HOUSE BILL NO. 597

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INTRODUCED BY DARKO, SCHYE

IN THE HOUSE

FEBRUARY 7, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 8, 1989	FIRST READING.
FEBRUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 21, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 72; NOES, 26.
	TRANSMITTED TO SENATE.
IN	THE SENATE
FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 20, 1989	SECOND READING, CONCURRED IN.
MARCH 22, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.
IN	THE HOUSE
MARCH 31, 1989	RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 1, 1989

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THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0790/01

51st Legislature

INTRODUCED BY Nallo Selec 1 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRUSTEES 4 5 OF A SCHOOL DISTRICT TO ADOPT AND ADMINISTER A POLICY FOR PLACEMENT TESTING OF ANY CHILD WHO ENROLLS IN A SCHOOL OF 6 7 THE DISTRICT AND WHOSE PREVIOUS PLACE OF INSTRUCTION WAS A 8 HOME SCHOOL; REQUIRING A HOME SCHOOL TO NOTIFY THE COUNTY 9 SUPERINTENDENT EACH YEAR OF A STUDENT'S ATTENDANCE AT THE 10 SCHOOL: AND AMENDING SECTIONS 20-3-324 AND 20-5-109, MCA." 11

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12

NEW SECTION. Section 1. School 13 district placement testing of a child who enrolls from a home school. The 14 15 trustees of a school district shall:

(1) adopt a district policy on placement testing of any 16 child who enrolls in a school of the district and whose 17 previous place of instruction was a home school as defined 18 19 in 20-5-102(2)(f);

(2) include in the adopted policy the following 20 21 provisions:

(a) the specific placement test or tests be 22 to administered to any child subject to the provisions of 23 subsection (1); 24

(b) a procedure for grade and program placement of the 25

intana Legislative Council

1 child based on results of the placement testing, including 2 considerations for the age and identified abilities of the 3 child: and

4 (c) a hearing process before the board of trustees of 5 the district if the parent or guardian of a child is not in agreement with the placement of the child and requests a 6 7 hearing before the board; and

8 (3) administer the adopted policy required in 9 subsection (1) in a uniform and fair manner.

10 Section 2. Section 20-3-324, MCA, is amended to read: 11 "20-3-324. Powers and duties. As prescribed elsewhere 12 in this title, the trustees of each district shall have-the 13 power-and-it-shall-be-their-duty-to--perform--the--following 14 duties-or-acts:

15 (1) employ or dismiss a teacher, principal, or other 16 assistant upon the recommendation of the district 17 superintendent, the county high school principal, or other 18 principal as the board may-deem considers necessary, 19 accepting or rejecting such any recommendation as the 20 trustees shall in their sole discretion determine, in 21 accordance with the provisions of Title 20, chapter 4;

22 (2) employ and dismiss administrative personnel, 23 clerks, secretaries, teacher aides, custodians, maintenance 24 personnel, school bus drivers, food service personnel, 25 nurses, and any other personnel deemed considered necessary

> -2-INTRODUCED BILL HA597

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1 to carry out the various services of the district;

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

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

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

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

15 (7) organize, open, close, or acquire isolation status
16 for the schools of the district in accordance with the
17 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

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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

7 of the district in accordance with the provisions of the 8 bonds parts of this title;

9 (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building 10 11 reserve fund, adult education fund, nonoperating fund, 12 school food services fund, miscellaneous federal programs fund, building fund, lease or rental agreement fund, traffic 13 education fund, and interlocal cooperative agreement fund in 14 accordance with the provisions of the other school funds 15 16 parts of this title;

17 (14) when applicable, administer any interlocal 18 cooperative agreement, gifts, legacies, or devises in 19 accordance with the provisions of the miscellaneous 20 financial parts of this title;

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

25 (16) operate the schools of the district in accordance

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with the provisions of the school calendar part of this
title;

3 (17) establish and maintain the instructional services 4 of the schools of the district in accordance with the 5 provisions of the instructional services, textbooks, 6 vocational education, and special education parts of this 7 title;

8 (18) establish and maintain the school food services of
9 the district in accordance with the provisions of the school
10 food services parts of this title;

