

SENATE BILL NO. 411
INTRODUCED BY B. GLASER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE LEGISLATURE'S INTENT TO PROVIDE A BASIC SYSTEM OF FREE QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS; DEFINING "QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS"; REQUIRING THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE TO ANALYZE AND DETERMINE THE MEANING OF "STATE'S SHARE" AS USED IN ARTICLE X, SECTION 1(3), OF THE MONTANA CONSTITUTION AND TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE 59TH LEGISLATURE; AMENDING SECTION 20-1-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Legislative intent to provide system of free quality public elementary and secondary schools. (1) The legislature recognizes that quality public education depends upon the shared responsibilities of state government, local communities, public school officials, parents, and students.

(2) The cooperation between the state, local communities, public school officials, parents, and students is necessary to ensure that each student in the state is provided an equal opportunity to receive a quality public education.

(3) It is the intent of the legislature, pursuant to its obligation under Article X, section 1, of the Montana constitution, to provide for a basic system of free quality public elementary and secondary schools that will allow, assist, and encourage each student to develop the student's full educational potential.

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

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

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

(2) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils attending the public schools of a district.

(3) "Board of public education" means the board created by Article X, section 9, subsection (3), of the

Montana constitution and 2-15-1507.

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

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

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

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

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

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

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

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

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

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

(12) "Quality public elementary and secondary schools", as used in Article X, section 1(3), of the Montana constitution and [section 1] means schools that teach or provide:

(a) communication and technological skills necessary to function in our society;

(b) grounding in the creative arts sufficient to appreciate and respond to a student's cultural and historical heritage and that of others;

(c) self-knowledge and knowledge of a student's mental and physical wellness;

(d) language and communication skills and mathematic and scientific skills necessary to function in our economy;

(e) knowledge to make informed social and political choices;

(f) understanding of governmental processes as they affect the community, the state, and the nation;

(g) sufficient preparation to choose and pursue life's work intelligently; and

(h) skills to enable a student to compete favorably.

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

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

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

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

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

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

~~(18)~~(19) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

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

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

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

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

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

NEW SECTION. **Section 3. Study by interim committee -- report.** (1) The education and local government interim committee shall analyze and determine the definition of "state's share" as used in Article X, section 1(3), of the Montana constitution.

(2) The committee shall report its findings and recommendations for defining "state's share" to the 59th legislature.

NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 20, chapter 1, and the provisions of Title 20, chapter 1, apply to [section 1].

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

- END -