

**HOUSE BILL NO. 196**

**INTRODUCED BY PECK, DARKO, HARP, J. BROWN  
BY REQUEST OF THE BOARD OF PUBLIC EDUCATION**

**IN THE HOUSE**

January 13, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 4, 1983	Committee recommend bill do pass as amended. Report adopted.  Statement of Intent attached.
February 5, 1983	Bill printed and placed on members' desks.
February 7, 1983	Second reading, do pass.
February 8, 1983	Considered correctly engrossed.
February 9, 1983	Third reading, passed. Transmitted to Senate.

**IN THE SENATE**

February 10, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 17, 1983	Committee recommend bill be concurred in. Report adopted.
March 19, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

**IN THE HOUSE**

**March 22, 1983**

**Returned to House.**

**March 23, 1983**

**Sent to enrolling.**

**Reported correctly enrolled.**

1 House BILL NO. 196  
2 INTRODUCED BY Rep. Mark HARP & J. Brown  
3 BY REQUEST OF THE BOARD OF PUBLIC EDUCATION  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD  
6 OF PUBLIC EDUCATION TO ADOPT POLICIES FOR PROGRAMS TO SERVE  
7 GIFTED AND TALENTED CHILDREN; AMENDING SECTIONS 20-2-121,  
8 20-7-903, AND 20-7-904, MCA."  
9  
10 AS IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 Section 1. Section 20-2-121, MCA, is amended to read:  
12 "20-2-121. Board of public education -- powers and  
13 duties. The board of public education shall:  
14 (1) effect an orderly and uniform system for teacher  
15 certification, specialist certification and for the issuance  
16 of an emergency authorization of employment by adopting the  
17 policies prescribed by 20-4-102 and 20-4-111;  
18 (2) consider the suspension or revocation of teacher  
19 or specialist certificates and appeals from the denial of  
20 teacher or specialist certification in accordance with the  
21 provisions of 20-4-110;  
22 (3) administer and order the distribution of state  
23 equalization aid in accordance with the provisions of  
24 20-9-344;  
25 (4) adopt and enforce policies to provide uniform

1 standards and regulations for the design, construction, and  
2 operation of school buses in accordance with the provisions  
3 of 20-10-111;  
4 (5) approve or disapprove a reduction of the number of  
5 hours in a district's school day in accordance with the  
6 provisions of 20-1-302;  
7 (6) adopt policies prescribing the conditions when  
8 school may be conducted on Saturday and the types of  
9 pupil-instruction-related days and approval procedure for  
10 such days in accordance with the provisions of 20-1-303 and  
11 20-1-304;  
12 (7) adopt standards of accreditation and establish the  
13 accreditation status of every school in accordance with the  
14 provisions of 20-7-101 and 20-7-102;  
15 (8) approve or disapprove educational media selected  
16 by the superintendent of public instruction for the  
17 educational media library in accordance with the provisions  
18 of 20-7-201;  
19 (9) adopt policies for the conduct of special  
20 education in accordance with the provisions of 20-7-402;  
21 (10) adopt rules for the conduct of programs for gifted  
22 and talented children in accordance with the provisions of  
23 20-7-903 and 20-7-904; and  
24 ~~(10)(11)~~ perform any other duty prescribed from time to  
25 time by this title or any other act of the legislature."

Section 2. Section 20-7-903, MCA, is amended to read:

"20-7-903. ~~Funding of programs~~ Programs to serve gifted and talented children ~~-- compliance with board policy -- funding.~~ (1) ~~The superintendent of public instruction shall adopt criteria for gifted and talented children's program proposals and the procedures for submission of such proposals. The conduct of programs to serve gifted and talented children must comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education.~~

(2) Proposals approved by the superintendent of public instruction in accordance with policies of the board of public education must be funded by money appropriated to the superintendent for that purpose.

~~(2)(3)~~ A school district shall match funds provided by the superintendent for a gifted and talented children's program with equal funds from other sources. "In kind" contributions may not be used to constitute such a match. Funds must be administered by the school district as provided in 20-9-507.

