

Education Goals, Duties, and Definitions

Compiled for the Subcommittee on Shared Policy Goals for Education by Pad Mccracken, ELG staff
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Montana Constitution Article X

Section 1. Educational goals and duties. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Section 8. School district trustees. The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law.

Section 9. Boards of education. (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.

(2) (a) The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.

(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.

(d) The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.

(3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of the board.

Montana Code Title 20

20-1-102. Legislative goals for public elementary and secondary schools. It is the goal of the legislature that Montana's public elementary and secondary school system, in cooperation with parents or guardians, create a learning environment for each student that:

- (1) develops a sound foundation for literacy and numeracy during the early years that is built upon and reinforced throughout the educational experience;
- (2) furthers the ability to reason critically, creatively, and strategically;
- (3) fosters the ability to effectively understand and communicate ideas, knowledge, and thoughts;
- (4) develops a sense of personal and civic responsibility;
- (5) provides an in-depth understanding of the American political, social, and economic systems and the historical context from which they arose;
- (6) provides familiarization with political, social, and economic systems found elsewhere in the world;
- (7) develops a strong work ethic, postsecondary readiness, and employment skills; and
- (8) encourages a healthy lifestyle.

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

- (1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by [20-4-102](#) and [20-4-111](#);
- (2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of [20-4-110](#);
- (3) administer and order the distribution of BASE aid in accordance with the provisions of [20-9-344](#);
- (4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of [20-10-111](#);
- (5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of [20-1-303](#) and [20-1-304](#);
- (6) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of [20-7-101](#) and [20-7-102](#);
- (7) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of [20-7-201](#);
- (8) adopt policies for the conduct of special education in accordance with the provisions of [20-7-402](#);
- (9) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with [20-7-131](#);
- (10) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of [20-7-903](#) and [20-7-904](#);
- (11) adopt rules for student assessment in the public schools; and
- (12) perform any other duty prescribed from time to time by this title or any other act of the legislature.

20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state and shall perform the following duties or acts in implementing and enforcing the provisions of this title:

- (1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of [20-3-362](#);
- (2) issue, renew, or deny teacher certification and emergency authorizations of employment;
- (3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of [20-5-314](#);
- (4) approve or disapprove the opening or reopening of a school in accordance with the provisions of [20-6-502](#), [20-6-503](#), [20-6-504](#), or [20-6-505](#);
- (5) approve or disapprove school isolation within the limitations prescribed by [20-9-302](#);
- (6) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of [20-9-102](#) and prescribe the school budget format in accordance with the provisions of [20-9-103](#) and [20-9-506](#);
- (7) establish a system of communication for calculating joint district revenue in accordance with the provisions of [20-9-151](#);
- (8) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in [20-9-163](#) and adopt rules for an application for additional direct state aid for a budget amendment in accordance with the approval and disbursement provisions of [20-9-166](#);
- (9) generally supervise the school financial administration provisions as prescribed by [20-9-201](#)(2);
- (10) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of [20-9-213](#)(6) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of [20-3-209](#);
- (11) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of [20-9-313](#) and [20-9-314](#);
- (12) distribute BASE aid and special education allowable cost payments in support of the BASE funding program in accordance with the provisions of [20-9-331](#), [20-9-333](#), [20-9-342](#), [20-9-346](#), [20-9-347](#), and [20-9-366](#) through [20-9-369](#);
- (13) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of [20-10-112](#);
- (14) request, accept, deposit, and expend federal money in accordance with the provisions of [20-9-603](#);
- (15) authorize the use of federal money for the support of an interlocal cooperative agreement in accordance with the provisions of [20-9-703](#) and [20-9-704](#);
- (16) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of [20-9-705](#);
- (17) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with the standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of [20-7-101](#) and [20-7-102](#);
- (18) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of [20-7-113](#) and [20-7-114](#);
- (19) establish and maintain a library of visual, aural, and other educational media in accordance

with the provisions of [20-7-201](#);

(20) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(21) as the governing agent and executive officer of the state of Montana for K-12 career and vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of [20-7-301](#);

(22) supervise and coordinate the conduct of special education in the state in accordance with the provisions of [20-7-403](#);

(23) administer the traffic education program in accordance with the provisions of [20-7-502](#);

(24) administer the school food services program in accordance with the provisions of [20-10-201](#) through [20-10-203](#);

(25) review school building plans and specifications in accordance with the provisions of [20-6-622](#);

(26) provide schools with information and technical assistance for compliance with the student assessment rules provided for in [20-2-121](#) and collect and summarize the results of the student assessment for the board of public education and the legislature;

(27) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties all school district student assessment data for a test required by the board of public education;

(28) administer the distribution of guaranteed tax base aid in accordance with [20-9-366](#) through [20-9-369](#); and

(29) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education.

20-9-309. Basic system of free quality public elementary and secondary schools defined -- identifying educationally relevant factors -- establishment of funding formula and budgetary structure -- legislative review. (1) Pursuant to Article X, section 1, of the Montana constitution, the legislature is required to provide a basic system of free quality public elementary and secondary schools throughout the state of Montana that will guarantee equality of educational opportunity to all.

