

HOUSE BILL 248

Introduced by Peck, et al.

1/19	Introduced
1/19	Referred to Education & Cultural Resources
1/19	First Reading
1/27	Hearing
2/08	Tabled in Committee

1 *House* BILL NO. *248*  
2 INTRODUCED BY *Rep. J. Ferguson Ross B. Balmer*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A SCHOOL  
5 DISTRICT MAY NOT BE HELD ACCOUNTABLE FOR A RULE, POLICY, OR  
6 STANDARD DEVELOPED BY THE BOARD OF PUBLIC EDUCATION OR HAVE  
7 STATE FUNDS WITHHELD BY THE SUPERINTENDENT OF PUBLIC  
8 INSTRUCTION IF THE BOARD OR SUPERINTENDENT FAILS TO COMPLY  
9 WITH STATUTORY REQUIREMENTS OR IF A BOARD RULE, POLICY, OR  
10 STANDARD HAVING SUBSTANTIAL FINANCIAL IMPACT ON A SCHOOL  
11 DISTRICT IS NOT FUNDED BY THE LEGISLATURE; AND AMENDING  
12 SECTION 20-2-115, MCA."  
13

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

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

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

22 (2) The superintendent of public instruction shall  
23 prepare a fiscal note for submission to the board, using  
24 criteria and assumptions developed by the board. The fiscal  
25 note must be prepared within 30 days of a request unless the

1 board agrees to a longer time. The board may also accept  
2 other testimony and exhibits on the financial impact to  
3 school districts before proceeding to rulemaking.

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

13 (4) A school district may not be held accountable by  
14 the board or have state funds withheld by the superintendent  
15 of public instruction if:

16 (a) the board or the superintendent has not complied  
17 with the provisions of this section; or

18 (b) a board rule, policy, or standard having  
19 substantial financial impact on a school district is not  
20 funded by the legislature.

21 ~~(4)~~(5) A proposed rule, policy, or standard not found  
22 by the board to have a substantial financial impact on  
23 school districts or funded by the legislature may be  
24 implemented at any time."

-End-

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**HB 248**  
**INTRODUCED BILL**