

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By CHAIRMAN ALVIN ELLIS, JR., on March 10, 1995,
at 3:45 p.m.

ROLL CALL

Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)
Rep. Peggy Arnott, Vice Chairman (Majority) (R)
Rep. Vicki Cocchiarella, Vice Chairman (Minority) (D)
Rep. Matt Denny (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Dan W. Harrington (D)
Rep. Jack R. Herron (R)
Rep. Joan Hurdle (D)
Rep. Bob Keenan (R)
Rep. Sam Kitzenberg (R)
Rep. Gay Ann Masolo (R)
Rep. Norm Mills (R)
Rep. William Rehbein, Jr. (R)
Rep. John "Sam" Rose (R)
Rep. George Heavy Runner (D)
Rep. Richard D. Simpkins (R)
Rep. Diana E. Wyatt (D)

Members Excused: Rep. Debbie Shea (D)

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Rena DeCrevel, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: SB 140 DO CONCUR AS AMENDED
SB 250 DO CONCUR AS AMENDED
SJR 11 DO CONCUR
SJR 13 DO CONCUR

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

EXECUTIVE ACTION ON SB 140

Motion: CHAIRMAN ELLIS MOVED THAT SB 140 BE CONCURRED IN.

Motion: REP. SONNY HANSON MOVED TO AMEND SB 140.

Discussion:

Andrea Merrill, Legislative Council, described the technical amendment.

Vote: The motion carried unanimously.

Motion: REP. NORM MILLS MOVED THAT SB 140 BE CONCURRED IN AS AMENDED.

Discussion:

REP. JOAN HURDLE mentioned that the bill should be opposed because it would add another level of discipline outside the school district and because there is no opportunity for the teacher to address the letter of reprimand.

REP. DAN HARRINGTON said that agreed with the previous statement and opposed the bill.

REP. BILL REHBEIN said that the law is clearly written already and if the law is not followed then a license should be revoked.

CHAIRMAN ELLIS clarified that the letter would go inside the teacher's file and could not be put there without a hearing so the teacher would have her side as well as all sides heard. These instances usually occur after a teacher is out of the district.

REP. VICKI COCCHIARELLA said that the only option someone has when a teacher has to move or leave for whatever reason and they break their contract is to put in a letter. Harsher punishment is too extreme.

REP. DICK SIMPKINS agreed with the bill before the amendment was added.

REP. JACK HERRON suggested that a letter may dispel rumors that may be circulating about the circumstances.

CHAIRMAN ELLIS added that this bill would allow more disciplinary options to be considered.

REP. NORM MILLS had support from teachers in his district and was urged to pass the bill.

REP. PEGGY ARNOTT favored the bill until the amendment was put on also as now teachers may be getting off with a lighter reprimand.

Ms. Merrill explained that the amendment is technical and the bill has the concept of the choice of reprimand as a result of the reasons in subsection (1).

REP. ARNOTT asked where the statement of intent was written in the bill.

Ms. Merrill answered that it was the whole concept of the bill and the title stated it and subsection (6) lists the three choices that can be offered.

REP. MATT DENNY thought that if a teacher has done something really wrong then the Board of Education would be open to liability if only a letter of reprimand was given.

REP. HURDLE stated that the state Board of Education was getting into an area of responsibility that is a local responsibility. The board is responsible for certification and not evaluation and discipline.

REP. REHBEIN questioned about whether an inconsistency would be offered statewide and there were too many gray areas.

CHAIRMAN ELLIS said that there are many circumstances that fall into the gray area such as breaking the contract.

REP. HARRINGTON stated that he changed his mind and will support the bill.

REP. SAM KITZENBERG voiced his concern that there may be a letter put in the file without letting a teacher speak on their behalf.

CHAIRMAN ELLIS clarified that to put a letter in the file that contains the certificate would require a hearing and the file with the school district doesn't require a hearing.

REP. SAM ROSE stated that it was a protection for the boards and the teacher.