11 (19) make such reports from time to time as the county 12 superintendent, superintendent of public instruction, and 13 board of public education may require;

14 (20) retain, when deemed <u>considered</u> advisable, a 15 physician or registered nurse to inspect the sanitary 16 conditions of the school or the general health conditions of 17 each pupil and, upon request, make available to any parent 18 or guardian any medical reports or health records maintained 19 by the district pertaining to his child;

(21) for each member of the trustees, visit each school
of the district not less than once each school fiscal year
to examine its management, conditions, and needs, except
trustees from a first-class school district may share the
responsibility for visiting each school in the district;

25 (22) procure and display outside daily in suitable

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weather at each school of the district an American flag
 which-shall-be that measures not less than 4 feet by 6 feet;
 and

4 (23) adopt and administer a district policy on placement 5 testing of any child who enrolls in a school of the district 6 from a home school as required in [section 1]; and

7 (23)(24) perform any other duty and enforce any other 8 requirements for the government of the schools prescribed by 9 this title, the policies of the board of public education, 10 or the rules of the superintendent of public instruction." 11 Section 3. Section 20-5-109, MCA, is amended to read: 12 "20-5-109. Nonpublic school requirements for compulsory 13 enrollment exemption. To qualify its students for exemption 14 from compulsory enrollment under 20-5-102, a nonpublic or 15 home school shall:

16 (1) maintain records on pupil attendance and disease 17 immunization and make such the records available to the 18 county superintendent of schools on request;

19 (2) provide at least 180 days of pupil instruction or 20 the equivalent in accordance with 20-1-301 and 20-1-302;

21 (3) be housed in a building that complies with 22 applicable local health and safety regulations;

23 (4) provide an organized course of study that includes

24 instruction in the subjects required of public schools as a

25 basic instructional program pursuant to 20-7-111; and

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(5) in the case of home schools, notify the county
 superintendent of schools <u>each school fiscal year</u> of the
 student's attendance at the school."

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4 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 5 existing authority to make rules on the subject of the 6 provisions of [this act] is extended to the provisions of 7 [this act].

8 <u>NEW SECTION.</u> Section 5. codification instruction. 9 [Section 1] is intended to be codified as an integral part 10 of Title 20, chapter 5, part 1, and the provisions of Title 11 20 apply to [section 1].

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 HOUSE BILL NO. 597 1 tests to be administered to any child subject to the 2 INTRODUCED BY DARKO, SCHYE 2 provisions of subsection (1); 3 3 (b) a procedure for grade and program placement of the A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRUSTEES 4 4 child based on results of the ASSESSMENT FOR placement OF A SCHOOL DISTRICT TO ADOPT AND ADMINISTER A POLICY ON 5 5 testing, including considerations for the age and identified ASSESSMENT FOR PLACEMENT TESTING OF ANY CHILD WHO ENROLLS IN б 6 abilities of the child; and 7 A SCHOOL OF THE DISTRICT AND WHOSE PREVIOUS PLACE OF 7 (c) a hearing process before the board of trustees of 8 INSTRUCTION WAS A HOME-SCHOOL NONPUBLIC SCHOOL THAT IS NOT 8 the district if the parent or quardian of a child is not in 9 ACCREDITED; REQUIRING A-HOME SUCH A SCHOOL TO NOTIFY THE 9 agreement with the placement of the child and requests a COUNTY SUPERINTENDENT EACH YEAR OF A STUDENT'S ATTENDANCE AT 10 10 hearing before the board; and THE SCHOOL; AND AMENDING SECTIONS 20-3-324 AND 20-5-109, 11 11 (3) administer the adopted policy required in 12 MCA." 12 subsection (1) in a uniform and fair manner. 13 Section 2. Section 20-3-324, MCA, is amended to read: 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 "20-3-324. Powers and duties. As prescribed elsewhere 15 NEW SECTION. Section 1. School district placement 15 in this title, the trustees of each district shall have the 16 testing of a child who enrolls from a home NONACCREDITED 16 power-and-it-shall-be-their-duty-to--perform--the--following 17 NONPUBLIC school. The trustees of a school district shall: 17 duties-or-acts: 18 (1) adopt a district policy on ASSESSMENT FOR 18 (1) employ or dismiss a teacher, principal, or other placement testing of any child who enrolls in a school of 19 assistant upon the 19 recommendation of the district 20 the district and whose previous place of instruction was a 20 superintendent, the county high school principal, or other 21 home-school-as-defined-in-20-5-102(2)(f); NONPUBLIC SCHOOL principal as the board may--deem considers necessary, 21 22 THAT IS NOT ACCREDITED; 22 accepting or rejecting such any recommendation as the 23 (2) include in the adopted policy the following 23 trustees shall in their sole discretion determine, in 24 provisions: 24 accordance with the provisions of Title 20, chapter 4; 25 (a) the specific ASSESSMENT FOR placement test-or 25 and dismiss administrative personnel, (2) employ

