

House BILL NO. 246

INTRODUCED BY

*Simpkins*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE GENERAL SUPERVISION OF PUBLIC SCHOOLS IS NOT THE DUTY OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR A COUNTY SUPERINTENDENT; AND AMENDING SECTIONS 20-3-106 AND 20-3-205, MCA."

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

Section 1. Section 20-3-106, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

(10) approve or disapprove the adoption of a district's budget amendment resolution under the

1 conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a  
2 budget amendment in accordance with the approval and disbursement provisions of 20-9-166;

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

4 (12) prescribe and furnish the annual report forms to enable the districts to report to the county  
5 superintendent, in accordance with the provisions of 20-9-213(5), and the annual report forms to enable  
6 the county superintendents to report to the superintendent of public instruction in accordance with the  
7 provisions of 20-3-209;

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

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

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

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

17 (17) request, accept, deposit, and expend federal money in accordance with the provisions of  
18 20-9-603;

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

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

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

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

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

30 (23) establish and maintain a library of visual, aural, and other educational media in accordance with

1 the provisions of 20-7-201;

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

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

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

8 (27) administer the traffic education program in accordance with the provisions of 20-7-502;

9 (28) administer the school food services program in accordance with the provisions of 20-10-201,  
10 20-10-202, and 20-10-203;

11 (29) review school building plans and specifications in accordance with the provisions of 20-6-622;

12 (30) prescribe the method of identification and signals to be used by school safety patrols in  
13 accordance with the provisions of 20-1-408;

14 (31) provide schools with information and technical assistance for compliance with the student  
15 assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment  
16 for the board of public education and the legislature;

17 (32) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through  
18 20-9-369; and

19 (33) perform any other duty prescribed from time to time by this title, any other act of the  
20 legislature, or the policies of the board of public education."

21

22 **Section 2.** Section 20-3-205, MCA, is amended to read:

23 "**20-3-205. Powers and duties.** The county superintendent ~~has general supervision of the schools~~  
24 ~~of the county within the limitations prescribed by this title and~~ shall perform the following duties or acts:

25 (1) determine, establish, and reestablish trustee nominating districts in accordance with the  
26 provisions of 20-3-352, ~~20-3-353, and through~~ 20-3-354;

27 (2) administer and file the oaths of members of the boards of trustees of the districts in the county  
28 in accordance with the provisions of 20-3-307;

29 (3) register the teacher or specialist certificates or emergency authorization of employment of any  
30 person employed in the county as a teacher, specialist, principal, or district superintendent in accordance

- 1 with the provisions of 20-4-202;
- 2 (4) act on each tuition and transportation obligation submitted in accordance with the provisions  
3 of 20-5-323 and 20-5-324;
- 4 (5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;
- 5 (6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;
- 6 (7) keep a transcript and reconcile the district boundaries of the county in accordance with the  
7 provisions of 20-6-103;
- 8 (8) fulfill all responsibilities assigned under the provisions of this title regulating the organization,  
9 alteration, or abandonment of districts;
- 10 (9) act on any unification proposition and, if approved, establish additional trustee nominating  
11 districts in accordance with 20-6-312 and 20-6-313;
- 12 (10) estimate the average number belonging ~~(ANB)~~ of an opening school in accordance with the  
13 provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;
- 14 (11) process and, when required, act on school isolation applications in accordance with the  
15 provisions of 20-9-302;
- 16 (12) complete the budgets, compute the budgeted ~~revenues~~ revenue and tax levies, file final  
17 budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title  
18 regulating school budgeting systems;
- 19 (13) submit an annual financial report to the superintendent of public instruction in accordance with  
20 the provisions of 20-9-211;
- 21 (14) monthly, unless otherwise provided by law, order the county treasurer to apportion state  
22 money, county school money, and any other school money subject to apportionment in accordance with  
23 the provisions of 20-9-212, 20-9-334, 20-9-347, 20-10-145, or 20-10-146;
- 24 (15) act on any request to transfer average number belonging ~~(ANB)~~ in accordance with the  
25 provisions of 20-9-313(3);
- 26 (16) calculate the estimated budgeted general fund sources of revenue in accordance with the  
27 general fund revenue provisions of the general fund part of this title;
- 28 (17) compute the ~~revenues~~ revenue and the district and county levy requirements for each fund  
29 included in each district's final budget and report the computations to the board of county commissioners  
30 in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts

1 of this title;

2 (18) file and forward bus driver certifications, transportation contracts, and state transportation  
3 reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

4 (19) for districts that do not employ a district superintendent or principal, recommend library book  
5 and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

