

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By CHAIRMAN DARYL TOEWS, on February 5, 1997, at
3:05 p.m., in Room 402.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. C.A. Casey Emerson, Vice Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. Wm. E. "Bill" Glaser (R)
Sen. John R. Hertel (R)
Sen. Loren Jenkins (R)
Sen. Mike Sprague (R)
Sen. Barry "Spook" Stang (D)
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Eddy McClure, Legislative Services Division
Janice Soft, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 52, SB 244; Posted 01/31/97
Executive Action: None

HEARING ON HB 52

Sponsor: REP. SAM KITZENBERG, HD 96, Glasgow

Proponents: Wayne Buchanan, Board of Public Education
Lance Melton, Montana School Boards Association
Don Waldron, Montana Rural Education Association

Opponents: Dori Nielson, Office of Public Instruction

Opening Statement by Sponsor:

REP. SAM KITZENBERG, HD 96, Glasgow, began by sharing parts of a
letter he had drafted for a constituent to speak to the merits of

HB 52. He said HB 52 provided Montana school districts with the option of having a four-day school week so education programs could be designed specifically to meet the needs of their patrons. He stated HB 52 allowed the Board of Public Education to permit a school district to conduct 180 days per school year or the number of contact hours rather than days. **REP. KITZENBERG** stressed each credit class would still have 225 contact hours, or the equivalent of 180 days. He commented HB 52 would allow some schools within a district to adopt the option while others in the same district could choose not to. He suggested a four-day school week also could: (1) Help alleviate budget strains by saving transportation costs, utilities, certified personnel, salaries, substitutes, etc.; (2) Provide more on-task teacher contact time as well as free the student from having to do makeup work for Friday sports events, etc.; (3) Provide for decreased absences of teachers, coaches & students; (4) Provide yearly accountability to the state Board of Education; (5) Provide the community with the Friday use of the school for alternate education, etc. **REP. KITZENBERG** said SB 71 was similar to HB 52 and referred to (**EXHIBIT 1**) to explain the similarities and differences, suggesting combining the best of both bills to make one. He referred to the conditions of the contingency clause on Page 3, Lines 14-15.

Proponents' Testimony:

Wayne Buchanan, Board of Public Education, said both bills had much merit and hoped they could be combined, encouraging keeping the elimination of superintendent duties as suggested by SB 71. He said less than 180 days had merit and the four-day week could be used at certain times of the year, i.e. basketball tournaments. He reiterated he hoped both could be combined.

Lance Melton, Montana School Boards Association (MSBA), concurred with previous comments regarding the combining of both bills.

Don Waldron, Montana Rural Education Association (MREA), expressed support for HB 52, saying they too hoped both bills could be combined.

Opponents' Testimony:

Dori Nielson, Office of Public Instruction (OPI), said OPI recognized the need for flexibility by school districts to adjust school hours for local issues; however, they were concerned the negatives outweighed the positives: (1) A four-day week often did not work with parents' schedules; (2) Educationally, fatigue in staff and young children could be an issue; (3) The extra day did not always translate into beneficial time for students because of the tendency for lots of TV, sleeping, hanging around and cruising stores and malls. **Ms. Nielson** said SB 71 would be the better of the two because of the above reasons.

{Tape: 1; Side: A; Approx. Time Count: 3:19 p.m.}

Questions From Committee Members and Responses:

SEN. MIGNON WATERMAN commented this was local control because if parents could see problems with HB 52, they could choose to not accept it, and expressed concern people could not be given the option to choose. **Dori Nielson** said this concept had been considered over several sessions and OPI's feeling was still the same -- fatigue issues for the staff and young students, which would be a disadvantage.

SEN. BILL GLASER asked how a teacher could get the work done in an 8-hour day. **Eric Feaver, Montana Education Association (MEA)**, said a school district could design enough instructional time into four days to match that which was done in five. **SEN. GLASER** said labor laws said the day could be only 8 hours and anything over that was overtime -- would the 8 hours be exceeded? **Mr. Feaver** said it would not be an issue with certified employees but could be with classified. **SEN. GLASER** wondered if **Mr. Feaver** had given thought to the four 10-hour days. **Mr. Feaver** said he was confident the school districts would not violate the law and MEA would represent the interests of the employees. **SEN. GLASER** commented if one employee or employer objected, four-day weeks were off. **REP. SAM KITZENBERG** said a school considering the four-day week would have to consider that, explaining teachers now worked different schedules. He also reiterated the points made in his opening, especially local control and options.

SEN. LOREN JENKINS asked if schools were supposed to be baby-sitters. **Dori Nielson** said the issue was many parents were not around on Fridays to supervise their children because they did not have designed options. **SEN. JENKINS** asked if parents did not approve of the idea, would not they attend the meeting. **Dori Nielson** said she hoped so, but also hoped their numbers would be greater than those who showed up to vote. **SEN. JENKINS** asked if the benefit was for the smaller school. **Ms. Nielson** said the advantages definitely were for the very small districts. **SEN. JENKINS** referred to one point already made -- not all schools within a district would have to adopt the four-day week. **Ms. Nielson** said staffing patterns could make even that difficult because some staff cross over into different schools.

