

HOUSE BILL NO. 181

INTRODUCED BY N. BALLANCE

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING LOCAL BOARDS OF TRUSTEES TO DEFINE THE RESOURCING STANDARDS FOR LIBRARY MEDIA SERVICES PERSONNEL UPON CONSIDERATION OF THE GUIDELINES SET BY THE BOARD OF PUBLIC EDUCATION; AMENDING SECTIONS 20-2-121 AND 20-3-324, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-2-121, MCA, is amended to read:

"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) set resourcing guidelines for library media services personnel to be considered by the local board of trustees in making library staffing decisions;

~~(7)~~(8) 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)~~(9) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;



1 ~~(9)~~(10) adopt rules for issuance of documents certifying equivalency of completion of secondary
 2 education in accordance with 20-7-131;
 3 ~~(10)~~(11) adopt policies for the conduct of programs for gifted and talented children in accordance with
 4 the provisions of 20-7-903 and 20-7-904;
 5 ~~(11)~~(12) adopt rules for student assessment in the public schools; and
 6 ~~(12)~~(13) perform any other duty prescribed from time to time by this title or any other act of the
 7 legislature."

8
 9 **Section 2.** Section 20-3-324, MCA, is amended to read:

10 **"20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of each district shall:

11 (1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district
 12 superintendent, the county high school principal, or other principal as the board considers necessary, accepting
 13 or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the
 14 provisions of Title 20, chapter 4;

15 (2) employ and dismiss administrative personnel, clerks, secretaries, teacher's aides, custodians,
 16 maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered
 17 necessary to carry out the various services of the district;

18 (3) define resourcing standards for library media services personnel after consideration of the guidelines
 19 set forth by the board of public education;

20 ~~(3)~~(4) administer the attendance and tuition provisions and govern the pupils of the district in accordance
 21 with the provisions of the pupils chapter of this title;

22 ~~(4)~~(5) call, conduct, and certify the elections of the district in accordance with the provisions of the school
 23 elections chapter of this title;

24 ~~(5)~~(6) participate in the teachers' retirement system of the state of Montana in accordance with the
 25 provisions of the teachers' retirement system chapter of Title 19;

26 ~~(6)~~(7) participate in district boundary change actions in accordance with the provisions of the school
 27 districts chapter of this title;

28 ~~(7)~~(8) organize, open, close, or acquire isolation status for the schools of the district in accordance with
 29 the provisions of the school organization part of this title;

30 ~~(8)~~(9) adopt and administer the annual budget or a budget amendment of the district in accordance with

1 the provisions of the school budget system part of this title;

2 ~~(9)~~(10) conduct the fiscal business of the district in accordance with the provisions of the school financial
3 administration part of this title;

4 ~~(10)~~(11) establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve,
5 and state impact aid amounts for the general fund of the district in accordance with the provisions of the general
6 fund part of this title;

7 ~~(11)~~(12) establish, maintain, budget, and finance the transportation program of the district in accordance
8 with the provisions of the transportation parts of this title;

9 ~~(12)~~(13) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions
10 of the bonds parts of this title;

11 ~~(13)~~(14) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund,
12 building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous
13 programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal
14 cooperative fund, and other funds as authorized by the state superintendent of public instruction in accordance
15 with the provisions of the other school funds parts of this title;

16 ~~(14)~~(15) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in
17 accordance with the provisions of the miscellaneous financial parts of this title;

18 ~~(15)~~(16) hold in trust, acquire, and dispose of the real and personal property of the district in accordance
19 with the provisions of the school sites and facilities part of this title;

20 ~~(16)~~(17) operate the schools of the district in accordance with the provisions of the school calendar part
21 of this title;

22 ~~(17)~~(18) set the length of the school term, school day, and school week in accordance with 20-1-302;

23 ~~(18)~~(19) establish and maintain the instructional services of the schools of the district in accordance with
24 the provisions of the instructional services, textbooks, K-12 career and vocational/technical education, and special
25 education parts of this title;

26 ~~(19)~~(20) establish and maintain the school food services of the district in accordance with the provisions
27 of the school food services parts of this title;

28 ~~(20)~~(21) make reports from time to time as the county superintendent, superintendent of public instruction,
29 and board of public education may require;

30 ~~(21)~~(22) retain, when considered advisable, a physician or registered nurse to inspect the sanitary

1 conditions of the school or the general health conditions of each pupil and, upon request, make available to any
2 parent or guardian any medical reports or health records maintained by the district pertaining to the child;

3 ~~(22)~~(23) for each member of the trustees, visit each school of the district not less than once each school
4 fiscal year to examine its management, conditions, and needs, except that trustees from a first-class school
5 district may share the responsibility for visiting each school in the district;

6 ~~(23)~~(24) procure and display outside daily in suitable weather on school days at each school of the district
7 an American flag that measures not less than 4 feet by 6 feet;

8 ~~(24)~~(25) provide that an American flag that measures approximately 12 inches by 18 inches be
9 prominently displayed in each classroom in each school of the district, except in a classroom in which the flag
10 may get soiled. This requirement is waived if the flags are not provided by a local civic group.

11 ~~(25)~~(26) adopt and administer a district policy on assessment for placement of any child who enrolls in
12 a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

13 ~~(26)~~(27) upon request and in compliance with confidentiality requirements of state and federal law,
14 disclose to interested parties school district student assessment data for any test required by the board of public
15 education;

16 ~~(27)~~(28) consider and may enter into an interlocal agreement with a postsecondary institution, as defined
17 in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a
18 postsecondary institution;

19 ~~(28)~~(29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions
20 of 20-1-303;

21 ~~(29)~~(30) consider and, if advisable for a high school or K-12 district, establish a student financial
22 institution, as defined in 32-1-115; and

23 ~~(30)~~(31) perform any other duty and enforce any other requirements for the government of the schools
24 prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public
25 instruction."

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27 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2013.

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