

HOUSE BILL 173

Introduced by Kadas

1/14	Introduced
1/14	Referred to Education & Cultural Resources
1/14	First Reading
1/20	Hearing
1/22	Tabled in Committee
1/26	Fiscal Note Requested
2/01	Fiscal Note Received
2/01	Fiscal Note Printed

1 House BILL NO. 173
2 INTRODUCED BY Kadas
3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
6 REQUIREMENT THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION
7 ESTABLISH A STATE VISUAL, AURAL, AND OTHER EDUCATIONAL MEDIA
8 LIBRARY; AMENDING SECTIONS 20-2-115, 20-2-121, AND 20-3-106,
9 MCA; REPEALING SECTION 20-7-201, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."

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

13 **Section 1.** Section 20-2-115, MCA, is amended to read:

14 "20-2-115. Rules with substantial financial impact --
15 fiscal note -- effect without funding. (1) When developing
16 rules, policies, and standards under 20-2-121(6), (7), (9)
17 (8), and ~~(11)~~ (10), the board of public education shall
18 determine the financial impact of the rule, policy, or
19 standard on school districts.

20 (2) The superintendent of public instruction shall
21 prepare a fiscal note for submission to the board, using
22 criteria and assumptions developed by the board. The fiscal
23 note must be prepared within 30 days of a request unless the
24 board agrees to a longer time. The board may also accept
25 other testimony and exhibits on the financial impact to

1 school districts before proceeding to rulemaking.

2 (3) If the financial impact of the proposed rule,
3 policy, or standard is found by the board to be substantial,
4 the board may not implement the rule until July 1 following
5 the next regular legislative session and shall request the
6 next legislature to fund implementation of the proposed
7 rule, policy, or standard through the foundation program. A
8 substantial financial impact is an amount that cannot be
9 readily absorbed in the budget of an existing school
10 district program.

11 (4) A proposed rule, policy, or standard not found by
12 the board to have a substantial financial impact on school
13 districts or funded by the legislature may be implemented at
14 any time."

15 **Section 2.** Section 20-2-121, MCA, is amended to read:

16 "20-2-121. Board of public education -- powers and
17 duties. The board of public education shall:

18 (1) ~~effect~~ provide an orderly and uniform system for
19 teacher certification and specialist certification and for
20 ~~the--issuance--of~~ issuing an emergency authorization of
21 employment by adopting the policies prescribed by 20-4-102
22 and 20-4-111;

23 (2) consider the suspension or revocation of teacher or
24 specialist certificates and appeals from the denial of
25 teacher or specialist certification in accordance with the

1 provisions of 20-4-110;

2 (3) administer and order the distribution of state
3 equalization aid in accordance with the provisions of
4 20-9-344;

5 (4) adopt and enforce policies to provide uniform
6 standards and regulations for the design, construction, and
7 operation of school buses in accordance with the provisions
8 of 20-10-111;

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

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

17 (7) adopt standards of accreditation and establish the
18 accreditation status of every school in accordance with the
19 provisions of 20-7-101 and 20-7-102;

20 ~~(8)--approve-or-disapprove-educational-media-selected-by~~
21 ~~the-superintendent-of-public-instruction-for-the-educational~~
22 ~~media-library-in-accordance-with-the-provisions-of-20-7-201;~~

23 ~~(9)~~(8) adopt policies for the conduct of special
24 education in accordance with the provisions of 20-7-402;

25 ~~(10)~~(9) adopt rules for issuance of documents

1 certifying equivalency of completion of secondary education
2 in accordance with 20-7-131;

3 ~~(11)~~(10) adopt policies for the conduct of programs for
4 gifted and talented children in accordance with the
5 provisions of 20-7-903 and 20-7-904;

6 ~~(12)~~(11) adopt rules for student assessment in the
7 public schools; and

8 ~~(13)~~(12) perform any other duty prescribed from time to
9 time by this title or any other act of the legislature."

