

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 18, 1991, at
3:00 p.m.

ROLL CALL

Members Present:

Ted Schye, Chairman (D)
Ervin Davis, Vice-Chairman (D)
Steve Benedict (R)
Ernest Bergsagel (R)
Robert Clark (R)
Vicki Cocchiarella (D)
Fred "Fritz" Daily (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Gary Forrester (D)
Floyd "Bob" Gervais (D)
H.S. "Sonny" Hanson (R)
Tom Kilpatrick (D)
Bea McCarthy (D)
Scott McCulloch (D)
Richard Simpkins (R)
Barry "Spook" Stang (D)
Norm Wallin (R)
Diana Wyatt (D)

Members Excused: Rep. Dan Harrington

Staff Present: Andrea Merrill, Legislative Council
Dianne McKittrick, Committee Secretary

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

HEARING ON HB 104

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JOHN JOHNSON, House District 23, Glendive, said HB 104 allows a reduction in the length of the school day under special circumstances. Due to geographical distances in the state, this bill requests a shortening of days to enable teachers travel time to school meetings and service workshops. Schools would be permitted early dismissal the day before MEA meetings and certain holidays such as Thanksgiving.

Proponents' Testimony:

Eric Feaver, Montana Education Association, (MEA), said this legislation would allow folks early dismissal to allow for daylight travel. Several school districts have allowed teachers early leave for travel already and HB 104 would allow this practice to be continued in a more legalized fashion.

Dan Martin, Superintendent, Glendive, urged support for HB 104.

Kay McKenna, Montana Association of County School Superintendents, (MACSS), said this is a responsible approach to a travel and safety problem.

Jay Rasmussen, Dagmar stated support for HB 104.

Bruce Moerer, Montana School Boards Association, (MSBA), stated support for HB 104.

Terry Minow, Montana Federation of Teachers, (MFT), stated support for HB 104.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

REP. JOHNSON thanked the committee and said this bill is worthy of a DO PASS recommendation.

HEARING ON HB 105

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE LINDA NELSON, House District 19, Medicine Lake, said HB 105 provides for the transfer of tenured teachers between teaching and administration. Many schools are facing tough financial times due to declining enrollment and decreasing caps. School boards have to make hard choices to make the best use of tax dollars, which might involve eliminating an administrative position. This tenured administrative person would have two choices: (1) look for another administrative position; or (2) take a teaching job within the system. The teaching position could either be open within the system or this person could "bump" a non-tenured teacher.

Current law states a tenured teacher will receive the same salary from year to year and will not have to take a cut in pay. The tenured administrative person is considered a tenured teacher so the board finds it has to pay perhaps \$20,000 more per year for the administrator than the teacher he is replacing. This is not judicious use of taxpayer money and not fair to other teachers on staff who may be doing the same work for far less pay.

HB 105 allows the administrative person to take the teaching position from all of his years of tenure and fit into the salary schedule of his school system as though he had been teaching all along. This approach may not be kind from an administrative standpoint but it makes good sense. Other teachers will not be resentful, taxpayers will continue to support the levy and the administrative person will still have a salaried position.

In the future those going into an administrative position might just as well know from the beginning they will be paid as an administrator, but if they go into a teaching position they will be paid a teacher's salary.

Proponents' Testimony:

Bruce Moerer, Montana School Boards Association, (MSBA), said current Supreme Court interpretation of the tenure law requires a school district to continue paying an administrator the salary received as an administrator if that person goes into a classroom teaching position. The administrator must be offered the next open administrative position for which he/she qualifies. Mr. Moerer offered written testimony and proposed amendment to HB 105. EXHIBITS 1,2,3

REP. WILBUR SPRING, House District 77, Belgrade, stated support for HB 105.

Katherine Kelker, Chair, Board of Trustees, Billings, stated support for HB 105.

Steve Henry, Montana Education Association, (MEA), stated support for HB 105.

REP. BERV KIMBERLEY, House District 90, Billings, said HB 105 is not vindictive toward administrators and said he would not support HB 105 without a grandfather clause amendment.

