

SENATE BILL 211

Introduced by Yellowtail, et al.

1/20	Introduced
1/20	Referred to Education & Cultural Resources
1/20	First Reading
2/01	Hearing
2/02	Committee Report--Bill Passed
2/05	2nd Reading Passed
2/06	3rd Reading Passed
	Transmitted to House
2/08	Referred to Education & Cultural Resources
2/08	First Reading
3/03	Hearing
3/08	Tabled in Committee

1 ~~SENATE~~ BILL NO. 211
 2 INTRODUCED BY Upholstail Mcleod
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF
 5 PUBLIC EDUCATION TO PERMIT A SCHOOL DISTRICT TO CONDUCT LESS
 6 THAN 180 DAYS OF PUPIL INSTRUCTION IN A SCHOOL YEAR IF AN
 7 EQUIVALENT AMOUNT OF INSTRUCTION IS PROVIDED THROUGH LONGER
 8 SCHOOL DAYS; AND AMENDING SECTIONS 20-1-301 AND 20-2-121,
 9 MCA."

10
 11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
 13 20-2-121 requires the board of public education to adopt
 14 rules for granting a variance to a school district to
 15 conduct a school year of less than 180 school days of pupil
 16 instruction if an equivalent amount of instruction is
 17 provided through longer hours in the school day.

18 The board of public education shall adopt procedures for
 19 application for and approval of this variance that are
 20 similar to the procedures in Rule 10.55.604, Administrative
 21 Rules of Montana, for school district application for and
 22 approval of an alternative standard of accreditation. As
 23 required in that rule, the board of public education shall
 24 provide that an approved variance is granted for 1 year and
 25 is renewable for an additional 5 years without annual

1 approval if both the school district and the board of public
 2 education find the 1-year pilot to be workable and
 3 educationally sound.

4 It is the intent of the legislature that the board of
 5 public education limit for the first 2 years of
 6 implementation the number of districts that may be approved
 7 for this variance.

8 It is also the intent of the legislature that the
 9 superintendent of public instruction amend rules related to
 10 the equitable distribution of county, state, and federal
 11 school funds to a district that is granted a variance under
 12 [this act].

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 20-1-301, MCA, is amended to read:

16 "20-1-301. School fiscal year. (1) The school fiscal
 17 year ~~shall begin~~ begins on July 1 and end ends on June 30.
 18 At least 180 school days of pupil instruction ~~shall~~ must be
 19 conducted during each school fiscal year, except that:

20 (a) 175 days of pupil instruction for graduating
 21 seniors may be sufficient as provided in 20-9-313 ~~or~~
 22 unless;

23 (b) a variance for kindergarten ~~has been~~ may be granted
 24 under 20-1-302 ~~or;~~

25 (c) a district ~~is~~ may be granted a variance under the

provisions of chapter 9, part 8, of this title; or

(d) a district may be granted a variance by the board of public education to conduct less than 180 school days if:

(i) the trustees of the district adopt a resolution to seek a variance under this subsection (1)(d) and provide public notice and a public hearing on the question of adopting the resolution;

(ii) the district conducts an equivalent number of hours of pupil instruction through longer school days; and

(iii) the district meets all other conditions adopted by the board of public education.

(2) For any elementary or high school district that fails to provide for at least 180 school days of pupil instruction or the equivalent, the superintendent of public instruction shall reduce the county equalization as defined in 20-9-334 and the state equalization as defined in 20-9-343 for the district for that school year by 1/90th for each school day less than 180 school days."

