

1 SENATE BILL NO. 348

2 INTRODUCED BY F. THOMAS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO MONTANA SCHOOL SAFETY; ADDING PUBLIC
 5 SCHOOL BUILDINGS TO THE EXEMPTIONS FROM DISCLOSURE TO PROTECT PUBLIC SAFETY OR
 6 SECURITY OF PUBLIC FACILITIES; REQUIRING SCHOOL DISTRICTS TO ADOPT A SCHOOL SAFETY
 7 PLAN; REVISING LAWS REGARDING DISASTER DRILLS IN PUBLIC SCHOOLS; REQUIRING SCHOOL
 8 DISTRICTS TO ANNUALLY REVIEW SUSPENSION AND EXPULSION POLICIES RELATED TO STUDENTS
 9 WITH WEAPONS OR FIREARMS AT SCHOOL; ~~REVISING THE PROCESS FOR DISTRIBUTING FUNDS~~
 10 ~~FROM THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT TO IMPROVE EQUITY AND LOCAL~~
 11 ~~CONTROL~~; EXPANDING PUBLIC SCHOOL DISTRICT ACCESS TO INFORMATION IN POSSESSION OF LAW
 12 ENFORCEMENT REGARDING POTENTIAL CRIMINAL ACTIVITY OF STUDENTS; RENAMING THE COUNTY
 13 INTERDISCIPLINARY CHILD INFORMATION AND SCHOOL SAFETY TEAM AND REQUIRING COUNTIES
 14 TO FORM A TEAM; REVISING THE REQUIREMENTS FOR A YOUTH COURT TO PROVIDE NOTICE TO A
 15 SCHOOL REGARDING YOUTH OFFENDERS; ALLOWING SCHOOL DISTRICTS TEMPORARY AUTHORITY
 16 TO TRANSFER FUNDS INTO THE BUILDING RESERVE FUND FOR SCHOOL SAFETY AND SECURITY
 17 IMPROVEMENTS; ~~REPEALING THE QUALITY SCHOOLS FACILITY GRANT PROGRAM~~; AMENDING
 18 SECTIONS 2-6-102, 20-1-401, 20-1-402, 20-5-202, ~~20-9-546~~, 41-3-205, 41-5-215, 52-2-211, AND 52-2-304,
 19 MCA; ~~REPEALING SECTIONS 90-6-801, 90-6-802, 90-6-803, 90-6-809, 90-6-810, 90-6-811, 90-6-812, 90-6-818,~~
 20 ~~AND 90-6-819, MCA~~; AND PROVIDING EFFECTIVE DATES, AN APPLICABILITY DATE, AND A TERMINATION
 21 DATE."

22

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

24

25 **Section 1.** Section 2-6-102, MCA, is amended to read:

26 **"2-6-102. Citizens entitled to inspect and copy public writings.** (1) Every citizen has a right to inspect
 27 and take a copy of any public writings of this state, except as provided in 22-1-1103, 22-3-807, or subsection (3)
 28 of this section and as otherwise expressly provided by statute.

29 (2) Every public officer having the custody of a public writing that a citizen has a right to inspect is bound
 30 to give the citizen on demand a certified copy of it, on payment of the legal fees for the copy, and the copy is

1 admissible as evidence in like cases and with like effect as the original writing. The certified copy provision of this
2 subsection does not apply to the public record of electronic mail provided in an electronic format.

3 (3) Records and materials that are constitutionally protected from disclosure are not subject to the
4 provisions of this section. Information that is constitutionally protected from disclosure is information in which
5 there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade
6 secrets, as defined in 30-14-402, and matters related to individual or public safety.

7 (4) A public officer may withhold from public scrutiny information relating to individual privacy or individual
8 or public safety or security of public facilities, including public schools, jails, correctional facilities, private
9 correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the
10 public, students in a public school, or inmates of a facility. Security features that may be protected under this
11 section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials,
12 alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations.
13 A public officer may not withhold from public scrutiny any more information than is required to protect an individual
14 privacy interest or safety or security interest."

