

HB 764 INTRODUCED BY NATHE, ET AL.  
EQUALITY AND UNIFORMITY IN PUBLIC SCHOOLS

2/14 INTRODUCED  
2/14 REFERRED TO EDUCATION & CULTURAL RESOURCES  
2/16 FISCAL NOTE REQUESTED  
2/18 HEARING  
2/20 TABLED IN COMMITTEE  
2/21 FISCAL NOTE RECEIVED

1 House BILL NO. 764  
2 INTRODUCED BY NATHAN DOWLING

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ENSURE EQUALITY OF  
5 EDUCATIONAL OPPORTUNITY IN THE PUBLIC ELEMENTARY AND  
6 SECONDARY SCHOOLS BY ESTABLISHING STANDARD STUDENT  
7 COMPETENCY TESTING AND REQUIRING THE DEVELOPMENT OF  
8 PROPOSALS FOR A UNIFORM CURRICULUM AND STATE TEACHER  
9 EVALUATIONS AND PAY SCHEDULES; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13 Section 1. Short title. [This act] may be cited as  
14 "The Equal Education Act".

15 Section 2. Purpose. The purpose of [this act] is to  
16 ensure that the education offered in each of the public  
17 elementary and secondary schools of this state is of uniform  
18 quality by standardizing the elements of that education and  
19 the means of assessing student progress.

20 Section 3. Elementary and secondary school assessment  
21 instruments. (1) The board of public education shall by rule  
22 adopt appropriate assessment instruments designed to assess  
23 minimum basic skills and competency in reading, writing, and  
24 mathematics for all pupils at the 1st through 9th grade  
25 levels.

1 (2) The board of public education shall also by rule  
2 adopt secondary school exit level assessment instruments  
3 designed to assess science, history, government,  
4 mathematics, and English language arts basic skills and  
5 competency for pupils at the 12th grade level. The  
6 superintendent of public instruction shall administer the  
7 assessment instruments.

8 (3) The secondary school exit level assessment  
9 instruments must be administered to all pupils at the 11th  
10 grade level. Each pupil who did not perform satisfactorily  
11 on all sections when tested at the 11th grade level must be  
12 given opportunities during the 11th and 12th grade levels to  
13 retake the sections of an assessment instrument on which the  
14 pupil did not perform satisfactorily, including the  
15 opportunity to retake those sections during the final month  
16 of the school term in which the pupil is enrolled at the  
17 12th grade level.

18 Section 4. Assessment instruments performance levels.  
19 The board of public education shall determine the level of  
20 performance considered to be satisfactory on the assessment  
21 instruments.

22 Section 5. Diploma standards and procedures. (1) A  
23 pupil who has not performed satisfactorily on all sections  
24 of a secondary school exit level assessment instrument by  
25 the time the pupil has completed the 12th grade level may



1 not receive a high school diploma until the pupil has  
2 performed satisfactorily on all sections of the secondary  
3 school exit level assessment instrument.

4 (2) Each time an assessment instrument is  
5 administered, a pupil who has not been given a high school  
6 diploma because of a failure to perform satisfactorily on  
7 all sections of the secondary school exit level assessment  
8 instrument may retake those sections of the assessment  
9 instrument on which the pupil has not performed  
10 satisfactorily.

11 (3) A pupil who has been denied a high school diploma  
12 under subsections (1) and (2) and who subsequently performs  
13 satisfactorily on all sections of the secondary school exit  
14 level assessment instrument must be issued a high school  
15 diploma.

16 Section 6. Exemptions. A student who has a physical or  
17 mental handicap or a learning disability that prevents the  
18 student from mastering the competency that the basic skills  
19 assessment instruments are designed to measure may be  
20 exempted by the superintendent of public instruction from  
21 the requirements of [sections 2 through 7].

22 Section 7. Performance data -- disclosures. (1) In  
23 adopting and administering basic skills and competency  
24 assessment instruments and achievement tests under [sections  
25 2 through 7], the board of public education and the

1 superintendent of public instruction shall ensure the  
2 security of the instruments and tests in their preparation,  
3 administration, and grading.

4 (2) The results of individual student performance on  
5 basic skills and competency assessment instruments or  
6 achievement tests administered [under sections 2 through 7]  
7 are confidential and may be made available only to the  
8 student, the student's parent or guardian, the school  
9 personnel directly involved with the student's educational  
10 program, and the board of public education. However, overall  
11 student performance data must be aggregated by the school  
12 district and made available to the public, with appropriate  
13 interpretations, at the regularly scheduled meetings of the  
14 board of trustees of the school district. The information  
15 may not contain the names of individual students or  
16 teachers. The superintendent of public instruction shall  
17 compile the data for all the school districts and report it  
18 to the legislature in writing no later than January 1 of  
19 each odd-numbered year.

20 Section 8. Development of proposed pay schedules. The  
21 board of public education, with the assistance of the  
22 department of administration, shall develop proposed pay  
23 schedules for all teachers and administrative and other  
24 employees of the public schools in this state and report the  
25 same in writing to the legislature no later than January 1,

1 1989.

2 Section 9. Development of proposed uniform curriculum.  
3 The board of public education shall develop a proposed  
4 uniform curriculum for the elementary and secondary schools  
5 of this state and report the same in writing to the  
6 legislature no later than January 1, 1989.

7 Section 10. Development of proposed teacher competency  
8 tests. The board of public education shall develop proposed  
9 teacher evaluation assessment instruments to determine the  
10 competency of the public elementary and secondary school  
11 teachers of this state and report the same in writing to the  
12 legislature no later than January 1, 1989.

13 Section 11. Adoption of rules. The board of public  
14 education and the superintendent of public instruction may  
15 each adopt rules to implement their respective powers and  
16 duties under [this act].

17 Section 12. Codification instruction. Sections 1  
18 through 7 and 11 are intended to be codified as an integral  
19 part of Title 20, and the provisions of Title 20 apply to  
20 sections 1 through 7 and 11.

21 Section 13. Effective date. This act is effective on  
22 passage and approval.

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