A person should get paid for the job he/she does and in the school business compensation is received for any additional responsibility. There is a stipend, such as in coaching. When that responsibility is gone the teacher accepts the loss of the stipend. Consequently, if an administrator is teaching, he/she should receive the salary of a classroom teacher.

There also needs to be a seniority list where the last to be hired is the first to go.

David Spence, teacher, Ronan, stated support for HB 105.

Jim Sterns, teacher, Helena, stated support for HB 105.

Larry Williams, Superintendent, Great Falls, said HB 105 is a flexible option for a Board of Trustees and to some administrators. In situations where declining enrollment or

financial problems require the reduction of administrative staff, HB 105 would provide a viable option. This is an issue of comparable pay for comparable work as a basic thesis of work. To pay a regularly contracted teacher less wages than a former administrator who is now a teacher is disparaging and suggestive of some form of discrimination. To pay higher wages to a former administrator now assigned to a teaching position is statutorily inconsistent with collective bargaining statutes.

Dennis Carlson, teacher, Huntley Project Schools, Worden, stated support for HB 105.

Wanda Grinde, teacher, Canyon Creek School, Yellowstone County, stated support for HB 105.

Jerry Ruckavina, Pres., Great Falls Education Association, said HB 105 offers districts the option of flexibility. Teachers and administrators professionally desire that flexibility in softening the effects of a potential riff.

Trisha McMorris, teacher, Glasgow, stated support for HB 105.

Hallie Olson, Vaughn Elementary, stated support for HB 105.

Joy Rasmussen, Dagmar, said HB 105 is economically necessary.

Athlene Stokke, Vaughn, stated support for HB 105.

Kathy Carlson, teacher, Billings, stated support for HB 105. If not HB 105, perhaps all teacher salaries could be raised to administrative salary levels.

Kyle Boyce, Pres., Missoula County High School Education Association, Missoula, stated support for HB 105.

Noreen Burris, teacher, Billings, stated support for HB 105.

Scott C. McCulloch, Seeley, stated support for HB 105

Opponents' Testimony:

Jesse Long, School Administrators of Montana, (SAM), presented written testimony and proposed amendments. EXHIBITS 4,5,6

Dennis Kraft, Pres., School Administrators of Montana, Missoula, said the statute is in place for economic protection under the tenure law for teachers. This is a promise to folks currently serving in those positions. When they entered into current contracts, that was a provision in the contract. Please consider the amendments.

Terry Minow, Montana Federation of Teachers, (MFT), said the bill affects tenure rights adversely. Reduction of salary is not allowed under the tenure statute. If HB 105 passes when will the

next bill come along to do the same thing to teacher tenure rights? Look at this legislation with a great deal of caution.

Darrell Rud, Principal, Rimrock School, Billings, said it is exciting to work with people aspiring for the principalship. This legislation is discouraging to people who seek to change their professional direction and aspire to be principals. Top quality professionals will not continue to seek out these positions when they stand to lose their seniority rights. Who will fill hundreds of administrative openings if this legislation is implemented?

Keith Meyer, Principal and Superintendent, Kessler School, Helena, said there is definitely a new need for administrators due to the accreditation standards for 1992. The Kessler School District will be hiring an elementary principal because of enrollment. This bill poses a recruitment problem. Being a former teacher and now an administrator he has real concerns with the message being sent to those aspiring to become administrators.

Pep Jewell, Pres-Elect, School Administrators of Montana, presented written testimony. EXHIBIT 7

REP. ERVIN DAVIS, House District 53, Charlo, stated he has been a superintendent for a combined school district, a high school principal, teacher and coach, as well as an elementary principal and teacher. He said there are very real problems with HB 105 which need to be addressed during Executive Action.