15

16 **Section 2.** Section 20-1-401, MCA, is amended to read:

17 **"20-1-401. Disaster drills to be conducted regularly -- districts to identify disaster risks and adopt**
18 **school safety plan.** (1) As used in this part, "disaster" ~~has the same meaning as in 10-3-103:~~ means the
19 occurrence or imminent threat of damage, injury, or loss of life or property. Disaster drills must be conducted
20 regularly in accordance with this part.

21 (2) A board of trustees shall identify the local hazards that exist within the boundaries of its school district
22 and design and incorporate drills in its school safety plan to address those hazards.

23 (3) A board of trustees shall adopt a school safety plan on or before July 1, 2014, that addresses issues
24 of school safety relating to school buildings and facilities, communications systems, and school grounds with the
25 input from the local community and that addresses coordination on issues of school safety, if any, with the county
26 interdisciplinary child information and school safety team provided for in 52-2-211. The trustees shall certify to
27 the office of public instruction on or before July 1, 2014, that a school safety plan has been adopted. The trustees
28 shall review the school safety plan periodically and update the plan as determined necessary by the trustees
29 based on changing circumstances pertaining to school safety."

30

1 **Section 3.** Section 20-1-402, MCA, is amended to read:

2 **"20-1-402. Number of disaster drills required -- time of drills to vary.** There must be at least eight
3 disaster drills a year in a school. ~~At least four of the drills must be fire exit drills.~~ Drills must be held at different
4 hours of the day or evening to avoid distinction between drills and actual disasters."
5

6 **Section 4.** Section 20-5-202, MCA, is amended to read:

7 **"20-5-202. Suspension and expulsion.** (1) As provided in 20-4-302, 20-4-402, and 20-4-403, a pupil
8 may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt a policy
9 defining the authority and procedure to be used by a teacher, superintendent, or principal in the suspension of
10 a pupil and in defining the circumstances and procedures by which the trustees may expel a pupil. Expulsion is
11 any removal of a pupil for more than 20 school days without the provision of educational services and is a
12 disciplinary action available only to the trustees. A pupil may be suspended from school for an initial period not
13 to exceed 10 school days. Upon a finding by a school administrator that the immediate return to school by a pupil
14 would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process,
15 a pupil may be suspended for one additional period not to exceed 10 school days if the pupil is granted an
16 informal hearing with the school administrator prior to the additional suspension and if the decision to impose the
17 additional suspension does not violate the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

18 (2) (a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to
19 have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local
20 law enforcement agency. A student who is determined to have brought a firearm to school under this subsection
21 must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the
22 school administration to modify the requirement for expulsion of a student on a case-by-case basis. The trustees
23 shall annually review its weapons policy and any policy adopted under this subsection (2)(a) and update the
24 policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

25 (b) A decision to change the placement of a student with a disability who has been expelled pursuant
26 to this section must be made in accordance with the Individuals With Disabilities Education Act.

27 (3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, a
28 superintendent, or a principal shall suspend immediately for good cause a student who is determined to have
29 brought a firearm to school.

30 (4) Nothing in this section prevents a school district from:

1 (a) offering instructional activities related to firearms or allowing a firearm to be brought to school for
2 instructional activities sanctioned by the district; or

3 (b) providing educational services in an alternative setting to a student who has been expelled from the
4 student's regular school setting."

5
6 ~~Section 5. Section 20-9-516, MCA, is amended to read:~~

7 ~~"20-9-516. School facility and technology account. (1) There is a school facility and technology~~
8 ~~account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to equitably~~
9 ~~distribute and provide money to schools for to help defray the costs of:~~

10 ~~(a) major deferred maintenance;~~

11 ~~(b) improving energy efficiency in school facilities;~~

12 ~~(c) critical infrastructure in school districts, including school safety;~~

13 ~~(d) emergency facility needs;~~

14 ~~(e) technological improvements; and~~

15 ~~(f) state reimbursement for school facilities as provided in 20-9-371.~~

16 ~~(2) There must be deposited in the account:~~

17 ~~(a) an amount of money equal to the income attributable to the difference between the average sale~~
18 ~~value of 18 million board feet and the total income produced from the annual timber harvest on common school~~
19 ~~trust lands during the fiscal year;~~