6 (20) notify the superintendent of public instruction of a textbook dealer's activities when required  
7 under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

8 (21) act on district requests to allocate federal money for indigent children for school food services  
9 in accordance with the provisions of 20-10-205;

10 (22) perform any other duty prescribed from time to time by this title, any other act of the  
11 legislature, the policies of the board of public education, the policies of the board of regents relating to  
12 community college districts, or the rules of the superintendent of public instruction;

13 (23) administer the oath of office to trustees without the receipt of pay for administering the oath;

14 (24) keep a record of official acts, preserve all reports submitted to the superintendent under the  
15 provisions of this title, preserve all books and instructional equipment or supplies, keep all documents  
16 applicable to the administration of the office, and surrender all records, books, supplies, and equipment to  
17 the next superintendent;

18 (25) within 90 days after the close of the school fiscal year, publish an annual report in the county  
19 newspaper stating the following financial information for the school fiscal year just ended for each district  
20 of the county:

21 (a) the total of the cash balances of all funds maintained by the district at the beginning of the  
22 year;

23 (b) the total receipts that were realized in each fund maintained by the district;

24 (c) the total expenditures that were made from each fund maintained by the district; and

25 (d) the total of the cash balances of all funds maintained by the district at the end of the school  
26 fiscal year; and

27 (26) hold meetings for the members of the trustees from time to time at which matters for the good  
28 of the districts must be discussed."

29

-END-

## 1 HOUSE BILL NO. 246

2 INTRODUCED BY SIMPKINS

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE GENERAL SUPERVISION OF PUBLIC  
5 SCHOOLS IS NOT THE DUTY OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR A COUNTY  
6 SUPERINTENDENT; AND AMENDING SECTIONS 20-3-106 AND 20-3-205, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 **Section 1.** Section 20-3-106, MCA, is amended to read:

11 **"20-3-106. ~~Supervision of schools — powers~~ Powers and duties.** The superintendent of public  
12 instruction HAS THE SUPERVISION OF THE PUBLIC SCHOOLS AND DISTRICTS OF THE STATE WITH  
13 RESPECT TO THE SPECIFIC DUTIES SET FORTH IN THIS SECTION AND ~~has the general supervision of the~~  
14 ~~public schools and districts of the state and~~ shall perform the following duties or acts in implementing and  
15 enforcing the provisions of this title:

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

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

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

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

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

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

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

27 (8) generally supervise the school budgeting procedures prescribed by law, in accordance with the  
28 provisions of 20-9-102, and prescribe the school budget format in accordance with the provisions of  
29 20-9-103 and 20-9-506;

30 (9) establish a system of communication for calculating joint district ~~revenues~~ revenue in

1 accordance with the provisions of 20-9-151;

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

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

6 (12) prescribe and furnish the annual report forms to enable the districts to report to the county  
7 superintendent, in accordance with the provisions of 20-9-213(5), and the annual report forms to enable  
8 the county superintendents to report to the superintendent of public instruction in accordance with the  
9 provisions of 20-3-209;

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

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

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

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

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

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

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

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

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

30 (22) collect and maintain a file of curriculum guides and assist schools with instructional programs

- 1 in accordance with the provisions of 20-7-113 and 20-7-114;
- 2 (23) establish and maintain a library of visual, aural, and other educational media in accordance with
- 3 the provisions of 20-7-201;
- 4 (24) license textbook dealers and initiate prosecution of textbook dealers violating the law in
- 5 accordance with the provisions of the textbooks part of this title;
- 6 (25) as the governing agent and executive officer of the state of Montana for K-12 vocational
- 7 education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;
- 8 (26) supervise and coordinate the conduct of special education in the state in accordance with the
- 9 provisions of 20-7-403;
- 10 (27) administer the traffic education program in accordance with the provisions of 20-7-502;
- 11 (28) administer the school food services program in accordance with the provisions of 20-10-201,
- 12 20-10-202, and 20-10-203;
- 13 (29) review school building plans and specifications in accordance with the provisions of 20-6-622;
- 14 (30) prescribe the method of identification and signals to be used by school safety patrols in
- 15 accordance with the provisions of 20-1-408;
- 16 (31) provide schools with information and technical assistance for compliance with the student
- 17 assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment
- 18 for the board of public education and the legislature;
- 19 (32) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through
- 20 20-9-369; and
- 21 (33) perform any other duty prescribed from time to time by this title, any other act of the
- 22 legislature, or the policies of the board of public education."

