

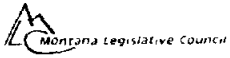
HB 237 INTRODUCED BY HARRINGTON, ET AL.
PROHIBIT SCHOOL FROM CONDUCTING PUPIL-INSTRUCTION
DAYS PRIOR TO LABOR DAY

1/16 INTRODUCED
1/16 REFERRED TO EDUCATION & CULTURAL RESOURCES
2/02 HEARING
2/04 COMMITTEE REPORT--BILL NOT PASSED
2/05 ADVERSE COMMITTEE REPORT ADOPTED 74 20

1 *House* BILL NO. *237*
 2 INTRODUCED BY *Harington, Keena Daily*
 3 *Co-Blm McDaniel*
 4 A BILL FOR AN ACT ENTITLED: *Staffer Ream* AN ACT TO PROVIDE THAT A
 5 SCHOOL DISTRICT MAY NOT CONDUCT PUPIL-INSTRUCTION DAYS PRIOR
 6 TO LABOR DAY UNLESS GRANTED APPROVAL BY THE SUPERINTENDENT
 7 OF PUBLIC INSTRUCTION; AMENDING SECTIONS 20-2-121 AND
 8 20-3-106, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 NEW SECTION. Section 1. Approval for conducting
 12 pupil-instruction days before Labor Day. A school district
 13 may not conduct a pupil-instruction day, as defined in
 14 20-1-302, before Labor Day, the first Monday in September,
 15 unless the district is granted approval by the
 16 superintendent of public instruction in accordance with the
 17 rules adopted by the board of public education.
 18 Section 2. Section 20-2-121, MCA, is amended to read:
 19 "20-2-121. Board of public education -- powers and
 20 duties. The board of public education shall:
 21 (1) effect an orderly and uniform system for teacher
 22 certification and specialist certification and for the
 23 issuance of an emergency authorization of employment by
 24 adopting the policies prescribed by 20-4-102 and 20-4-111;
 25 (2) consider the suspension or revocation of teacher

1 or specialist certificates and appeals from the denial of
 2 teacher or specialist certification in accordance with the
 3 provisions of 20-4-110;
 4 (3) administer and order the distribution of state
 5 equalization aid in accordance with the provisions of
 6 20-9-344;
 7 (4) adopt and enforce policies to provide uniform
 8 standards and regulations for the design, construction, and
 9 operation of school buses in accordance with the provisions
 10 of 20-10-111;
 11 (5) approve or disapprove a reduction of the number of
 12 hours in a district's school day in accordance with the
 13 provisions of 20-1-302;
 14 (6) adopt policies prescribing the conditions when
 15 school may be conducted on Saturday and the types of
 16 pupil-instruction-related days and approval procedure for
 17 such days in accordance with the provisions of 20-1-303 and
 18 20-1-304;
 19 (7) adopt standards of accreditation and establish the
 20 accreditation status of every school in accordance with the
 21 provisions of 20-7-101 and 20-7-102;
 22 (8) approve or disapprove educational media selected
 23 by the superintendent of public instruction for the
 24 educational media library in accordance with the provisions
 25 of 20-7-201;



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1 (9) adopt policies for the conduct of special
2 education 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; and

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; and

9 (12) adopt rules prescribing when a school district may
10 conduct pupil-instruction days prior to Labor Day and the
11 approval procedure for such days in accordance with the
12 provisions of [section 1]; and

13 ~~(12)~~(13) perform any other duty prescribed from time to
14 time by this title or any other act of the legislature."

15 Section 3. Section 20-3-106, MCA, is amended to read:

16 "20-3-106. Supervision of schools -- powers and
17 duties. The superintendent of public instruction has the
18 general supervision of the public schools and districts of
19 the state, and he shall perform the following duties or acts
20 in implementing and enforcing the provisions of this title:

21 (1) resolve any controversy resulting from the
22 proration of costs by a joint board of trustees under the
23 provisions of 20-3-362;

24 (2) issue, renew, or deny teacher certification and
25 emergency authorizations of employment;

1 (3) negotiate reciprocal tuition agreements with other
2 states in accordance with the provisions of 20-5-314;

3 (4) serve on the teachers' retirement board in
4 accordance with the provisions of 2-15-1010;

5 (5) approve or disapprove the orders of a high school
6 boundary commission in accordance with the provisions of
7 20-6-311;

8 (6) approve or disapprove the opening or reopening of
9 a school in accordance with the provisions of 20-6-502,
10 20-6-503, 20-6-504, or 20-6-505;

11 (7) approve or disapprove school isolation within the
12 limitations prescribed by 20-9-302;