20 ~~(b) the mineral royalties transferred from the guarantee account as provided in 20-9-622; and~~

21 ~~(c) the income received from certain lands and riverbeds as provided in 17-3-1003(5).~~

22 ~~(3) The superintendent of public instruction shall prepare and submit an agency budget pursuant to~~
23 ~~17-7-111 and 17-7-112 that includes all projected funds in the school facility and technology account for the~~
24 ~~following biennium except for any amount scheduled to be distributed pursuant to 20-9-534 and any other~~
25 ~~outstanding obligation of the funds.~~

26 ~~(4) The superintendent of public instruction shall distribute the remaining unobligated funds in the school~~
27 ~~facility and technology account appropriated by the legislature to each school district on a per-quality-educator~~
28 ~~PER-ANB basis. The distribution to a school district must be calculated by dividing the total unobligated funds to~~
29 ~~be distributed in each year by the total number of full-time equivalent quality educators as defined in 20-4-502~~
30 ~~STATEWIDE ANB, then multiplying the result by the number of full-time equivalent quality educators in TOTAL ANB~~

1 ~~FOR the school district receiving the distribution.~~

2 ~~—— (5) Funds appropriated by the legislature pursuant to subsections (3) and (4) must be distributed to the~~
 3 ~~school districts no later than November 1 of the fiscal year to which the appropriation applies. School districts~~
 4 ~~shall deposit these funds in their building reserve funds.~~

5 ~~—— (6) A district may expend funds under this section for any of the purposes set forth in this section."~~

6

7 **Section 5.** Section 41-3-205, MCA, is amended to read:

8 **"41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its
 9 local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken
 10 under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except
 11 as provided by this section. Except as provided in subsections (7) and (8), a person who purposely or knowingly
 12 permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

13 (2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The
 14 court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before
 15 it.

16 (3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless
 17 otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child
 18 or harmful to another person who is a subject of information contained in the records, may be disclosed to the
 19 following persons or entities in this state and any other state or country:

20 (a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal
 21 organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that
 22 otherwise meets the disclosure criteria contained in this section;

23 (b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family
 24 or child who is the subject of a report in the records or to a person authorized by the department to receive
 25 relevant information for the purpose of determining the best interests of a child with respect to an adoptive
 26 placement;

27 (c) a health or mental health professional who is treating the family or child who is the subject of a report
 28 in the records;

29 (d) a parent, guardian, or person designated by a parent or guardian of the child who is the subject of
 30 a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any

1 person who reported or provided information on the alleged child abuse or neglect incident contained in the
2 records;

3 (e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or
4 legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the
5 court to represent a child in a pending case;

6 (f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

7 (g) approved foster and adoptive parents who are or may be providing care for a child;

8 (h) a person about whom a report has been made and that person's attorney, with respect to the relevant
9 records pertaining to that person only and without disclosing the identity of the reporter or any other person whose
10 safety may be endangered;

11 (i) an agency, including a probation or parole agency, that is legally responsible for the supervision of
12 an alleged perpetrator of child abuse or neglect;

13 (j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and
14 that is authorized by the department to conduct the research or evaluation;

15 (k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family
16 group decisionmaking meeting for the purposes of assessing the needs of the child and family, formulating a
17 treatment plan, and monitoring the plan;

18 (l) the coroner or medical examiner when determining the cause of death of a child;

19 (m) a child fatality review team recognized by the department;

20 (n) a department or agency investigating an applicant for a license or registration that is required to
21 operate a youth care facility, day-care facility, or child-placing agency;

22 (o) a person or entity who is carrying out background, employment-related, or volunteer-related
23 screening of current or prospective employees or volunteers who have or may have unsupervised contact with
24 children through employment or volunteer activities. A request for information under this subsection (3)(o) must
25 be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children,
26 persons with developmental disabilities, or older persons posed by the person about whom the information is
27 sought, as determined by the department.

