

HOUSE BILL 254

Introduced by Simpkins

1/18	Introduced
1/18	Referred to Education & Cultural Resources
1/18	First Reading
1/28	Hearing
1/30	Tabled in Committee

1 HOUSE BILL NO. 254
 2 INTRODUCED BY Tomplings
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY DEFINITIONS
 5 AND PROVISIONS RELATED TO THE COMPULSORY ENROLLMENT AND
 6 ATTENDANCE OF CHILDREN IN PUBLIC SCHOOLS; AND AMENDING
 7 SECTIONS 20-1-101, 20-5-102, AND 20-5-103, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 **Section 1.** Section 20-1-101, MCA, is amended to read:
 11 "20-1-101. Definitions. As used in this title, unless
 12 the context clearly indicates otherwise, the following
 13 definitions apply:
 14 (1) "Agricultural experiment station" means the
 15 agricultural experiment station established at Montana state
 16 university.
 17 (2) "Attendance" means the presence of an enrolled
 18 child in an instructional program prescribed by the board of
 19 trustees of a school district or by the board of public
 20 education.
 21 (2)(3) "Average number belonging" or "ANB" shall mean
 22 means the average number of regularly enrolled, full-time
 23 pupils attending the public schools of a district.
 24 (3)(4) "The board of public education" is the board
 25 created by Article X, section 9, subsection (3), of the 1972

1 Montana constitution and 2-15-1507.
 2 (4)(5) "Board of regents" means the board of regents of
 3 higher education created by Article X, section 9, subsection
 4 (2), of the 1972 Montana constitution and 2-15-1505.
 5 (5)(6) "Commissioner" means the commissioner of higher
 6 education created by Article X, section 9, subsection (2),
 7 of the 1972 Montana constitution and 2-15-1506.
 8 (6)(7) "County superintendent" means the county
 9 government official who is the school officer of the county.
 10 (7)(8) "District superintendent" means any person who
 11 holds a valid class 3 Montana teacher certificate with a
 12 superintendent's endorsement that has been issued by the
 13 superintendent of public instruction under the provisions of
 14 this title and the policies adopted by the board of public
 15 education and who has been employed by a district as a
 16 district superintendent.
 17 (9) "Enrolled" means the verified acceptance by a
 18 parent, guardian, or other person of the initial school
 19 assignment for a child as made by the board of trustees of a
 20 district in compliance with the provisions of 20-5-101 and
 21 20-5-102.
 22 (10)(10) "K-12 vocational education" means vocational
 23 education in public school kindergarten through grade 12.
 24 (11)(11) "Principal" means any person who holds a valid
 25 class 3 Montana teacher certificate with an applicable

1 principal's endorsement that has been issued by the
 2 superintendent of public instruction under the provisions of
 3 this title and the policies adopted by the board of public
 4 education and who has been employed by a district as a
 5 principal. For the purposes of this title, any reference to
 6 a teacher ~~shall~~ must be construed as including a principal,
 7 as herein defined.

8 ~~{10}~~(12) "Pupil" means any child who is 6 years of age
 9 or older on or before September 10 of the year in which the
 10 child is to enroll or has been enrolled by special
 11 permission of the board of trustees under 20-5-101(3) but
 12 has not yet reached his 19th birthday and who is enrolled in
 13 a school established and maintained under the laws of the
 14 state of Montana at public expense. For purposes of
 15 calculating the average number belonging (ANB) pursuant to
 16 20-9-311, the definition of pupil includes a person who has
 17 not yet reached his 19th birthday by September 10 of the
 18 year and is enrolled under 20-5-101(3) in a school
 19 established and maintained under the laws of the state at
 20 public expense.

21 ~~{11}~~(13) "Pupil instruction" means the conduct of
 22 organized instruction of pupils enrolled in public schools
 23 while under the supervision of a teacher.

24 ~~{12}~~(14) "Regents" means the board of regents of higher
 25 education.

1 ~~{13}~~(15) "School food services" means a service of
 2 providing food for the pupils of a district on a nonprofit
 3 basis and ~~shall--include~~ includes any food service
 4 financially assisted through funds or commodities provided
 5 by the United States government.

6 ~~{14}~~(16) "The state board of education" is the board
 7 composed of the board of public education and the board of
 8 regents as specified in Article X, section 9, subsection
 9 (1), of the 1972 Montana constitution.

10 ~~{15}~~(17) "State university" means the Montana state
 11 university, located at Bozeman.

12 ~~{16}~~(18) "Superintendent of public instruction" means
 13 that state government official designated as a member of the
 14 executive branch by the constitution of Montana.

15 ~~{17}~~(19) "System" means the Montana university system.

