

HOUSE BILL NO. 521

INTRODUCED BY D. LAMM

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A BILL FOR AN ACT ENTITLED: "AN ACT ENSURING SCHOOL DISTRICT TRUSTEES' SUPERVISION AND CONTROL OF SCHOOLS; PROVIDING THAT DISTRICTS ARE NOT REQUIRED TO ADHERE TO CONTENT AND PERFORMANCE STANDARDS OR PARTICIPATE IN STATE ASSESSMENTS; AMENDING SECTIONS 20-7-102 AND 20-9-344, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 20-7-102, MCA, is amended to read:

**"20-7-102. Accreditation of schools.** (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. The board of public education may not adjust the accreditation status of a school based on a district's adherence to state content and performance standards or participation in state assessments. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in 20-9-306(15)(c)(ii)."

**Section 2.** Section 20-9-344, MCA, is amended to read:

**"20-9-344. Duties of board of public education for distribution of BASE aid.** (1) The board of public education shall administer and distribute the BASE aid and state advances for county equalization in the manner



1 and with the powers and duties provided by law. The board of public education:

2 (a) shall adopt policies for regulating the distribution of BASE aid and state advances for county  
3 equalization in accordance with the provisions of law;

4 (b) may require reports from the county superintendents, county treasurers, and trustees that it considers  
5 necessary; and

6 (c) shall order the superintendent of public instruction to distribute the BASE aid on the basis of each  
7 district's annual entitlement to the aid as established by the superintendent of public instruction. In ordering the  
8 distribution of BASE aid, the board of public education may not increase or decrease the BASE aid distribution  
9 to any district on account of any difference that may occur during the school fiscal year between budgeted and  
10 actual receipts from any other source of school revenue.

11 (2) (a) The board of public education may order the superintendent of public instruction to withhold  
12 distribution of BASE aid from a district when the district fails to:

13 ~~(a)~~(i) submit reports or budgets as required by law or rules adopted by the board of public education;  
14 or

15 ~~(b)~~(ii) except as provided in subsection (2)(b), maintain accredited status because of failure to meet the  
16 board of public education's assurance and performance standards.

17 (b) A district's BASE aid may not be withheld or limited based on a district's adherence to state content  
18 and performance standards or participation in state assessments.

19 (3) Prior to any proposed order by the board of public education to withhold distribution of BASE aid or  
20 county equalization money, the district is entitled to a contested case hearing before the board of public  
21 education, as provided under the Montana Administrative Procedure Act.

22 (4) If a district or county receives more BASE aid than it is entitled to, the county treasurer shall return  
23 the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed  
24 by the superintendent of public instruction.

25 (5) Except as provided in 20-9-347(2), the BASE aid payment must be distributed according to the  
26 following schedule:

27 (a) from August to October of the school fiscal year, to each district 10% of:

28 (i) direct state aid;

29 (ii) the total quality educator payment;

30 (iii) the total at-risk student payment;

- 1 (iv) the total Indian education for all payment;
- 2 (v) the total American Indian achievement gap payment;
- 3 (vi) the total data-for-achievement payment; and
- 4 (vii) the total natural resource development K-12 funding payment;
- 5 (b) from December to April of the school fiscal year, to each district 10% of:
- 6 (i) direct state aid;
- 7 (ii) the total quality educator payment;
- 8 (iii) the total at-risk student payment;
- 9 (iv) the total Indian education for all payment;
- 10 (v) the total American Indian achievement gap payment;
- 11 (vi) the total data-for-achievement payment; and
- 12 (vii) the total natural resource development K-12 funding payment;
- 13 (c) in November of the school fiscal year, one-half of the guaranteed tax base aid payment to each
- 14 district or county that has submitted a final budget to the superintendent of public instruction in accordance with
- 15 the provisions of 20-9-134;
- 16 (d) in May of the school fiscal year, the remainder of the guaranteed tax base aid payment to each district
- 17 or county; and
- 18 (e) in June of the school fiscal year, the remaining payment to each district of direct state aid, the total
- 19 quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total
- 20 American Indian achievement gap payment, the total data-for-achievement payment, and the total natural
- 21 resource development K-12 funding payment.
- 22 (6) The distribution provided for in subsection (5) must occur by the last working day of each month."
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24 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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