



AN ACT REVISING AND CLARIFYING SCHOOL FUNDING LAWS RELATED TO MINIMUM AGGREGATE HOURS AND UNFORESEEN EMERGENCIES; ALLOWING INSTRUCTION ON A SATURDAY TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY; REDEFINING WHAT CONSTITUTES A REASONABLE EFFORT TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY; AMENDING SECTIONS 20-1-301, 20-1-303, 20-9-802, 20-9-805, AND 20-9-806, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

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

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

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

- (a) 360 hours for a half-time kindergarten program or 720 hours for a full-time kindergarten program, as provided in 20-7-117;
- (b) 720 hours for grades 1 through 3; and
- (c) 1,080 hours for grades 4 through 12.

(3) ~~For~~ Except for a circumstance related to an unforeseen emergency pursuant to Title 20, chapter 9, part 8, for any elementary or high school district that fails to provide for at least the minimum aggregate hours, as listed in subsections (1) and (2), to any pupil not demonstrating proficiency pursuant to 20-9-311(4)(d), the

superintendent of public instruction shall reduce the ~~direct state~~ BASE aid for the district for that school year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed by each pupil not demonstrating proficiency pursuant to 20-9-311(4)(d)."

**Section 2.** Section 20-1-303, MCA, is amended to read:

**"20-1-303. Conduct of school on Saturday or Sunday prohibited -- exceptions.** (1) Except as provided in subsections (2) and (3), pupil instruction may not be conducted on Saturday or Sunday.

(2) In emergencies, including during reasonable efforts of the trustees to make up aggregate hours of instruction lost during a declaration of emergency by the trustees under 20-9-806, pupil instruction may be conducted on a Saturday when it is approved by the trustees of the school district ~~in accordance with the policies adopted by the board of public education.~~

(3) Pupil instruction may also be held on a Saturday at the discretion of a school district for the purpose of providing additional pupil instruction beyond the minimum aggregate hours of instruction required in 20-1-301, provided that:

~~(a) Saturday school is not a pupil instruction day and does not count toward minimum aggregate hours of pupil instruction provided for in 20-1-301; and~~

~~(b) student attendance is voluntary."~~

**Section 3.** Section 20-9-802, MCA, is amended to read:

**"20-9-802. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Declaration of emergency" means a declaration by a board of trustees that an unforeseen emergency has occurred in the district.

(2) "Reasonable effort" means the rescheduling or extension of the school district's instructional calendar ~~in an effort to attain the minimum aggregate hours required by law by~~ to make up at least 75% of the hours of pupil instruction lost due to an unforeseen emergency through any combination of the following:

(a) ~~extending the school year 12 hours for 1st through 3rd grades and 18 hours for 4th through 12th grades or the equivalent aggregate hours of pupil instruction beyond the last scheduled day; or~~

(b) the use of scheduled vacation days in the district's adopted school calendar pursuant to 20-1-302;

(c) the conduct of pupil instruction on Saturdays as provided in 20-1-303; or

(d) extending instructional hours during the school day as provided in 20-1-302.

(3) "School day" means the school day set by the trustees as provided in 20-1-302.

(4) "Unforeseen emergency" means a fire, flood, explosion, storm, earthquake, riot, insurrection, community disaster, or act of God or a combination of the foregoing that acts as a principal cause for a school district's inability to conduct ~~4 or more scheduled school days~~ a portion of the minimum aggregate hours of instruction required by 20-1-301."

**Section 4.** Section 20-9-805, MCA, is amended to read:

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

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

**Section 5.** Section 20-9-806, MCA, is amended to read:

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

(b) ~~At least 3 school days or the equivalent aggregate hours~~ 75% of the pupil-instruction time lost due

to the unforeseen emergency must have been made up before the trustees can declare that a reasonable effort has been made.

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

**Section 6. Effective date.** [This act] is effective on passage and approval.

**Section 7. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to school fiscal years beginning on or after July 1, 2020.

- END -

I hereby certify that the within bill,  
SB 75, originated in the Senate.

---

Secretary of the Senate

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 75

INTRODUCED BY D. SALOMON

AN ACT REVISING AND CLARIFYING SCHOOL FUNDING LAWS RELATED TO MINIMUM AGGREGATE HOURS AND UNFORESEEN EMERGENCIES; ALLOWING INSTRUCTION ON A SATURDAY TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY; REDEFINING WHAT CONSTITUTES A REASONABLE EFFORT TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY; AMENDING SECTIONS 20-1-301, 20-1-303, 20-9-802, 20-9-805, AND 20-9-806, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.