

SENATE BILL NO. 13

INTRODUCED BY R. LAIBLE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "AVERAGE NUMBER BELONGING" TO CLARIFY THE INCLUSION OF PUPILS EDUCATED THROUGH THE ELECTRONIC DELIVERY OF CURRICULUM; 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 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 the 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;

or

(b) subject to the provisions of [section 1], pupils, physically present or not, to whom the district provides

1 education from its approved curriculum through the electronic delivery of programming, under the supervision
2 of a certified teacher and in compliance with the standards promulgated by the superintendent of public
3 instruction.

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

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

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

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

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

16 (8) "K-12 career and vocational/technical education" means organized educational activities that have
17 been approved by the office of public instruction and that:

18 (a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and
19 skills that the pupil needs to prepare for further education and for careers in the current or emerging employment
20 sectors; and

21 (b) include competency-based applied learning that contributes to the academic knowledge,
22 higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills,
23 and occupation-specific skills of the pupil.

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

29 (10) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which
30 the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but

1 has not yet reached 19 years of age and who is enrolled in a school established and maintained under the laws
2 of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311,
3 the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of the year
4 and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public
5 expense.

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

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

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

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

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

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

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

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

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

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

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

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

29 (23) "Vocational-technical education" means vocational-technical education of vocational-technical
30 students that is conducted by a unit of the Montana university system, a community college, or a tribally

1 controlled community college, as designated by the board of regents."

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3 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section 1].

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6 **NEW SECTION. Section 4. Effective date -- applicability.** [This act] is effective July 1, 2005, and
7 applies to school fiscal years beginning on or after July 1, 2005.

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