REP. SIMPKINS made a point of clarification that the hearing itself would become part of the teacher's certification file.

Vote: The motion carried 14-4 with REPS. HURDLE, KITZENBERG, REHBEIN and SIMPKINS voting no.

{Tape: 1; Side: A; Approx. Counter: 740; Comments: NA.}

EXECUTIVE ACTION ON SB 250

Motion: CHAIRMAN ELLIS MOVED THAT SB 250 BE CONCURRED IN.

Motion: CHAIRMAN ELLIS MOVED TO AMEND SB 250. (This occurred after the discussion had taken place.)

Discussion:

Andrea Merrill, Legislative Council, explained the amendment.

REP. JOAN HURDLE added that there was some discussion about the phrase "within the adopted budget."

Ms. Merrill read a letter from Kathy Fabiano, Office of Public Instruction (OPI) that addressed the issues brought up in the hearing. EXHIBIT 1

{Tape: 1; Side: B; Approx. Counter: 45; Comments: The tape was turned over as the letter was being read.}

REP. DICK SIMPKINS said that they found places to put the rest of the money rather than reappropriate it into cash. He feels it needs to be in the adopted budget.

REP. PEGGY ARNOTT said that the committee needed to think about the statement on page one line 18.

CHAIRMAN ELLIS clarified the amendments.

REP. SIMPKINS agreed with the amendments.

Vote: The motion carried unanimously.

Motion: REP. JACK HERRON MOVED TO AMEND SB 250.

Discussion:

REP. SIMPKINS stated that they were talking about the money at the end of the year.

REP. HURDLE added that they changed the effective date to be effective upon passage.

Vote: The motion carried 16-2 with REPS. REHBEIN and DENNY voting no.

Motion/Vote: REP. NORM MILLS MOVED THAT SB 250 BE CONCURRED IN AS AMENDED. The motion carried 12-6 with REPS. ARNOTT, COCCHIARELLA, HARRINGTON, REHBEIN, SHEA and WYATT voting no.

{Tape: 1; Side: B; Approx. Counter: 330; Comments: NA.}

EXECUTIVE ACTION ON SJR 11

Motion: REP. DIANA WYATT MOVED THAT SJR 11 BE CONCURRED IN.

Discussion:

REP. BILL REHBEIN questioned what the cost of the study was going to be in relation to the current budget at the Office of Indian Affairs and stated that it upsets their current agenda for the next year.

REP. GEORGE HEAVY RUNNER corrected the statement and said that no other projects were being overlooked because of this study.

REP. JOAN HURDLE mentioned that educational institutes would profit from this study.

REP. DICK SIMPKINS said that there already is a person whose job it is to plan the education programs within the public school system to meet constitutional requirements.

REP. HEAVY RUNNER stated that this is a real opportunity to see where the schools are at in their responsibilities.

REP. VICKI COCCHIARELLA endorsed the resolution and said that the study would provide a useful tool to school boards when they have to make decisions.

REP. MATT DENNY mentioned that the resolution would be useful with the passage of HB 229.

CHAIRMAN ELLIS commented that the funding for this study is already in place.

Vote: The motion carried 16-2 with REPS. SIMPKINS and REHBEIN voting no.

{Tape: 1; Side: B; Approx. Counter: 630; Comments: NA.}

EXECUTIVE ACTION ON SJR 13

Motion: REP. GAY ANN MASOLO MOVED THAT SJR 13 BE CONCURRED IN.

Discussion:

REP. DAN HARRINGTON said that this is an important resolution.

REP. BILL REHBEIN asked where in the resolution money was asked for.

REP. HARRINGTON replied that the legislature was asked to go along with and say that they feel the money coming into the state is important for children.

REP. SONNY HANSON said that the group studied how to best develop the specifics of the program.

REP. NORM MILLS asked if the program would require a local fund match and what classes would be eliminated so that they can participate in the vocational training. REP. HANSON answered that it was funded by the federal grant and that the specifics of the implementation have not been worked out yet.