28 (p) the news media, a member of the United States congress, or a state legislator, if disclosure is limited
29 to confirmation of factual information regarding how the case was handled and if disclosure does not violate the
30 privacy rights of the child or the child's parent or guardian, as determined by the department;

1 (q) an employee of the department or other state agency if disclosure of the records is necessary for
2 administration of programs designed to benefit the child;

3 (r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure
4 of the records is necessary to meet requirements of the federal Indian Child Welfare Act;

5 (s) a juvenile probation officer who is working in an official capacity with the child who is the subject of
6 a report in the records;

7 (t) a county attorney, peace officer, or attorney who is hired by or represents the department if disclosure
8 is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

9 (u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review
10 board established under Title 41, chapter 3, part 10;

11 (v) a school employee participating in an interview of a child by a social worker, county attorney, or peace
12 officer, as provided in 41-3-202;

13 (w) a member of a county interdisciplinary child information and school safety team formed under the
14 provisions of 52-2-211;

15 (x) members of a local interagency staffing group provided for in 52-2-203;

16 (y) a member of a youth placement committee formed under the provisions of 41-5-121; or

17 (z) a principal of a school or other employee of the school district authorized by the trustees of the district
18 to receive the information with respect to a student of the district who is a client of the department.

19 (4) A school or school district may disclose, without consent, personally identifiable information from the
20 education records of a pupil to the department, the court, a review board, and the child's assigned attorney,
21 guardian ad litem, or special advocate.

22 (5) Information that identifies a person as a participant in or recipient of substance abuse treatment
23 services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent
24 provisions of the law.

25 (6) The confidentiality provisions of this section must be construed to allow a court of this state to share
26 information with other courts of this state or of another state when necessary to expedite the interstate placement
27 of children.

28 (7) A person who is authorized to receive records under this section shall maintain the confidentiality of
29 the records and may not disclose information in the records to anyone other than the persons described in
30 subsection (3)(a). However, this subsection may not be construed to compel a family member to keep the

1 proceedings confidential.

2 (8) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting
3 facts or statements made by an immediate family member under subsection (7) if the news organization,
4 employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

5 (9) This section is not intended to affect the confidentiality of criminal court records, records of law
6 enforcement agencies, or medical records covered by state or federal disclosure limitations.

7 (10) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this
8 section that are provided to the parent, the guardian, or the parent or guardian's attorney must be provided
9 without cost."

10

11 **Section 6.** Section 41-5-215, MCA, is amended to read:

12 **"41-5-215. Youth court and department records -- notification of school.** (1) Formal youth court
13 records, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts,
14 and orders and decrees on file with the clerk of court are public records and are open to public inspection until
15 the records are sealed under 41-5-216.

16 (2) Social, medical, and psychological records, youth assessment materials, predispositional studies,
17 and supervision records of probationers are open only to the following:

18 (a) the youth court and its professional staff;

19 (b) representatives of any agency providing supervision and having legal custody of a youth;

20 (c) any other person, by order of the court, having a legitimate interest in the case or in the work of the
21 court;

22 (d) any court and its probation and other professional staff or the attorney for a convicted party who had
23 been a party to proceedings in the youth court when considering the sentence to be imposed upon the party;

24 (e) the county attorney;

25 (f) the youth who is the subject of the report or record, after emancipation or reaching the age of majority;

26 (g) a member of a county interdisciplinary child information and school safety team formed under
27 52-2-211 who is not listed in this subsection (2);

28 (h) members of a local interagency staffing group provided for in 52-2-203;

29 (i) persons allowed access to the reports referred to under 45-5-624(7);

30 (j) persons allowed access under 42-3-203; and

1 (k) persons conducting evaluations as required in 41-5-2003.

