

1 HOUSE BILL NO. 250
2 INTRODUCED BY J. BALYEAT
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA
5 AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE MONTANA CONSTITUTION TO PROVIDE THAT
6 THE SOLE MEASURE OF EDUCATIONAL OPPORTUNITY IS THE BENEFITS ACHIEVED BY A STUDENT
7 THROUGH EDUCATIONAL PROGRAMS AND PROVIDING FOR REASONABLE FUNDING OF THE SYSTEM
8 BY STATE AND LOCAL SCHOOL DISTRICTS."

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10 WHEREAS, local school boards and local parents and voters are more knowledgeable about their
11 schools' financial needs than officials in the state capital; and

12 WHEREAS, the Legislature finds that local funding and local control lead to healthier schools and
13 better education for Montanans and for Montana children; and

14 WHEREAS, local control requires that local school districts have additional flexibility to fund their
15 schools in the manner they consider best; and

16 WHEREAS, the Legislature finds that arbitrary, centrally imposed mandates and funding formulas
17 are placing Montana schools and school children at risk; and

18 WHEREAS, local funding requires that school districts be free to set the level of funding for their
19 schools; and

20 WHEREAS, the Legislature believes that the equalization clause in Article X, section 1, of the
21 Montana Constitution, while well-intentioned, has been interpreted by the courts so as to render school
22 funding decisions inflexible, reduce local control, reduce legislative discretion, and harm Montana's schools
23 and to put at risk the quality of education available to Montanans and Montana children; and

24 WHEREAS, a central premise of harmful court interpretation--that quality of education rises or falls
25 in tandem with funding levels--has been seriously questioned by the majority of independent studies on
26 the subject; and

27 WHEREAS, the Legislature, as representatives of the people, should be permitted to set reasonable
28 levels of state aid free from harassment by courts and attorneys; and

29 WHEREAS, the Legislature believes that the people of Montana should have a right to vote to
30 amend the equalization clause of Article X, section 1, of the Montana Constitution, so as to reduce harmful

1 mandates and thereby improve our schools and the education offered to Montanans and to Montana
2 children.

3 THEREFORE, the Legislature of the State of Montana finds that it is appropriate to refer the
4 following amendment of Article X, section 1, of the Montana Constitution to the people of Montana.

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

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8 **Section 1.** Article X, section 1, of The Constitution of the State of Montana is amended to read:

9 **"Section 1. Educational goals and duties.** (1) It is the goal of the people to establish a system of
10 education which will develop the full educational potential of each person. ~~Equality of educational~~
11 ~~opportunity is guaranteed to each person of the state~~ The sole measure of educational opportunity shall
12 be the benefits actually achieved by students as a result of educational programs rather than the amounts,
13 structure, or nature of the resources employed.

14 (2) The state recognizes the distinct and unique cultural heritage of the American Indians and is
15 committed in its educational goals to the preservation of their cultural integrity.

16 (3) The legislature shall provide a basic system of free quality public elementary and secondary
17 schools. The legislature may provide such other educational institutions, public libraries, and educational
18 programs as it deems desirable. It shall ~~fund and distribute in an equitable manner to the school districts~~
19 ~~the state's share of the cost of the basic elementary and secondary school system~~ provide for reasonable
20 funding of the system by the state and local school districts."

21

22 NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the
23 qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot
24 the full title of this act and the following:

25 [] FOR providing that the sole measure of educational opportunity is the benefits achieved
26 by students through educational programs and requiring reasonable state and local funding.

27 [] AGAINST providing that the sole measure of educational opportunity is the benefits
28 achieved by students through educational programs and requiring reasonable state and
29 local funding.

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- END -