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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;

5 (3) administer the attendance and tuition provisions 6 and otherwise govern the pupils of the district in 7 accordance with the provisions of the pupils chapter of this 8 title;

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

12 (5) participate in the teachers' retirement system of 13 the state of Montana in accordance with the provisions of 14 the teachers' retirement system chapter of Title 19;

15 (6) participate in district boundary change actions in 16 accordance with the provisions of the districts chapter of 17 this title;

18 (7) organize, open, close, or acquire isolation status
19 for the schools of the district in accordance with the
20 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

1 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

8 the provisions of the transportation parts of this title;

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

12 (13) when applicable, establish, financially 13 administer, and budget for the tuition fund, retirement 14 fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous 15 federal programs fund, building fund, lease or rental 16 agreement fund, traffic education fund, and interlocal 17 18 cooperative agreement fund in accordance with the provisions 19 of the other school funds parts of this title;

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

24 (15) hold in trust, acquire, and dispose of the real25 and personal property of the district in accordance with the

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provisions of the school sites and facilities part of this
title;

3 (16) operate the schools of the district in accordance
4 with the provisions of the school calendar part of this
5 title;

6 (17) establish and maintain the instructional services
7 of the schools of the district in accordance with the
8 provisions of the instructional services, textbooks,
9 vocational education, and special education parts of this
10 title;

11 (18) establish and maintain the school food services of 12 the district in accordance with the provisions of the school 13 food services parts of this title;

14 (19) make such reports from time to time as the county 15 superintendent, superintendent of public instruction, and 16 board of public education may require;

17 (20) retain, when deemed considered advisable, a 18 physician or registered nurse to inspect the sanitary 19 conditions of the school or the general health conditions of 20 each pupil and, upon request, make available to any parent 21 or guardian any medical reports or health records maintained 22 by the district pertaining to his child;

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

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1 trustees from a first-class school district may share the 2 responsibility for visiting each school in the district;

3 (22) procure and display outside daily in suitable 4 weather at each school of the district an American flag 5 which-shall-be that measures not less than 4 feet by 6 feet; 6 and

7 (23) adopt and administer a district policy on
8 ASSESSMENT FOR placement testing of any child who enrolls in
9 a school of the district from a home-school NONPUBLIC SCHOOL
10 THAT IS NOT ACCREDITED, as required in [section 1]; and

11 (23)(24) perform any other duty and enforce any other 12 requirements for the government of the schools prescribed by 13 this title, the policies of the board of public education, 14 or the rules of the superintendent of public instruction."

15 Section 3. Section 20-5-109, MCA, is amended to read: 16 "20-5-109. Nonpublic school requirements for 17 compulsory enrollment exemption. To qualify its students for 18 exemption from compulsory enrollment under 20-5-102, a 19 nonpublic or home school shall:

20 (1) maintain records on pupil attendance and disease
21 immunization and make such the records available to the
22 county superintendent of schools on request;

(2) provide at least 180 days of pupil instruction orthe equivalent in accordance with 20-1-301 and 20-1-302;

25 (3) be housed in a building that complies with

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1 applicable local health and safety regulations;

2 (4) provide an organized course of study that includes
3 instruction in the subjects required of public schools as a
4 basic instructional program pursuant to 20-7-111; and

5 (5) in the case of home schools, notify the county 6 superintendent of schools <u>each school fiscal year</u> of the 7 student's attendance at the school."

