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SENATE BILL NO. 79
INTRODUCED BY Bob Brown

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ELECTORS OF EACH ELEMENTARY SCHOOL DISTRICT WITHIN THE BOUNDARIES OF A HIGH SCHOOL DISTRICT TO VOTE IN THE 1997 TRUSTEE ELECTIONS AND AT 7-YEAR INTERVALS THEREAFTER ON WHETHER TO ANNEX THE ELEMENTARY DISTRICT TO THE ELEMENTARY DISTRICT WHERE THE HIGH SCHOOL BUILDING IS LOCATED; REQUIRING THE ELECTORS OF A COUNTY HIGH SCHOOL DISTRICT TO VOTE IN THE 1997 TRUSTEE ELECTIONS AND AT 7-YEAR INTERVALS THEREAFTER ON WHETHER TO UNIFY THE COUNTY HIGH SCHOOL DISTRICT WITH THE ELEMENTARY SCHOOL DISTRICT WHERE THE HIGH SCHOOL BUILDING IS LOCATED; REQUIRING THE TRUSTEES OF A SCHOOL DISTRICT TO REPORT TO THE PUBLIC CERTAIN DISTRICT PERFORMANCE INDICATORS PRIOR TO A REQUIRED ANNEXATION ELECTION; REQUIRING THE BOARD OF PUBLIC EDUCATION TO ADOPT RULES REGARDING THE CONTENT OF THE TRUSTEE REPORT; AND AMENDING SECTIONS 20-2-121, 20-6-204, AND 20-6-312, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because 20-2-121(13) requires the board of public education to adopt rules regarding the content of the school district performance indicators that the trustees of a district are required to report to the public under the provisions of [section 2] prior to the mandatory annexation election provided for in [section 1]. It is intended that the board of public education develop rules regarding school district performance indicators that include but are not limited to:

- (1) appropriate districtwide indicators and assessments of student academic achievement;
 - (2) costs per student for transportation, extracurricular programs, special education, administration, and other budgeted funds;
 - (3) special awards or honors received by the district, district personnel, or students of the district;
- and
- (4) uniform methods of compiling school district performance indicators that will facilitate comparisons between districts of similar size and between the districts involved in an annexation proposal.

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

1 **NEW SECTION. Section 1. Mandatory annexation election of elementary districts.** (1) Each
2 elementary district that does not have a high school building within its boundaries shall hold an election,
3 as provided in 20-6-205, to determine whether the district will be annexed to the elementary district where
4 a high school building is located.

5 (2) The election must be held in the elementary district to be annexed during the regular trustee
6 elections in 1997 and every 7 years following the first vote on annexation of the elementary district.

7 (3) A mandatory elementary district annexation election must proceed as follows:

8 (a) The elementary district to be annexed shall notify the annexing elementary district at least 60
9 days before the date of the election that a mandatory annexation election will be conducted.

10 (b) The districts involved shall jointly determine whether the annexation will occur with or without
11 the joint assumption of the bonded indebtedness of the district to be annexed.

12 (c) Before the county superintendent orders an election on the annexation proposition, the trustees
13 of the annexing district shall pass a resolution granting the county superintendent authority to annex the
14 district. The trustees of the annexing district may not deny authority to annex if annexation does not require
15 joint assumption with the annexing district of the bonded indebtedness of the district to be annexed.

16 (d) After receiving annexation authorization from the annexing district or from the districts that are
17 not jointly assuming bonded indebtedness, the county superintendent shall, at least 45 days before the
18 regular trustee election, order the trustees of the district to be annexed to call an annexation election.

19 (e) The district to be annexed shall call and conduct the election pursuant to Title 20, chapter 20,
20 and shall follow:

21 (i) the provisions of 20-6-206 if the district to be annexed will jointly assume with the annexing
22 district the bonded indebtedness of the annexing district; or

23 (ii) the provisions of 20-6-207 if the district to be annexed will not jointly assume with the annexing
24 district the bonded indebtedness of the annexing district.

25
26 **NEW SECTION. Section 2. School district report prior to mandatory annexation election.** At least
27 30 days prior to the election required in [section 1], the trustees of a school district shall report to the
28 electors of the district, through several media of wide circulation in the district, on the school district
29 performance indicators developed by the board of public education under the provisions of 20-2-121(13).

30

1 **Section 3.** Section 20-2-121, MCA, is amended to read:

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

3 (1) effect an orderly and uniform system for teacher certification and specialist certification and
4 for the issuance of an emergency authorization of employment by adopting the policies prescribed by
5 20-4-102 and 20-4-111;

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

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

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

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

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

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

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

21 (9) adopt policies for the conduct of special education in accordance with the provisions of
22 20-7-402;

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

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

27 (12) adopt rules for student assessment in the public schools;

28 (13) adopt rules regarding the school district performance indicators that the trustees of a district
29 are required to report to the public under the provisions of [section 2]; and

30 ~~(13)~~(14) perform any other duty prescribed from time to time by this title or any other act of the

1 legislature."

2

3 **Section 4.** Section 20-6-204, MCA, is amended to read:

4 **"20-6-204. Conditions for elementary district annexation.** (1) An elementary district may be
5 annexed to another elementary district located in the same county when:

6 (a) a third-class district where a high school is not located is annexed to:

7 (i) a third-class district where a high school is located;^{7z}

8 (ii) a first-class district;^{7z} or

9 (iii) a second-class district;

10 (b) a third-class district where a high school is located is annexed to a first-class district or a
11 second-class district; ~~or~~

12 (c) a second-class district is annexed to a first-class district; or

13 (d) a district where a high school is not located is annexed to a district where a high school is
14 located.

15 (2) The voluntary annexation election of elementary districts ~~shall~~ must be conducted under the
16 provisions of 20-6-205.

17 (3) The mandatory annexation election of elementary districts must be conducted pursuant to
18 [section 1]."

19

20 **Section 5.** Section 20-6-312, MCA, is amended to read:

21 **"20-6-312. County high school unification.** (1) Any county high school may be unified with the
22 elementary district where the county high school building is located to establish a unified school system
23 under a unified board of trustees. If the county has not been divided into high school districts, a high school
24 district with boundaries coterminous with the county boundaries ~~shall~~ must be created, except that ~~such~~
25 the high school district ~~shall~~ may not include the territory of any existing joint high school district located
26 in the county. The territory of an existing joint high school district ~~shall~~ must remain a part of ~~such~~ the joint
27 high school district. The creation of high school districts under this provision ~~shall be~~ is in lieu of the high
28 school district division provisions of 20-6-303.

29 (2) A mandatory election proposition to unify a county high school with the elementary district
30 where the county high school building is located ~~shall~~ must be ~~introduced whenever~~ held at the regular

1 trustee election beginning in 1997 and every 7 years following the first vote on a unification proposal.

2 (3) A voluntary election proposition to unify a county high school with the elementary district
 3 where the county high school building is located must be considered:

4 (a) whenever the trustees of the county high school and the trustees of the elementary district
 5 individually pass resolutions requesting the county superintendent to order an election to consider a
 6 unification proposition; or

7 (b) whenever not less than 20% of the electors of the county, or if the county has been divided
 8 into high school districts, the electors of the high school district where the county high school is located,
 9 ~~and~~ who are qualified to vote under the provisions of 20-20-301, petition the county superintendent to
 10 order an election to consider a unification proposition.

11 ~~(3)(4) When the~~ The county superintendent ~~has received the trustees' resolutions or a valid~~
 12 ~~petition, he~~ shall, within 10 days after the receipt of the ~~last~~ trustees' resolution or petition and under the
 13 provisions of 20-20-201 or as required under subsection (2) of this section, order the county high school
 14 to call an election to consider a unification proposition. The trustees of the county high school shall call and
 15 conduct an election in the manner prescribed in this title for school elections. An elector who may vote on
 16 the unification proposition ~~shall~~ must be qualified to vote under the provisions of 20-20-301. The ballot for
 17 a county high school unification proposition ~~shall~~ must be substantially in the following form:

18 "OFFICIAL BALLOT COUNTY HIGH SCHOOL UNIFICATION ELECTION

19 Shall County High School be unified with District No., County to establish a unified
 20 school system under a unified board of trustees?

21 FOR the unification of the county high school.

22 AGAINST the unification of the county high school."

23 ~~(4)(5)~~ (5) When the county superintendent receives the election certificate from the trustees of the
 24 county high school, ~~he~~ the county superintendent shall issue an order declaring the unification of the county
 25 high school with the elementary district identified on the ballot as of the next succeeding July 1, if a
 26 majority of those electors voting at ~~such~~ the election have voted for the unification proposition.

27 ~~(5)(6)~~ (6) If a majority of those electors voting at the election have voted against the unification
 28 proposition, ~~he~~ the county superintendent shall order the disapproval of the unification proposition."
 29

30 NEW SECTION. Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 20, chapter 6, part 2, and the provisions of Title 20 apply to [sections 1 and 2].

2 -END-