

SENATE BILL NO. 224

INTRODUCED BY LASLOVICH, BLACK, BRANAE, BUZZAS, COONEY, FACEY, GALVIN-HALCRO,
 GILLAN, GLASER, HAWKS, JUNEAU, KITZENBERG, LENHART, MANGAN, MCALPIN, NOONAN, RYAN,
 TESTER, VILLA

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SCHOOL DISTRICT TO PROVIDE EDUCATIONAL SERVICES OFFSITE AT AN OFFSITE INSTRUCTIONAL SETTING TO CHILDREN WHO ARE RESIDENTS OF ATTENDING SCHOOL IN THE SCHOOL DISTRICT; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADOPT RULES; REVISING THE DEFINITION OF "AVERAGE NUMBER BELONGING" TO CLARIFY THE INCLUSION OF PUPILS EDUCATED OFFSITE; DEFINING "OFFSITE INSTRUCTIONAL SETTING"; 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. Offsite provision of educational services by school district.** (1) A school district may provide educational services ~~offsite~~ AT AN OFFSITE INSTRUCTIONAL SETTING, including the provision of services through electronic means. A district shall comply with any rules adopted by the board of public education that specify standards for the provision of educational services ~~offsite~~ AT AN OFFSITE INSTRUCTIONAL SETTING. ~~Except as provided in subsection (2), the~~ THE provision of educational services ~~offsite~~ AT AN OFFSITE INSTRUCTIONAL SETTING by a district is limited to pupils;

(A) meeting the residency requirements for that district as provided in 1-1-215;

(B) LIVING IN THE DISTRICT AND ELIGIBLE FOR EDUCATIONAL SERVICES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR UNDER 29 U.S.C. 794; OR

(C) ATTENDING SCHOOL IN THE DISTRICT UNDER A MANDATORY ATTENDANCE AGREEMENT AS PROVIDED IN 20-5-321.

~~(2) A district may contract with another district or with a private or public entity to provide educational services offsite to pupils meeting the residency requirements of 1-1-215. Only the district of residence may claim a pupil educated offsite in its calculation of ANB.~~

~~(3)~~(2) The superintendent of public instruction shall adopt rules for the administration and enforcement

1 of this section.

2

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

4 **"20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
5 definitions apply:

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

8 (2) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time
9 pupils physically attending or receiving educational services offsite AT AN OFFSITE INSTRUCTIONAL SETTING from
10 the public schools of a district.

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

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

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

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

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

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

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

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

1 (9) "OFFSITE INSTRUCTIONAL SETTING" MEANS AN INSTRUCTIONAL SETTING AT A LOCATION, SEPARATE FROM
 2 THE A MAIN SCHOOL SITE, WHERE AN ACCREDITED SCHOOL DELIVERS A SCHOOL DISTRICT PROVIDES FOR THE DELIVERY
 3 OF INSTRUCTION TO A STUDENT WHO IS ENROLLED IN THE DISTRICT.

4 ~~(9)~~(10) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an
 5 applicable principal's endorsement that has been issued by the superintendent of public instruction under the
 6 provisions of this title and the policies adopted by the board of public education and who has been employed
 7 by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as
 8 including a principal.

9 ~~(10)~~(11) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in
 10 which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3)
 11 but who has not yet reached 19 years of age and who is enrolled in a school established and maintained under
 12 the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to
 13 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10
 14 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state
 15 at public expense.

16 ~~(11)~~(12) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public
 17 schools while under the supervision of a teacher.

18 ~~(12)~~(13) "Regents" means the board of regents of higher education.

19 ~~(13)~~(14) "School food services" means a service of providing food for the pupils of a district on a
 20 nonprofit basis and includes any food service financially assisted through funds or commodities provided by the
 21 United States government.

22 ~~(14)~~(15) "State board of education" means the board composed of the board of public education and
 23 the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

24 ~~(15)~~(16) "State university" means Montana state university-Bozeman.

25 ~~(16)~~(17) "Superintendent of public instruction" means that state government official designated as a
 26 member of the executive branch by the Montana constitution.

27 ~~(17)~~(18) "System" means the Montana university system.

28 ~~(18)~~(19) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher
 29 certificate that has been issued by the superintendent of public instruction under the provisions of this title and
 30 the policies adopted by the board of public education and who is employed by a district as a member of its

1 instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an
2 emergency authorization of employment has been issued under the provisions of 20-4-111.

3 ~~(19)~~(20) "Textbook" means a book or manual used as a principal source of study material for a given
4 class or group of students.

5 ~~(20)~~(21) "Textbook dealer" means a party, company, corporation, or other organization selling, offering
6 to sell, or offering for adoption textbooks to districts in the state.

7 ~~(21)~~(22) "Trustees" means the governing board of a district.

8 ~~(22)~~(23) "University" means the university of Montana-Missoula.

9 ~~(23)~~(24) "Vocational-technical education" means vocational-technical education of vocational-technical
10 students that is conducted by a unit of the Montana university system, a community college, or a tribally
11 controlled community college, as designated by the board of regents."

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13 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
14 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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16 NEW SECTION. **Section 4. Effective date -- applicability.** [This act] is effective July 1, 2005, and
17 applies to school fiscal years beginning on or after July 1, 2005.

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