

HOUSE BILL NO. 365

INTRODUCED BY PECK, SCHYE, MILLER,  
BARDANOUE, DONALDSON, WINSLOW

BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

IN THE HOUSE

JANUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 14, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.  STATEMENT OF INTENT ADOPTED.  PRINTING REPORT.
FEBRUARY 17, 1987	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
FEBRUARY 18, 1987	SECOND READING, DO PASS.
FEBRUARY 19, 1987	ENGROSSING REPORT.  THIRD READING, PASSED. AYES, 94; NOES, 1.  TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
MARCH 23, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 26, 1987	SECOND READING, CONCURRED IN.
MARCH 28, 1987	THIRD READING, CONCURRED IN. AYES, 29; NOES, 21.  RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 365  
2 INTRODUCED BY Rob Rob

3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE  
4 Miller Anderson Donaldson Winkler

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF  
6 PUBLIC EDUCATION TO ADOPT RULES FOR STUDENT ASSESSMENT IN  
7 THE PUBLIC SCHOOLS OF THE STATE; AND AMENDING SECTIONS  
8 20-2-121 AND 20-3-106, MCA."

9  
10 WHEREAS, the Legislature recognizes that the Board of  
11 Public Education has the duty, as provided in Article X,  
12 section 9, of the Montana Constitution to exercise general  
13 supervision over the public school system in Montana; and

14 WHEREAS, the Legislature recognizes the value of  
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16 assessing student performance in comparison to: education  
17 costs per student; student performance levels in other  
18 states and the nation; and, most importantly, Montana  
19 education achievement goals.

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 Section 1. Section 20-2-121, MCA, is amended to read:  
23 "20-2-121. Board of public education -- powers and  
24 duties. The board of public education shall:

25 (1) effect an orderly and uniform system for teacher

1 certification and specialist certification and for the  
2 issuance of an emergency authorization of employment by  
3 adopting the policies prescribed by 20-4-102 and 20-4-111;

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

8 (3) administer and order the distribution of state  
9 equalization aid in accordance with the provisions of  
10 20-9-344;

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

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

18 (6) adopt policies prescribing the conditions when  
19 school may be conducted on Saturday and the types of  
20 pupil-instruction-related days and approval procedure for  
21 such days in accordance with the provisions of 20-1-303 and  
22 20-1-304;

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



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

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

7 (10) adopt rules for issuance of documents certifying  
8 equivalency of completion of secondary education in  
9 accordance with 20-7-131; and

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

13 (12) adopt rules for student assessment in the public  
14 schools; and

15 ~~(12)~~(13) perform any other duty prescribed from time to  
16 time by this title or any other act of the legislature."

17 Section 2. Section 20-3-106, MCA, is amended to read:

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

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

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

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

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

7 (5) approve or disapprove the orders of a high school  
8 boundary commission in accordance with the provisions of  
9 20-6-311;

10 (6) approve or disapprove the opening or reopening of  
11 a school in accordance with the provisions of 20-6-502,  
12 20-6-503, 20-6-504, or 20-6-505;

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

15 (8) generally supervise the school budgeting  
16 procedures prescribed by law in accordance with the  
17 provisions of 20-9-102 and prescribe the school budget  
18 format in accordance with the provisions of 20-9-103 and  
19 20-9-506;

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

23 (10) approve or disapprove the adoption of a district's  
24 emergency budget resolution under the conditions prescribed  
25 in 20-9-163 and publish rules for an application for

1 additional state aid for an emergency budget in accordance  
 2 with the approval and disbursement provisions of 20-9-166;  
 3 (11) generally supervise the school financial  
 4 administration provisions as prescribed by 20-9-201(2);  
 5 (12) prescribe and furnish the annual report forms to  
 6 enable the districts to report to the county superintendent  
 7 in accordance with the provisions of 20-9-213(5) and the  
 8 annual report forms to enable the county superintendents to  
 9 report to the superintendent of public instruction in  
 10 accordance with the provisions of 20-3-209;  
 11 (13) approve, disapprove, or adjust an increase of the  
 12 average number belonging (ANB) in accordance with the  
 13 provisions of 20-9-313 and 20-9-314;  
 14 (14) distribute state equalization aid in support of  
 15 the foundation program in accordance with the provisions of  
 16 20-9-342, 20-9-346, and 20-9-347;  
 17 (15) distribute state impact aid in accordance with the  
 18 provisions of 20-9-304;  
 19 (16) provide for the uniform and equal provision of  
 20 transportation by performing the duties prescribed by the  
 21 provisions of 20-10-112;  
 22 (17) approve or disapprove an adult education program  
 23 for which a district proposes to levy a tax in accordance  
 24 with the provisions of 20-7-705;  
 25 (18) request, accept, deposit, and expend federal