13 (8) generally supervise the school budgeting
14 procedures prescribed by law in accordance with the
15 provisions of 20-9-102 and prescribe the school budget
16 format in accordance with the provisions of 20-9-103 and
17 20-9-506;

18 (9) establish a system of communication for
19 calculating joint district revenues in accordance with the
20 provisions of 20-9-151;

21 (10) approve or disapprove the adoption of a district's
22 emergency budget resolution under the conditions prescribed
23 in 20-9-163 and publish rules for an application for
24 additional state aid for an emergency budget in accordance
25 with the approval and disbursement provisions of 20-9-166;

1 (11) generally supervise the school financial
2 administration provisions as prescribed by 20-9-201(2);

3 (12) prescribe and furnish the annual report forms to
4 enable the districts to report to the county superintendent
5 in accordance with the provisions of 20-9-213(5) and the
6 annual report forms to enable the county superintendents to
7 report to the superintendent of public instruction in
8 accordance with the provisions of 20-3-209;

9 (13) approve, disapprove, or adjust an increase of the
10 average number belonging (ANB) in accordance with the
11 provisions of 20-9-313 and 20-9-314;

12 (14) distribute state equalization aid in support of
13 the foundation program in accordance with the provisions of
14 20-9-342, 20-9-346, and 20-9-347;

15 (15) distribute state impact aid in accordance with the
16 provisions of 20-9-304;

17 (16) provide for the uniform and equal provision of
18 transportation by performing the duties prescribed by the
19 provisions of 20-10-112;

20 (17) approve or disapprove an adult education program
21 for which a district proposes to levy a tax in accordance
22 with the provisions of 20-7-705;

23 (18) request, accept, deposit, and expend federal
24 moneys in accordance with the provisions of 20-9-603;

25 (19) authorize the use of federal moneys for the

1 support of an interlocal cooperative agreement in accordance
2 with the provisions of 20-9-703 and 20-9-704;

3 (20) prescribe the form and contents of and approve or
4 disapprove interstate contracts in accordance with the
5 provisions of 20-9-705;

6 (21) approve or disapprove the conduct of school on a
7 Saturday or on pupil-instruction-related days in accordance
8 with the provisions of 20-1-303 and 20-1-304;

9 (22) recommend standards of accreditation for all
10 schools to the board of public education and evaluate
11 compliance with such standards and recommend accreditation
12 status of every school to the board of public education in
13 accordance with the provisions of 20-7-101 and 20-7-102;

14 (23) collect and maintain a file of curriculum guides
15 and assist schools with instructional programs in accordance
16 with the provisions of 20-7-113 and 20-7-114;

17 (24) establish and maintain a library of visual, aural,
18 and other educational media in accordance with the
19 provisions of 20-7-201;

20 (25) license textbook dealers and initiate prosecution
21 of textbook dealers violating the law in accordance with the
22 provisions of the textbooks part of this title;

23 (26) as the governing agent and executive officer of
24 the state of Montana for vocational education, adopt the
25 policies prescribed by and in accordance with the provisions

1 of 20-7-301;

2 (27) consider applications for the designation of a
3 postsecondary vocational-technical center in accordance with
4 the provisions of 20-7-311;

5 (28) establish a fund for the handling of postsecondary
6 vocational-technical center fees in accordance with the
7 provisions of 20-7-333;

8 (29) supervise and coordinate the conduct of special
9 education in the state in accordance with the provisions of
10 20-7-403;

11 (30) administer the traffic education program in
12 accordance with the provisions of 20-7-502;

13 (31) administer the school food services program in
14 accordance with the provisions of 20-10-201, 20-10-202, and
15 20-10-203;

16 (32) review school building plans and specifications in
17 accordance with the provisions of 20-6-622;

18 (33) prescribe the method of identification and signals
19 to be used by school safety patrols in accordance with the
20 provisions of 20-1-408; and

21 (34) approve or disapprove the conduct of
22 pupil-instruction days prior to Labor Day in accordance with
23 the provisions of [section 1]; and

24 ~~(34)~~(35) perform any other duty prescribed from time to
25 time by this title, any other act of the legislature, or the

1 policies of the board of public education."

2 NEW SECTION. Section 4. Codification instruction.
3 Section 1 is intended to be codified as an integral part of
4 Title 20, chapter 1, part 3, and the provisions of Title 20
5 apply to section 1.

6 NEW SECTION. Section 5. Early rulemaking. The board
7 of public education shall propose and adopt rules
8 implementing this act prior to the effective date of this
9 act, but any rules adopted may not become effective until
10 July 1, 1987.

11 NEW SECTION. Section 6. Effective date. This act is
12 effective July 1, 1987.

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