~~(3)(4)~~ The superintendent of public instruction may deduct reasonable costs of administration from the funds appropriated for the purposes of this part."

Section 3. Section 20-7-904, MCA, is amended to read:

"20-7-904. Review and recommendations of proposals.

(1) Program ~~The policies of the board of public education must assure that program~~ proposals submitted by school districts to the superintendent of public instruction shall contain:

(a) evidence that identification procedures are comprehensive and appropriate;

(b) a program description including stated needs and measurable objectives designed to meet those needs;

(c) evidence that the activities are appropriate and will serve to achieve the program objectives; and

(d) a method to evaluate the effectiveness of the program.

(2) School districts may request assistance from the staff of the superintendent in formulating program proposals.

(3) The superintendent of public instruction ~~must establish a procedure for proposed review and approval~~ shall supervise and coordinate the programs for gifted and talented children by:

(a) recommending to the board of public education the adoption of those policies necessary to establish a planned and coordinated program; and

(b) establishing a procedure for review and approval of program proposals."

-End-

## STATE OF MONTANA

109-83

REQUEST NO.

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 196 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 196 authorizes the Board of Public Education to adopt policies for programs to serve Gifted and Talented Children.

ASSUMPTIONS:

- 1) The Board of Education will adopt rules for the conduct of gifted and talented programs.
- 2) The Office of Public Instruction would require additional staff and resources to ensure compliance with the new rules.

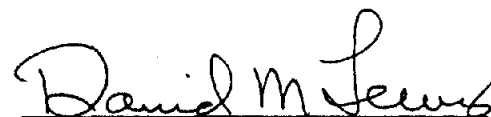
FISCAL IMPACT:

	<u>FY 1984</u>	<u>FY 1985</u>	<u>Biennium Total</u>
<u>Expenditures:</u>			
Current Law			
Personal Services	\$ -0-	\$ -0-	\$ -0-
Operating Costs	-0-	-0-	-0-
Total	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
Proposed Law			
Personal Services	\$39,535	\$41,588	\$81,123
Operating Costs	6,750	7,155	13,905
Total	<u>\$46,285</u>	<u>\$48,743</u>	<u>\$95,028</u>
Total General Fund Cost	<u>\$46,285</u>	<u>\$48,743</u>	<u>\$95,028</u>

TECHNICAL NOTE:

If Section 20-2-121 (10) were amended to read policies instead of rules, the fiscal impact would be zero.

FISCAL NOTE 5:U/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-20-83

STATE OF MONTANA

REQUEST NO. 510-83

FISCAL NOTE

Form BD-15

In compliance with a written request received March 25, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 196, Amended, pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 196, amended, authorizes the Board of Public Education to adopt policies for programs to serve Gifted and Talented Children.

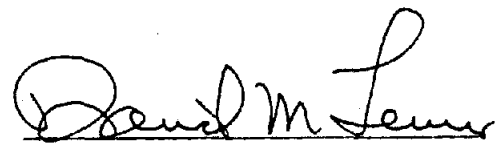
ASSUMPTIONS:

- 1) The Board of Education will adopt policies for the conduct of gifted and talented programs.
- 2) These policies will not require additional staff to monitor program.

FISCAL IMPACT:

None.

FISCAL NOTE 5:U/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-26-83

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 196

3 House Education Committee  
4

5 A statement of intent is required for this bill because  
6 it delegates rulemaking authority to the Board of Public  
7 Education to adopt policies for programs serving gifted and  
8 talented children.

9 It is contemplated that the rules will address the  
10 following:

11 (a) a policy statement fostering development of  
12 programs serving the gifted and talented;

13 (b) acknowledgment of the provisions in 20-7-904, MCA,  
14 regarding review of programs by the Superintendent of Public  
15 Instruction; and

16 (c) an annual review of services to gifted and  
17 talented children by the Board of Public Education.

