

1 HOUSE JOINT RESOLUTION NO. 9

2 INTRODUCED BY J. KNOX

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY TO CLARIFY INSTITUTIONAL PREROGATIVES IN REGARD
6 TO CONTROL OVER SCHOOL POLICIES, PROGRAMS, AND FUNDS; AND REQUIRING THAT THE FINAL
7 RESULTS OF THE STUDY BE REPORTED TO THE 63RD LEGISLATURE.

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9 WHEREAS, elected boards of trustees are vested with the supervision and control of schools, as
10 provided in Article X, section 8, of the Montana Constitution; and

11 WHEREAS, all policies and programs of the Montana Board of Public Education as administered by the
12 Office of Public Instruction are derived from the general supervisory power granted to the Board by Article X,
13 section 9, of the Montana Constitution, and that power must be considered to be the limited power to advise local
14 school districts; and

15 WHEREAS, Montana's strong tradition of local control is and always has been the best guarantee of
16 accountability in public education; and

17 WHEREAS, in violation of the spirit of this tradition of local control, funds that have been appropriated
18 to local school districts by the Legislature are routinely restricted by rules and regulations of the Montana Board
19 of Public Education and the Office of Public Instruction; and

20 WHEREAS, the role of public schools, which should be to ensure that each student is provided with basic
21 reading, writing, and mathematics skills, is too often compromised by state-mandated diverse subject matter; and

22 WHEREAS, school size differs dramatically throughout Montana, but state-mandated standards are
23 designed to address large school environments thus imposing costly staffing requirements that might not reflect
24 local needs; and

25 WHEREAS, elected school boards and their administrators need the flexibility to design curriculums that
26 meet the needs of their students and allow for creative individualized programs; and

27 WHEREAS, small schools are unable to individualize instruction by using distance learning and other
28 nontraditional learning systems.

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30 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE

1 STATE OF MONTANA:

2 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
3 section 5-5-217, MCA, or direct sufficient staff resources to:

4 (1) investigate the legal basis upon which the Montana Board of Public Education initiates and the Office
5 of Public Instruction administers programs and policies;

6 (2) examine options for power sharing between educational entities that best reflect the intent of Article
7 X, sections 8 and 9, of the Montana Constitution; and

8 (3) provide for deliberation on the merits of defining "self-governing power" as a constitutional power
9 reserved to locally elected school trustees.

10 BE IT FURTHER RESOLVED, that the Senate and the House of Representatives of the State of Montana
11 shall consider legislation that would be required to effectuate the genuine local control and self-governance by
12 local trustees envisioned in Article X, section 8, of the Montana Constitution.

13 BE IT FURTHER RESOLVED, that the investigation, examination, and deliberations:

14 (1) include the participation of the Montana Board of Public Education, the Office of Public Instruction,
15 the Montana School Boards Association, and the Montana Rural Education Association, as well as ample
16 opportunity for public input at various times and locations; and

17 (2) result in a report that may recommend revisions to the Montana Code Annotated so as to best reflect
18 and protect the intent of Article X, sections 8 and 9, of the Montana Constitution.

19 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
20 presented to and reviewed by an appropriate committee designated by the Legislative Council.

21 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
22 requirements, be concluded prior to September 15, 2012.

23 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
24 comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

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