23

24 **Section 2.** Section 20-3-205, MCA, is amended to read:

25 "20-3-205. **Powers and duties.** The county superintendent HAS THE SUPERVISION OF THE

26 SCHOOLS OF THE COUNTY WITHIN THE LIMITATIONS PRESCRIBED BY THIS TITLE WITH RESPECT TO

27 THE SPECIFIC DUTIES SET FORTH IN THIS SECTION AND ~~has general supervision of the schools of the~~

28 ~~county within the limitations prescribed by this title and~~ shall perform the following duties or acts:

- 29 (1) determine, establish, and reestablish trustee nominating districts in accordance with the
- 30 provisions of 20-3-352, ~~20-3-353, and~~ through 20-3-354;



1 (2) administer and file the oaths of members of the boards of trustees of the districts in the county  
2 in accordance with the provisions of 20-3-307;

3 (3) register the teacher or specialist certificates or emergency authorization of employment of any  
4 person employed in the county as a teacher, specialist, principal, or district superintendent in accordance  
5 with the provisions of 20-4-202;

6 (4) act on each tuition and transportation obligation submitted in accordance with the provisions  
7 of 20-5-323 and 20-5-324;

8 (5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

9 (6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

10 (7) keep a transcript and reconcile the district boundaries of the county in accordance with the  
11 provisions of 20-6-103;

12 (8) fulfill all responsibilities assigned under the provisions of this title regulating the organization,  
13 alteration, or abandonment of districts;

14 (9) act on any unification proposition and, if approved, establish additional trustee nominating  
15 districts in accordance with 20-6-312 and 20-6-313;

16 (10) estimate the average number belonging ~~(ANB)~~ of an opening school in accordance with the  
17 provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

18 (11) process and, when required, act on school isolation applications in accordance with the  
19 provisions of 20-9-302;

20 (12) complete the budgets, compute the budgeted ~~revenues~~ revenue and tax levies, file final  
21 budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title  
22 regulating school budgeting systems;

23 (13) submit an annual financial report to the superintendent of public instruction in accordance with  
24 the provisions of 20-9-211;

25 (14) monthly, unless otherwise provided by law, order the county treasurer to apportion state  
26 money, county school money, and any other school money subject to apportionment in accordance with  
27 the provisions of 20-9-212, 20-9-334, 20-9-347, 20-10-145, or 20-10-146;

28 (15) act on any request to transfer average number belonging ~~(ANB)~~ in accordance with the  
29 provisions of 20-9-313(3);

30 (16) calculate the estimated budgeted general fund sources of revenue in accordance with the

1 general fund revenue provisions of the general fund part of this title;

2 (17) compute the ~~revenues~~ revenue and the district and county levy requirements for each fund  
3 included in each district's final budget and report the computations to the board of county commissioners  
4 in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts  
5 of this title;

6 (18) file and forward bus driver certifications, transportation contracts, and state transportation  
7 reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

8 (19) for districts that do not employ a district superintendent or principal, recommend library book  
9 and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

10 (20) notify the superintendent of public instruction of a textbook dealer's activities when required  
11 under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

12 (21) act on district requests to allocate federal money for indigent children for school food services  
13 in accordance with the provisions of 20-10-205;

14 (22) perform any other duty prescribed from time to time by this title, any other act of the  
15 legislature, the policies of the board of public education, the policies of the board of regents relating to  
16 community college districts, or the rules of the superintendent of public instruction;

17 (23) administer the oath of office to trustees without the receipt of pay for administering the oath;

18 (24) keep a record of official acts, preserve all reports submitted to the superintendent under the  
19 provisions of this title, preserve all books and instructional equipment or supplies, keep all documents  
20 applicable to the administration of the office, and surrender all records, books, supplies, and equipment to  
21 the next superintendent;

22 (25) within 90 days after the close of the school fiscal year, publish an annual report in the county  
23 newspaper stating the following financial information for the school fiscal year just ended for each district  
24 of the county:

25 (a) the total of the cash balances of all funds maintained by the district at the beginning of the  
26 year;

27 (b) the total receipts that were realized in each fund maintained by the district;

28 (c) the total expenditures that were made from each fund maintained by the district; and

29 (d) the total of the cash balances of all funds maintained by the district at the end of the school  
30 fiscal year; and



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HOUSE BILL NO. 246

INTRODUCED BY SIMPKINS

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE GENERAL SUPERVISION OF PUBLIC SCHOOLS IS NOT THE DUTY OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR A COUNTY SUPERINTENDENT; AND AMENDING SECTIONS 20-3-106 AND 20-3-205, MCA."

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.**