

HOUSE BILL NO. 611

INTRODUCED BY R. FITZGERALD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR AMERICAN FLAGS DISPLAYED INSIDE AND OUTSIDE PUBLIC SCHOOLS; AMENDING SECTION 20-3-324, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 20-3-324, MCA, is amended to read:

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

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

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

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

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

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

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

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with

1 the provisions of the school organization part of this title;

2 (8) adopt and administer the annual budget or a budget amendment of the district in accordance with  
3 the provisions of the school budget system part of this title;

4 (9) conduct the fiscal business of the district in accordance with the provisions of the school financial  
5 administration part of this title;

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

9 (11) establish, maintain, budget, and finance the transportation program of the district in accordance  
10 with the provisions of the transportation parts of this title;

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

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

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

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

22 (16) operate the schools of the district in accordance with the provisions of the school calendar part of  
23 this title;

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

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

28 (19) establish and maintain the school food services of the district in accordance with the provisions of

1 the school food services parts of this title;

2 (20) make reports from time to time as the county superintendent, superintendent of public instruction,  
3 and board of public education may require;

4 (21) retain, when considered advisable, a physician or registered nurse to inspect the sanitary  
5 conditions of the school or the general health conditions of each pupil and, upon request, make available to any  
6 parent or guardian any medical reports or health records maintained by the district pertaining to the child;

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

10 (23) procure and display outside daily in suitable weather on school days at each school of the district  
11 an American flag representing the United States and manufactured in the United States that measures not less  
12 than 4-3 feet by 6-5 feet;

13 (24) provide that an American flag representing the United States and manufactured in the United  
14 States that measures approximately 3 feet by 5 feet at least 16 inches by 24 inches be prominently displayed in  
15 each classroom in each school of the district no later than the beginning of the school year, except in a  
16 classroom in which the flag may get soiled. Districts are encouraged to work with military organizations and  
17 civic groups to acquire flags through donation, and this requirement is waived if the flags are not provided by a  
18 military organization or civic group.

19 (25) for grades 7 through 12, provide that legible copies of the United States constitution, the United  
20 States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily  
21 available in every classroom no later than the beginning of the school year. Districts are encouraged to work  
22 with civic groups to acquire the documents through donation, and this requirement is waived if the documents  
23 are not provided by a civic group.

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

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

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

4           (29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of  
5 20-1-303; and

6           (30) perform any other duty and enforce any other requirements for the government of the schools  
7 prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public  
8 instruction."

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10           NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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