

SENATE BILL NO. 231

INTRODUCED BY D. GRIMES, BECK, DOHERTY, EKEGREN, FACEY, GLASER, KITZENBERG, LAWSON,
MAHLUM, NELSON, OLSON, RYAN, SHEA, STONINGTON, F. THOMAS, MCNUTT, COLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "AVERAGE NUMBER
BELONGING" TO CLARIFY THE INCLUSION OF PUPILS EDUCATED THROUGH ~~DISTANCE LEARNING~~ THE
ELECTRONIC DELIVERY OF CURRICULUM; AND REQUIRING A DISTRICT PROVIDING EDUCATION
THROUGH ELECTRONIC PROGRAMMING TO COMPLY WITH RULES ADOPTED BY THE SUPERINTENDENT
OF PUBLIC INSTRUCTION; AMENDING SECTION 20-1-101, MCA; AND PROVIDING AN EFFECTIVE DATE
AND AN APPLICABILITY DATE."

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

NEW SECTION. SECTION 1. ELECTRONIC DELIVERY OF DISTRICT CURRICULUM. (1) PRIOR TO A DISTRICT
OFFERING ELECTRONIC DELIVERY OF ITS CURRICULUM TO A PUPIL, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
ADOPT RULES REGARDING ELECTRONIC DELIVERY THAT INCLUDE BUT ARE NOT LIMITED TO ENSURING THAT:

(A) EXCEPT AS PROVIDED IN SUBSECTION (2), DELIVERY OCCURS WITHIN THE BOUNDARIES OF THE DISTRICT AND
THAT THE PUPILS RECEIVING THE CURRICULUM ELECTRONICALLY MEET THE RESIDENCY REQUIREMENTS OF 1-1-215; AND

(B) ONLY ONE DISTRICT CLAIMS ANB FOR A PUPIL.

(2) A DISTRICT MAY CONTRACT WITH OTHER DISTRICTS OR OTHER PRIVATE OR PUBLIC ENTITIES TO PROVIDE FOR
ELECTRONIC DELIVERY OF CURRICULUM TO PUPILS MEETING THE RESIDENCY REQUIREMENTS OF 1-1-215.

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

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the
following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at
Montana state university-Bozeman.

(2) "Average number belonging" or "ANB" means:

(A) the average number of regularly enrolled, full-time pupils attending the public schools of a
district. ~~The definition includes;~~ OR

1 (B) SUBJECT TO THE PROVISIONS OF [SECTION 1], pupils, PHYSICALLY PRESENT OR NOT, to whom the district
2 provides education from its approved curriculum through the electronic delivery of programming, under
3 the supervision of a certified teacher and in compliance with the standards promulgated by the board of
4 public education, with or without a corresponding physical presence of the pupils in the schools of the
5 district SUPERINTENDENT OF PUBLIC INSTRUCTION.

6 (3) "Board of public education" means the board created by Article X, section 9, subsection (3),
7 of the Montana constitution and 2-15-1507.

8 (4) "Board of regents" means the board of regents of higher education created by Article X,
9 section 9, subsection (2), of the Montana constitution and 2-15-1505.

10 (5) "Commissioner" means the commissioner of higher education created by Article X, section 9,
11 subsection (2), of the Montana constitution and 2-15-1506.

12 (6) "County superintendent" means the county government official who is the school officer of
13 the county.

14 (7) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate
15 with a superintendent's endorsement that has been issued by the superintendent of public instruction
16 under the provisions of this title and the policies adopted by the board of public education and who has
17 been employed by a district as a district superintendent.

18 (8) "K-12 vocational education" means vocational education in public school kindergarten through
19 grade 12.

20 (9) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an
21 applicable principal's endorsement that has been issued by the superintendent of public instruction under
22 the provisions of this title and the policies adopted by the board of public education and who has been
23 employed by a district as a principal. For the purposes of this title, any reference to a teacher must be
24 construed as including a principal.

25 (10) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year
26 in which the child is to enroll or has been enrolled by special permission of the board of trustees under
27 20-5-101(3) but has not yet reached 19 years of age and who is enrolled in a school established and
28 maintained under the laws of the state at public expense. For purposes of calculating the average number
29 belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19
30 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and

1 maintained under the laws of the state at public expense.

2 (11) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public
3 schools while under the supervision of a teacher.

4 (12) "Regents" means the board of regents of higher education.

5 (13) "School food services" means a service of providing food for the pupils of a district on a
6 nonprofit basis and includes any food service financially assisted through funds or commodities provided
7 by the United States government.

8 (14) "State board of education" means the board composed of the board of public education and
9 the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

10 (15) "State university" means Montana state university-Bozeman.

11 (16) "Superintendent of public instruction" means that state government official designated as a
12 member of the executive branch by the Montana constitution.

13 (17) "System" means the Montana university system.

14 (18) "Teacher" means a person, except a district superintendent, who holds a valid Montana
15 teacher certificate that has been issued by the superintendent of public instruction under the provisions
16 of this title and the policies adopted by the board of public education and who is employed by a district
17 as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes
18 a person for whom an emergency authorization of employment has been issued under the provisions of
19 20-4-111.

20 (19) "Textbook" means a book or manual used as a principal source of study material for a given
21 class or group of students.

22 (20) "Textbook dealer" means a party, company, corporation, or other organization selling, offering
23 to sell, or offering for adoption textbooks to districts in the state.

24 (21) "Trustees" means the governing board of a district.

25 (22) "University" means the university of Montana-Missoula.

26 (23) "Vocational education" means the instruction to prepare or improve the pupil for gainful
27 employment that does not require a baccalaureate or higher degree. This definition of vocational education
28 includes guidance and prevocational, related, or technical instruction necessary to prepare the pupil for
29 further vocational education or for entry into employment.

30 (24) "Vocational-technical education" means vocational-technical education of vocational-technical

1 students that is conducted by a unit of the Montana university system or a community college, as
2 designated by the board of regents."

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4 NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN
5 INTEGRAL PART OF TITLE 20, CHAPTER 7, PART 1, AND THE PROVISIONS OF TITLE 20, CHAPTER 7, PART 1, APPLY TO
6 [SECTION 1].

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8 NEW SECTION. SECTION 4. EFFECTIVE DATE -- APPLICABILITY. [THIS ACT] IS EFFECTIVE JULY 1, 2001, AND
9 APPLIES TO SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2001.

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