

SENATE BILL NO. 253

Introduced: 01/22/83

Referred to Committee on Education & Cultural Resources:

01/22/83

Hearing: 2/2/83

Died in Committee.

1 *Senate* BILL NO. *253*
2 INTRODUCED BY *Blaylock*
3 BY REQUEST OF THE BOARD OF PUBLIC EDUCATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
6 EXEMPTION FROM COMPULSORY ENROLLMENT IN A PUBLIC SCHOOL FOR
7 PUPILS ENROLLED IN A NONPUBLIC SCHOOL; ESTABLISHING
8 QUALIFICATIONS FOR THE EXEMPTION; AMENDING SECTIONS
9 20-2-121, 20-3-205, AND 20-5-102, MCA."
10

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

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

13 "20-2-121. Board of public education -- powers and
14 duties. The board of public education shall:

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

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

23 (3) administer and order the distribution of state
24 equalization aid in accordance with the provisions of
25 20-9-344;

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

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

8 (6) adopt policies prescribing the conditions when
9 school may be conducted on Saturday and the types of
10 pupil-instruction-related days and approval procedure for
11 such days in accordance with the provisions of 20-1-303 and
12 20-1-304;

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

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

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

22 ~~(10) consider appeals from the rejection of a nonpublic~~
23 ~~school's statement of compliance with the compulsory~~
24 ~~enrollment exemption requirements, in accordance with the~~
25 ~~provisions of 20-5-102, [section 4], and [section 5]; and~~

~~19~~ perform any other duty prescribed from time to time by this title or any other act of the legislature."

Section 2. Section 20-3-205, MCA, is amended to read:

"20-3-205. Powers and duties. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the boards of trustees of the districts in his county in accordance with the provisions of 20-3-307;

(3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(4) act on each tuition application submitted to him in accordance with the provisions of 20-5-301, 20-5-302, 20-5-304, and 20-5-311 and transmit the tuition information required by 20-5-312;

(5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(6) classify districts in accordance with the

provisions of 20-6-201 and 20-6-301;

(7) keep a transcript and reconcile the district boundaries of the county in accordance with the provisions of 20-6-103;

(8) fulfill all responsibilities assigned to him under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(9) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

(10) estimate the average number belonging (ANB) of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(11) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(12) complete the budgets, compute the budgeted revenues and tax levies, give notices of the budget meetings, file final and emergency budgets, and fulfill such other responsibilities assigned to him under the provisions of this title regulating school budgeting systems;

(13) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;

(14) quarterly, unless otherwise provided by law, order

1 the county treasurer to apportion state money, county school
2 money, and any other school money subject to apportionment
3 in accordance with the provisions of 20-9-212, 20-9-334,
4 20-9-347, 20-10-145, or 20-10-146;

5 (15) act on any request to transfer average number
6 belonging (ANB) in accordance with the provisions of
7 20-9-313(3);

8 (16) calculate the estimated budgeted general fund
9 sources of revenue in accordance with the provisions of
10 20-9-348 and the other general fund revenue provisions of
11 the general fund part of this title;

12 (17) compute the revenues and the district and county
13 levy requirements for each fund included in each district's
14 final budget and report such computations to the board of
15 county commissioners in accordance with the provisions of
16 the general fund, transportation, bonds, and other school
17 funds parts of this title;

18 (18) file and forward bus driver certifications,
19 transportation contracts, and state transportation
20 reimbursement claims in accordance with the provisions of
21 20-10-103, 20-10-143, or 20-10-145;

22 (19) for districts which do not employ a district
23 superintendent or principal, recommend library book and
24 textbook selections in accordance with the provisions of
25 20-7-204 or 20-7-602;

1 (20) notify the superintendent of public instruction of
2 a textbook dealer's activities when required under the
3 provisions of 20-7-605 and otherwise comply with the
4 textbook dealer provisions of this title;

5 (21) act on district requests to allocate federal money
6 for indigent children for school food services in accordance
7 with the provisions of 20-10-205;

8 (22) perform any other duty prescribed from time to
9 time by this title, any other act of the legislature, the
10 policies of the board of public education, the policies of
11 the board of regents relating to community college
12 districts, or the rules of the superintendent of public
13 instruction;

14 (23) administer the oath of office to trustees without
15 the receipt of pay for administering the oath;

16 (24) keep a record of his official acts, preserve all
17 reports submitted to him under the provisions of this title,
18 preserve all books and instructional equipment or supplies,
19 keep all documents applicable to the administration of the
20 office, and surrender such records, books, supplies, and
21 equipment to his successor;

22 (25) within 90 days after the close of the school
23 fiscal year, publish an annual report in the county
24 newspaper stating the following financial information for
25 the school fiscal year just ended for each district of the

1 county:

2 (a) the total of the cash balances of all funds
3 maintained by the district at the beginning of the year;

4 (b) the total receipts that were realized in each fund
5 maintained by the district;

6 (c) the total expenditures that were made from each
7 fund maintained by the district; and

8 (d) the total of the cash balances of all funds
9 maintained by the district at the end of the school fiscal
10 year; and

11 ~~(26) review, investigate, and accept for filing or~~
12 ~~reject any statement from a nonpublic school submitted in~~
13 ~~accordance with 20-5-102 and make the statement available to~~
14 ~~the attendance officer of the district in which the~~
15 ~~nonpublic school is located; and~~

16 ~~(26)(27)~~ hold meetings for the members of the trustees
17 from time to time at which matters for the good of the
18 districts shall be discussed."