10 **Section 3.** Section 20-3-106, MCA, is amended to read:

11 **"20-3-106. Supervision of schools -- powers and duties.**
12 The superintendent of public instruction has the general
13 supervision of the public schools and districts of the
14 state, and he shall perform the following duties or acts in
15 implementing and enforcing the provisions of this title:

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

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

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

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

25 (5) approve or disapprove the orders of a high school

1 boundary commission in accordance with the provisions of
2 20-6-311;

3 (6) approve or disapprove the opening or reopening of a
4 school in accordance with the provisions of 20-6-502,
5 20-6-503, 20-6-504, or 20-6-505;

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

8 (8) generally supervise the school budgeting procedures
9 prescribed by law in accordance with the provisions of
10 20-9-102 and prescribe the school budget format in
11 accordance with the provisions of 20-9-103 and 20-9-506;

12 (9) establish a system of communication for calculating
13 joint district revenues in accordance with the provisions of
14 20-9-151;

15 (10) approve or disapprove the adoption of a district's
16 budget amendment resolution under the conditions prescribed
17 in 20-9-163 and adopt rules for an application for
18 additional state aid for a budget amendment in accordance
19 with the approval and disbursement provisions of 20-9-166;

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

22 (12) prescribe and furnish the annual report forms to
23 enable the districts to report to the county superintendent
24 in accordance with the provisions of 20-9-213(5) and the
25 annual report forms to enable the county superintendents to

1 report to the superintendent of public instruction in
2 accordance with the provisions of 20-3-209;

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

6 (14) distribute state equalization aid in support of the
7 foundation program and guaranteed tax base aid, in
8 accordance with the provisions of 20-9-331, 20-9-333,
9 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

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

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

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

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

20 (19) authorize the use of federal money for the support
21 of an interlocal cooperative agreement in accordance with
22 the provisions of 20-9-703 and 20-9-704;

23 (20) prescribe the form and contents of and approve or
24 disapprove interstate contracts in accordance with the
25 provisions of 20-9-705;

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

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

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

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

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

(26)(25) as the governing agent and executive officer of the state of Montana for K-12 vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(27)(26) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

(28)(27) administer the traffic education program in accordance with the provisions of 20-7-502;

(29)(28) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

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

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

(32)(31) provide schools with information and technical assistance for compliance with the student assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for the board of public education and the legislature;

(33)(32) administer the distribution of guaranteed tax base aid for county retirement levy obligations in accordance with 20-9-366 through 20-9-369; and

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

NEW SECTION. Section 4. Repealer. Section 20-7-201, MCA, is repealed.

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

-End-

-8-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0173, as introduced.


DESCRIPTION OF PROPOSED LEGISLATION:

An act eliminating the requirement that the Superintendent of Public Instruction establish a state visual, aural, and other educational media library.

ASSUMPTIONS:

1. The funding and FTE positions for the OPI A/V library were eliminated in FY93.
2. The educational media materials were transferred to Western Montana College.
3. There is no appropriation built into the OPI agency budget for FY94 and FY95 to fund the A/V library.
4. The OPI, with the passage of this legislation, can terminate its gratis contract with Western Montana College.
5. With the termination of the OPI contract with Western Montana College, the materials from the A/V library located there will be returned to the OPI.
6. The A/V library has an estimated value on PAMS as of 1987 of \$1,285,000. The collection consists of approximately 1,000 VHS tapes, 900 16mm films, film storage racks, mailing containers, film rewinding and splicing equipment etc, of which OPI currently is the owner.
7. It is assumed that OPI will utilize or liquidate some of the assets in the A/V library upon passage of this legislation and the termination of its contract with Western Montana College.
8. Western Montana College could make arrangements to continue circulating educational materials that are part of the A/V library after passage of this bill.
9. Each local district will be its own approving authority for any media materials used for educational purposes.
10. As OPI liquidates some or all of the assets of the A/V library, the income will be deposited to the account from which the material was purchased.

FISCAL IMPACT: None that is ascertainable.

 2-1-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-1-93
MIKE KADAS, PRIMARY SPONSOR DATE

Fiscal Note for HB0173, as introduced

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