

SENATE BILL NO. 389

INTRODUCED BY D. EMRICH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EDUCATION LAWS; ESTABLISHING THAT CERTAIN STATUTORY DEFINITIONS APPLY TO ADMINISTRATIVE RULE; PROVIDING A DEFINITION OF "CIVICS"; DESCRIBING COURSEWORK THAT MAY BE INCLUDED IN THE BASIC INSTRUCTIONAL PROGRAM FOR HIGH SCHOOL STUDENTS AS DETERMINED BY THE BOARD OF PUBLIC EDUCATION; AMENDING SECTIONS 20-1-101 AND 20-7-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title and in administrative rule implementing this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation standards" means the body of administrative rules governing standards such as:

- (a) school leadership;
(b) educational opportunity;
(c) academic requirements;
(d) program area standards;
(e) content and performance standards;
(f) school facilities and records;
(g) student assessment; and
(h) general provisions.

(2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

(3) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.

1 (4) "At-risk student" means any student who is affected by environmental conditions that negatively  
2 impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

3 (5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-  
4 time pupils physically attending or receiving educational services at an offsite instructional setting from the  
5 public schools of a district.

6 (6) "Board of public education" means the board created by Article X, section 9, subsection (3), of  
7 the Montana constitution and 2-15-1507.

8 (7) "Board of regents" means the board of regents of higher education created by Article X, section  
9 9, subsection (2), of the Montana constitution and 2-15-1505.

10 (8) "Civics" means instruction developing the knowledge and skills necessary for productive civic  
11 engagement, including but not limited to:

12 (a) the history, principles, and foundations of the American democratic republic;

13 (b) the ability to participate in civic and democratic processes;

14 (c) the structures, processes, and functions of government;

15 (d) the mechanisms and structure of the United States legal system; and

16 (e) the value of participating in government and the political process.

17 ~~(8)~~(9) "Commissioner" means the commissioner of higher education created by Article X, section 9,  
18 subsection (2), of the Montana constitution and 2-15-1506.

19 ~~(9)~~(10) "County superintendent" means the county government official who is the school officer of the  
20 county.

21 ~~(10)~~(11) "District superintendent" means a person who holds a valid class 3 Montana teacher  
22 certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction  
23 under the provisions of this title and the policies adopted by the board of public education and who has been  
24 employed by a district as a district superintendent.

25 ~~(11)~~(12) (a) "Educational program" means a set of educational offerings designed to meet the program  
26 area standards contained in the accreditation standards.

27 (b) The term does not include an educational program or programs used in 20-4-121 and 20-25-  
28 803.

1           ~~(12)~~(13) "K-12 career and vocational/technical education" means organized educational activities that  
2 have been approved by the office of public instruction and that:

3           (a) offer a sequence of courses that provide a pupil with the academic and technical knowledge  
4 and skills that the pupil needs to prepare for further education and for careers in the current or emerging  
5 employment sectors; and

6           (b) include competency-based applied learning through advanced opportunities, work-based  
7 learning partnerships, and other experiential learning opportunities that contribute to the academic knowledge,  
8 higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills,  
9 and occupation-specific skills of the pupil.

10           ~~(13)~~(14) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be  
11 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between  
12 classes and, in an offsite instructional setting, includes time spent logging on and off an offsite learning  
13 platform.

14           (b) The term does not include lunch time and periods of unstructured recess.

15           ~~(14)~~(15) "Offsite instructional setting" means an instructional setting at a location, separate from a main  
16 school site, where a school district provides for instruction to a student who is enrolled in the district.

17           ~~(15)~~(16) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an  
18 applicable principal's endorsement that has been issued by the superintendent of public instruction under the  
19 provisions of this title and the policies adopted by the board of public education and who has been employed by  
20 a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including  
21 a principal.

22           ~~(16)~~(17) "Pupil" means an individual who is admitted by the board of trustees pursuant to 20-5-101 and  
23 who is enrolled in a school established and maintained under the laws of the state at public expense. The  
24 eligibility of pupils and calculations for average number belonging are governed by 20-9-311.

