

SENATE BILL 143

Introduced by Weeding, et al.

1/18	Introduced
1/18	Referred to Education & Cultural Resources
1/19	First Reading
1/28	Hearing
1/31	Committee Report--Bill Passed
1/31	Placed on Consent Calendar
2/01	Objection to Consent Calendar Filed
2/05	2nd Reading Do Pass Motion Failed
2/05	Motion Failed to Indefinitely Postpone on 2nd Reading
2/06	2nd Reading Passed
2/06	3rd Reading Passed
	Transmitted to House
2/09	First Reading
2/09	Referred to Education & Cultural Resources
3/12	Hearing
4/01	Tabled in Committee

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*Senate* BILL NO. *143*

INTRODUCED BY *Wendy Yellowstone*

*Steph McCallister M. Hanson Brunkie Jack Kest...*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF PUBLIC EDUCATION TO PERMIT A SCHOOL DISTRICT TO CONDUCT LESS THAN 180 DAYS OF PUPIL INSTRUCTION IN A SCHOOL YEAR IF AN EQUIVALENT IS PROVIDED THROUGH LONGER SCHOOL DAYS; AND AMENDING SECTIONS 20-1-301 AND 20-2-121, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because it requires the board of public education to adopt rules for granting a variance to a school district to conduct a school year of less than 180 school days of pupil instruction if an equivalent is provided through longer hours in the school day.

The board of public education shall adopt procedures for application for and approval of this variance that are similar to the procedures in Rule 10.55.604, Administrative Rules of Montana, for school district application for and approval of an alternative standard of accreditation. As required in that rule, the board of public education shall provide that an approved variance is granted for 1 year and is renewable for an additional 5 years without annual approval if both the school district and the board of public

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education find the 1-year pilot to be workable and educationally sound.

It is the intent of the legislature that the board of public education limit for the first 2 years of implementation the number of districts that may be approved for this variance.

It is also the intent of the legislature that the superintendent of public instruction amend rules related to the equitable distribution of state, county, and federal school funds to a district that is granted a variance under [this act].

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

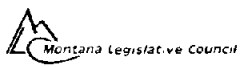
**Section 1.** Section 20-1-301, MCA, is amended to read:

"20-1-301. School fiscal year. (1) The school fiscal year ~~shall~~begin ~~begin~~ on July 1 and ~~end~~ ends on June 30. At least 180 school days of pupil instruction ~~shall~~ must be conducted during each school fiscal year, except that:

(a) 175 days of pupil instruction for graduating seniors may be sufficient as provided in 20-9-3137--~~or unless;~~

(b) a variance for kindergarten ~~has-been~~ may be granted under 20-1-302 ~~or;~~

(c) a district ~~is~~ may be granted a variance under the provisions of chapter 9, part 8, of this title; or



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*SB 143*

1 (d) a district may be granted a variance by the board  
2 of public education to conduct less than 180 school days in  
3 a school year if:

4 (i) the trustees of the district adopt a resolution to  
5 seek a variance under subsection (1)(d) and provide public  
6 notice and a public hearing on the question of adopting the  
7 resolution;

8 (ii) the district conducts an equivalent number of hours  
9 of pupil instruction through longer school days; and

10 (iii) the district meets all other conditions adopted by  
11 the board of public education.

12 (2) For any elementary or high school district that  
13 fails to provide for at least 180 school days of pupil  
14 instruction or the equivalent, the superintendent of public  
15 instruction shall reduce the county equalization as defined  
16 in 20-9-334 and the state equalization as defined in  
17 20-9-343 for the district for that school year by 1/90th for  
18 each school day less than 180 school days."

19 **Section 2.** Section 20-2-121, MCA, is amended to read:

20 "20-2-121. Board of public education -- powers and  
21 duties. The board of public education shall:

22 (1) effect an orderly and uniform system for teacher  
23 certification and specialist certification and for the  
24 issuance of an emergency authorization of employment by  
25 adopting the policies prescribed by 20-4-102 and 20-4-111;

1 (2) consider the suspension or revocation of teacher or  
2 specialist certificates and appeals from the denial of  
3 teacher or specialist certification in accordance with the  
4 provisions of 20-4-110;

5 (3) administer and order the distribution of state  
6 equalization aid in accordance with the provisions of  
7 20-9-344;

8 (4) adopt and enforce policies to provide uniform  
9 standards and regulations for the design, construction, and  
10 operation of school buses in accordance with the provisions  
11 of 20-10-111;

12 (5) approve or disapprove a reduction of the number of  
13 hours in a district's school day in accordance with the  
14 provisions of 20-1-302;

15 (6) adopt policies prescribing the conditions when  
16 school may be conducted on Saturday and the types of  
17 pupil-instruction-related days and approval procedure for  
18 such days in accordance with the provisions of 20-1-303 and  
19 20-1-304;