Questions From Committee Members:

REP. GERVAIS asked **Bruce Moerer** what would be considered "financial problems" in relation to Federal programs being phased out. **Mr. Moerer** said if there is a decrease of funds from a Federal program that could be termed "financial problems". There is never a complete black and white pattern to follow in a budget situation. Trustees set a budget for salary, maintenance, reserve and utilities. This bill will allow flexibility for trustees elected by the taxpayers to determine the budget. If administrators feel abused in that process they are entitled to appeal to the county superintendent.

REP. BENEDICT asked **Bruce Moerer** if other states have similar policies and have they been challenged in court. **Mr. Moerer** said there is a great deal of variety throughout the states on tenure, and administrators all across the board. Anything can be challenged in court but this statute should hold.

CHAIRMAN SCHYE asked **Bruce Moerer** how many mill levies were voted down last year across Montana. **Mr. Moerer** said he was aware of only one voted down in Baker.

REP. BENEDICT asked **Jesse Long** to expand on his comments about

the difference a quality administrator makes in a school district. Mr. Long said HB 105 doesn't disagree with the quality of an administrators work as an administrator but allows the board to put an administrator back in the classroom as a teacher. There is currently a shortage of administrators and if their security is jeopardized there will soon be fewer numbers of quality people available for administrative positions.

REP. MCCULLOCH asked Steve Henry if HB 105 passes will it weaken the tenure laws. Mr. Henry said it will not.

Closing by Sponsor:

REP. NELSON said school boards do not function to provide financial security. The bottom line is accountability to the taxpayers and providing the best use of tax dollars to educate students. Salary cuts are not unique in Montana and taxpayers have the right to judicious use of their tax money. This bill is not a fun bill but to defeat it is to do nothing. The time has come to do something about this situation.

EXECUTIVE ACTION ON HB 27

Motion: REP. WALLIN moved HB 27 DO PASS.

Discussion: REP. MCCARTHY asked what class district is Townsend. CHAIRMAN SCHYE said Townsend is a Class II District and would not have been included in this legislation if it was only concerned with Class III.

REP. CLARK said he talked with Kay McKenna and she sees no problem with amending to include Class II so that Townsend would be included.

REP. SIMPKINS said the law states you can only have a substitute teacher for thirty days at which time they have to be under contract. Andrea Merrill said after thirty days the district must offer benefits, such as retirement benefits the other teachers get. That is usually the incentive to relieve them from the substitute position for a time.

REP. DAILY said this bill will probably cause many problems and could potentially bring about abuse of the Nepotism Law. His district hires a substitute on a permanent basis during legislative sessions.

REP. CLARK asked Kay McKenna to speak to the size of the districts in each class. Ms. McKenna said the 6500 in a Class I District is the size of the entire district, not the population of the school.

Motion/Vote: REP. CLARK moved to adopt amendments limiting to Class II and III Districts. Motion FAILED 7 TO 12. EXHIBIT 8

Discussion: REP. SIMPKINS said even if the bill is amended to twenty days if someone is determined to hire a relative they will. For example, they would allow them to work up to nineteen days and then rehire. The number of days really doesn't matter. Until the large communities abuse the privilege let the smaller communities benefit. If this becomes an abusive situation then deal with it at that time. This is really a rural Montana bill.

Motion/Vote: REP. DAILY moved to adopt amendment No. 2. Motion **CARRIED** 17 to 2. **EXHIBIT 9**

Discussion: REP. MCCULLOCH said the language of the amendment does not speak to the intention of Rep. Daily since on the 30th day substitutes would receive full benefits such as teacher retirement and insurance. They would also be credited a full year towards teacher tenure.

Motion/Vote: CHAIRMAN SCHYE made a substitute motion to withdraw all previous motions and extend Executive Action on HB 27 in order to have Andrea Merrill research the bill and provide the committee with proper information. Motion **CARRIED** unanimously.

EXECUTIVE ACTION ON HB 54

Motion: REP. WYATT moved HB 54 **DO NOT PASS**.

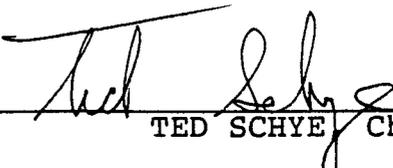
Motion: REP. DAVIS made a substitution motion HB 54 **DO PASS** and distributed amendments. **EXHIBIT 10** REP. WYATT withdrew her original motion.