(2) As used in this section, a "basic system of free quality public elementary and secondary schools" means:

(a) the educational program specified by the accreditation standards provided for in [20-7-111](#), which represent the minimum standards upon which a basic system of free quality public elementary and secondary schools is built;

(b) educational programs to provide for students with special needs, such as:

(i) a child with a disability, as defined in [20-7-401](#);

(ii) an at-risk student;

(iii) a student with limited English proficiency;

(iv) a child who is qualified for services under 29 U.S.C. 794; and

(v) gifted and talented children, as defined in [20-7-901](#);

(c) educational programs to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5, through development of curricula designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians;

(d) qualified and effective teachers or administrators and qualified staff to implement the programs in subsections (2)(a) through (2)(c);

- (e) facilities and distance learning technologies associated with meeting the accreditation standards;
 - (f) transportation of students pursuant to Title 20, chapter 10;
 - (g) a procedure to assess and track student achievement in the programs established pursuant to subsections (2)(a) through (2)(c); and
 - (h) preservation of local control of schools in each district vested in a board of trustees pursuant to Article X, section 8, of the Montana constitution.
- (3) In developing a mechanism to fund the basic system of free quality public elementary and secondary schools and in making adjustments to the funding formula, the legislature shall, at a minimum, consider the following educationally relevant factors:
- (a) the number of students in a district;
 - (b) the needs of isolated schools with low population density;
 - (c) the needs of urban schools with high population density;
 - (d) the needs of students with special needs, such as a child with a disability, an at-risk student, a student with limited English proficiency, a child who is qualified for services under 29 U.S.C. 794, and gifted and talented children;
 - (e) the needs of American Indian students; and
 - (f) the ability of school districts to attract and retain qualified educators and other personnel.
- (4) By July 1, 2007, the legislature shall:
- (a) determine the costs of providing the basic system of free quality public elementary and secondary schools;
 - (b) establish a funding formula that:
 - (i) is based on the definition of a basic system of free quality public elementary and secondary schools and reflects the costs associated with providing that system as determined in subsection (4)(a);
 - (ii) allows the legislature to adjust the funding formula based on the educationally relevant factors identified in this section;
 - (iii) is self-executing and includes a mechanism for annual inflationary adjustments;
 - (iv) is based on state laws;
 - (v) is based on federal education laws consistent with Montana's constitution and laws; and
 - (vi) distributes to school districts in an equitable manner the state's share of the costs of the basic system of free quality public elementary and secondary schools; and
 - (c) consolidate the budgetary fund structure to create the number and types of funds necessary to provide school districts with the greatest budgetary flexibility while ensuring accountability and efficiency.
- (5) At least every 10 years following April 7, 2005, the legislature shall:
- (a) authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; and
 - (b) if necessary, incorporate the results of those assessments into the state's funding formula.

20-25-301. Regents' powers and duties. The board of regents of higher education shall serve as regents of the Montana university system, shall use and adopt this style in all its dealings with the university system, and:

- (1) must have general control and supervision of the units of the Montana university system, which is considered for all purposes one university;
- (2) shall adopt rules for its own government that are consistent with the constitution and the laws of the state and that are proper and necessary for the execution of the powers and duties conferred upon it by law;
- (3) shall provide, subject to the laws of the state, rules for the government of the system;
- (4) shall grant diplomas and degrees to the graduates of the system upon the recommendation of the faculties and have discretion to confer honorary degrees upon persons other than graduates upon the recommendation of the faculty of the institutions;
- (5) shall keep a record of its proceedings;
- (6) must have, when not otherwise provided by law, control of all books, records, buildings, grounds, and other property of the system;
- (7) must receive from the board of land commissioners, from other boards or persons, or from the government of the United States all funds, income, and other property that the system may be entitled to and use and appropriate the property for the specific purpose of the grant or donation;
- (8) must have general control of all receipts and disbursements of the system;
- (9) shall appoint a president or chancellor and faculty for each of the institutions of the system, appoint any other necessary officers, agents, and employees, and fix their compensation;
- (10) shall confer, at the regents' discretion, upon the president and faculty of each of the units of the system for the best interest of the unit authority relating to the immediate control and management, other than financial, and the selection of teachers and employees;
- (11) shall prevent unnecessary duplication of courses at the units of the system;
- (12) shall appoint a certified professional geologist or registered mining engineer as the director of the Montana state bureau of mines and geology, who is the state geologist, and appoint any other necessary assistants and employees and fix their compensation;
- (13) shall supervise and control the agricultural experiment station, along with any executive or subordinate board or authority that may be appointed by the governor with the advice and consent of the regents;
- (14) shall adopt a seal bearing on its face the words "Montana university system", which must be affixed to all diplomas and all other papers, instruments, or documents that may require it;
- (15) shall ensure an adequate level of security for data, as defined in [2-15-102](#), within the state university system. In carrying out this responsibility, the board of regents shall, at a minimum, address the responsibilities prescribed in [2-15-114](#).
- (16) shall offer courses in vocational-technical education of a type and in a manner considered necessary or practical by the regents.

20-2-131. Commissioner of higher education -- duties -- compensation -- staff. (1) The board of regents shall prescribe the duties of the commissioner of higher education and shall set the commissioner's compensation.

(2) The board of regents shall provide sufficient staff and office space to the commissioner for carrying out the commissioner's duties.