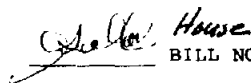


HB 477 INTRODUCED BY GOULD, ET AL.
GRADE REQUIREMENT FOR EXTRACURRICULAR ACTIVITIES

1/27 INTRODUCED
1/27 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/28 FISCAL NOTE REQUESTED
2/02 FISCAL NOTE RECEIVED
2/04 HEARING
2/04 COMMITTEE REPORT--BILL NOT PASSED
2/05 ADVERSE COMMITTEE REPORT ADOPTED 72 26

 House
 BILL NO. 477
 INTRODUCED BY Paula Branley

1
2 INTRODUCED BY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CONDITIONING THE
5 RECEIPT OF STATE FUNDS BY SCHOOL DISTRICTS ON THE
6 ESTABLISHMENT OF MINIMUM GRADE REQUIREMENTS FOR
7 PARTICIPATION IN EXTRACURRICULAR ACTIVITIES; AMENDING
8 SECTIONS 20-3-324 AND 20-9-303, MCA; AND PROVIDING AN
9 EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Purpose -- findings. While
13 the legislature recognizes the benefits derived from
14 extracurricular activities, it also recognizes that a person
15 must have certain basic skills in order to function
16 successfully in society. Without a basic knowledge of
17 mathematics, English, history, science, and a foreign
18 language, a student will not even be able to recognize the
19 opportunities offered him. For this reason, the legislature
20 finds that a minimum grade requirement for participation in
21 extracurricular activities must be established.

22 NEW SECTION. Section 2. Extracurricular activities --
23 minimum grade requirement set by trustees. (1) In order to
24 receive funds from the state foundation program as defined
25 in section 20-9-303, the board of trustees of each school

1 district shall establish a school district policy on
2 participation in extracurricular activities. The policy must
3 provide that a pupil:

4 (a) may not participate in extracurricular activities
5 unless he:

6 (i) maintains a "C" or a 2.0 grade point average, in
7 all enrolled courses; and

8 (ii) receives a passing grade in each enrolled course;

9 (b) who does not maintain a "C" average must be
10 suspended from participation in extracurricular activities
11 until he achieves a "C" average; and

12 (c) who has maintained a "C" average but receives a
13 failing grade in one or more enrolled courses must be
14 suspended from extracurricular activities for the next
15 graded period.

16 (2) For the purposes of this section and [section 3],
17 an extracurricular activity is one that does not produce
18 credit toward graduation and includes but is not limited to
19 athletics, band, choir, speech, drama, cheerleading, drill
20 team, and student council.

21 Section 3. Section 20-3-324, MCA, is amended to read:

22 "20-3-324. Powers and duties. As prescribed elsewhere
23 in this title, the trustees of each district shall have the
24 power and it shall be their duty to perform the following
25 duties or acts:

1 (1) employ or dismiss a teacher, principal, or other
 2 assistant upon the recommendation of the district
 3 superintendent, the county high school principal, or other
 4 principal as the board may deem necessary, accepting or
 5 rejecting such recommendation as the trustees shall in their
 6 sole discretion determine, in accordance with the provisions
 7 of Title 20, chapter 4;

8 (2) employ and dismiss administrative personnel,
 9 clerks, secretaries, teacher aides, custodians, maintenance
 10 personnel, school bus drivers, food service personnel,
 11 nurses, and any other personnel deemed necessary to carry
 12 out the various services of the district;

13 (3) administer the attendance and tuition provisions
 14 and otherwise govern the pupils of the district in
 15 accordance with the provisions of the pupils chapter of this
 16 title;

17 (4) call, conduct, and certify the elections of the
 18 district in accordance with the provisions of the school
 19 elections chapter of this title;

20 (5) participate in the teachers' retirement system of
 21 the state of Montana in accordance with the provisions of
 22 the teachers' retirement system chapter of Title 19;

23 (6) participate in district boundary change actions in
 24 accordance with the provisions of the districts chapter of
 25 this title;

1 (7) organize, open, close, or acquire isolation status
 2 for the schools of the district in accordance with the
 3 provisions of the school organization part of this title;

4 (8) adopt and administer the annual budget or an
 5 emergency budget of the district in accordance with the
 6 provisions of the school budget system part of this title;

7 (9) conduct the fiscal business of the district in
 8 accordance with the provisions of the school financial
 9 administration part of this title;

10 (10) establish the ANB, foundation program, permissive
 11 levy, additional levy, cash reserve, and state impact aid
 12 amount for the general fund of the district in accordance
 13 with the provisions of the general fund part of this title;

14 (11) establish, maintain, budget, and finance the
 15 transportation program of the district in accordance with
 16 the provisions of the transportation parts of this title;

17 (12) issue, refund, sell, budget, and redeem the bonds
 18 of the district in accordance with the provisions of the
 19 bonds parts of this title;

20 (13) when applicable, establish, financially
 21 administer, and budget for the tuition fund, retirement
 22 fund, building reserve fund, adult education fund,
 23 nonoperating fund, school food services fund, miscellaneous
 24 federal programs fund, building fund, housing and dormitory
 25 fund, traffic education fund, and interlocal cooperative