Discussion: REP. BENEDICT expressed concerns brought up by the MEA. CHAIRMAN SCHYE said the amendment offered by REP. DAVIS would have to be voted on before any changes could be made to that amendment.

Motion/Vote: REP. WYATT made a substitute motion **TO TABLE** HB 54. Motion **CARRIED** 13 To 6. **EXHIBIT 11**

ADJOURNMENT

Adjournment: 5:30 p.m.



TED SCHYE, Chair



DIANNE MCKITTRICK, Secretary

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE 1-18-91

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

HB 105FACT SHEET

Prepared for The House Education Committee

January 18, 1991

A. Problem:

Current law requires a school district to continue to pay a former administrator who is transferred to the classroom for economic reasons at the higher administrative salary level, give them continuing administrative increases, and give them the next administrative position for which they are qualified.

B. Reason: Definition of Tenure:

1. Administrators (except Superintendents) gain tenure just like classroom teachers by the offer and acceptance of their fourth consecutive contract (prior years can be either teaching or administrative positions).
§ 20-4-203, MCA.
2. Tenure prohibits salary reductions.
3. A tenured teacher (or administrator) can bump a nontenured teacher if his/her position is eliminated and he/she is endorsed to teach the subject being taught by the nontenured teacher.

C. HB 105 Solution:

Allows a school district to transfer an administrator to a classroom teaching position at a classroom teacher's salary if economic conditions of the district require a reduction in administrative staff.

D. HB 105 does:

1. provide due process protection for the administrator.
2. give administrators credit on the teacher's salary schedule for all years of service with the district.
3. provide the administrator a preference for the next comparable administrative opening for which he/she is qualified.

E. HB 105 does not:

1. allow an administrator to be assigned to the classroom instead of being terminated if the district is not satisfied with the administrator's performance.
2. cause the administrator to lose any seniority with the district.
 - a. Seniority is based on years of service and is determined solely by the collective bargaining agreement (CBA). It is normally used to determine the order of layoff of tenured teachers in the union.
 - b. Some CBA's allow former administrators (now teachers) to accrue seniority for years of service as an administrator, some do not.
 - c. An administrator can be assigned to the classroom under current law, and if the CBA does not allow seniority to be accrued for administrative duties, the former administrator might be the first teacher laid off. This can happen now!
 - d. HB 105 does not cause, or affect, this possible result -- it merely affects the salary the former administrator would receive for teaching.

Bruce Moerer
General Counsel



"Administration to the classroom"

Legal Corner

Although it is permissible to assign administrators to a classroom teaching position, it may not be advisable under the tenure laws and the Montana Supreme Court's interpretation of those laws.

What the Supreme Court has said is that, if a district determines that it must RIF (reduction in force) an administrative position, a tenured administrator with proper endorsements or qualifications, can bump a nontenured teacher. Massey v. Argenbright, et al, 683 P.2d 1332, 3 St.Rptr of Ed Law 142 (1984). The Court has further stated that when this happens, the teacher (former administrator) is entitled to be paid the administrative salary, plus future increases granted to administrators in the district, and is entitled to the next administrative opening if he or she is qualified. Sorlie v. School Dist. No. 2, 667 P.2d 400, 2 St.Rptr of Ed. Law 145 (1983).

In analyzing the situation, one must understand that administrators (except the superintendent) fall under the definition of "teacher."

"Teacher" means any person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by the district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher shall also include

any person for whom an emergency authorization of employment of such person has been issued under the provisions of 20-4-111, MCA." Section 20-1-101(18), MCA.

Therefore, administrators can obtain tenure under the teacher tenure law, just like a classroom teacher can.

Section 20-4-203, MCA provides that: "(1) Whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or specialist, the teacher is considered to be reelected from year to year thereafter as a tenure teacher at the same salary and in the same or a comparable position of employment as that provided by the last executed contract with the teacher unless the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of 20-4-204.

