

SENATE BILL NO. 149

INTRODUCED BY H. HAMMOND, PECK, B. BROWN, TURNAGE

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

IN THE SENATE

January 14, 1983	Introduced and referred to Committee on Education and Cultural Resources.
January 20, 1983	Committee recommend bill do pass. Report adopted.
January 21, 1983	Bill printed and placed on members' desks.
January 22, 1983	Second reading, pass consideration.
January 24, 1983	Statement of Intent attached.
	Second reading, do pass as amended.
January 25, 1983	Correctly engrossed.
January 26, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

January 27, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 5, 1983	Committee recommend bill be concurred in. Report adopted.
March 7, 1983	Second reading, concurred in.
March 8, 1983	Third reading, concurred in.

IN THE SENATE

March 9, 1983

Returned to Senate. Sent
to enrolling.

Reported correctly enrolled.

1 *Sen. Smith* BILL NO. *149*
 2 INTRODUCED BY *Sen. Hammond & Sen. Bob Brown*
 3 *Tierney* 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 RULES FOR ISSUANCE OF DOCUMENTS
 7 CERTIFYING EQUIVALENCY OF COMPLETION OF SECONDARY EDUCATION;
 8 AMENDING SECTION 20-2-121, MCA."
 9

10 BE 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 issuance of documents certifying~~
 22 ~~equivalency of completion of secondary education in~~
 23 ~~accordance with [section 2]; and~~

24 ~~(10)(11) perform any other duty prescribed from time to~~
 25 ~~time by this title or any other act of the legislature."~~

1 NEW SECTION. Section 2. Equivalency of completion of
2 secondary education. The superintendent of public
3 instruction shall issue, in accordance with the policies of
4 the board of public education, appropriate documentation
5 certifying that an eligible applicant has satisfied
6 requirements for equivalency of completion of secondary
7 education. Equivalency of completion of secondary education
8 must include satisfactory completion of a testing program or
9 an external diploma program approved by the board of public
10 education.

11 NEW SECTION. Section 3. Codification instruction.
12 Section 2 is intended to be codified as an integral part of
13 Title 20, chapter 7, part 1, and the provisions of Title 20
14 apply to section 2.

-End-

App. by comm. on education
and cultural resources

1 *Senate* BILL NO. *149*
2 INTRODUCED BY *Hon. Hammond Park Bob Brown*
3 *Terrence* BY REQUEST OF THE BOARD OF PUBLIC EDUCATION
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17 policies prescribed by 20-4-102 and 20-4-111;

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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;

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23 equalization aid in accordance with the provisions of
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1 standards and regulations for the design, construction, and
2 operation of school buses in accordance with the provisions
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5 hours in a district's school day in accordance with the
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8 school may be conducted on Saturday and the types of
9 pupil-instruction-related days and approval procedure for
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11 20-1-304;

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13 accreditation status of every school in accordance with the
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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
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20 education in accordance with the provisions of 20-7-402;

21 (10) adopt rules for issuance of documents certifying
22 equivalency of completion of secondary education in
23 accordance with [section 2]; and

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14 apply to section 2.

-End-

THIRD READING

MISSING

1 STATEMENT OF INTENT

2 SENATE BILL 149

3 Senate Education and Cultural Resources 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 rules for issuance of documents
8 certifying equivalency of completion of secondary education.

9 While the Board has clearly delineated rulemaking
10 authority to adopt standards of accreditation and establish
11 the accreditation status of every school, its rulemaking
12 authority has only been implied in the area of setting
13 standards for documents which state that an eligible
14 applicant has satisfied requirements for equivalency of
15 completion of secondary education.

16 At the recommendation of the Administrative Code
17 Committee, the Board requested legislation specifically
18 providing the Board with the authority to adopt policies for
19 the issuance of high school equivalency certificates and to
20 direct the Superintendent of Public Instruction to issue
21 those certificates.

22 The bill gives the Board the express rulemaking
23 authority to adopt rules in the area of high school
24 equivalency certificates. It is contemplated that:

25 (1) the Board's current rules in this area will be

1 amended to show proper authority and implementation;

2 (2) the Board may adopt rules required for other types

3 of programs of similar nature.

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(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;

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(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 for issuance of documents certifying equivalency of completion of secondary education in accordance with [section 2]i and~~

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

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

~~NEW SECTION.~~ Section 2. Equivalency of completion of secondary education. The superintendent of public instruction shall issue, in accordance with the policies of the board of public education, appropriate documentation certifying that an eligible applicant has satisfied requirements for equivalency of completion of secondary education. Equivalency of completion of secondary education must include satisfactory completion of a testing program or an external diploma program approved by the board of public education.

~~NEW SECTION.~~ Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20 apply to section 2.

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