REP. DIANA WYATT explained that the concept was that Montana students are capable in academics but that students learn in different ways.

{Tape: 2; Side: A; Approx. Counter: 00; Comments: NA.}

REP. REHBEIN asked if the school-to-work program is already set up in the schools now.

REP. HANSON replied that the program that he is on is to develop the increments that are required for the school-to-work program.

REP. REHBEIN asked about the other study programs that are doing the same thing. REP. SIMPKINS agreed that there are other programs and they all need to be incorporated.

REP. PEGGY ARNOTT said that the basic funding comes through federal funds.

REP. SIMPKINS mentioned that there are other programs that are good and they may be bumped to help this program.

REP. GAY ANN MASOLO said this may help the children in smaller communities where opportunities may not be available.

REP. JOAN HURDLE agreed with REP. SIMPKINS.

Motion/Vote: REP. DICK SIMPKINS MOVED TO TABLE SJR 13. The motion failed 5-13 with REPS. HERRON, KEENAN, MILLS, REHBEIN and SIMPKINS voting yes.

Motion: REP. DICK SIMPKINS MOVED TO AMEND SJR 13.

Discussion:

REP. SIMPKINS stated that his amendment would delete lines 18-21 on page one.

REP. HARRINGTON opposed the amendment.

REP. HURDLE objected to the cleansing of the resolution.

Vote: The motion to adopt the Simpkins amendment failed 9-9 with REPS. DENNY, MILLS, HERRON, KEENAN, HANSON, SIMPKINS, REHBEIN, SHEA and WYATT voting yes and REPS. SHEA and WYATT voting by proxy.

HOUSE EDUCATION & CULTURAL RESOURCES COMMITTEE

March 10, 1995

Page 7 of 8


Vote: The motion on the bill carried 13-5 with REPS. HERRON,
KEENAN, MILLS, REHBEIN and SIMPKINS voting no.

*{Tape: 2; Side: A; Approx. Counter: 350; Comments: The meeting adjourned at
5:00 p.m.}*

ADJOURNMENT

Adjournment: 5:00 p.m.


ALVIN ELLIS, JR., Chairman


for ANDREA SMALL, Recording Secretary

AE/as



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that Senate Bill 250 (third reading copy -- blue) be concurred in as amended.

Signed: Peggy Arnott
Peggy Arnott, Vice Chair

Carried by: Rep. Ellis

And, that such amendments read:

1. Title, line 6.
Following: line 5
Insert: "IMMEDIATE"
Following: "DATE"
Insert: "AND A RETROACTIVE APPLICABILITY DATE"
2. Page 1, line 14.
Following: "balance"
Strike: "THE"
Insert: "At the end of each school fiscal year, the"
3. Page 1, lines 15 and 16.
Following: "fund." on line 15
Strike: remainder of line 15 through line 16
4. Page 2, line 20.
Following: "date"
Insert: "-- retroactive applicability"
Strike: "July 1, 1995"
Insert: "on passage and approval and applies retroactively,
within the meaning of 1-2-109, to the school fiscal year
beginning July 1, 1994"

-END-

Committee Vote:
Yes 12, No 6.

581302SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that Senate Joint Resolution 11 (third reading copy -- blue) be concurred in.

Signed: _____

Peggy Arnott
Peggy Arnott, Vice-Chair

Carried by: Rep. Heavy Runner

Committee Vote:

Yes 16, No 2.

581309SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Education and Cultural Resources** report that Senate **Joint Resolution 13** (third reading copy -- blue) be concurred in.

Signed: Peggy Arnott
Peggy Arnott, Vice-Chair

Carried by: Rep. Cocchiarella

Committee Vote:
Yes 13, No 5.

581310SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that Senate Bill 140 (third reading copy -- blue) be concurred in.

