

HOUSE BILL NO. 377

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS FOR THE ADOPTION OR AMENDMENT
 OF ACCREDITATION STANDARDS FOR THE BASIC SYSTEM OF FREE QUALITY PUBLIC ELEMENTARY
 AND SECONDARY SCHOOLS; REQUIRING MEETINGS RELATED TO THE ADOPTION OR AMENDMENT
 OF ACCREDITATION STANDARDS TO BE OPEN TO THE PUBLIC; PROHIBITING PUBLIC OFFICIALS FROM
 BELONGING TO ASSOCIATIONS THAT WOULD RESULT IN CEDING ANY MEASURE OF CONTROL OVER
 PUBLIC SCHOOLS IN MONTANA; PROHIBITING AND VOIDING THE ADOPTION OF STANDARDS OR
 ASSESSMENTS RELATED TO THE COMMON CORE INITIATIVE; PROVIDING FOR TEMPORARY CONTENT
 STANDARDS IN MATHEMATICS AND ENGLISH LANGUAGE ARTS AND FOR A PROCESS FOR
 DEVELOPMENT AND ADOPTION OF NEW CONTENT STANDARDS IN MATHEMATICS AND ENGLISH
 LANGUAGE ARTS; ESTABLISHING AN ACCREDITATION STANDARDS REVIEW COUNCIL AND PROVIDING
 FOR MEMBERSHIP AND DUTIES; PROVIDING FOR REVIEW COUNCIL RECOMMENDATION AND FOR A
 FISCAL ANALYSIS OF PROPOSED ACCREDITATION STANDARDS; ENSURING LOCAL CONTROL OF
 CONTENT STANDARDS AND CURRICULUM BY PROHIBITING THE WITHHOLDING OF BASE AID BASED
 ON A DISTRICT'S DECISION ~~TO NOT ADOPT~~ NOT TO ADHERE TO CONTENT STANDARDS; REPEALING
 TITLE 10, CHAPTER 53, SUBCHAPTERS 4 AND 5, ARM; AMENDING SECTIONS 20-7-101 AND 20-9-344,
 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Legislative intent. It is the intent of the legislature to ensure that the
 governance of the basic system of free quality public elementary and secondary schools be fully controlled by

1 the state of Montana. The legislature recognizes the constitutional authority of the board of public education to
2 generally supervise the basic system of free quality public elementary and secondary schools that the legislature
3 provides. In providing and funding the basic system, the legislature has the constitutional duty and fiduciary
4 responsibility to oversee the development of standards on which the basic system is built. The legislature also
5 intends to ensure the local control of schools in each district by the trustees elected by the people of that district.
6 While responsible for meeting the minimum standards required of schools within the basic system, local trustees
7 also have the autonomy to govern their schools as entrusted by their voters. The legislature intends to resist the
8 nationalization and standardization of education to ensure that Montana's basic system truly develops the full
9 educational potential of each individual.

10

11 **Section 2.** Section 20-7-101, MCA, is amended to read:

12 **"20-7-101. Standards of accreditation.** ~~(1) Standards of accreditation for all schools must be adopted~~
13 ~~by the board of public education upon the recommendations of the superintendent of public instruction. The board~~
14 ~~of public education, in exercising its general supervision of the basic system of free quality public elementary and~~
15 ~~secondary schools provided by the legislature under Article X of the Montana constitution, shall adopt standards~~
16 ~~of accreditation in accordance with the provisions of this section.~~

17 (2) The board may consult with the superintendent of public instruction in proposing to adopt or amend
18 accreditation standards.

19 (3) All meetings of a public agency at which proposals to adopt or amend the accreditation standards
20 are discussed must be open to the public. The development of proposals to adopt or amend the accreditation
21 standards must provide for the participation of teachers, school administrators, parents, and students from across
22 the state.

23 (4) Public officers of this state may not join on behalf of the state or a state agency any consortium,
24 association, or other entity if the membership would require the state or a political subdivision to cede any
25 measure of control over the basic system of free quality public elementary and secondary schools of this state.
26 Public officers may not accept grants or sign agreements or memoranda of understanding that cede any measure
27 of control over the basic system of free quality public elementary and secondary schools of this state.