2 (3) (a) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), ~~and~~ subject to the provisions of
3 subsection (3)(b) of this section, ~~the youth court shall~~ and according to the guidelines in subsection (3)(f) of this
4 section, the chief probation officer or other designee from the district that has jurisdiction over the matter or the
5 department of corrections for youth under the supervision of the department shall notify the school district that
6 the youth presently attends or the school district that the youth has applied to attend of a youth's ~~suspected past~~
7 or current drug use or criminal activity if after an investigation has been completed:

8 (i) ~~the youth has admitted the allegation or a petition has been filed with the youth court or charges are~~
9 filed in district court alleging a violation of any section in Title 45, chapter 5; and or

10 (ii) ~~a juvenile probation officer has reason to believe that a youth is currently involved with drug use or~~
11 ~~other criminal activity that has a bearing on the safety of children~~ the youth has admitted the allegation and the
12 acts involve any offense in which another youth was an alleged victim and the admitted activity has a bearing on
13 the safety of children.

14 (b) Notification under subsection (3)(a) may not be given for status offenses.

15 (c) ~~In addition to the notice requirements in subsection (3)(a), the youth court shall provide notice to the~~
16 ~~superintendent of a school district for a level 3 sexual offender as provided in 41-5-1513(3)~~ Notification under
17 subsection (3)(a) terminates upon the end of the youth court's supervision or the discharge of the youth by the
18 department of corrections.

19 (d) A school district may not refuse to accept the student if refusal violates the federal Individuals With
20 Disabilities Education Act or the federal Americans With Disabilities Act of 1990.

21 (e) The administrative officials of the school district may enforce school disciplinary procedures that
22 existed at the time of the admission or adjudication. The information may not be further disclosed and may not
23 be made part of the student's permanent records.

24 (f) Notification to the school district under subsection (3)(a) must be provided to:

25 (i) the school district superintendent or the superintendent's designee in districts that employ a
26 superintendent;

27 (ii) the building principal or the principal's designee in school districts where the building principal is the
28 only administrator; or

29 (iii) the county superintendent in school districts that do not employ an administrator.

30 (4) In all cases, a victim is entitled to all information concerning the identity and disposition of the youth,

1 as provided in 41-5-1416.

2 (5) The school district may disclose, without consent, personally identifiable information from an
3 education record of a pupil to the youth court and law enforcement authorities pertaining to violations of the
4 Montana Youth Court Act or criminal laws by the pupil. The youth court or law enforcement authorities receiving
5 the information shall certify in writing to the school district that the information will not be disclosed to any other
6 party except as provided under state law without the prior consent of the parent or guardian of the pupil.

7 (6) Any part of records information secured from records listed in subsection (2), when presented to and
8 used by the court in a proceeding under this chapter, must also be made available to the counsel for the parties
9 to the proceedings."

10

11 **Section 7.** Section 52-2-211, MCA, is amended to read:

12 **"52-2-211. County interdisciplinary child information and school safety team.** (1) The following
13 persons and agencies operating within a county ~~may~~ shall by written agreement form a county interdisciplinary
14 child information and school safety team:

- 15 (a) the youth court;
16 (b) the county attorney;
17 (c) the department of public health and human services;
18 (d) the county superintendent of schools;
19 (e) the sheriff;
20 (f) the chief of any police force;
21 (g) the superintendents of public school districts; and
22 (h) the department of corrections.

23 (2) The persons and agencies signing a written agreement under subsection (1) may by majority vote
24 allow the following persons to sign the written agreement and join the team:

- 25 (a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental health
26 care;
27 (b) entities operating private elementary and secondary schools;
28 (c) attorneys; and
29 (d) a person or entity that has or may have a legitimate interest in one or more children that the team
30 will serve.

1 (3) (a) The members of the team or their designees may form one or more auxiliary teams for the
2 purpose of providing service to a single child, a group of children, or children with a particular type of problem or
3 for any other purpose. Auxiliary teams are subject to the written agreement.

4 (b) A member of an auxiliary team must be a person who has personal knowledge of or experience with
5 the child or children in the member's respective field.

