

## SENATE BILL NO. 458

INTRODUCED BY D. RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DUTIES OF THE COUNTY SUPERINTENDENT OF SCHOOLS REGARDING STUDENTS RECEIVING HOME SCHOOL INSTRUCTION; REQUIRING THE COUNTY SUPERINTENDENT OF SCHOOLS TO REGISTER A STUDENT WHO IS RECEIVING HOME SCHOOL INSTRUCTION IN THE COUNTY; REQUIRING A PARENT OR GUARDIAN OF A HOME-SCHOOLED STUDENT TO PROVIDE INFORMATION RELATED TO HOME SCHOOL INSTRUCTION TO THE COUNTY SUPERINTENDENT; AMENDING SECTIONS 20-3-205 AND 20-5-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 20-3-205, MCA, is amended to read:

**"20-3-205. Powers and duties.** (1) The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(a) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(b) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

(c) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(d) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(e) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(f) keep a transcript of the district boundaries of the county;

(g) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(h) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

1 (i) estimate the average number belonging (ANB) of an opening school in accordance with the provisions  
2 of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

3 (j) process and, when required, act on school isolation applications in accordance with the provisions  
4 of 20-9-302;

5 (k) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget  
6 amendments, and fulfill other responsibilities assigned under the provisions of this title regulating school  
7 budgeting systems;

8 (l) submit an annual financial report to the superintendent of public instruction in accordance with the  
9 provisions of 20-9-211;

10 (m) monthly, unless otherwise provided by law, order the county treasurer to apportion state money,  
11 county school money, and any other school money subject to apportionment in accordance with the provisions  
12 of 20-9-212, 20-9-347, 20-10-145, or 20-10-146;

13 (n) act on any request to transfer average number belonging (ANB) in accordance with the provisions  
14 of 20-9-313(3);

15 (o) calculate the estimated budgeted general fund sources of revenue in accordance with the general  
16 fund revenue provisions of the general fund part of this title;

17 (p) compute the revenue and compute the district and county levy requirements for each fund included  
18 in each district's final budget and report the computations to the board of county commissioners in accordance  
19 with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

20 (q) file and forward bus driver certifications, transportation contracts, and state transportation  
21 reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

22 (r) for districts that do not employ a district superintendent or principal, recommend library book and  
23 textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

24 (s) notify the superintendent of public instruction of a textbook dealer's activities when required under  
25 the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

26 (t) act on district requests to allocate federal money for indigent children for school food services in  
27 accordance with the provisions of 20-10-205;

28 (u) perform any other duty prescribed from time to time by this title, any other act of the legislature, the  
29 policies of the board of public education, the policies of the board of regents relating to community college  
30 districts, or the rules of the superintendent of public instruction;

(v) administer the oath of office to trustees without the receipt of pay for administering the oath;

(w) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;

(x) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:

(i) the total of the cash balances of all funds maintained by the district at the beginning of the year;

(ii) the total receipts that were realized in each fund maintained by the district;

(iii) the total expenditures that were made from each fund maintained by the district; and

(iv) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; ~~and~~

(y) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed; and

(z) register each student who is receiving home school instruction pursuant to 20-5-109.

(2) (a) When a district in one county annexes a district in another county, the county superintendent of the county where the annexing district is located shall perform the duties required by this section.

(b) When two or more districts in more than one county consolidate, the duties required by this section must be performed by the county superintendent designated in the same manner as other county officials in 20-9-202."

**Section 2.** Section 20-5-109, MCA, is amended to read:

**"20-5-109. Nonpublic school requirements for compulsory enrollment exemption.** To qualify its students for exemption from compulsory enrollment under 20-5-102, a nonpublic or home school:

(1) shall maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;

(2) shall provide at least the minimum aggregate hours of pupil instruction in accordance with 20-1-301 and 20-1-302;

(3) must be housed in a building that complies with applicable local health and safety regulations;

(4) shall provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to 20-7-111; and

(5) in the case of home schools, shall:

(a) notify at least 7 days before the beginning of each school fiscal year, register the child's name and address with the county superintendent of schools of the county in which the home school is located in each school fiscal year of the student's attendance at the school; and

(b) provide the name and address of the parent or legal guardian living in the county of residence who will be providing the student's home school instruction."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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