25           ~~(17)~~(18) "Pupil instruction" means the conduct of organized learning opportunities for pupils enrolled in  
26 public schools while under the supervision of a teacher. The term includes any directed, distributive,  
27 collaborative, or work-based or other experiential learning activity provided, supervised, guided, facilitated, or  
28 coordinated under the supervision of a teacher that is conducted purposely to achieve content proficiency and

1 facilitate the acquisition of knowledge, skills, and abilities by pupils enrolled in public schools, and to otherwise  
2 fulfill their full educational potential.

3 ~~(18)~~(19) "Qualified and effective teacher or administrator" means an educator who is licensed and  
4 endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as  
5 established by the board of public education.

6 ~~(19)~~(20) "Regents" means the board of regents of higher education.

7 ~~(20)~~(21) "Regular school election" or "trustee election" means the election for school board members  
8 held on the day established in 20-20-105(1).

9 ~~(24)~~(22) "School election" means a regular school election or any election conducted by a district or  
10 community college district for authorizing taxation, authorizing the issuance of bonds by an elementary, high  
11 school, or K-12 district, or accepting or rejecting any proposition that may be presented to the electorate for  
12 decision in accordance with the provisions of this title.

13 ~~(22)~~(23) "School food services" means a service of providing food for the pupils of a district on a  
14 nonprofit basis and includes any food service financially assisted through funds or commodities provided by the  
15 United States government.

16 ~~(23)~~(24) "Special school election" means an election held on a day other than the day of the regular  
17 school election, primary election, or general election.

18 ~~(24)~~(25) "State board of education" means the board composed of the board of public education and  
19 the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

20 ~~(25)~~(26) "State university" means Montana state university-Bozeman.

21 ~~(26)~~(27) "Student with limited English proficiency" means any student:

22 (a) (i) who was not born in the United States or whose native language is a language other than  
23 English;

24 (ii) who is an American Indian and who comes from an environment in which a language other  
25 than English has had a significant impact on the individual's level of English proficiency; or

26 (iii) who is migratory, whose native language is a language other than English, and who comes  
27 from an environment in which a language other than English is dominant; and

28 (b) whose difficulties in speaking, reading, writing, or understanding the English language may be

1 sufficient to deny the student:

2 (i) the ability to meet the state's proficiency assessments;

3 (ii) the ability to successfully achieve in classrooms in which the language of instruction is English;

4 or

5 (iii) the opportunity to participate fully in society.

6 ~~(27)~~(28) "Superintendent of public instruction" means that state government official designated as a  
7 member of the executive branch by the Montana constitution.

8 ~~(28)~~(29) "System" means the Montana university system.

9 ~~(29)~~(30) "Teacher" means a person, except a district superintendent, who holds a valid Montana  
10 teacher certificate that has been issued by the superintendent of public instruction under the provisions of this  
11 title and the policies adopted by the board of public education and who is employed by a district as a member of  
12 its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an  
13 emergency authorization of employment has been issued under the provisions of 20-4-111.

14 ~~(30)~~(31) "Textbook" means a book, digital resource, or manual used as a principal source of study  
15 material for a given class or group of students.

16 ~~(31)~~(32) "Textbook dealer" means a party, company, corporation, or other organization selling, offering  
17 to sell, or offering for adoption textbooks to districts in the state.

18 ~~(32)~~(33) "Trustees" means the governing board of a district.

19 ~~(33)~~(34) "University" means the university of Montana-Missoula.

20 ~~(34)~~(35) "Vocational-technical education" means vocational-technical education of vocational-technical  
21 students that is conducted by a unit of the Montana university system, a community college, or a tribally  
22 controlled community college, as designated by the board of regents."  
23

24 **Section 2.** Section 20-7-111, MCA, is amended to read:

25 **"20-7-111. Instruction in public schools.** (1) Except as provided in subsection (2), the board of  
26 public education shall define and specify the basic instructional program for pupils in public schools, and this  
27 program must be set forth in the standards of accreditation. Other instruction may be given when approved by  
28 the board of trustees.