1 agreement fund in accordance with the provisions of the
2 other school funds parts of this title;

3 (14) when applicable, administer any interlocal
4 cooperative agreement, gifts, legacies, or devises in
5 accordance with the provisions of the miscellaneous
6 financial parts of this title;

7 (15) hold in trust, acquire, and dispose of the real
8 and personal property of the district in accordance with the
9 provisions of the school sites and facilities part of this
10 title;

11 (16) operate the schools of the district in accordance
12 with the provisions of the school calendar part of this
13 title;

14 (17) establish and maintain the instructional services
15 of the schools of the district in accordance with the
16 provisions of the instructional services, textbooks,
17 vocational education, and special education parts of this
18 title;

19 (18) establish and maintain the school food services of
20 the district in accordance with the provisions of the school
21 food services parts of this title;

22 (19) make such reports from time to time as the county
23 superintendent, superintendent of public instruction, and
24 board of public education may require;

25 (20) retain, when deemed advisable, a physician or

1 registered nurse to inspect the sanitary conditions of the
2 school or the general health conditions of each pupil and,
3 upon request, make available to any parent or guardian any
4 medical reports or health records maintained by the district
5 pertaining to his child;

6 (21) for each member of the trustees, visit each school
7 of the district not less than once each school fiscal year
8 to examine its management, conditions, and needs;

9 (22) procure and display outside daily in suitable
10 weather at each school of the district an American flag
11 which shall be not less than 4 feet by 6 feet; and

12 (23) establish a policy on participation in
13 extracurricular activities as provided in [section 2]; and

14 ~~(23)~~(24) perform any other duty and enforce any other
15 requirements for the government of the schools prescribed by
16 this title, the policies of the board of public education,
17 or the rules of the superintendent of public instruction."

18 Section 4. Section 20-9-303, MCA, is amended to read:

19 "20-9-303. Definition of foundation program and its
20 proportion of the maximum-general-fund-without-a-voted-levy
21 schedule amount -- nonisolated school foundation program
22 financing -- special education funds. (1) As used in this
23 title, the term "foundation program" shall mean the minimum
24 operating expenditures, as established herein, that are
25 sufficient to provide for the educational program of a

1 school. The foundation program relates only to those
 2 expenditures authorized by a district's general fund budget
 3 and shall not include expenditures from any other fund. It
 4 shall be financed by:

5 (a) county equalization moneys; and

6 (b) state equalization aid.

7 (2) The dollar amount of the foundation program shall
 8 be 80% of the maximum-general-fund-budget-without-a-voted-levy
 9 limitation as set forth in the schedules in 20-9-316 through 20-9-321.
 10 The foundation program of an elementary school having an ANB
 11 of nine or fewer pupils for 2 consecutive years which is not
 12 approved as an isolated school under the provisions of
 13 20-9-302 shall be 80% of the schedule amount, but the county
 14 and state shall participate in financing one-half of the
 15 foundation program, and the district shall finance the
 16 remaining one-half by a tax levied on the property of the
 17 district. When a school of nine or fewer pupils is approved
 18 as isolated under the provisions of 20-9-302, the county and
 19 state shall participate in the financing of the total amount
 20 of the foundation program.
 21

22 (3) Funds provided to support the special education
 23 accounting budget may be expended only for special education
 24 purposes as approved by the superintendent of public
 25 instruction in accordance with the special education

1 budgeting provisions of this title. Expenditures for special
 2 education shall be accounted for separately from the balance
 3 of the school district general fund. Transfers between items
 4 within the special education budget for accounting purposes
 5 may be made at the discretion of the board of trustees in
 6 accordance with the financial administration part of this
 7 title. The unexpended balance of the special education
 8 accounting budget shall carry over to the next year to
 9 reduce the amount of funding required to finance the
 10 district's ensuing year's maximum-budget-without-a-vote for
 11 special education.

12 (4) Funds from the foundation program may not be used
 13 by a school district unless the board of trustees
 14 establishes the extracurricular activities policy described
 15 in [section 2]."

16 NEW SECTION. Section 5. Codification instruction.
 17 Section 2 is intended to be codified as an integral part of
 18 Title 20, chapter 5, part 2, and the provisions of Title 20,
 19 chapter 5, part 2, apply to section 2.

20 NEW SECTION. Section 6. Extension of authority. Any
 21 existing authority of the superintendent of public
 22 instruction to make rules on the subject of the provisions
 23 of this act is extended to the provisions of this act.

24 NEW SECTION. Section 7. Effective date. This act is
 25 effective July 1, 1987.

-End-

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STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB477, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Conditioning the receipt of state funds by school districts on establishment of minimum grade requirements for participation in extracurricular activities.

ASSUMPTIONS:

1. All school district will comply with this legislation to avoid the loss of State Foundation Program funding.

FISCAL IMPACT:

None. If any school district chose not to comply, the state savings would be equal to the foundation payment made to that school. Local district costs would increase by a like amount.

David L. Hunter DATE 2/2/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Budd Gould DATE _____
BUDD GOULD, PRIMARY SPONSOR
Fiscal Note for HB477, as introduced.

HB 477