1 moneys in accordance with the provisions of 20-9-603;  
 2 (19) authorize the use of federal moneys for the  
 3 support of an interlocal cooperative agreement in accordance  
 4 with the provisions of 20-9-703 and 20-9-704;  
 5 (20) prescribe the form and contents of and approve or  
 6 disapprove interstate contracts in accordance with the  
 7 provisions of 20-9-705;  
 8 (21) approve or disapprove the conduct of school on a  
 9 Saturday or on pupil-instruction-related days in accordance  
 10 with the provisions of 20-1-303 and 20-1-304;  
 11 (22) recommend standards of accreditation for all  
 12 schools to the board of public education and evaluate  
 13 compliance with such standards and recommend accreditation  
 14 status of every school to the board of public education in  
 15 accordance with the provisions of 20-7-101 and 20-7-102;  
 16 (23) collect and maintain a file of curriculum guides  
 17 and assist schools with instructional programs in accordance  
 18 with the provisions of 20-7-113 and 20-7-114;  
 19 (24) establish and maintain a library of visual, aural,  
 20 and other educational media in accordance with the  
 21 provisions of 20-7-201;  
 22 (25) license textbook dealers and initiate prosecution  
 23 of textbook dealers violating the law in accordance with the  
 24 provisions of the textbooks part of this title;  
 25 (26) as the governing agent and executive officer of

1 the state of Montana for vocational education, adopt the  
2 policies prescribed by and in accordance with the provisions  
3 of 20-7-301;

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

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

10 (29) supervise and coordinate the conduct of special  
11 education in the state in accordance with the provisions of  
12 20-7-403;

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

15 (31) administer the school food services program in  
16 accordance with the provisions of 20-10-201, 20-10-202, and  
17 20-10-203;

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

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

23 (34) provide schools with information and technical  
24 assistance for compliance with the student assessment rules  
25 provided for in 20-2-121 and collect and summarize the

1 results of such student assessment for the board of public  
2 education and the legislature; and

3 (34)(35) perform any other duty prescribed from time to  
4 time by this title, any other act of the legislature, or the  
5 policies of the board of public education."

6 Section 3. Exemption from fiscal note process. For the  
7 purposes of this act, the board of public education is  
8 exempt from the fiscal note provisions of 20-2-115.

-End-

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

1 STATEMENT OF INTENT

2 HOUSE BILL 365

3 House Education and Cultural Resources Committee

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5 A statement of intent is required for this bill because  
6 section 1 provides that the board of public education shall  
7 adopt rules for student assessment in the public schools of  
8 Montana. The legislature intends for the board to adopt  
9 rules regarding:

10 (1) the types of student assessment tests that may be  
11 used;

12 (2) the grade levels to be tested;

13 (3) the time of testing;

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BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

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 7 the provisions of 20-7-311;

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

11 (29) supervise and coordinate the conduct of special  
 12 education in the state in accordance with the provisions of  
 13 20-7-403;

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

16 (31) administer the school food services program in  
 17 accordance with the provisions of 20-10-201, 20-10-202, and  
 18 20-10-203;

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

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

24 (34) provide schools with information and technical  
 25 assistance for compliance with the student assessment rules

1 provided for in 20-2-121 and collect and summarize the  
 2 results of such student assessment for the board of public  
 3 education and the legislature; and

4 ~~(34)~~(35) perform any other duty prescribed from time to  
 5 time by this title, any other act of the legislature, or the  
 6 policies of the board of public education."

7 Section 3. Exemption from fiscal note process. For the  
 8 purposes of this act, the board of public education is  
 9 exempt from the fiscal note provisions of 20-2-115.

-End-



1 STATEMENT OF INTENT

2 HOUSE BILL 365

3 House Education and Cultural Resources Committee

4

5 A statement of intent is required for this bill because  
6 section 1 provides that the board of public education shall  
7 adopt rules for student assessment in the public schools of  
8 Montana. The legislature intends for the board to adopt  
9 rules regarding:

- 10 (1) the types of student assessment tests that may be  
11 used;
- 12 (2) the grade levels to be tested;
- 13 (3) the time of testing;
- 14 (4) procurement of testing data;
- 15 (5) provisions for confidentiality of test results;
- 16 (6) responsibilities for the office of the  
17 superintendent of public instruction; and
- 18 (7) other provisions that the board considers vital to  
19 the student assessment program.

REFERENCE BILL

HB 365

## 1 HOUSE BILL NO. 365

2 INTRODUCED BY PECK, SCHYE, MILLER,

3 BARDANOUVE, DONALDSON, WINSLOW

4 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF  
7 PUBLIC EDUCATION TO ADOPT RULES FOR STUDENT ASSESSMENT IN  
8 THE PUBLIC SCHOOLS OF THE STATE; AND AMENDING SECTIONS  
9 20-2-121 AND 20-3-106, MCA."