SEN. DELWYN GAGE asked if there was discussion in the House regarding limiting the number of four-day weeks. **REP. KITZENBERG** said there was not, but it was a legitimate concern. He said HB 52 broadened the scope and opened more options; however, four-day schools were not for everyone.

SEN. JOHN HERTEL asked if HB 52 was flexible enough for a district to have a four-day school two or three months and a five-day the rest of the school year. **REP. KITZENBERG** said he was not sure. He said he was hoping for a Conference Committee to put the best of the two bills into one. **SEN. HERTEL** asked **SEN. TOEWS** if SB 71 had that flexibility and was told HB 52 allowed less than 180 days while SB 71 did not. **SEN. TOEWS**

further explained HB 52 could conceivably allow a 90-day school year.

SEN. WATERMAN commented she did not think people would rush for the four-day school week but she did wonder if the alternative school could have a four-day week. Dori Nielson said all students in accredited schools were to receive 180 days. SEN. WATERMAN asked if there would be objection to allowing a school rather than a district to apply. REP. KITZENBERG said he would not because he hoped HB 52 would address local control and flexibility. He said he would be happy to add that to the final draft.

Closing by Sponsor:

REP. SAM KITZENBERG said one of the beauties of Montana was its many school districts with many different needs. He reminded the Committee the intent of both bill authors, OPI and others who had input was to give local control, more flexibility to meet more needs and to provide a better education. He informed the Committee other states were incorporating a four-day week, the result of which was savings in several departments and the allowing of the community to use the school buildings on Fridays.

{Tape: 1; Side: A; Approx. Time Count: 3:46 p.m.}

HEARING ON SB 244

Sponsor: SEN. DARYL TOEWS, SD 48, Lustre

Proponents: None.

Opponents: Linda Brannon, Montana Association of School Business
Officials
Larry Stollfuss, Choteau County Supt. of Schools
Stan Perkins, Fort Benton Schools

CHAIRMAN DARYL TOEWS relinquished the chair TO VICE CHAIRMAN CASEY EMERSON during the hearing of SB 244.

Opening Statement by Sponsor:

SEN. DARYL TOEWS, SD 48, Lustre, said school budgets consisted of the General Fund, other funds and Reserve Funds. He said every year money was put into the Bus Depreciation Reserve Fund to replace existing buses when they wore out; however, some school districts made enough money on their busing to replace buses from the operations of the bus, which meant the Reserve Fund was building up. The law provided for this Reserve Money to be transferred to the General Fund through a vote of the people, and then the money could be spent. This transfer helped keep the mill levies down; however, the Reserve Fund could be refilled with a non-voted mill levy. SB 244 ensured the honesty of the

trustees in managing the Bus Depreciation Reserve Fund; in order to use the Reserve Fund money, all the buses must be sold.

Proponents' Testimony: None.

Opponents' Testimony:

Linda Brannon, Montana Association of School Business Officials (MASBO), said the way the Bus Depreciation Reserve Fund worked was a school district could depreciate out 150% the value of their bus. When the depreciation was complete and the money put into the Reserve Fund, the only use for that money was to replace a bus (it could not be used to add to the fleet). She said that was the only fund which a vote of the people could enable the transfer of that money to any fund (she corrected **SEN. TOEWS** who said it was only the General Fund). **Ms. Brannon** stated districts had to go through the procedure as well as an election

{Tape: 1; Side: B; Approx. Time Count: 3:53 p.m.}

to specifically stipulate the use for the money. She maintained if the district need was for something more important than a bus, the district should be allowed that flexibility. **Ms. Brannon** stated SB 244 needed more consideration.

Larry Stollfuss, Chouteau County Supt of Schools, said several of his school districts had gone to the well because of extra education expenditures. He stated each time the voters had unanimously approved the transfer of the money from the Bus Depreciation Reserve Fund. **Mr. Stollfuss** considered the Reserve Fund a management tool districts could use to meet their needs. He said he really was not speaking against SB 244, but felt the real legislative issue to address was educational funding, i.e. if there was no improvement in school funding, SB 244 should not pass.

Stan Perkins, Superintendent of Ft. Benton Schools, said **SEN. TOEWS** had a legitimate concern regarding the integrity of budgeted funds because money should not be moved around between funds; however, the real problem was inadequate funding. He said the Bus Depreciation Reserve Fund was the only fund which allowed the movement of money to other funds with a vote of the people, i.e. majority rule. He said he would be concerned if administrators could convince their boards to capriciously move money; however, the check on that was the majority vote of the people. **Mr. Perkins** said he was concerned because he wanted to go to the voters to get their approval to move the Bus Depreciation Reserve money to the Building Reserve Fund for technology. He maintained the current law was sound and allowed local control. He remarked the legislature had not given the leeway to build a Technology Fund so there were no other funding sources. **Mr. Perkins** summarized he wanted to keep the law as it was, majority rule.