8 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 9 existing authority to make rules on the subject of the 10 provisions of [this act] is extended to the provisions of 11 [this act].

NEW SECTION. Section 5. Codification instruction.
(Section 1) is intended to be codified as an integral part
of Title 20, chapter 5, part 1, and the provisions of Title
20 apply to [section 1].

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HOUSE BILL NO. 597 1 INTRODUCED BY DARKO, SCHYE 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRUSTEES 4 OF A SCHOOL DISTRICT TO ADOPT AND ADMINISTER A POLICY ON 5 ASSESSMENT FOR PLACEMENT TESTING OF ANY CHILD WHO ENROLLS IN 6 A SCHOOL OF THE DISTRICT AND WHOSE PREVIOUS PLACE OF 7 INSTRUCTION WAS A HOME-SCHOOL NONPUBLIC SCHOOL THAT IS NOT 8 ACCREDITED; REQUIRING A-HOME SUCH A SCHOOL TO NOTIFY THE 9 10 COUNTY SUPERINTENDENT EACH YEAR OF A STUDENT'S ATTENDANCE AT 10 THE SCHOOL; AND AMENDING SECTIONS 20-3-324 AND 20-5-109, 11 11 MCA." 12 12 13 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 14 NEW SECTION. Section 1. School district placement 15 15 testing of a child who enrolls from a home NONACCREDITED 16 16 NONPUBLIC school. The trustees of a school district shall: 17 17 (1) adopt a district policy on ASSESSMENT FOR 18 18 19 placement testing of any child who enrolls in a school of 19 20 the district and whose previous place of instruction was a 20 21 home-school-as-defined-in-20-5-102(2)(f); NONPUBLIC SCHOOL 21 22 THAT IS NOT ACCREDITED; 22 23 (2) include in the adopted policy the following 23 24 provisions: 24 25 (a) the specific ASSESSMENT FOR placement test--or 25

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tests to be administered to any child subject to the provisions of subsection (1);

(b) a procedure for grade and program placement of the child based on results of the ASSESSMENT FOR placement testing, including considerations for the age and identified abilities of the child; and

(c) a hearing process before the board of trustees of the district if the parent or guardian of a child is not in agreement with the placement of the child and requests a hearing before the board; and

(3) administer the adopted policy required in subsection (1) in a uniform and fair manner.

Section 2. Section 20-3-324, MCA, is amended to read: "20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall have the power-and-it-shall-be-their-duty-to--perform--the--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,

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THIRD READING

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;

5 (3) administer the attendance and tuition provisions 6 and otherwise govern the pupils of the district in 7 accordance with the provisions of the pupils chapter of this 8 title;

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

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

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

18 (7) organize, open, close, or acquire isolation status
19 for the schools of the district in accordance with the
20 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

l 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;

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

12 (13) When applicable, establish, Financially 13 administer, and budget for the tuition fund, retirement 14 fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous 15 federal programs fund, building fund, lease or rental 16 agreement fund, traffic education fund, and interlocal 17 cooperative agreement fund in accordance with the provisions 18 of the other school funds parts of this title; 19

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

24 (15) hold in trust, acquire, and dispose of the real25 and personal property of the district in accordance with the

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provisions of the school sites and facilities part of this
title;

3 (16) operate the schools of the district in accordance
4 with the provisions of the school calendar part of this
5 title;

6 (17) establish and maintain the instructional services
7 of the schools of the district in accordance with the
8 provisions of the instructional services, textbooks,
9 vocational education, and special education parts of this
10 title;

11 (18) establish and maintain the school food services of 12 the district in accordance with the provisions of the school 13 food services parts of this title;

14 (19) make such reports from time to time as the county
15 superintendent, superintendent of public instruction, and
16 board of public education may require;

17 (20) retain, when deemed considered advisable, a 18 physician or registered nurse to inspect the sanitary 19 conditions of the school or the general health conditions of 20 each pupil and, upon request, make available to any parent 21 or guardian any medical reports or health records maintained 22 by the district pertaining to his child;

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

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1 trustees from a first-class school district may share the 2 responsibility for visiting each school in the district;

3 (22) procure and display outside daily in suitable
4 weather at each school of the district an American flag
5 which-shall-be that measures not less than 4 feet by 6 feet;
6 and

7 (23) adopt and administer a district policy on
8 ASSESSMENT FOR placement testing of any child who enrolls in
9 a school of the district from a home-school NONPUBLIC SCHOOL
10 THAT IS NOT ACCREDITED, as required in [section 1]; and

11 (23)(24) perform any other duty and enforce any other 12 requirements for the government of the schools preductined by 13 this title, the policies of the board of public education, 14 or the rules of the superintendent of public instruction."