SECOND READING

Please Attach to HB 196

App. by comm. on education  
and cultural resources

HOUSE BILL NO. 196

INTRODUCED BY PECK, DARKO, HARP, J. BROWN

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF PUBLIC EDUCATION TO ADOPT POLICIES FOR PROGRAMS TO SERVE GIFTED AND TALENTED CHILDREN; AMENDING SECTIONS 20-2-121, 20-7-903, AND 20-7-904, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-2-121, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

~~(10) adopt rules POLICIES for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904; and~~

(10) perform any other duty prescribed from time to time.



time by this title or any other act of the legislature."

Section 2. Section 20-7-903, MCA, is amended to read:

"20-7-903. ~~Funding---of---programs~~ Programs to serve gifted and talented children ~~== compliance with board policy == funding.~~ (1) ~~The---superintendent---of---public---instruction shall---adopt---criteria---for---gifted---and---talented---children's program-proposals-and-the-procedures-for-submission-of---such proposals~~ The conduct of programs to serve gifted and talented children must comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education.

(2) Proposals approved by the superintendent of public instruction in accordance with policies of the board of public education must be funded by money appropriated to the superintendent for that purpose.

~~(2)(3)~~ A school district shall match funds provided by the superintendent for a gifted and talented children's program with equal funds from other sources. "In kind" contributions may not be used to constitute such a match. Funds must be administered by the school district as provided in 20-9-507.

~~(3)(4)~~ The superintendent of public instruction may deduct reasonable costs of administration from the funds appropriated for the purposes of this part."

Section 3. Section 20-7-904, MCA, is amended to read:

"20-7-904. Review and recommendations of proposals.

(1) Program ~~The policies of the board of public education must assure that program~~ proposals submitted by school districts to the superintendent of public instruction shall contain:

(a) evidence that identification procedures are comprehensive and appropriate;

(b) a program description including stated needs and measurable objectives designed to meet those needs;

(c) evidence that the activities are appropriate and will serve to achieve the program objectives; and

(d) a method to evaluate the effectiveness of the program.

(2) School districts may request assistance from the staff of the superintendent in formulating program proposals.

(3) The superintendent of public instruction ~~must establish-a-procedure-for-proposed-review-and-approval shall supervise---and---coordinate---the---programs---for---gifted---and talented children by:~~

~~(a) recommending to the board of public education the adoption of those policies necessary to establish a planned and coordinated program; and~~

~~(b) establishing a procedure for review and approval of program proposals."~~

1        SECTION 4. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY  
2        1, 1984.

-End-

STATEMENT OF INTENT

HOUSE BILL 196

House Education Committee

A statement of intent is required for this bill because it delegates rulemaking authority to the Board of Public Education to adopt policies for programs serving gifted and talented children.

It is contemplated that the rules will address the following:

(a) a policy statement fostering development of programs serving the gifted and talented;

(b) acknowledgment of the provisions in 20-7-904, MCA, regarding review of programs by the Superintendent of Public Instruction; and

(c) an annual review of services to gifted and talented children by the Board of Public Education.

THIRD READING

HB 196

## HOUSE BILL NO. 196

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BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF PUBLIC EDUCATION TO ADOPT POLICIES FOR PROGRAMS TO SERVE GIFTED AND TALENTED CHILDREN; AMENDING SECTIONS 20-2-121, 20-7-903, AND 20-7-904, MCA; ~~AND PROVIDING AN EFFECTIVE DATE.~~"

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

Section 1. Section 20-2-121, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

~~(10) adopt rules POLICIES for the conduct of programs for gifted and talented children in accordance with the provisions of 20-1-903 and 20-7-904; and~~

~~(10)(11)~~ perform any other duty prescribed from time to

time by this title or any other act of the legislature."

Section 2. Section 20-7-903, MCA, is amended to read:

"20-7-903. Funding---of---programs PROGRAMS to serve gifted and talented children ~~== compliance with board policy == funding.~~ (1) ~~The superintendent of public instruction shall adopt criteria for gifted and talented children's program proposals and the procedures for submission of such proposals. The conduct of programs to serve gifted and talented children must comply with the policies recommended by the superintendent of public instruction and adopted by the board of public education.~~

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REFERENCE BILL

HB 196

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HB 0196/92

1     SECTION 4. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY  
2     1, 1984.

-End-