Questions From Committee Members and Responses:

SEN. BILL GLASER asked from where the money for the Reserve Fund came. SEN. DARYL TOEWS said it came from a permissive mill. SEN. GLASER asked if it was an equalized mill across the county. Kathy Fabiano, Office of Public Instruction (OPI), said he was confusing the Bus Depreciation Reserve Fund with the Transportation Fund, which was used for busing students to and from school and was funded through county and state payments, plus a district permissive levy. She said the only source of funding for the Bus Depreciation Reserve Fund was the permissive mill levy used to replace existing buses; the Transportation Fund could be used to replace existing buses plus add to the fleet.

SEN. BARRY "SPOOK" STANG asked why the depreciation amount was 150% instead of 100%. Kathy Fabiano said a previous legislature changed it because buses usually last about seven or eight years; replacing them would probably be at about 150% of the original purchase price.

SEN. MIGNON WATERMAN asked if a previous legislature had established a Technology Fund, money for which could come from the General Fund and was told it had. SEN. WATERMAN commented many states did not have separate school funds so wondered if it would make more sense to allow districts to put both the Transportation Fund and Bus Depreciation Reserve Fund monies into the district's General Fund to spend on their needs. Stan Perkins said he liked the sound of that suggestion; however, the money for the Reserve Fund came solely from local taxes and he thought the voters should have a say in how to spend it. SEN. WATERMAN countered the voters did not vote to put the money into the Reserve Fund in the first place, so what happened if the money built up -- would the County Transportation Board lower the mill? Stan Perkins said it was up to the superintendent and his board to decide which buses to depreciate out. He said he would prefer to have the ability to put money into a Technology Fund so the voters would not have to be asked to approve the transfer because it would be cleaner and would look better to everyone. SEN. WATERMAN asked if Mr. Perkins would ask the County Commissioners to not levy the mill if the money in the Bus Depreciation Reserve Fund was not needed to replace buses in a given year. He said he would not need to depreciate the last two buses so he would not have to ask for taxes that year.

SEN. DELWYN GAGE commented SEN. TOEWS seemed to advocate local control with some reservations in SB 244. SEN. TOEWS said local control was asking local taxpayers for money for a specific purpose, after informing them of the funding details. SEN. GAGE said the language of SB 244 said as long as the district had a bus, taking the money from the Reserve Fund (even with the vote of the people) would not be an option. SEN. TOEWS said the voters could also agree to allow the school board to permissively add mills later on to refill the account; that way everything would be up front. SEN. GAGE wondered how that could be

accomplished as long as there were buses. **SEN. TOEWS** said the bus language could be deleted and language inserted which would let voters allow the transfer of the Reserve, but the cost would be ten mills at some point in time.

SEN. WATERMAN asked what would happen if the Bus Depreciation Reserve Fund was not there. **SEN. TOEWS** said some districts needed it because the Transportation Fund was not enough.

{Tape: 1; Side: B; Approx. Time Count: 4:18 p.m.}

Closing by Sponsor:

SEN. DARYL TOEWS said SB 244 would be one vehicle which would put integrity back into the school system.

VICE CHAIRMAN CASEY EMERSON relinquished the chair back to **CHAIRMAN DARYL TOEWS**.

Informational Testimony:

Don Waldron, Montana Rural Education Association (MREA), said all the money in the Reserve could not be wiped out and then replenished the next year because there was a schedule of depreciation; when the depreciation ran out, money could not be returned to the Reserve Fund.

{Tape: 1; Side: B; Approx. Time Count: 4:25 p.m.}

Dori Nielsen, Office of Public Instruction (OPI), at the request of **SEN. DARYL TOEWS**, explained the information in **(EXHIBIT 2)** as it pertained to HB 28 (making it mandatory for school districts to provide test information) -- what OPI proposed to do and how they proposed to do it. She summarized by saying the standards were written in 1989, when technology in schools was not very great nor was there an understanding of where technology would take us. She said standards needed to be reviewed from time to time to ensure their currency.

SEN. WATERMAN wondered about the funding and **SEN. TOEWS** said much of it would be funded out of the General Fund present budget but the argument would be how much additional would be needed. He said he wanted the Committee to see the information in **(EXHIBIT 2)** so they could see the thinking of OPI. **SEN. TOEWS** also said there were mandates coming over from the House for OPI who would give them to the districts. He cautioned the Committee to consider how many mandates districts would willingly accept, especially when asked to also voluntarily give test scores.

Erik Hanson, Governor's Office, said the Governor supported the plan explained by **Ms. Nielson** because it was a comprehensive way to assess schools that locals could be involved with. **Mr. Hanson** said this would take money and he proposed to talk to as many Committee members as possible to see if something could be worked

out to get this proposal into the budget and effective in Montana.


SEN. DELWYN GAGE asked if this would be completed by the end of fiscal 1999. **Dori Nielson** said they realized it would not happen before 1999, but the steps were in place for a first stage profile and to have pilot schools involved. She said OPI felt it would be meeting some performance expectations. **SEN. GAGE** asked how many districts would be involved and **Ms. Nielson** said she did not know but she anticipated quite a few, and thought they would be voluntary.

ADJOURNMENT

Adjournment: The meeting adjourned at 4:38 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/JS