16 ~~{18}~~(20) "Teacher" means any person, except a district
 17 superintendent, who holds a valid Montana teacher
 18 certificate that has been issued by the superintendent of
 19 public instruction under the provisions of this title and
 20 the policies adopted by the board of public education and
 21 who is employed by a district as a member of its
 22 instructional, supervisory, or administrative staff. This
 23 definition of a teacher ~~shall--also-include~~ includes any
 24 person for whom an emergency authorization of employment ~~of~~
 25 ~~such---person~~ has been issued under the provisions of

1 20-4-111.

2 {19}(21) "Textbook" means a book or manual used as a
3 principal source of study material for a given class or
4 group of students.

5 {20}(22) "Textbook dealer" means any party, company,
6 corporation, or other organization selling, offering to
7 sell, or offering for adoption textbooks to districts in the
8 state of Montana.

9 {21}(23) "Trustees" means the governing board of a
10 district.

11 {22}(24) "University" means the university of Montana,
12 located at Missoula.

13 {23}(25) "Vocational education" means the instruction to
14 prepare or improve the pupil for gainful employment that
15 does not require a baccalaureate or higher degree. This
16 definition of vocational education ~~shall include~~ includes
17 guidance and prevocational, related, or technical
18 instruction necessary to prepare the pupil for further
19 vocational education or for entry into employment.

20 {24}(26) "Vocational-technical center" means an
21 institution used principally for the provision of
22 vocational-technical education to persons who qualify as
23 vocational-technical students. These centers are designated
24 by the board of regents upon direction by the legislature.
25 All other public or private institutions or schools are

1 hereby prohibited from using this title.

2 {25}(27) "Vocational-technical education" means
3 vocational-technical education of vocational-technical
4 students that is conducted by a vocational-technical center,
5 a unit of the Montana university system, or a community
6 college as designated by the board of regents."

7 **Section 2.** Section 20-5-102, MCA, is amended to read:

8 "20-5-102. Compulsory enrollment and excuses. (1)
9 Except as provided in subsection (2), any parent, guardian,
10 or other person who is responsible for the care of any child
11 who is 7 years of age or older prior to the first day of
12 school in any school fiscal year shall cause the child to be
13 instructed in the program prescribed by the board of public
14 education pursuant to 20-7-111 until the later of the
15 following dates:

- 16 (a) the child's 16th birthday;
17 (b) the date of completion of the work of the 8th
18 grade.

19 (2) Such A parent, guardian, or other person shall
20 enroll the child in the school assigned by the trustees of
21 the district ~~within--the-first~~ prior to the second week of
22 the child's first school term or when he establishes
23 residence in the district unless the child is:

- 24 (a) enrolled in a school of another district or state
25 under any of the tuition provisions of this title;

1 (b) provided with supervised correspondence study or
2 supervised home study under the transportation provisions of
3 this title;

4 (c) excused from enrollment in a school of the district
5 when it is shown that his bodily or mental condition does
6 not permit his attendance and the child cannot be instructed
7 under the special education provisions of this title;

8 (d) excused from compulsory school attendance upon a
9 determination by a district judge that such the attendance
10 is not in the best interest of the child;

11 (e) excused by the board of trustees upon a
12 determination that such attendance by a child who has
13 attained the age of 16 is not in the best interest of the
14 child and the school; or

15 (f) enrolled in a nonpublic or home school that
16 complies with the provisions of 20-5-109. For the purposes
17 of this subsection (f), a home school is the instruction by
18 a parent of his child, stepchild, or ward in his residence
19 and a nonpublic school includes a parochial, church,
20 religious, or private school.

21 (3) The excuse provided for in subsection (2)(c) of
22 this section ~~shall~~ must be issued by the district
23 superintendent or the county superintendent when there is no
24 district superintendent employed by the district. Whenever
25 an excuse is denied by the applicable official, an appeal of

1 such the decision may be made to the district court of the
2 county within 10 days after the decision upon giving a bond
3 in the amount set by the court to pay all costs of the
4 appeal. The decision of the district court ~~shall be~~ is
5 final."

6 **Section 3.** Section 20-5-103, MCA, is amended to read:

7 "20-5-103. Compulsory attendance and excuses. (1)
8 Except as provided in subsection (2), any parent, guardian,
9 or other person who is responsible for the care of any child
10 who is 7 years of age or older prior to the first day of
11 school in any school fiscal year and who is required under
12 the provisions of 20-5-102 to be enrolled in a school of a
13 school district shall cause the child to attend the school
14 in to which he is enrolled assigned by the board of trustees
15 of the district for the school term and for each school day
16 therein prescribed by the trustees of the district until the
17 later of the following dates:

18 (a) the child's 16th birthday;
19 (b) the date of completion of the work of the 8th
20 grade.

21 (2) The provisions of subsection (1) do not apply in
22 the following cases:

23 (a) The child has been excused under one of the
24 conditions specified in 20-5-102.

25 (b) The child is absent because of illness,

LC 0616/01

1 bereavement, or other reason prescribed by the policies of
2 the trustees.

3 (c) The child has been suspended or expelled under the
4 provisions of 20-5-202."

-End-