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

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

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

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

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

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

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

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

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

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

1 (9) adopt policies for the conduct of special education
2 in accordance with the provisions of 20-7-402;

3 (10) adopt rules for issuance of documents certifying
4 equivalency of completion of secondary education in
5 accordance with 20-7-131;

6 (11) adopt policies for the conduct of programs for
7 gifted and talented children in accordance with the
8 provisions of 20-7-903 and 20-7-904;

9 (12) adopt rules for student assessment in the public
10 schools; and

11 (13) adopt rules for approval of a variance for a school
12 district to conduct an equivalent to the required number of
13 school days of pupil instruction in accordance with the
14 provisions of 20-1-301; and

15 ~~(13)~~(14) perform any other duty prescribed from time to
16 time by this title or any other act of the legislature."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 211
INTRODUCED BY Yellowtail Ullendörff

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF PUBLIC EDUCATION TO PERMIT A SCHOOL DISTRICT TO CONDUCT LESS THAN 180 DAYS OF PUPIL INSTRUCTION IN A SCHOOL YEAR IF AN EQUIVALENT AMOUNT OF INSTRUCTION IS PROVIDED THROUGH LONGER SCHOOL DAYS; AND AMENDING SECTIONS 20-1-301 AND 20-2-121, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because 20-2-121 requires the board of public education to adopt rules for granting a variance to a school district to conduct a school year of less than 180 school days of pupil instruction if an equivalent amount of instruction is provided through longer hours in the school day.

The board of public education shall adopt procedures for application for and approval of this variance that are similar to the procedures in Rule 10.55.604, Administrative Rules of Montana, for school district application for and approval of an alternative standard of accreditation. As required in that rule, the board of public education shall provide that an approved variance is granted for 1 year and is renewable for an additional 5 years without annual

approval if both the school district and the board of public education find the 1-year pilot to be workable and educationally sound.

It is the intent of the legislature that the board of public education limit for the first 2 years of implementation the number of districts that may be approved for this variance.

It is also the intent of the legislature that the superintendent of public instruction amend rules related to the equitable distribution of county, state, and federal school funds to a district that is granted a variance under [this act].

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

Section 1. Section 20-1-301, MCA, is amended to read:

"20-1-301. School fiscal year. (1) The school fiscal year ~~shall begin~~ begins on July 1 and ~~end~~ ends on June 30. At least 180 school days of pupil instruction ~~shall~~ must be conducted during each school fiscal year, except that:

(a) 175 days of pupil instruction for graduating seniors may be sufficient as provided in 20-9-313 ~~or unless;~~

(b) a variance for kindergarten ~~has been~~ may be granted under 20-1-302 ~~or;~~

(c) a district is may be granted a variance under the

provisions of chapter 9, part 8, of this title; or

(d) a district may be granted a variance by the board of public education to conduct less than 180 school days if:

(i) the trustees of the district adopt a resolution to seek a variance under this subsection (1)(d) and provide public notice and a public hearing on the question of adopting the resolution;

(ii) the district conducts an equivalent number of hours of pupil instruction through longer school days; and

(iii) the district meets all other conditions adopted by the board of public education.

(2) For any elementary or high school district that fails to provide for at least 180 school days of pupil instruction or the equivalent, the superintendent of public instruction shall reduce the county equalization as defined in 20-9-334 and the state equalization as defined in 20-9-343 for the district for that school year by 1/90th for each school day less than 180 school days."

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

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

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

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

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

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

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

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

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

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

1 (9) adopt policies for the conduct of special education
2 in accordance with the provisions of 20-7-402;
3 (10) adopt rules for issuance of documents certifying
4 equivalency of completion of secondary education in
5 accordance with 20-7-131;
6 (11) adopt policies for the conduct of programs for
7 gifted and talented children in accordance with the
8 provisions of 20-7-903 and 20-7-904;
9 (12) adopt rules for student assessment in the public
10 schools; and
11 (13) adopt rules for approval of a variance for a school
12 district to conduct an equivalent to the required number of
13 school days of pupil instruction in accordance with the
14 provisions of 20-1-301; and
15 ~~(13)~~(14) perform any other duty prescribed from time to
16 time by this title or any other act of the legislature."

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13 school days of pupil instruction in accordance with the
14 provisions of 20-1-301; and
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-End-