

HOUSE BILL NO. 138

INTRODUCED BY D. BEDEY, M. BERTOGLIO, J. FULLER, E. MATTHEWS, B. BARKER, L. REKSTEN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S POWERS AND DUTIES; CLARIFYING THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION IS REQUIRED TO EXECUTE CONSTITUTIONALLY AUTHORIZED DIRECTIVES ISSUED BY THE BOARD OF PUBLIC EDUCATION; AMENDING SECTION 20-3-106, 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 shall faithfully execute directives from the board of public education that are issued under the board's authority under Article X, section (9)(3)(a), of the Montana constitution to exercise general supervision over the public school system and to satisfy any other duties that have been provided by law to the board. The ~~In accordance with the authority granted under Article VI, section 4, of the Montana constitution, 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

- 1 provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103
2 and 20-9-506;
- 3 (7) establish a system of communication for calculating joint district revenue in accordance with the
4 provisions of 20-9-151;
- 5 (8) approve or disapprove the adoption of a district's budget amendment resolution under the
6 conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget
7 amendment in accordance with the approval and disbursement provisions of 20-9-166;
- 8 (9) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);
- 9 (10) prescribe and furnish the annual report forms to enable the districts to report to the county
10 superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the
11 county superintendents to report to the superintendent of public instruction in accordance with the provisions of
12 20-3-209;
- 13 (11) approve, disapprove, or adjust an increase of the average number belonging (ANB) in
14 accordance with the provisions of 20-9-313.
- 15 (12) distribute BASE aid and special education allowable cost payments in support of the BASE
16 funding program in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347, and
17 20-9-366 through 20-9-369;
- 18 (13) provide for the uniform and equal provision of transportation by performing the duties
19 prescribed by the provisions of 20-10-112;
- 20 (14) request, accept, deposit, and expend federal money in accordance with the provisions of 20-9-
21 603;
- 22 (15) authorize the use of federal money for the support of an interlocal cooperative agreement in
23 accordance with the provisions of 20-9-703 and 20-9-704;
- 24 (16) prescribe the form and contents of and approve or disapprove interstate contracts in
25 accordance with the provisions of 20-9-705;
- 26 (17) recommend standards of accreditation for all schools to the board of public education in
27 accordance with the provisions of 20-7-101;
- 28 (18) evaluate compliance with the accreditation standards and recommend accreditation status of

1 every school to the board of public education in accordance with the provisions of 20-7-102;

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

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

6 (21) license textbook dealers and initiate prosecution of textbook dealers violating the law in
7 accordance with the provisions of the textbooks part of this title;

8 (22) as the governing agent and executive officer of the state of Montana for K-12 career and
9 vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of 20-7-
10 301;

11 (23) supervise and coordinate the conduct of special education in the state in accordance with the
12 provisions of 20-7-403;

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

14 (25) administer the school food services program in accordance with the provisions of 20-10-201
15 through 20-10-203;

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

17 (27) provide schools with information and technical assistance for compliance with the student
18 assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for
19 the board of public education and the legislature;

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

23 (29) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-
24 9-369; and

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

27
28 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

1

- END -