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House BILL NO. 192

INTRODUCED BY

US Hansen

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING ARTICLE X, SECTION 9, OF THE MONTANA CONSTITUTION BY REQUIRING THE STATE BOARD OF EDUCATION TO SUBMIT A BIENNIAL REPORT TO THE GOVERNOR AND THE LEGISLATURE RECOMMENDING STATUTORY CHANGES TO ENHANCE THE QUALITY AND COST-EFFECTIVENESS OF EDUCATION, DOCUMENTING THE COMMUNICATION OF THE NEEDS OF K-12 PROGRAMS TO PREPARE STUDENTS FOR ADMITTANCE TO POSTSECONDARY EDUCATION PROGRAMS AND TO IMPROVE THE DESIGN AND DELIVERY OF TEACHER EDUCATION AND TRAINING PROGRAMS, AND DOCUMENTING EFFORTS TO MAXIMIZE THE COORDINATION OF ALL PROGRAMS WITHIN THE STATE EDUCATIONAL SYSTEMS TO ENSURE THAT THE EXPENDITURE OF STUDENT AND TAXPAYER MONEY IS APPROPRIATE, COST-EFFECTIVE, AND BASED ON VALUE THROUGHOUT THE STATE EDUCATIONAL SYSTEMS; PROVIDING THAT THE DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION INCLUDE PROVIDING THE BOARD OF PUBLIC EDUCATION WITH NECESSARY STAFF SUPPORT; PROVIDING THAT MONEY APPROPRIATED TO THE BOARD OF REGENTS AND THE OFFICE OF PUBLIC INSTRUCTION IS TO BE USED TO PAY THE STAFFING NEEDS OF THE STATE BOARD OF EDUCATION; AND AMENDING SECTIONS 20-2-101 AND 20-3-106, MCA."

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

Section 1. Section 20-2-101, MCA, is amended to read:

"20-2-101. Combined boards as state board -- state educational systems report and budget review -- officers -- meetings -- quorum. (1) The board of public education and the board of regents meeting together as the state board of education ~~shall be~~ are responsible for long-range planning and for coordinating and evaluating policies and programs for the public educational systems of the state. The state board of education shall:

(a) submit a biennial report to the governor and the legislature containing:

(i) statutory changes recommended by the state board of education to enhance the quality and cost-effectiveness of education at all levels;

(ii) documentation of the communication of the needs of:

1 (A) the universities concerning the preparation of high school students for admittance to the
 2 university system, including but not limited to coordination of graduation requirements for high schools and
 3 entrance requirements for postsecondary education; and

4 (B) K-12 schools to ensure better coordination of student teacher programs and closer collaboration
 5 in the design and delivery of teacher training programs in the university system that are necessary to
 6 provide the necessary skills for the successful performance of teachers; and

7 (iii) documentation of the efforts to maximize the coordination of all federal, state, or other
 8 programs, initiatives, and budgets within the kindergarten through postgraduate systems to ensure that the
 9 expenditure of student and taxpayer money in the educational systems is appropriate, cost-effective, and
 10 based on value;

11 (b) review and unify the budget requests of educational entities assigned by law to the board of
 12 public education, the board of regents, or the state board of education; and ~~shall~~

13 (c) submit a unified budget request with recommendations to the appropriate state agency.

14 (2) The governor is the president of, the superintendent of public instruction is the secretary to,
 15 and the commissioner ~~shall be~~ is a nonvoting participant at all meetings of the state board of education.

16 (3) The state board of education may select a member to chair its meetings in the absence of the
 17 governor.

18 (4) A tie vote at any meeting may be broken by the governor.

19 (5) A majority of members appointed to the board of public education and the board of regents
 20 shall constitute a quorum for transaction of business as the state board of education.

21 (6) The board of public education and the board of regents shall meet at least twice yearly as the
 22 state board of education.

23 (7) Other meetings of the state board of education may be called by the governor, by both the
 24 secretary to the board of public education and the secretary to the board of regents, or by joint action of
 25 eight appointed members, four each from the board of public education and the board of regents. All
 26 meetings of the state board of education ~~shall~~ must be for the purposes set forth in subsection (1) ~~above~~
 27 or for the purpose of considering other matters of common concern to the board of public education and
 28 the board of regents, but the state board of education may not exercise the powers and duties assigned
 29 by the ~~1972~~ Montana constitution and by law to the board of public education and the board of regents.

30 (8) All staff needed by the state board of education must be funded from the appropriations

1 provided for the board of regents and the office of public instruction."