20 (7) adopt standards of accreditation and establish the  
21 accreditation status of every school in accordance with the  
22 provisions of 20-7-101 and 20-7-102;

23 (8) approve or disapprove educational media selected by  
24 the superintendent of public instruction for the educational  
25 media library in accordance with the provisions of 20-7-201;

1       (9) adopt policies for the conduct of special education  
2 in accordance with the provisions of 20-7-402;

3       (10) adopt rules for issuance of documents certifying  
4 equivalency of completion of secondary education in  
5 accordance with 20-7-131;

6       (11) adopt policies for the conduct of programs for  
7 gifted and talented children in accordance with the  
8 provisions of 20-7-903 and 20-7-904;

9       (12) adopt rules for student assessment in the public  
10 schools; and

11       (13) adopt rules for approval of a variance for a school  
12 district to conduct an equivalent to the required number of  
13 school days of pupil instruction in accordance with the  
14 provisions of 20-1-301; and

15       ~~(13)~~(14) perform any other duty prescribed from time to  
16 time by this title or any other act of the legislature."

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES  
OBJECTION TO CONSENT CALENDAR SENT TO SECOND READING

*Senate* BILL NO. *143*

INTRODUCED BY *Stephen McCaffrey* *M. Hanson* *Frank J. Cook* *Kevin*  
A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF *Public*

PUBLIC EDUCATION TO PERMIT A SCHOOL DISTRICT TO CONDUCT LESS THAN 180 DAYS OF PUPIL INSTRUCTION IN A SCHOOL YEAR IF AN EQUIVALENT IS PROVIDED THROUGH LONGER SCHOOL DAYS; AND AMENDING SECTIONS 20-1-301 AND 20-2-121, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because it requires the board of public education to adopt rules for granting a variance to a school district to conduct a school year of less than 180 school days of pupil instruction if an equivalent is provided through longer hours in the school day.

The board of public education shall adopt procedures for application for and approval of this variance that are similar to the procedures in Rule 10.55.604, Administrative Rules of Montana, for school district application for and approval of an alternative standard of accreditation. As required in that rule, the board of public education shall provide that an approved variance is granted for 1 year and is renewable for an additional 5 years without annual approval if both the school district and the board of public

education find the 1-year pilot to be workable and educationally sound.

It is the intent of the legislature that the board of public education limit for the first 2 years of implementation the number of districts that may be approved for this variance.

It is also the intent of the legislature that the superintendent of public instruction amend rules related to the equitable distribution of state, county, and federal school funds to a district that is granted a variance under [this act].

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-1-301, MCA, is amended to read:

"20-1-301. School fiscal year. (1) The school fiscal year shall--begin begins on July 1 and end ends on June 30. At least 180 school days of pupil instruction shall must be conducted during each school fiscal year, except that:

(a) 175 days of pupil instruction for graduating seniors may be sufficient as provided in 20-9-313,--or unless;

(b) a variance for kindergarten ~~has been~~ may be granted under 20-1-302 or;

(c) a district ~~is~~ may be granted a variance under the provisions of chapter 9, part 8, of this title; or

SECOND READING

*SB 143*



1 (d) a district may be granted a variance by the board  
 2 of public education to conduct less than 180 school days in  
 3 a school year if:

4 (i) the trustees of the district adopt a resolution to  
 5 seek a variance under subsection (1)(d) and provide public  
 6 notice and a public hearing on the question of adopting the  
 7 resolution;

8 (ii) the district conducts an equivalent number of hours  
 9 of pupil instruction through longer school days; and

10 (iii) the district meets all other conditions adopted by  
 11 the board of public education.

12 (2) For any elementary or high school district that  
 13 fails to provide for at least 180 school days of pupil  
 14 instruction or the equivalent, the superintendent of public  
 15 instruction shall reduce the county equalization as defined in  
 16 in 20-9-334 and the state equalization as defined in  
 17 20-9-343 for the district for that school year by 1/90th for  
 18 each school day less than 180 school days."

