools	SB 34		X
Glenn Hageman	Ekalaka	SB 34		X
Gene Markuson	Circle Public Schools	SB 34		X
Loran FRAZIER	SAM	SB 34		X
Larry Tasbender	GFP S	SB 34		X
Jan Richhaff	SAM	SB 34		X
Harry D. Erickson	SAM	SB 34		X
Kathy Packer	SAM-	SB 34		X
L.D. Helfert	Concerned Parent	SB 34		X
Joan Todd	Sen. Todd	SB 30 34		
Myron Gerson	Parent	SB 34		X
REP. ERVIN DAVIS	All of the above	SB 34		X
SCOTT DUBBS	Lewistown Schools - SAM	SB 34		X

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 12-6-93

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: SB 30-34

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Check One

Name	Representing	Bill No.	Support	Oppose
<i>John [unclear]</i>	Large Schools	34		X
<i>Rev. E. Beaudry</i>	Meppen Schools	34		X
<i>Don Walther</i>	MREA	SB 34		X
LARRY AKEY	MT ASSOC FOR PUPIL TRANSPORTATION	SB 34		✓
Terry Minow	MFT	34	X	
Linda Michel	M.A.P.T.	34		X
<i>Ken Michel</i>	Parent Forum Dist. 28 (Dutton)	34		X
GARY LOOTHAKER	HECWA Schools	34		X
<i>Cliff Rosenberg</i>	Holmes Schools	34		X
<i>Robert B. Gray</i>	Treasure State Transit	34		X
Dennis Kinsley	Beaverhead Co HS	34		X
Bob ANDERSON	MSBA	30 34		X
<i>Sen. Betty Brushki-Mace</i>	Senate Dist 12	34		X
<i>Laurie Kottmik</i>	Christian Coalition by mother	34		X

# VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 12-6-93

SENATE COMMITTEE ON

EducationBILLS BEING HEARD TODAY: SB 30-34

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Check One

Name	Representing	Bill No.	Support	Oppose
Shirley J. Wilson	all mothers & Grandmothers	34		✓
Steve Henry	Billings Education Assn.	34	✓	
THERIN "Bud" MATHIE	SCHOOL DIST 28	34		✓
Lydia Brannon	MT ASSOC of School Business Officials Indian Impact School	34		✓
John Ess	Sweet Grass Co. Hg School	34		
Dale Duff	Rocky Mtn Trapp	34		✓
Jim Anderson	Colstrip School Dist #9	34		✓
Colleen Moore	Medicine Lake School Dist	34		✓
Robert Richards	Miles City Schools	34		✓
Joan A. Orcutt	Conrad Schools	34		✓
Bernad H Christensen	Conrad Schools	34		✓
Sharon Eisenberg	Conrad Schools - Trustee	34		✓
Karen Richardson	Somers School	30 34		✓
Kon Lier	Manhattan	30 34	✓	✓

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 12-6-93

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: S.B. 30-34

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Eric Leaver	MFT	30/34		<input checked="" type="checkbox"/>
Scott Johnson	Johnson Transport	34		<input checked="" type="checkbox"/>
Christ Coulter	Coulter Auto <sup>Bus</sup> contractor	34		<input checked="" type="checkbox"/>
Kenneth Hinkel	Sells as a parent	34		<input checked="" type="checkbox"/>
Fred Capps	OP 1	30	<input checked="" type="checkbox"/>	
Steve Gomb	Charles Schools	34		<input checked="" type="checkbox"/>
Roy Tully	Charles Schools	34		<input checked="" type="checkbox"/>
Terry Munroe	MFT	30		<input checked="" type="checkbox"/>
Rep D'Amato	H.D. #9	34		<input checked="" type="checkbox"/>

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY