

## 1 HOUSE BILL NO. 52

2 INTRODUCED BY KITZENBERG

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF PUBLIC EDUCATION TO PERMIT  
5 A SCHOOL DISTRICT TO CONDUCT LESS THAN 180 DAYS OF PUPIL INSTRUCTION IN A SCHOOL YEAR  
6 IF AN EQUIVALENT IS PROVIDED THROUGH LONGER SCHOOL DAYS; AND AMENDING SECTIONS  
7 20-1-301 AND 20-2-121, MCA."

8

9

## STATEMENT OF INTENT

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

13 The board of public education shall adopt procedures for application for and approval of this  
14 variance that are similar to the procedures in rule 10.55.604, Administrative Rules of Montana, for school  
15 district application for and approval of an alternative standard of accreditation.

16 It is the intent of the legislature that the superintendent of public instruction amend rules related  
17 to the equitable distribution of state, county, and federal school funds to a district that is granted a variance  
18 under this bill.

19

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

21

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

23 "**20-1-301. School fiscal year.** (1) The school fiscal year shall begin begins on July 1 and end ends  
24 on June 30. At least 180 school days of pupil instruction shall must be conducted during each school fiscal  
25 year, except that:

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

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

29 (c) a district is may be granted a variance under the provisions of chapter 9, part 8, of this title; or

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

1 school days in a school year if:

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

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

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

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

11

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

13 **"20-2-121. Board of public education -- powers and duties.** The board of public education shall:

14 (1) effect an orderly and uniform system for teacher certification and specialist certification and  
15 for the issuance of an emergency authorization of employment by adopting the policies prescribed by  
16 20-4-102 and 20-4-111;

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

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

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

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

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

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

30 (8) approve or disapprove educational media selected by the superintendent of public instruction

1 for the educational media library in accordance with the provisions of 20-7-201;

2 (9) adopt policies for the conduct of special education in accordance with the provisions of  
3 20-7-402;

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

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

8 (12) adopt rules for student assessment in the public schools; ~~and~~

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

11 ~~(13)~~(14) perform any other duty prescribed from time to time by this title or any other act of the  
12 legislature."

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-END-

APPROVED BY COM ON  
EDUCATION

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

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

29 (c) a district ~~is~~ may be granted a variance under the provisions of chapter 9, part 8, of this title; ~~or~~

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

1 school days in a school year if:

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

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

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

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

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

13 **"20-2-121. Board of public education -- powers and duties.** The board of public education shall:

14 (1) effect an orderly and uniform system for teacher certification and specialist certification and  
15 for the issuance of an emergency authorization of employment by adopting the policies prescribed by  
16 20-4-102 and 20-4-111;

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

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

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

23 (5) approve or disapprove a reduction of the number of hours in a district's school day in  
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25 (6) adopt policies prescribing the conditions when school may be conducted on Saturday and the  
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28 (7) adopt standards of accreditation and establish the accreditation status of every school in  
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30 (8) approve or disapprove educational media selected by the superintendent of public instruction

1 for the educational media library in accordance with the provisions of 20-7-201;  
2 (9) adopt policies for the conduct of special education in accordance with the provisions of  
3 20-7-402;  
4 (10) adopt rules for issuance of documents certifying equivalency of completion of secondary  
5 education in accordance with 20-7-131;  
6 (11) adopt policies for the conduct of programs for gifted and talented children in accordance with  
7 the provisions of 20-7-903 and 20-7-904;  
8 (12) adopt rules for student assessment in the public schools; ~~and~~  
9 (13) adopt rules for approval of a variance for a school district to conduct an equivalent to the  
10 required number of school days of pupil instruction in accordance with the provisions of 20-1-301; and  
11 ~~(13)(14)~~ perform any other duty prescribed from time to time by this title or any other act of the  
12 legislature."

13

14 NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF SENATE BILL NO. 71 IS PASSED  
15 AND APPROVED AND IF IT INCLUDES A SECTION THAT AMENDS 20-1-301, THEN [THIS ACT] IS VOID.

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