

Amendments to Senate Bill No. 152
3rd Reading Copy

For the House Select Committee on Education Subcommittee

Prepared by Eddy McClure
March 8, 2005 (11:15am)

1. Title, page 1, line 7.

Following: "ESTABLISHED;"

Insert: "PROVIDING A STATEMENT OF LEGISLATIVE GOALS FOR PUBLIC SCHOOLS; REQUIRING THE BOARD OF PUBLIC EDUCATION TO SUBMIT NEW OR PROPOSED AMENDMENTS TO ACCREDITATION STANDARDS TO THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE FOR REVIEW AND FOR A DETERMINATION OF FISCAL IMPACT FOR INCLUSION IN THE EXECUTIVE BUDGET;"

2. Title, page 1, line 9 through 11.

Following: "SCHOOLS" on line 9

Strike: remainder of line 9 through "EXPERTS" on line 11

3. Title, page 1, line 12.

Strike: "6"

Insert: "10"

4. Title, page 1, line 14.

Following: "FORMULA"

Insert: "IF NECESSARY"

5. Title, page 1, line 15.

Strike: "SECTION"

Insert: "SECTIONS 20-7-101 AND 20-9-303, MCA; REPEALING SECTIONS 20-2-115 AND"

Following: "AN"

Insert: "IMMEDIATE"

6. Title, page 1, line 16.

Strike: "AND AN APPLICABILITY DATE"

7. Page 1, line 18 through page 2, line 13.

Strike: page 1, line 18 through page 2, line 13 in their entirety.

8. Page 3, line 5 through page 6, line 3.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Legislative goals for public elementary and secondary schools. It is the goal of the legislature that Montana's public elementary and secondary school system, in cooperation with parents or guardians, create a learning environment that in each student:

- (1) furthers the ability to reason critically and creatively;
- (2) fosters the ability to effectively communicate ideas, knowledge, and thoughts;
- (3) develops a sense of personal and civic responsibility;
- (4) develops employment skills; and
- (5) encourages a healthy lifestyle."

Insert: "NEW SECTION. Section 2. Basic system of free quality public elementary and secondary schools defined -- identifying educationally relevant factors -- establishment of funding formula and budgetary structure -- legislative review. (1)

Pursuant to Article X, section 1, of the Montana constitution, the legislature is required to provide a basic system of free quality public elementary and secondary schools throughout the state of Montana that will guarantee equality of educational opportunity to all.

(2) As used in this section, a "basic system of free quality public elementary and secondary schools" means:

(a) the educational program specified by the accreditation standards provided for in 20-7-111, which represent the minimum standards upon which a basic system of free quality public elementary and secondary schools is built;

(b) educational programs to provide for students with special needs or disabilities, at-risk students, students with limited English proficiency, and gifted and talented students;

(c) educational programs to implement the provisions of Article X, section 1(2), of the Montana constitution, through curricula development designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians;

(d) qualified, well-trained, and effective teachers, staff, and administrators to implement the programs in subsections

(2)(a) through (2)(c);

(e) facilities and onsite distance learning technologies;

(f) transportation of students pursuant to Title 20, chapter 10;

(g) a procedure to assess and track student achievement in the programs established pursuant to subsections (2)(a) through (2)(c); and

(h) preservation of local control of school boards pursuant to Article X, section 8, of the Montana constitution.

(3) In developing a mechanism to fund the basic system of free quality public elementary and secondary schools, the legislature shall, at a minimum, consider the following educationally relevant factors in making adjustments to the funding formula:

(a) the number of students in a district;

(b) the needs of isolated schools and school districts with low population density;

(c) the needs of urban school districts and school

districts with high population density;

(d) the needs of at-risk students, students with special needs or disabilities, students with limited English proficiency, and gifted and talented students;

(e) the needs of American Indian students; and

(f) the ability of school districts to attract and retain qualified educators and other personnel.

(4) By July 1, 2007, the legislature shall:

(a) determine the costs of providing the basic system of free quality public elementary and secondary schools;

(b) establish a funding formula that:

(i) is based on the definition of a basic system of free quality public elementary and secondary schools;

(ii) allows the legislature to adjust the funding formula based on the educationally relevant factors identified in this section;

(iii) is self-executing and includes a mechanism for annual inflationary adjustments; and

(iv) distributes to school districts in an equitable manner the state's share of the costs of the basic system of free quality public elementary and secondary schools; and

(c) consolidate the budgetary fund structure to create the number and types of funds necessary to provide school districts with the greatest budgetary flexibility while ensuring accountability and efficiency.

(5) Every 10 years following [the effective date of this act], the legislature shall:

(a) authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; and

(b) if necessary, incorporate the results of those assessments into the state's funding formula."

Insert: "Section 3. Section 20-7-101, MCA, is amended to read:

"20-7-101. Standards of accreditation. (1) Standards of accreditation for all schools ~~shall~~ must be adopted by the board of public education upon the recommendations of the superintendent of public instruction.

(2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal to the education and local government interim committee for review. The interim committee shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall provide its analysis to the interim committee and to the office of budget and program planning to be used in the preparation of the executive budget.

(3) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial fiscal impact, the board may not implement the standard until July 1 following the next regular legislative session and shall request the next legislature to fund implementation of the proposed standard. A

substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

(2)(4) Standards for the retention of school records must be as provided in 20-1-212."

{Internal References to 20-7-101:

x20-2-121 x20-3-106}"

Insert: "Section 4. Section 20-9-303, MCA, is amended to read:

"20-9-303. Nonisolated school BASE budget funding -- special education funds. (1) An elementary school that has an ANB of nine or fewer pupils for 2 consecutive years and that is not approved as an isolated school under the provisions of 20-9-302 may budget and spend the BASE budget amount, but the county and state shall provide one-half of the direct state aid, and the district shall finance the remaining one-half of the direct state aid by a tax levied on the property of the district. When a school of nine or fewer pupils is approved as isolated under the provisions of 20-9-302, the county and state shall participate in the financing of the total amount of the direct state aid.

(2) Funds provided to support the special education program may be expended only for special education purposes as approved by the superintendent of public instruction in accordance with the special education budgeting provisions of this title. Expenditures for special education must be accounted for separately from and in addition to the balance of the school district general fund budgeting requirements provided in ~~20-9-307~~ and 20-9-308. The amount of the special education allowable cost payments that is not matched with district funds, as required in 20-9-321, will reduce by a like amount the district's ensuing year's allowable cost payment for special education."

{Internal References to 20-9-303:

x20-9-141 x20-9-141 r20-9-307}"

Insert: "NEW SECTION. Section 5. {standard} Repealer.

Sections 20-2-115 and 20-9-307, MCA, are repealed.

{Internal References to 20-2-115: None.

Internal References to 20-9-307: a20-9-303}"

Insert: "NEW SECTION. Section 6. {standard} Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 and 2]."

Insert: "NEW SECTION. Section 7. {standard} Effective date. [This act] is effective on passage and approval."

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