(2) The tenure of a teacher with a district may not be impaired upon termination of services of the teacher if the following conditions exist:

(a) the tenure teacher is terminated because the financial condition of the district requires a reduction in the number of teachers employed; and

(b) continued employment rights are provided for in a collectively bargained contract of the district."

In fact, there is no difference between

tenure for administrators and teachers. There is also no difference among administrators, be they building principals or central office administrators. Upon the signing of their fourth consecutive contract with the district, "teachers" obtain tenure, regardless of whether they were classroom teachers or administrators before or after obtaining tenure. Teachers retain tenure until their employment is terminated, unless they are recalled pursuant to the terms of a collective bargaining agreement.

Let's look at the numbers. . .

What does this do to a school district that needs to RIF an administrative position because of a loss of enrollment or financial problems? Assume the tenured administrator makes \$40,000. Assume the administrator bumps a nontenured teacher who makes \$16,000. The salary savings realized by the district is only \$16,000 since the administrator must still be paid \$40,000. In addition, morale problems become serious when one teacher makes substantially more than another for doing the same job. Finally, the former administrator is also paid in violation of the salary schedule of the collective bargaining agreement. With all of these problems facing the district, it may not be worth only \$16,000 to eliminate the administrative position.

A second practical effect is evident when a district goes to fill an administrative opening. A district has more incentive to hire from outside the district to avoid putting a tenured teacher in that position. The district then has three nontenure years to evaluate the person's job performance as an administrator. Additionally, in the event of an RIF during those first three years, the person can be assigned to the classroom at a classroom teacher's salary because they have not yet obtained tenure.

The Montana School Boards Association
(continued on page 6)

Administration to the classroom

(continued from page 4)

tion is preparing legislation to allow a tenured administrator to be assigned to the classroom at a classroom teacher's salary. This will avoid the problems discussed above. If we assume the administrator will make \$26,000 at the correct place on the salary schedule, the district would save \$30,000 instead of \$16,000. Other classroom teachers would then be more receptive to the situation since the pay would be equitable and the salary would not be in conflict with the collective bargaining agreement. This change in the law would give districts a more viable option in administrative assignments.

Obviously, administrators are opposed to this (they take a cut in pay), but one needs to carefully evaluate their stated objections. One fear they have is that the law will be circumvented and poor administrators will be assigned to the classroom instead of

terminated for cause. They say that somehow they will lose their due process rights to appeal the school board's decision. This cannot happen, because such an assignment would be appealed to the county superintendent as a school controversy under Section 20-3-201, MCA, and a hearing would be held. If a district should attempt to circumvent the law, they would be caught by the appeal process.

Another fear is that under the proposed law, administrators who are put back in the classroom will lose their seniority under the collective bargaining contract, and will be the first teachers laid off in an RIF. That may happen, but the proposed law does not cause this. This happens now. Right now an administrator can be assigned to the classroom. Right now some teacher collective bargaining agreements require tenured teachers with the least seniority to be laid

off first. Some of these agreements do not allow seniority for years of service as an administrator. Therefore, under the current law, an administrator may be the first tenured teacher laid off. This is a fact of life now, and would continue to be a fact of life if the proposed law is enacted by the legislature.

Even though legislative decisions are public policy decisions, they must be based on a correct understanding of the law. School trustees are responsible for running the school district in a fiscally sound manner. The present law decreases the options available to trustees in cases where administrative positions need to be reduced. The legislature must decide, as a matter of public policy, how many options are available to school trustees in these tight economic times.

EXHIBIT #3
DATE 1-18-91
HB 105

PROPOSED AMENDMENT TO
HOUSE BILL 105 White Copy

For the House Education Committee
Proposed by Bruce W. Moerer
Montana School Boards Association

January 18, 1991

Page 2, line 11

Following: "as"

Strike: "or more than"



School Administrators of Montana
515 North Sanders
Helena, MT 59601-4597
(406) 442-2510

EXHIBIT # 4
DATE 1-18-91
HB 105

Jan. 18, 1991

To: Ted Schye, Chairman
House Education & Cultural Resources Committee

From: Jesse W. Long, Executive Director *JWL*

Re: HB 105 - Provide for transfer of tenure teacher between
teaching and administration.