28 (5) In accordance with subsection (4), the board of public education may not adopt and the
29 superintendent of public instruction may not implement content standards or assessments based on or related
30 to those developed by the common core state standards initiative. Any previous adoption of standards or

1 assessments related to the common core initiative is void as of [the effective date of this act].

2 ~~(2)(6)~~ Prior to adoption or amendment of any accreditation standard, the board shall submit each
 3 proposal to the ~~education and local government interim committee~~ accreditation standards review council
 4 established in [section 3] for review. The proposal must be accompanied by an analysis prepared by the office
 5 of public instruction of the financial impacts of the proposed standards on the state and on local school districts.
 6 The accreditation standards review council shall hold a public hearing on the proposal within 60 days, but no less
 7 than 30 days, after the submission of the proposal and financial analysis. A majority vote of the council in favor
 8 of the proposal is required in order to recommend the proposal to the board of public education. If the council
 9 determines that the implementation of the proposed standards will require increased funding requiring legislative
 10 action, the council may delay its vote until the conclusion of the next legislative session. The interim committee
 11 shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall
 12 provide its analysis to the interim committee and to the office of budget and program planning to be used in the
 13 preparation of the executive budget.

14 ~~(3)~~ If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial
 15 fiscal impact, the board may not implement the standard until July 1 following the next regular legislative session
 16 and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal
 17 impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

18 ~~(4)(7)~~ Standards for the retention of school records must be as provided in 20-1-212."
 19

20 **NEW SECTION. Section 3. Accreditation standards review council -- membership.** (1) There is
 21 an accreditation standards review council administratively attached to the legislative services division.

22 (2) The council consists of the following ~~46~~ 15 members:

23 (a) the presiding officers or their designees and ranking minority party members or their designees of:

24 (i) the education standing committees of the senate and house of representatives; and

25 (ii) the joint subcommittee for education that deals with appropriations;

26 (b) the superintendent of public instruction or the superintendent's designee;

27 (c) the presiding officer of the board of public education or a designee;

28 (d) the presiding officer of the board of regents or a designee; and

29 (e) six individuals, four of whom are not legislators, three appointed by the president of the senate and

30 three by the speaker of the house of representatives. In appointing these individuals, consideration must be given

1 to providing that the entire membership of the council ensures geographical distribution of members and includes:

- 2 (i) members representing both urban and rural areas; and
3 (ii) members with deep understanding of educational issues, who may include:
4 (A) teachers;
5 (B) school administrators;
6 (C) school district trustees;
7 (D) education faculty from institutions of higher education;
8 (E) parents of school-aged children; and
9 (F) students.

10 (3) Elected members shall serve the duration of their terms. Appointed members shall serve 2-year
11 terms, except that the council shall designate three members of the first council appointees to serve 4-year terms
12 to ensure continuity.

13 (4) The council shall elect a presiding officer from its members.

14 (5) The presiding officer shall convene the council as necessary for the purposes of reviewing
15 accreditation standards as described in 20-7-101.

16 (6) Unless otherwise provided by law, each member of the council is entitled to be paid \$50 for each day
17 in which the member is engaged in the performance of duties under this section and is also entitled to be
18 reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance
19 of council duties. Members who are full-time salaried officers or employees of this state or of a political
20 subdivision of this state are not entitled to be compensated for their service as members except when they
21 perform their council duties outside their regular working hours or during hours charged against their leave time,
22 but those members are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through
23 2-18-503.

24

25 **Section 4.** Section 20-9-344, MCA, is amended to read:

26 **"20-9-344. Duties of board of public education for distribution of BASE aid.** (1) The board of public
27 education shall administer and distribute the BASE aid and state advances for county equalization in the manner
28 and with the powers and duties provided by law. The board of public education:

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

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

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

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

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

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

14 (b) A district's BASE aid may not be withheld or limited based on a district's decision not to ~~adopt~~ ADHERE
15 TO the content and performance standards in the state accreditation standards. A district's decision does not allow
16 a district to opt out of state assessments based on the content and performance standards.