19 Section 3. Section 20-5-102, MCA, is amended to read:

20 "20-5-102. Compulsory enrollment and excuses. (1)
21 Except as provided in subsection (2), any parent, guardian,
22 or other person who is responsible for the care of any child
23 who is 7 years of age or older prior to the first day of
24 school in any school fiscal year shall cause the child to be
25 instructed in the program prescribed by the board of public

1 education pursuant to 20-7-111 until the later of the
2 following dates:

3 (a) the child's 16th birthday;

4 (b) the date of completion of the work of the 8th
5 grade.

6 (2) Such parent, guardian, or other person shall
7 enroll the child in the school assigned by the trustees of
8 the district within the first week of the school term or
9 when he establishes residence in the district unless the
10 child is:

11 ~~(a) enrolled in a private institution which provides~~
12 ~~instruction in the program prescribed by the board of public~~
13 ~~education pursuant to 20-7-111 nonpublic school that has~~
14 ~~demonstrated compliance with the provisions of [section 4]~~
15 ~~in a written statement by the child's parent, guardian, or~~
16 ~~nonpublic school authority, submitted to and accepted for~~
17 ~~filing by the county superintendent;~~

18 (b) enrolled in a school of another district or state
19 under any of the tuition provisions of this title;

20 (c) provided with supervised correspondence study or
21 supervised home study under the transportation provisions of
22 this title;

23 (d) excused from enrollment in a school of the
24 district when it is shown that his bodily or mental
25 condition does not permit his attendance and the child

1 cannot be instructed under the special education provisions
2 of this title;

3 (e) excused from compulsory school attendance upon a
4 determination by a district judge that such attendance is
5 not in the best interest of the child; or

6 (f) excused by the board of trustees upon a
7 determination that such attendance by a child who has
8 attained the age of 16 is not in the best interest of the
9 child and the school.

10 (3) The excuse provided for in subsection (2)(d) of
11 this section shall be issued by the district superintendent
12 or the county superintendent when there is no district
13 superintendent employed by the district. Whenever an excuse
14 is denied by the applicable official, an appeal of such
15 decision may be made to the district court of the county
16 within 10 days after the decision upon giving a bond in the
17 amount set by the court to pay all costs of the appeal. The
18 decision of the district court shall be final."

19 NEW SECTION. Section 4. Nonpublic school requirements
20 for compulsory enrollment exemption. To qualify its students
21 for exemption from compulsory enrollment under 20-5-102, a
22 nonpublic school shall:

23 (1) provide instruction at least equivalent to the
24 program prescribed by the board of public education pursuant
25 to 20-7-111;

1 (2) be housed in a building that complies with local
2 health and safety regulations;

3 (3) provide at least 180 days of pupil instruction in
4 accordance with 20-1-301 and 20-1-302;

5 (4) employ as administrators, under written contract,
6 only persons who:

7 (a) are certified to teach in any state;

8 (b) are enrolled in an education program leading to
9 teacher certification; or

10 (c) provide evidence of acceptable experience
11 according to clearly identified criteria consistent with the
12 educational goals of the school;

13 (5) employ as teachers, under written contract, only
14 those persons who:

15 (a) are certified to teach in any state;

16 (b) teach at least half-time in a subject area in
17 which the person holds a bachelor of science or a bachelor
18 of arts degree; or

19 (c) provide evidence of acceptable experience
20 according to clearly identified criteria consistent with the
21 educational goals of the school;

22 (6) maintain for each student a record that includes:

23 (a) a record of attendance;

24 (b) a list of courses completed; and

25 (c) measurement of achievement in each area included

1 in the program of instruction prescribed by the board of
2 public education pursuant to 20-7-111.

3 NEW SECTION. Section 5. Rejection of nonpublic school
4 statement of compliance with compulsory enrollment
5 exemption. Whenever a nonpublic school statement of
6 compliance with the provisions of [section 4], filed
7 pursuant to 20-5-102, is rejected for filing by the county
8 superintendent under 20-3-205, the county superintendent
9 shall notify the person submitting the statement of the
10 reasons for its rejection. An appeal of the rejection may
11 be made to the board of public education within 10 days
12 after the decision is rendered by the county superintendent.
13 The decision of the board of education is final.

14 NEW SECTION. Section 6. Codification instruction.
15 Sections 4 and 5 are intended to be codified as an integral
16 part of Title 20, chapter 5, part 1, and the provisions of
17 Title 20 apply to sections 4 and 5.

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