School Administrators of Montana passed a resolution during the October Convention that is in opposition to HB 105.

Effective Schools research has demonstrated over and over that an effective principal is the prime factor in successful schools. In fact I want to quote from an editorial written this month,

"In most school districts, the success that will be experienced, will, more often than not, be because of a quality administrator. Much of the national research confirms that these key individuals - the administrators - make all the difference."

That quote is from the MSBA Bulletin for January 1991. Another quote out of the same editorial,

"School Board members need to talk about how they might encourage individuals with administrative skills to obtain the necessary training and credentials for future jobs."

MSBA and many school board members are speaking out of both sides of their mouths and are not providing encouragement or reducing stress on their middle managers.

It is interesting that during the Great Falls teachers strike in 1989, principals were asked by the Great Falls Board to be on duty in the early morning and literally manned the front line for the school board. Now school boards are attacking the very little security that principals have, by offering HB 105.

It is also interesting that the Billings Education Association teachers union are promoting the passage of this legislation. It is obvious they are in it for the money.

HB 105 is unnecessary. If school boards would fully accept the principals as a part of the management team and allow principals to participate in negotiating the master contract for the school district, adequate means for transfer can be developed to the satisfaction of all parties concerned.

If you must pass this bill, please accept the following attached amendments. The amendments make some minimum word changes.

I would ask that you give HB 105 a do not pass.

EXHIBIT #5
DATE 1-18-91
PAGE 105

Robert Anderson
Executive Director



School administrator shortage?

My View

Between the winter and summer months of 1988, fifty chief school administrators in Montana bid adieu to their school districts and looked for greener pastures. In the same period, in 1990, another forty-five superintendents also departed their school districts. In other words, nearly half of all school superintendents vacated their jobs this past two years, some reluctantly, but most on their own volition.

School districts looking for qualified applicants that once saw large numbers from which to choose, now are looking at a much smaller pool. School districts that desired a person with experience from within Montana found even fewer quality applicants. Trustees that are looking for stability within their school system are finding that many applicants have endured the rigors of headmaster in their former school district only a few years. Many school boards are beginning to question applicants who jump from school to school on a regular basis.

Not only do we see a growing problem finding school superintendents, but also the number of elementary and secondary principals seem to be in a state of decline as well. In talking with Darrell Rud, past president of the School Administrators of Montana and currently an elementary principal in Billings, I found that nationally, the National Association of Elementary School Principals is predicting that one-third to one-half of all elementary principals will be retiring within three to five years. The concern is great enough here in Montana that Principal Rud and his colleagues have begun an Aspiring Principals program to encourage new principals to join their ranks.

Rud makes some important points on why fewer and fewer educators are wanting to become administrators. Some reasons are specific to principals, such as security. Many principals who gain tenure or a high level of compensation with one district find it nearly impossible to transfer to another district without a loss of both. The retirement system makes the situation even more critical if the administrator wants to transfer from one state to another; most states, including Montana, only allow a person to purchase up to five years retirement.

Rud makes a good case that the system

currently makes for "disincentives" for administrators to move from large to small school districts and in and out of state.

There are a variety of villains when it comes to looking for reasons why fewer quality administrators are available. Jesse Long, SAM executive director, believes that low administrative salaries in Montana, as well as increasing demands, are discouraging factors for potential administrators. He and Rud both state that the salary difference between teachers and administrators is not very great, considering the extra time and responsibility administrators take on with their jobs. Many teachers find life much easier, given the pay and grief that comes with an administrative position.

Both also note that Montana's twenty-five year retirement plan for teachers and administrators will cause shortages in the nineties.

So what is the answer?