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3 **Section 2.** Section 20-3-106, MCA, is amended to read:

4 **"20-3-106. Supervision of schools -- powers and duties.** The superintendent of public instruction
5 has the general supervision of the public schools and districts of the state and shall perform the following
6 duties or acts in implementing and enforcing the provisions of this title:

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

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

10 (3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of
11 20-5-314;

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

13 (5) approve or disapprove the orders of a high school boundary commission in accordance with
14 the provisions of 20-6-311;

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

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

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

21 (9) establish a system of communication for calculating joint district ~~revenues~~ revenue in
22 accordance with the provisions of 20-9-151;

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

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

27 (12) prescribe and furnish the annual report forms to enable the districts to report to the county
28 superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the
29 county superintendents to report to the superintendent of public instruction in accordance with the
30 provisions of 20-3-209;

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

3 (14) distribute BASE aid and special education allowable cost payments in support of the BASE
4 funding program, in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347,
5 and 20-9-366 through 20-9-369;

6 (15) provide for the uniform and equal provision of transportation by performing the duties
7 prescribed by the provisions of 20-10-112;

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

10 (17) request, accept, deposit, and expend federal money in accordance with the provisions of
11 20-9-603;

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

14 (19) prescribe the form and contents of and approve or disapprove interstate contracts in
15 accordance with the provisions of 20-9-705;

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

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

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

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

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

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

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

- 1 (27) administer the traffic education program in accordance with the provisions of 20-7-502;
- 2 (28) administer the school food services program in accordance with the provisions of 20-10-201,
3 20-10-202, and 20-10-203;
- 4 (29) review school building plans and specifications in accordance with the provisions of 20-6-622;
- 5 (30) prescribe the method of identification and signals to be used by school safety patrols in
6 accordance with the provisions of 20-1-408;
- 7 (31) provide schools with information and technical assistance for compliance with the student
8 assessment rules, provided for in 20-2-121, and collect and summarize the results of the student
9 assessment for the board of public education and the legislature;
- 10 (32) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through
11 20-9-369; and
- 12 (33) provide staff support necessary for the board of public education to carry out its duties
13 pursuant to 20-2-121; and
- 14 ~~(33)~~(34) perform any other duty prescribed from time to time by this title, any other act of the
15 legislature, or the policies of the board of public education."

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0192, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act implementing Article, X section 9, of the Montana Constitution by requiring the state board of education to submit a biennial report to the governor and the legislature recommending statutory changes to enhance the quality and cost-effectiveness of education, documenting the communication of the needs of K-12 programs to prepare students for admittance to postsecondary education programs and to improve the design and delivery of teacher education and training programs, and documenting efforts to maximize the coordination of all programs within the state educational systems to ensure that the expenditure of student and taxpayer money is appropriate, cost-effective, and based on value throughout the state educational systems; providing that the duties of the superintendent of public instruction include providing the board of public education with necessary staff support; providing that money appropriated to the board of regents and the office of public instruction is to be used to pay the staffing needs of the state board of education.

ASSUMPTIONS:

1. HB 192 requires that the state board of education submit a biennial report to the governor and the legislature containing statutory changes recommended by the state board of education to enhance the quality and cost-effectiveness of education at all levels. Prior to the 1997 session, the Office of Public Instruction, the Commissioner of Higher Education and the Board of Public Education presented their legislative proposals to the state board of education. While these proposals were discussed, the state board of education did not take official action to endorse the various recommendations. There would be no fiscal impact to adding the additional step of the joint board endorsing specific proposals.
2. The biennial report would also contain:
 - a) a statement of the needs of K-12 schools to ensure better coordination of student teacher programs and teacher training programs; and
 - b) documentation of the efforts to maximize the coordination of all federal, state, or other programs, initiatives, and budgets within the kindergarten through postgraduate systems to ensure that the expenditures are appropriate, cost-effective, and based on value.
3. The bill appears to contemplate a study of the ways to improve communication and coordinate activities in the public education system, kindergarten through postgraduate. To complete this study and coordinate efforts with the university system, OPI would need 1.0 FTE or the equivalent in a contract for services. The position could be .75 FTE Grade 16 education specialist (\$37,340 salary and benefits) and .25 FTE Grade 9 support staff (\$21,964 salary and benefits).
4. The additional staff costs for OPI would amount to \$33,500 for the biennium.

FISCAL IMPACT:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
FTE's		1.0
Personal services		33,500

Funding:

General fund (01)

33,500

Dave Lewis 1-15-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Sonny Hanson

SONNY HANSON, PRIMARY SPONSOR DATE
Fiscal Note for HB0192, as introduced

6 HB 192

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The long-term costs of coordinating the efforts of the K-12 and postsecondary systems might decline as recommendations for coordination and collaboration are implemented.

TECHNICAL NOTES:

1. Section 2 of the bill requires that OPI provide staff support necessary for the board of public education to carry out its duties pursuant to 20-2-121, which is all the duties of the Board of Public Education. How would the roles of OPI staff and the existing staff of the Board of Public Education be revised?

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO INTRODUCED COPY (WHITE) FOR COMPLETE TEXT.

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