10  
11 WHEREAS, the Legislature recognizes that the Board of  
12 Public Education has the duty, as provided in Article X,  
13 section 9, of the Montana Constitution to exercise general  
14 supervision over the public school system in Montana; and

15 WHEREAS, the Legislature recognizes the value of  
16 measuring the academic performance of Montana schools and of  
17 assessing student performance in comparison to: education  
18 costs per student; student performance levels in other  
19 states and the nation; and, most importantly, Montana  
20 education achievement goals.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

24 "20-2-121. Board of public education -- powers and  
25 duties. The board of public education shall:

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

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

9 (3) administer and order the distribution of state  
10 equalization aid in accordance with the provisions of  
11 20-9-344;

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

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

19 (6) adopt policies prescribing the conditions when  
20 school may be conducted on Saturday and the types of  
21 pupil-instruction-related days and approval procedure for  
22 such days in accordance with the provisions of 20-1-303 and  
23 20-1-304;

24 (7) adopt standards of accreditation and establish the  
25 accreditation status of every school in accordance with the

1 provisions of 20-7-101 and 20-7-102;  
 2 (8) approve or disapprove educational media selected  
 3 by the superintendent of public instruction for the  
 4 educational media library in accordance with the provisions  
 5 of 20-7-201;  
 6 (9) adopt policies for the conduct of special  
 7 education in accordance with the provisions of 20-7-402;  
 8 (10) adopt rules for issuance of documents certifying  
 9 equivalency of completion of secondary education in  
 10 accordance with 20-7-131; and  
 11 (11) adopt policies for the conduct of programs for  
 12 gifted and talented children in accordance with the  
 13 provisions of 20-7-903 and 20-7-904; and  
 14 (12) adopt rules for student assessment in the public  
 15 schools; and  
 16 ~~(12)~~(13) perform any other duty prescribed from time to  
 17 time by this title or any other act of the legislature."  
 18 Section 2. Section 20-3-106, MCA, is amended to read:  
 19 "20-3-106. Supervision of schools -- powers and  
 20 duties. The superintendent of public instruction has the  
 21 general supervision of the public schools and districts of  
 22 the state, and he shall perform the following duties or acts  
 23 in implementing and enforcing the provisions of this title:  
 24 (1) resolve any controversy resulting from the  
 25 proration of costs by a joint board of trustees under the

1 provisions of 20-3-362;  
 2 (2) issue, renew, or deny teacher certification and  
 3 emergency authorizations of employment;  
 4 (3) negotiate reciprocal tuition agreements with other  
 5 states in accordance with the provisions of 20-5-314;  
 6 (4) serve on the teachers' retirement board in  
 7 accordance with the provisions of 2-15-1010;  
 8 (5) approve or disapprove the orders of a high school  
 9 boundary commission in accordance with the provisions of  
 10 20-6-311;  
 11 (6) approve or disapprove the opening or reopening of  
 12 a school in accordance with the provisions of 20-6-502,  
 13 20-6-503, 20-6-504, or 20-6-505;  
 14 (7) approve or disapprove school isolation within the  
 15 limitations prescribed by 20-9-302;  
 16 (8) generally supervise the school budgeting  
 17 procedures prescribed by law in accordance with the  
 18 provisions of 20-9-102 and prescribe the school budget  
 19 format in accordance with the provisions of 20-9-103 and  
 20 20-9-506;  
 21 (9) establish a system of communication for  
 22 calculating joint district revenues in accordance with the  
 23 provisions of 20-9-151;  
 24 (10) approve or disapprove the adoption of a district's  
 25 emergency budget resolution under the conditions prescribed

1 in 20-9-163 and publish rules for an application for  
2 additional state aid for an emergency budget in accordance  
3 with the approval and disbursement provisions of 20-9-166;

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

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

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

15 (14) distribute state equalization aid in support of  
16 the foundation program in accordance with the provisions of  
17 20-9-342, 20-9-346, and 20-9-347;

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

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

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

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

3 (19) authorize the use of federal moneys for the  
4 support of an interlocal cooperative agreement in accordance  
5 with the provisions of 20-9-703 and 20-9-704;

6 (20) prescribe the form and contents of and approve or  
7 disapprove interstate contracts in accordance with the  
8 provisions of 20-9-705;

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

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

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

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

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

1 (26) as the governing agent and executive officer of  
2 the state of Montana for vocational education, adopt the  
3 policies prescribed by and in accordance with the provisions  
4 of 20-7-301;

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

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

11 (29) supervise and coordinate the conduct of special  
12 education in the state in accordance with the provisions of  
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6 policies of the board of public education."

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8 purposes of this act, the board of public education is  
9 exempt from the fiscal note provisions of 20-2-115.

-End-