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

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

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

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

26 (i) direct state aid;

27 (ii) the total quality educator payment;

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

29 (iv) the total Indian education for all payment;

30 (v) the total American Indian achievement gap payment;

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

22 **NEW SECTION. Section 5. Temporary content standards and assessments established -- timeline**
23 **and procedure for replacement content standards -- development subcommittees.** (1) For the 2014-2015
24 school year, school districts may not be required to administer statewide assessments in English language arts
25 or mathematics based on the common core state standards. If the trustees of a district determine to administer
26 statewide assessments in English language arts or mathematics based on the common core state standards for
27 the 2014-2015 school year, a student may not participate in the assessment unless the student's parent or legal
28 guardian signs a form provided by the school district granting permission.
29 (2) For the 2015-2016 and 2016-2017 school years, the board of public education shall adopt and the
30 superintendent of public instruction shall implement content standards and assessments in English language arts

1 and mathematics identical to those content standards and assessments that were in effect prior to July 1, 2013.
2 The adoption does not require the recommendation or fiscal analysis required in 20-7-101(6).

3 (3) No later than July 1, 2016, the accreditation standards review council shall develop new content
4 standards for English language arts and mathematics through the procedure described in subsection (4). These
5 standards must be reviewed by the accreditation standards review council pursuant to 20-7-101(6) by September
6 15, 2016. If the board adopts the standards, the standards and valid and reliable assessments aligned to the
7 standards must be used beginning in the 2017-2018 school year.

8 (4) (a) In developing the new content standards in English language arts and mathematics, the
9 accreditation standards review council shall appoint two content standards development subcommittees, one for
10 the development of English language arts content standards and one for the development of mathematics content
11 standards. The council shall appoint the presiding officer of each subcommittee to oversee the development of
12 new content standards. The presiding officer must be a faculty member at a 4-year university in the English
13 language or literature department for the English language arts subcommittee and in the mathematics, science,
14 or engineering department for the mathematics subcommittee. The council shall develop a nomination process
15 for appointees.

16 (b) Each subcommittee must be composed of seven members who have experience in teaching and who
17 collectively possess experience in elementary, middle, and high schools.

18 (c) Each subcommittee shall select a highly rated pre-2009 set of state standards as a foundational
19 blueprint for the development of new standards.

20 (d) Each subcommittee may form working groups to address grade-level standards for elementary,
21 middle, and high school grades.

22 (e) No later than January 1, 2016, each subcommittee shall electronically publish initial draft standards
23 and establish means to receive public comment on the draft standards.

24 (f) No later than April 1, 2016, each subcommittee shall hold no fewer than five public hearings on the
25 draft standards, at least one of which must be held in each of the districts of the state established in 2-15-3402.

26 (g) No later than July 1, 2016, and following the public hearings required in subsection (4)(f), each
27 subcommittee shall hold a final meeting to amend the draft standards as necessary and to vote on recommending
28 the draft standards to the accreditation standards review council.

29 (h) The office of public instruction shall prepare an analysis of the financial impacts of the draft standards
30 and submit the analysis along with the draft standards to the review council.

1 (5) Unless otherwise provided by law, each member of the content standards development
2 subcommittees is entitled to be paid \$50 for each day in which the member is engaged in the performance of
3 duties under this section and is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501
4 through 2-18-503, incurred while in the performance of subcommittee duties. Members who are full-time salaried
5 officers or employees of this state or of a political subdivision of this state are not entitled to compensation for their
6 service as members except when they perform their subcommittee duties outside their regular working hours or
7 during hours charged against their leave time, but those members are entitled to be reimbursed for travel
8 expenses as provided for in 2-18-501 through 2-18-503.

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10 NEW SECTION. Section 6. Repealer. All rules under Title 10, chapter 53, subchapters 4 and 5, of the
11 Administrative Rules of Montana are repealed.

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13 NEW SECTION. Section 7. Codification instruction. [Sections 1, 3, and 5] are intended to be codified
14 as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [sections
15 1, 3, and 5].

16

17 NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval.

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