

HOUSE BILL 126

Introduced by Gould

1/11	Introduced
1/12	Referred to Education & Cultural Resources
1/27	Hearing
1/30	Tabled in Committee

1 House BILL NO. 126
2 INTRODUCED BY [Signature]
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CONDITIONING THE
5 RECEIPT OF STATE FOUNDATION PROGRAM FUNDS BY A SCHOOL
6 DISTRICT ON THAT DISTRICT'S ESTABLISHMENT OF MINIMUM GRADE
7 REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR
8 ACTIVITIES; AMENDING SECTIONS 20-3-324 AND 20-9-303, MCA;
9 AND PROVIDING AN 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 may not 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 20-9-303, the trustees of each school district shall

1 establish a school district policy on participation in
2 extracurricular activities. The policy must provide that a
3 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 20-3-324(23) and this section,
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~~ may perform the
25 following duties or acts:

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

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

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

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

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

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

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

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

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

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

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

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

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous federal programs fund, building fund, lease or rental agreement fund, traffic education fund, and interlocal

1 cooperative agreement fund in accordance with the provisions
2 of the 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 considered advisable, a

1 physician or registered nurse to inspect the sanitary
2 conditions of the school or the general health conditions of
3 each pupil and, upon request, make available to any parent
4 or guardian any medical reports or health records maintained
5 by the district 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, except
9 trustees from a first-class school district may share the
10 responsibility for visiting each school in the district;

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

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

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

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

21 "20-9-303. Definition of foundation program and its
22 proportion of the maximum-general-fund-without-a-voted-levy
23 schedule amount -- nonisolated school foundation program
24 financing -- special education funds. (1) As used in this
25 title, the term "foundation program" shall mean the minimum

operating expenditures, as established herein, that are sufficient to provide for the educational program of a school. The foundation program relates only to those expenditures authorized by a district's general fund budget and ~~shall~~ may not include expenditures from any other fund. It shall be financed by:

(a) county equalization ~~moneys~~ money; and

(b) state equalization aid.

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

(3) Funds provided to support the special education accounting budget may be expended only for special education

purposes as approved by the superintendent of public instruction in accordance with the special education budgeting provisions of this title. Expenditures for special education shall be accounted for separately from the balance of the school district general fund. Transfers between items within the special education budget for accounting purposes may be made at the discretion of the board of trustees in accordance with the financial administration part of this title. The unexpended balance of the special education accounting budget shall carry over to the next year to reduce the amount of funding required to finance the district's ensuing year's maximum-budget-without-a-vote for special education.

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

NEW SECTION. Section 5. Codification instruction.

[Sections 1 and 2] are intended to be codified as an integral part of Title 20, chapter 5, part 2, and the provisions of Title 20, chapter 5, part 2, apply to [sections 1 and 2].

NEW SECTION. Section 6. Extension of authority. Any

existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of

LC 0768/01

1 [this act].

2 NEW SECTION. **Section 7. Effective date.** [This act] is

3 effective July 1, 1989.

-End-