School districts, whether large or small, need to plan now for what their administrative needs will be for the next 10 years. School board members need to talk about how they might encourage individuals with administrative skills to obtain the necessary training and credentials for future jobs. Requirements for administrators have increased and are not easy to meet, and will most likely require an investment from the school district.

Obviously, school districts will need to consider higher salaries to attract and maintain high quality personnel. But higher salaries alone will not be enough to overcome some of the difficulties of administration, including teacher shortages and fear of litigation. Nearly every year that I have attended the dinner hosted by the Montana Association of School Administrators for retiring administrators, I have heard those individuals speak of their stresses, the greatest of which concern labor problems and litigation.



"I want YOU!"

EXHIBIT #6
DATE 1-18-91
HB 105

AMENDMENTS TO HB 105

1. Amend the Title, line 6
Strike: "AND"
Insert: following MCA - "AND APPLICABILITY DATE"
2. Page 3, line 15
Strike: "are arbitrary or capricious."
Insert: "was made with good cause."
3. Page 3, line 23
Strike: "were arbitrary or capricious."
Insert: "was made with good cause."
4. Page 4, INSERT: Following line 10
"NEW SECTION. Section 4. Applicability -
[This Act] does not apply to a person who was employed in an
administrative position prior to [the effective date
of this act]."

EXHIBIT # 7
DATE 1-18-91
HB 105

THE SCHOOL ADMINISTRATORS OF MONTANA (THE UMBRELLA ORGANIZATION OF ADMINISTRATORS) OPPOSES THE PASSAGE OF HOUSE BILL 105 FOR THE FOLLOWING REASONS:

*A prediction of retirement of 50 per cent of the current administrators in the next nine years will lead to a shortage of administrators.

*Lack of seniority rights for administrators in most collective bargaining agreements will lead to principal desire for protection of a union or unwillingness to move.

*Small schools may suffer with administrative cuts due to the 1992 standards for 1 FTE for 250-500 students. This could lead to administrative co-ops similar to the current special ed co-ops. Consolidation may result due to budgets and compliance with the new standards.

*Teachers, custodians, and clerical staff will have economic tenure-administrators will be the only group in the education setting who do not.

*Some districts see this as a way to remove incompetent administrators without due process. If the issue is competence, the evaluation process must be used.

*Public policy for an insignificant number is unnecessary.



*Teacher/administrator salaries currently differ significantly in length of contract rather than daily wage. The question of placement on the salary schedule will lead to contract negotiations at the time of hiring or an unwillingness of administrators to move to small and mid-size districts.

"How can I help you?"

EXHIBIT # 8
 DATE 1-18-91
 HB 27

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-18-91 BILL NO. 27 NUMBER _____

MOTION: Amend - To limit to Class II & III
Districts. Motion by Rep. Clark
FAILED 7-12.

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN		✓
REP. STEVE BENEDICT		✓
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY		✓
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND	✓	
REP. GARY FORRESTER		✓
REP. FLOYD "BOB" GERVAIS		✓
REP. H.S. "SONNY" HANSON		✓
REP. DAN HARRINGTON		
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY		✓
REP. SCOTT MCCULLOCH		✓
REP. RICHARD SIMPKINS		✓
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN		✓
REP. DIANA WYATT	✓	
TOTAL	7	12

EXHIBIT #9
 DATE 1-18-91
 HB 27

HOUSE OF REPRESENTATIVES
 EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-18-91 BILL NO. 27 NUMBER #2

MOTION: By Rep. Daily "no more than
30 consecutive days" Motion Carried
17-2

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT		✓
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS	✓	
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON		
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS		✓
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN	✓	
REP. DIANA WYATT	✓	
TOTAL	17	2

Amendments to HB Bill No. 54
1st Reading Copy

EXHIBIT #10
DATE 1-18-91
HB 54

Requested by Rep. Davis
For the Committee on Education

Prepared by Andrea Merrill
January 15, 1991

1. Title, line 7.
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 7.
Following: line 6
Insert: "full"

4. Page 2, line 12.
Following: "who"
Insert: ":"
 (A)"

5. Page 2, line 13.
Following: "subsection (2)"
Insert: ";
 (B) takes the oath of office as provided in 20-1-202;
 (C) is bonded in the manner provided for county officers in
Title 2, chapter 9, part 7; and
 (D) attends instructional training in the duties of a
county superintendent as offered by the office of public
instruction"