Section 3. Section 20-5-109, MCA, is amended to read:
"20-5-109. Nonpublic school requirements for
compulsory enrollment exemption. To qualify its students for
exemption from compulsory enrollment under 20-5-102, a
nonpublic or home school shall:

20 (1) maintain records on pupil attendance and disease
21 immunization and make such the records available to the
22 county superintendent of schools on request;

(2) provide at least 180 days of pupil instruction or
the equivalent in accordance with 20-1-301 and 20-1-302;

(3) be housed in a building that complies with

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1 applicable local health and safety regulations;

2 (4) provide an organized course of study that includes
3 instruction in the subjects required of public schools as a
4 basic instructional program pursuant to 20-7-111; and

5 (5) in the case of home schools, notify the county 6 superintendent of schools <u>each school fiscal year</u> of the 7 student's attendance at the school."

8 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 9 existing authority to make rules on the subject of the 10 provisions of [this act] is extended to the provisions of 11 [this act].

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

-End-

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SENATE STANDING COMMITTEE REPORT

March 17, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 597 (third reading copy -- blue), respectfully report that HB 597 be amended and as so amended be concurred in:

Sponsor: Darko (Mazurek)

1. Page 1, line 15. Following: "district" Insert: "assessment for"

2. Page 1, line 16. Strike: "testing"

3. Page 7, line 6. Following: "schools" Insert: ", of the county in which the home school is located, in"

AND AS AMENDED BE CONCURRED IN

IN S Signed: mond W. Hammond, Chairman

HB 597 SENATE

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HB 0597/03

1	HOUSE BILL NO. 597	1	(a) the specific ASSESSMENT FOR placement testor
2	INTRODUCED BY DARKO, SCHYE	2	tests to be administered to any child subject to the
3		3	provisions of subsection (1);
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRUSTEES	4	(b) a procedure for grade and program placement of the
5	OF A SCHOOL DISTRICT TO ADOPT AND ADMINISTER A POLICY ON	5	child based on results of the ASSESSMENT FOR placement
6	ASSESSMENT FOR PLACEMENT TESTING OF ANY CHILD WHO ENROLLS IN	6	testing, including considerations for the age and identified
7	A SCHOOL OF THE DISTRICT AND WHOSE PREVIOUS PLACE OF	7	abilities of the child; and
8	INSTRUCTION WAS A HOME-SCHOOL NONPUBLIC SCHOOL THAT IS NOT	8	(c) a hearing process before the board of trustees of
9	ACCREDITED; REQUIRING A-HOME SUCH A SCHOOL TO NOTIFY THE	9	the district if the parent or guardian of a child is not in
10	COUNTY SUPERINTENDENT EACH YEAR OF A STUDENT'S ATTENLANCE AT	10	agreement with the placement of the child and requests a
11	THE SCHOOL; AND AMENDING SECTIONS 20-3-324 AND 20-5-109,	11	hearing before the board; and
12	MCA."	12	(3) administer the adopted policy required in
13		13	subsection (1) in a uniform and fair manner.
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	Section 2. Section 20-3-324, MCA, is amended to read:
15	NEW SECTION. Section 1. School district ASSESSMENT	15	"20-3-324. Powers and duties. As prescribed elsewhere
16	FOR placement testing of a child who enrolls from a home	16	in this title, the trustees of each district shall have-the
17	NONACCREDITED NONPUBLIC school. The trustees of a school	17	power-and-it-shall-be-their-duty-toperformthefollowing
18	district shall:	18	duties-or-acts;
19	(1) adopt a district policy on ASSESSMENT FOR	19	(1) employ or dismiss a teacher, principal, or other
20	placement testing of any child who enrolls in a school of	20	assistant upon the recommendation of the district
21	the district and whose previous place of instruction was a	21	superintendent, the county high school principal, or other
22	home-school-as-defined-in-20-5-102(2)(f); <u>NONPUBLIC SCHOOL</u>	22	principal as the board maydeem considers necessary,
23	THAT IS NOT ACCREDITED;	23	accepting or rejecting such any recommendation as the
24	(2) include in the adopted policy the following	24	trustees shall in their sole discretion determine, in
25	provisions:	25	accordance with the provisions of Title 20, chapter 4;
			2
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HB 597 REFERENCE BILL AS AMENDED