19 **Section 2.** Section 20-2-121, MCA, is amended to read:

20 **"20-2-121. Board of public education -- powers and**  
 21 **duties.** The board of public education shall:

22 (1) effect an orderly and uniform system for teacher  
 23 certification and specialist certification and for the  
 24 issuance of an emergency authorization of employment by  
 25 adopting the policies prescribed by 20-4-102 and 20-4-111;

1 (2) consider the suspension or revocation of teacher or  
 2 specialist certificates and appeals from the denial of  
 3 teacher or specialist certification in accordance with the  
 4 provisions of 20-4-110;

5 (3) administer and order the distribution of state  
 6 equalization aid in accordance with the provisions of  
 7 20-9-344;

8 (4) adopt and enforce policies to provide uniform  
 9 standards and regulations for the design, construction, and  
 10 operation of school buses in accordance with the provisions  
 11 of 20-10-111;

12 (5) approve or disapprove a reduction of the number of  
 13 hours in a district's school day in accordance with the  
 14 provisions of 20-1-302;

15 (6) adopt policies prescribing the conditions when  
 16 school may be conducted on Saturday and the types of  
 17 pupil-instruction-related days and approval procedure for  
 18 such days in accordance with the provisions of 20-1-303 and  
 19 20-1-304;

20 (7) adopt standards of accreditation and establish the  
 21 accreditation status of every school in accordance with the  
 22 provisions of 20-7-101 and 20-7-102;

23 (8) approve or disapprove educational media selected by  
 24 the superintendent of public instruction for the educational  
 25 media library in accordance with the provisions of 20-7-201;

1           (9) adopt policies for the conduct of special education  
2 in accordance with the provisions of 20-7-402;

3           (10) adopt rules for issuance of documents certifying  
4 equivalency of completion of secondary education in  
5 accordance with 20-7-131;

6           (11) adopt policies for the conduct of programs for  
7 gifted and talented children in accordance with the  
8 provisions of 20-7-903 and 20-7-904;

9           (12) adopt rules for student assessment in the public  
10 schools; and

11           (13) adopt rules for approval of a variance for a school  
12 district to conduct an equivalent to the required number of  
13 school days of pupil instruction in accordance with the  
14 provisions of 20-1-301; and

15           ~~{13}~~(14) perform any other duty prescribed from time to  
16 time by this title or any other act of the legislature."

-End-

1 *Senate* BILL NO. *143*  
 2 INTRODUCED BY *Stephen McCallister*  
 3 *Stephen McCallister* *Mark Hanson* *Frank J. Cook* *Kevin*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF ~~EDUCATION~~  
 5 PUBLIC EDUCATION TO PERMIT A SCHOOL DISTRICT TO CONDUCT LESS  
 6 THAN 180 DAYS OF PUPIL INSTRUCTION IN A SCHOOL YEAR IF AN  
 7 EQUIVALENT IS PROVIDED THROUGH LONGER SCHOOL DAYS; AND  
 8 AMENDING SECTIONS 20-1-301 AND 20-2-121, MCA."  
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10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because  
12 it requires the board of public education to adopt rules for  
13 granting a variance to a school district to conduct a school  
14 year of less than 180 school days of pupil instruction if an  
15 equivalent is provided through longer hours in the school  
16 day.

17 The board of public education shall adopt procedures for  
18 application for and approval of this variance that are  
19 similar to the procedures in Rule 10.55.604, Administrative  
20 Rules of Montana, for school district application for and  
21 approval of an alternative standard of accreditation. As  
22 required in that rule, the board of public education shall  
23 provide that an approved variance is granted for 1 year and  
24 is renewable for an additional 5 years without annual  
25 approval if both the school district and the board of public

1 education find the 1-year pilot to be workable and  
2 educationally sound.

3 It is the intent of the legislature that the board of  
4 public education limit for the first 2 years of  
5 implementation the number of districts that may be approved  
6 for this variance.

7 It is also the intent of the legislature that the  
8 superintendent of public instruction amend rules related to  
9 the equitable distribution of state, county, and federal  
10 school funds to a district that is granted a variance under  
11 [this act].

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 20-1-301, MCA, is amended to read:

14 **"20-1-301. School fiscal year.** (1) The school fiscal  
15 year ~~shall--begin~~ begins on July 1 and end ends on June 30.  
16 At least 180 school days of pupil instruction ~~shall~~ must be  
17 conducted during each school fiscal year, except that:

18 (a) 175 days of pupil instruction for graduating  
19 seniors may be sufficient as provided in 20-9-313, ~~--or~~  
20 unless;

21 (b) a variance for kindergarten ~~has-been~~ may be granted  
22 under 20-1-302 ~~or;~~

23 (c) a district ~~is~~ may be granted a variance under the  
24 provisions of chapter 9, part 8, of this title; or  
25



-2-  
THIRD READING  
**SB 143**  
CONSENT CALENDAR



1 (d) a district may be granted a variance by the board  
 2 of public education to conduct less than 180 school days in  
 3 a school year if:

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15       ~~†††~~(14) perform any other duty prescribed from time to  
16 time by this title or any other act of the legislature."

-End-

1 *Senate* BILL NO. *143*  
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 3 *Steph McCallister* *M. Hanson* *Brunli* *Good* *Kent*  
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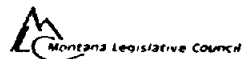
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16 time by this title or any other act of the legislature."

-End-