

1 SENATE BILL NO. 12

2 INTRODUCED BY M. MOE

3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE DEFINITION OF "PUPIL" FOR THE PURPOSES
6 OF CALCULATING THE AVERAGE NUMBER BELONGING TO INCLUDE STUDENTS 19 YEARS OF AGE OR
7 OLDER ADMITTED TO A SCHOOL AT THE DISCRETION OF SCHOOL DISTRICT TRUSTEES; AMENDING
8 SECTION 20-1-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY
9 DATE."

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

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

14 **"20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
15 definitions apply:

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

17 (a) school leadership;

18 (b) educational opportunity;

19 (c) academic requirements;

20 (d) program area standards;

21 (e) content and performance standards;

22 (f) school facilities and records;

23 (g) student assessment; and

24 (h) general provisions.

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

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

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

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

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

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

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

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

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

15 (11) (a) "Educational program" means a set of educational offerings designed to meet the program area
16 standards contained in the accreditation standards.

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

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

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

23 (b) include competency-based applied learning that contributes to the academic knowledge, higher-order
24 reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and
25 occupation-specific skills of the pupil.

26 (13) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be
27 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between classes.

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

29 (14) "Offsite instructional setting" means an instructional setting at a location, separate from a main
30 school site, where a school district provides for the delivery of instruction to a student who is enrolled in the

1 district.

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

6 (16) "Pupil" means ~~a child~~ an individual who is ~~6 years of age or older on or before September 10 of the~~
7 ~~year in which the child is to enroll or has been enrolled by special permission of the board of trustees under~~
8 ~~20-5-101(3) but who has not yet reached 19 years of age and who is~~ admitted pursuant to 20-5-101 and enrolled
9 in a school established and maintained under the laws of the state at public expense. ~~For purposes of calculating~~
10 ~~the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet~~
11 ~~reached 19 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established~~
12 ~~and maintained under the laws of the state at public expense.~~

13 (17) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools
14 while under the supervision of a teacher.

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

18 (19) "Regents" means the board of regents of higher education.

19 (20) "School food services" means a service of providing food for the pupils of a district on a nonprofit
20 basis and includes any food service financially assisted through funds or commodities provided by the United
21 States government.

22 (21) "State board of education" means the board composed of the board of public education and the
23 board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

24 (22) "State university" means Montana state university-Bozeman.

25 (23) "Student with limited English proficiency" means any student:

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

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

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

1 (b) whose difficulties in speaking, reading, writing, or understanding the English language may be
2 sufficient to deny the student:

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

4 (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

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

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

8 (25) "System" means the Montana university system.

9 (26) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher
10 certificate that has been issued by the superintendent of public instruction under the provisions of this title and
11 the policies adopted by the board of public education and who is employed by a district as a member of its
12 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 (27) "Textbook" means a book or manual used as a principal source of study material for a given class
15 or group of students.

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

18 (29) "Trustees" means the governing board of a district.

19 (30) "University" means the university of Montana-Missoula.

20 (31) "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 controlled
22 community college, as designated by the board of regents."

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

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26 **NEW SECTION. Section 3. Applicability.** [This act] applies to school years beginning on or after July
27 1, 2015.

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