

SENATE BILL NO. 345

INTRODUCED BY E. ARNTZEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS OF ADOPTION OR AMENDMENT OF ACCREDITATION STANDARDS FOR SCHOOLS; MAKING REQUIREMENTS OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION; CLARIFYING THE ROLE OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE; AMENDING SECTIONS 20-3-106 AND 20-7-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 20-3-106, MCA, is amended to read:

**"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

1 in accordance with the approval and disbursement provisions of 20-9-166;

2 (9) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

3 (10) prescribe and furnish the annual report forms to enable the districts to report to the county  
4 superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the county  
5 superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

6 (11) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance  
7 with the provisions of 20-9-313 and 20-9-314;

8 (12) distribute BASE aid and special education allowable cost payments in support of the BASE funding  
9 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  
10 through 20-9-369;

11 (13) provide for the uniform and equal provision of transportation by performing the duties prescribed by  
12 the provisions of 20-10-112;

13 (14) request, accept, deposit, and expend federal money in accordance with the provisions of 20-9-603;

14 (15) authorize the use of federal money for the support of an interlocal cooperative agreement in  
15 accordance with the provisions of 20-9-703 and 20-9-704;

16 (16) prescribe the form and contents of and approve or disapprove interstate contracts in accordance  
17 with the provisions of 20-9-705;

18 (17) recommend standards of accreditation for all schools to the board of public education in accordance  
19 with the provisions of 20-7-101; and

20 (18) evaluate compliance with the accreditation standards and recommend accreditation status of every  
21 school to the board of public education in accordance with the provisions of ~~20-7-101~~ and 20-7-102;

22 ~~(18)~~(19) collect and maintain a file of curriculum guides and assist schools with instructional programs  
23 in accordance with the provisions of 20-7-113 and 20-7-114;

24 ~~(19)~~(20) establish and maintain a library of visual, aural, and other educational media in accordance with  
25 the provisions of 20-7-201;

26 ~~(20)~~(21) license textbook dealers and initiate prosecution of textbook dealers violating the law in  
27 accordance with the provisions of the textbooks part of this title;

28 ~~(24)~~(22) as the governing agent and executive officer of the state of Montana for K-12 career and  
29 vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of  
30 20-7-301;

1           ~~(22)~~(23) supervise and coordinate the conduct of special education in the state in accordance with the  
2 provisions of 20-7-403;

3           ~~(23)~~(24) administer the traffic education program in accordance with the provisions of 20-7-502;

4           ~~(24)~~(25) administer the school food services program in accordance with the provisions of 20-10-201  
5 through 20-10-203;

6           ~~(25)~~(26) review school building plans and specifications in accordance with the provisions of 20-6-622;

7           ~~(26)~~(27) provide schools with information and technical assistance for compliance with the student  
8 assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for  
9 the board of public education and the legislature;

10          ~~(27)~~(28) upon request and in compliance with confidentiality requirements of state and federal law,  
11 disclose to interested parties all school district student assessment data for a test required by the board of public  
12 education;

13          ~~(28)~~(29) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through  
14 20-9-369; and

15          ~~(29)~~(30) perform any other duty prescribed from time to time by this title, any other act of the legislature,  
16 or the policies of the board of public education."

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18           **Section 2.** Section 20-7-101, MCA, is amended to read:

19           **"20-7-101. Standards of accreditation.** (1) Standards of accreditation for all schools must be adopted  
20 by the board of public education upon the recommendations of the superintendent of public instruction. The  
21 superintendent shall develop recommendations in accordance with subsection (2). The recommendations  
22 presented to the board must include an economic impact statement, as described in 2-4-405, prepared in  
23 consultation with the negotiated rulemaking committee under subsection (2).

24           (2) The accreditation standards recommended by the superintendent of public instruction must be  
25 developed through the negotiated rulemaking process under Title 2, chapter 5, part 1. The superintendent may  
26 form a negotiated rulemaking committee for accreditation standards to consider multiple proposals. The  
27 negotiated rulemaking committee may not exist for longer than 2 years. The committee must represent the  
28 diverse circumstances of schools of all sizes across the state and must include representatives from the following  
29 groups:

30           (a) school district trustees;

1           **(b) school administrators;**

2           **(c) teachers;**

3           **(d) school business officials;**

4           **(e) parents; and**

5           **(f) taxpayers.**

6           (2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal,  
7 including the economic impact statement required under subsection (1), to the education and local government  
8 interim committee for review at least 1 month in advance of a scheduled committee meeting. ~~The interim~~  
9 ~~committee shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal~~  
10 ~~division shall provide its analysis to the interim committee and to the office of budget and program planning to~~  
11 ~~be used in the preparation of the executive budget.~~

12           (3) ~~If Unless the fiscal analysis of expenditures by school districts required under the proposal is found~~  
13 ~~are determined by the legislative fiscal division education and local government interim committee to have a~~  
14 ~~substantial fiscal impact be insubstantial expenditures that can be readily absorbed into the budgets of existing~~  
15 ~~district programs, the board may not implement the standard until July 1 following the next regular legislative~~  
16 ~~session and shall request that the same legislature fund implementation of the proposed standard. A substantial~~  
17 ~~fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.~~

18           (4) Standards for the retention of school records must be as provided in 20-1-212."

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20           NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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