

1 HOUSE BILL NO. 376

2 INTRODUCED BY D. LAMM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT STRENGTHENING MONTANA'S CONTROL OVER K-12
5 EDUCATION; PROHIBITING MEMBERSHIP IN ANY ASSOCIATION THAT WOULD RESULT IN CEDING ANY
6 MEASURE OF CONTROL OVER PUBLIC SCHOOLS IN MONTANA; ENSURING THAT REQUIRED
7 STATEWIDE ASSESSMENTS ARE DEVELOPED EXCLUSIVELY FOR MONTANA CONTENT STANDARDS;
8 AMENDING SECTION 20-2-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **NEW SECTION. Section 1. State control of basic system of free quality public elementary and**

13 **secondary schools.** (1) It is the intent of the legislature that the governance of the basic system of free quality
14 public elementary and secondary schools, including required statewide assessments given to Montana students,
15 be fully controlled by the state of Montana pursuant to Article X of the Montana constitution.

16 (2) Public officers of this state may not join on behalf of the state or a state agency any consortium,
17 association, or other entity when such membership would require the state or any political subdivision to cede
18 any measure of control over the basic system of free quality public elementary and secondary schools provided
19 for by the legislature pursuant to Article X, section 1(3), of the Montana constitution. Public officers may not
20 accept grants or sign agreements or memoranda of understanding that cede any measure of control over the
21 basic system of free quality public elementary and secondary schools of this state.

22 (3) (a) Except as provided in subsection (3)(b), in accordance with subsection (2) and 20-2-121, the
23 board of public education may not adopt and the superintendent of public instruction may not implement
24 assessments developed by or in relation to the smarter balanced assessment consortium.

25 (b) For the 2014-2015 school year, the board of public education and the superintendent of public
26 instruction may utilize assessments developed by or in relation to the smarter balanced assessment consortium.
27 However, school districts may not be required to administer assessments in English language arts or math
28 developed by the smarter balanced assessment consortium. The board of public education may not adjust the
29 accreditation status or the distribution of BASE aid based on a district's decision not to administer assessments
30 in English language arts or math developed by the smarter balanced assessment consortium. If the trustees of

1 a district decide to administer assessments in English language arts or math developed by the smarter balanced
2 assessment consortium for the 2014-2015 school year, a student may not participate in the assessment unless
3 the student's parent or legal guardian signs a form provided by the school district granting permission.

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5 **Section 2.** Section 20-2-121, MCA, is amended to read:

6 **"20-2-121. Board of public education -- powers and duties.** The board of public education shall:

7 (1) effect an orderly and uniform system for teacher certification and specialist certification and for the
8 issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and
9 20-4-111;

10 (2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial
11 of teacher or specialist certification in accordance with the provisions of 20-4-110;

12 (3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344;

13 (4) adopt and enforce policies to provide uniform standards and regulations for the design, construction,
14 and operation of school buses in accordance with the provisions of 20-10-111;

15 (5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types
16 of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of
17 20-1-303 and 20-1-304;

18 (6) adopt standards of accreditation and establish the accreditation status of every school in accordance
19 with the provisions of 20-7-101 and 20-7-102;

20 (7) approve or disapprove educational media selected by the superintendent of public instruction for the
21 educational media library in accordance with the provisions of 20-7-201;

22 (8) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

23 (9) adopt rules for issuance of documents certifying equivalency of completion of secondary education
24 in accordance with 20-7-131;

25 (10) adopt policies for the conduct of programs for gifted and talented children in accordance with the
26 provisions of 20-7-903 and 20-7-904;

27 (11) adopt rules for student assessment in the public schools that ensure:

28 (a) all required statewide assessments:

29 (i) are developed exclusively for the content standards in Montana's accreditation standards;

30 (ii) are developed within the state of Montana in a manner allowing for public participation and utilizing

1 the expertise of Montana elementary, secondary, and postsecondary educators and parents; and
2 (iii) measure only student understanding of key content-specific concepts, skills, and knowledge applied
3 within or across academic content domains; and
4 (b) Montana maintains full control over all required statewide assessments given to Montana students
5 and any data collected from these assessments; and
6 (12) perform any other duty prescribed from time to time by this title or any other act of the legislature."
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8 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 20, chapter 1, part 1, and the provisions of Title 20, chapter 1, part 1, apply to [section 1].
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11 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.
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