Signed: Peggy Arnott
Peggy Arnott, Vice-Chair

Carried by: Rep. Arnott

And, that such amendments read:

1. Page 1, line 18.

Following: "may"

Insert: "issue a letter of reprimand or may"

Committee Vote:
Yes 4, No 4.

581305SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 3/10/95 BILL NO. SB140 NUMBER

MOTION: DO CONCUR

Hanson moved amendments.

Present

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	X	
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority	X	
Rep. Matt Denny	X	
Rep. Sonny Hanson	X	
Rep. Dan Harrington	X	
Rep. George Heavy Runner	X	
Rep. Jack Herron	X	
Rep. Joan Hurdle	X	
Rep. Bob Keenan	X	
Rep. Sam Kitzenberg	X	
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein	X	
Rep. Sam Rose	X	
Rep. Debbie Shea		X
Rep. Dick Simpkins	X	
Rep. Diana Wyatt	X	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 3/10/95 BILL NO. SB140 NUMBER

MOTION: motion ~~to~~ to approve amendment
carried unanimously.

DO concur as amended - get name off
Arnott to carry

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	✓	
Rep. Peggy Arnott, Vice Chairman, Majority	✓	
Rep. Vicki Cocchiarella, Vice Chairman, Minority	✓	
Rep. Matt Denny	✓	
Rep. Sonny Hanson	✓	
Rep. Dan Harrington	✓	
Rep. George Heavy Runner	✓	
Rep. Jack Herron	✓	
Rep. Joan Hurdle		✓
Rep. Bob Keenan	✓	
Rep. Sam Kitzenberg		✓
Rep. Gay Ann Masolo	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein		✓
Rep. Sam Rose	✓	
Rep. Debbie Shea	✓	
Rep. Dick Simpkins		✓
Rep. Diana Wyatt	✓	

- LAST
~~TO BE DELETED~~

LAST -

Arnott

14 4



3121
EXHIBIT 1
DATE 3/10/95
SD 250
OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
PO Box 202501
HELENA MT 59620-2501
(406) 444-3095

Nancy Keenan
Superintendent

March 3, 1995

To: Representative Dick Simpkins
From: Kathy Fabiano *KF*
RE: SCHOOL DISTRICT GENERAL FUND TRANSFERS TO OTHER FUNDS

At last Wednesday's meeting of the House Education Committee, during the hearing on SB250, you asked me to provide you with answers to two questions. SB250 allows districts to "transfer" monies from their General Fund to a new fund, called the Litigation Reserve Fund.

Your questions were:

1. If all of the dollars reappropriated in districts' general fund budgets for 1994-95 had not been reappropriated, what would the impact be on state guaranteed tax base aid (GTB) payments?

Districts reappropriated approximately \$16 million in their 1994-95 general fund budgets. On average statewide, GTB payments to districts increase by about 50 cents for every \$1 not reappropriated. In other words, if the \$16 million reappropriated for 1994-95 had not been reappropriated, state GTB costs would be \$8 million higher.

2. If the fund "transfers" allowed by four bills being considered this session are made using dollars that would otherwise be reappropriated in the general fund, what will the impact be on state GTB?

HB151 removes the termination date of the school district Compensated Absences Liability Fund (CALF). Districts transferred \$1.8 million to the CALF in 1993-94. (These transfers were not subject to HB667 caps in 1993-94.) If we assume all \$1.8 million would otherwise have been reappropriated, the impact on state GTB was approximately \$900,000.

This office does not have the information needed to estimate the amount districts would transfer to the Litigation Reserve Fund under SB250. Given the other means available to districts under existing law to pay judgements, it is expected the transfers would be small and, consequently, the potential increase in state GTB costs would also be small.

HB479 allows a district that is budgeting at or above BASE to transfer up to \$20,000 or 4% of the district's general fund budget, whichever is greater, to the building reserve fund. The maximum amount that districts could transfer under the provisions of this bill is approximately \$8 million. If districts transfer \$8 million, the impact on state GTB is estimated to be \$3.2 million.