

1 SENATE BILL NO. 2

2 INTRODUCED BY T. FACEY

3 BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENTS THAT THE OFFICE OF
6 PUBLIC INSTRUCTION REPORT ON AT-RISK STUDENTS AND ON THE AMERICAN INDIAN ACHIEVEMENT
7 GAP IN 2010; ELIMINATING THE DISCRETIONARY BIENNIAL REPORT OF THE SUPERINTENDENT OF
8 PUBLIC INSTRUCTION; AND AMENDING SECTIONS 20-3-105, 20-9-328, AND 20-9-330, MCA."

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

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12 **Section 1.** Section 20-3-105, MCA, is amended to read:

13 **"20-3-105. Administrative powers and duties.** In administering the affairs of the office, the
14 superintendent of public instruction has the power and it is the superintendent's duty to:

15 (1) keep a record of official acts and all documents applicable to the administration of the office, preserve
16 all official reports submitted to the superintendent for the period required by law, and surrender them to the
17 superintendent's successor at the expiration of the term;

18 (2) preserve all books, educational media, instructional equipment, and any other articles of educational
19 interest and value that come into the superintendent's possession and surrender them to the superintendent's
20 successor at the expiration of the term;

21 (3) cause the printing and distribution of all reports and forms necessary for the proper conduct of
22 business by a district or school in the manner prescribed by the provisions of this title;

23 (4) provide and keep an official seal of the superintendent of public instruction by which official acts must
24 be authenticated;

25 (5) if considered necessary, cause the printing of a complete and updated volume of the school laws of
26 the state, which must be offered and sold at cost of the printing and shipping to any school official or other person;

27 (6) whenever a replacement volume is not printed under the provisions of subsection (5), cause the
28 printing of a cumulative supplement to the most recent volume of school laws immediately after the conclusion
29 of any session of the legislature at which new school laws or amendments to the school laws were adopted. It
30 must be offered and sold at cost of the printing and shipping to any school official or other person.

1 ~~(7) if considered necessary, publish a biennial report of the superintendent of public instruction;~~
 2 ~~——(8)(7) counsel with and advise county superintendents on matters involving the welfare of the schools~~
 3 and, when requested, give a county superintendent a written answer to any question concerning school law;
 4 ~~(9)(8) call an annual meeting of the county superintendents when considered advisable;~~
 5 ~~(10)(9) as far as practicable, address public assemblies on subjects pertaining to education in Montana;~~
 6 and
 7 ~~(11)(10) faithfully work in all practical and possible ways for the welfare of the public schools of the state."~~

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9 **Section 2.** Section 20-9-328, MCA, is amended to read:

10 **"20-9-328. At-risk student payment.** (1) The state shall provide an at-risk student payment to public
 11 school districts, as defined in 20-6-101 and 20-6-701, for at-risk students, as defined in 20-1-101 and referred
 12 to in 20-9-309.

13 (2) The at-risk student payment must be distributed to public school districts by the office of public
 14 instruction in the same manner that the office of public instruction allocates the funds received under 20 U.S.C.
 15 6332, et seq. The office of public instruction shall prorate payments to districts based upon the available
 16 appropriation.

17 ~~(3) On or before September 15, 2010, the office of public instruction shall report to the governor and the~~
 18 ~~legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of at-risk~~
 19 ~~students using fiscal year 2006 data as a baseline."~~

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21 **Section 3.** Section 20-9-330, MCA, is amended to read:

22 **"20-9-330. American Indian achievement gap payment.** (1) The state shall provide an American
 23 Indian achievement gap payment to public school districts, as defined in 20-6-101 and 20-6-701, for the purpose
 24 of closing the educational achievement gap that exists between American Indian students and non-Indian
 25 students.

26 (2) (a) The American Indian achievement gap payment is calculated as provided in 20-9-306, using the
 27 number of American Indian students enrolled in the district based on the count of regularly enrolled students on
 28 the first Monday in October of the prior school year as reported to the office of public instruction.

29 (b) A school district may not require a student to disclose the student's race.

30 (3) The district shall deposit the payment in the general fund of the district.