6. Page 2, line 15.
Following: "(b)"
Insert: "Whenever a governing body contracts with a person for
performance of the duties required of a county
superintendent under the provisions of subsection
(3)(a)(ii), the contract must be for at least the duration
of 1 school fiscal year.
(c)"

7. Page 2, line 17.
Following: line 16
Insert: "NEW SECTION. Section 2. Effective date. This act is
effective July 1, 1991."

EXHIBIT # 11
 DATE 1-18-91
 HB 54

HOUSE OF REPRESENTATIVES
 EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-18-91 BILL NO. 54 NUMBER _____

MOTION: By Rep. Woffatt To Table
Motion CARRIED 13-6.

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT		✓
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND		✓
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS	✓	
REP. H.S. "SONNY" HANSON		✓
REP. DAN HARRINGTON		
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS		✓
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN	✓	
REP. DIANA WYATT	✓	
TOTAL	13	6

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. HB 104

DATE 18 JANUARY 1991

SPONSOR REP JOHN JOHNSON

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jerry Rukania	Great Falls	✓	
Jay Rasmussen	Trayman	✓	
Bruce W. Meier	MSBA	✓	
Don Martin	Mendenhall	✓	
Margo Voermans	Missoula	✓	
Meg Jensen	Conrad	✓	
Larry M. Pagett	Seeley Lake	✓	
Gene Salaman	Bonner	✓	
Tammy Lacey	Great Falls	✓	
Ray McRanna	MACSS	✓	
Terra Munson	MT	✓	
Jim Stearns	Holmen	—	
Paula Nelson	Thompson Falls	✓	
Keith Ann Trevithick	Thompson Falls	✓	
Jacki Lamb Marvin	Wiglat	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. HB 105

DATE 18 JANUARY 1991

SPONSOR REP LINDA NELSON

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Harry D. Erickson	Belgrade		✓
Jason Long	S. A. M.		✓
Marilyn Ryan	Miss		
Achene Stathe	Vaughn	✓	
Katharine Ankelken	Billings	✓	
Regina McMoris	Glasgow	✓	
Sharon Henry	Billings	✓	
Wanda Grinde	Billings	✓	
Jan Riebhoff	Belgrade	✓	
Allan W. Eve	Miles City	✓	
Karen Vraa	Forsyth	✓	
David Spence	Ronan	✓	
John Stratton	Laurel	✓	
Bob Dickerson	Gt Falls	✓	
Dennis Carlson	Huntley Project	✓	
Scott McMillan	Priddy	✓	
John Carlson	Priddy	✓	
Hallie Olson	Vaughn	✓	
Darrell Rud	Billings		✓
Jay Rasmussen	Tagman	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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VISITORS' REGISTER

EDUCATION

COMMITTEE

BILL NO. HB105

DATE 18 Jan 91

SPONSOR Rep Linda Nelson

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
PEP JEWELL	HELENA - SAM		✓
Bruce W. Moers	MSMA	X	
Mureen Burtis	Billings	✓	
Patricia Jarot	Whitefish	X	
Shannon McAuliffe	Billings	X	
Rita Schmidt	Great Falls	X	
Kyle Boyce MCHSEA	Missoula	X	
Deb Wenger	Cut Bank	X	
Tom Douzney	Billings	X	
Jerry Rutledge	Great Falls	X	
Tammy Lacey	"	X	
Ron McRonnig	MAESS		✓
Philbur Springs	Delgrade	X	
Toyon M. Mauld	MEF		✓
Alvinus Knoff	School Admin of MT		X
Lee D. Sullivan	GF Public Schools	X	
Rita Schmidt	Great Falls	X	
Natie Link	Bill -	X	
Kathy Dunn	Great Falls	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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