(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;

6 (3) administer the attendance and tuition provisions 7 and otherwise govern the pupils of the district in 8 accordance with the provisions of the pupils chapter of this 9 title;

10 (4) call, conduct, and certify the elections of the 11 district in accordance with the provisions of the school 12 elections chapter of this title;

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

16 (6) participate in district boundary change actions in
17 accordance with the provisions of the districts chapter of
18 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;

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

13 (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement 14 fund, building reserve fund, adult education fund, 15 nonoperating fund, school food services fund, miscellaneous 16 federal programs fund, building fund, lease or rental 17 agreement fund, traffic education fund, and interlocal 18 19 cooperative agreement fund in accordance with the provisions of the other school funds parts of this title; 20

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

25 (15) hold in trust, acquire, and dispose of the real

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and personal property of the district in accordance with the
 provisions of the school sites and facilities part of this
 title:

4 (16) operate the schools of the district in accordance
5 with the provisions of the school calendar part of this
6 title;

7 (17) establish and maintain the instructional services
8 of the schools of the district in accordance with the
9 provisions of the instructional services, textbooks,
10 vocational education, and special education parts of this
11 title;

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

15 (19) make such reports from time to time as the county
16 superintendent, superintendent of public instruction, and
17 board of public education may require;

18 (20) retain, when deemed <u>considered</u> advisable, a 19 physician or registered nurse to inspect the sanitary 20 conditions of the school or the general health conditions of 21 each pupil and, upon request, make available to any parent 22 or guardian any medical reports or health records maintained 23 by the district pertaining to his child;

24 (21) for each member of the trustees, visit each school25 of the district not less than once each school fiscal year

to examine its management, conditions, and needs, except
 trustees from a first-class school district may share the
 responsibility for visiting each school in the district;

4 (22) procure and display outside daily in suitable
5 weather at each school of the district an American flag
6 which-shall-be that measures not less than 4 feet by 6 feet;
7 and

(23) adopt and administer a district policy on 8 ASSESSMENT FOR placement testing of any child who enrolls in 9 a school of the district from a home-school NONPUBLIC SCHOOL 10 THAT IS NOT ACCREDITED, as required in [section 1]; and 11 12 +23+(24) perform any other duty and enforce any other requirements for the government of the schools prescribed by 13 14 this title, the policies of the board of public education, 15 or the rules of the superintendent of public instruction." 16 Section 3. Section 20-5-109, MCA, is amended to read: "20-5-109. Nonpublic school requirements 17 for 18 compulsory enrollment exemption. To qualify its students for 19 exemption from compulsory enrollment under 20-5-102, a 20 nonpublic or home school shall: 21 (1) maintain records on pupil attendance and disease immunization and make such the records available to the 22 23 county superintendent of schools on request;

(2) provide at least 180 days of pupil instruction or
the equivalent in accordance with 20-1-301 and 20-1-302;

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(3) be housed in a building that complies with
 applicable local health and safety regulations;

3 (4) provide an organized course of study that includes
4 instruction in the subjects required of public schools as a
5 basic instructional program pursuant to 20-7-111; and

6 (5) in the case of home schools, notify the county
7 superintendent of schools, OF THE COUNTY IN WHICH THE HOME
8 SCHOOL IS LOCATED, IN each school fiscal year of the
9 student's attendance at the school."

10 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 11 existing authority to make rules on the subject of the 12 provisions of [this act] is extended to the provisions of 13 [this act].

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

-End-

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