

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING SCHOOL FUNDING LAWS
5 RELATED TO MINIMUM AGGREGATE HOURS AND UNFORESEEN EMERGENCIES; AMENDING
6 SECTIONS 20-1-301, 20-9-805, AND 20-9-806, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
7 AND A RETROACTIVE APPLICABILITY DATE."
8

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

11 **Section 1.** Section 20-1-301, MCA, is amended to read:

12 **"20-1-301. School fiscal year.** (1) The school fiscal year begins on July 1 and ends on June 30. At
13 least the minimum aggregate hours required in subsection (2) must be conducted during each school fiscal
14 year, except that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient. The
15 minimum aggregate hours required in subsection (2) are not required for any pupil demonstrating proficiency
16 pursuant to 20-9-311(4)(d).

17 (2) The minimum aggregate hours required by grade are:

18 (a) 360 hours for a half-time kindergarten program or 720 hours for a full-time kindergarten program,
19 as provided in 20-7-117;

20 (b) 720 hours for grades 1 through 3; and

21 (c) 1,080 hours for grades 4 through 12.

22 (3) ~~For~~ Except for a circumstance related to an unforeseen emergency pursuant to Title 20, chapter 9,
23 part 8, for any elementary or high school district that fails to provide for at least the minimum aggregate hours,
24 as listed in subsections (1) and (2), to any pupil not demonstrating proficiency pursuant to 20-9-311(4)(d), the
25 superintendent of public instruction shall reduce the ~~direct state~~ BASE aid for the district for that school year by
26 two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed by
27 each pupil not demonstrating proficiency pursuant to 20-9-311(4)(d)."
28

1 **Section 2.** Section 20-9-805, MCA, is amended to read:

2 "**20-9-805. Rate of reduction in ~~annual apportionment entitlement~~ BASE aid.** (1) Except as
3 provided in 20-9-806(2), for each hour short of the minimum number of aggregate hours required by law that a
4 school district fails to conduct by reason of one or more unforeseen emergencies, the superintendent of public
5 instruction shall reduce the ~~equalization apportionment and entitlement~~ BASE aid of the district for that school
6 year by a proportionate amount.

7 (2) Kindergarten, grade 1 through 3, and grade 4 through 12 programs must be considered separately
8 for the purpose of computing compliance with minimum aggregate hour requirements and any loss of
9 ~~apportionment~~ BASE aid."

11 **Section 3.** Section 20-9-806, MCA, is amended to read:

12 "**20-9-806. School closure by declaration of emergency.** (1) (a) Except as provided in subsection
13 (2), if a school is closed by reason of an unforeseen emergency that results in a declaration of emergency by
14 the board of trustees, the trustees may later adopt a resolution that a reasonable effort has been made to
15 reschedule the pupil-instruction time lost because of the unforeseen emergency. If the trustees adopt the
16 resolution, the pupil-instruction time lost during the closure need not be rescheduled to meet the minimum
17 requirement for aggregate hours that a school district must conduct during the school year in order to be
18 entitled to full ~~annual equalization apportionment~~ BASE aid.

19 (b) At least 3 school days or the equivalent aggregate hours must have been made up before the
20 trustees can declare that a reasonable effort has been made.

21 (2) The board of trustees may close school for 1 school day each school year because of an
22 unforeseen emergency and may not be required to reschedule the pupil-instruction time lost because of the
23 unforeseen emergency. The 1-school-day closure under this subsection is not subject to the reduction in BASE
24 aid pursuant to 20-9-805."

26 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

28 NEW SECTION. **Section 5. Retroactive applicability.** [This act] applies retroactively, within the

1 meaning of 1-2-109, to school fiscal years beginning on or after July 1, 2020.

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