6 (4) The purpose of the team and written agreement is to facilitate the exchange and sharing of
7 information that one or more team members may be able to use in serving a child in the course of their
8 professions and occupations, including but not limited to abused or neglected children, delinquent youth, and
9 youth in need of intervention, and of information relating to issues of school safety. Information regarding a child
10 that a team member supplies to other team members or that is disseminated to a team member under 41-3-205
11 or 41-5-215(2) and (3) may not be disseminated beyond the organizations or departments that have an
12 authorized member on the team under subsections (1) or (2).

13 (5) The terms of the written agreement must provide for the rules under which the team will operate, the
14 method by which information will be shared, distributed, and managed, and any other matters necessary to the
15 purpose and functions of the team.

16 (6) The terms of the written agreement must state how the team will coordinate its efforts with
17 interdisciplinary child protective teams as provided in 41-3-108 and youth placement committees as provided for
18 in 41-5-121.

19 (7) To the extent that the county interdisciplinary child information and school safety team is involved
20 in a proceeding that is held prior to adjudication of a youth in youth court, the team satisfies the requirements of
21 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974. Montana school districts
22 may release education records to the team. The terms of the written agreement described in subsection (5) must
23 include a requirement that the officials and authorities to whom the information is disclosed certify in writing to
24 the school district that is releasing the education records that the education records or information from the
25 education records will not be disclosed to any other party without the prior written consent of the parent or
26 guardian of the student."

27

28 **Section 8.** Section 52-2-304, MCA, is amended to read:

29 **"52-2-304. Committee duties.** (1) The committee established in 52-2-303 shall, to the extent possible
30 within existing resources:

- 1 (a) develop policies aimed at eliminating or reducing barriers to the implementation of a system of care;
- 2 (b) promote the development of an in-state quality array of core services in order to assist in returning
3 high-risk children with multiagency service needs from out-of-state placements, limiting and preventing the
4 placement of high-risk children with multiagency service needs out of state, and maintaining high-risk children
5 with multiagency service needs within the least restrictive and most appropriate setting;
- 6 (c) advise local agencies to ensure that the agencies comply with applicable statutes, administrative
7 rules, and department policy in committing funds and resources for the implementation of unified plans of care
8 for high-risk children with multiagency service needs and in making any determination that a high-risk child with
9 multiagency service needs cannot be served by an in-state provider;
- 10 (d) encourage the development of local interagency teams with participation from representatives from
11 child serving agencies who are authorized to commit resources and make decisions on behalf of the agency
12 represented;
- 13 (e) specify outcome indicators and measures to evaluate the effectiveness of the system of care;
- 14 (f) develop mechanisms to elicit meaningful participation from parents, family members, and youth who
15 are currently being served or who have been served in the children's system of care; and
- 16 (g) take into consideration the policies, plans, and budget developed by any service area authority
17 provided for in 53-21-1006.
- 18 (2) The committee shall coordinate responsibility for the development of a stable system of care for
19 high-risk children with multiagency service needs that may include, as appropriate within existing resources:
- 20 (a) pooling funding from federal, state, and local sources to maximize the most cost-effective use of
21 funds to provide services in the least restrictive and most appropriate setting to high-risk children with multiagency
22 service needs;
- 23 (b) applying for federal waivers and grants to improve the delivery of integrated services to high-risk
24 children with multiagency service needs;
- 25 (c) providing for multiagency data collection and for analysis relevant to the creation of an accurate
26 profile of the state's high-risk children with multiagency service needs in order to provide for the use of services
27 based on client needs and outcomes and use of the analysis in the decisionmaking process;
- 28 (d) developing mechanisms for the pooling of human and fiscal resources; and
- 29 (e) providing training and technical assistance, as funds permit, at the local level regarding governance,
30 development of a system of care, and delivery of integrated multiagency children's services.

1 (3) (a) In order to maximize integration and minimize duplication, the local interagency team, provided
2 for in subsection (1)(d), may be facilitated in conjunction with an existing statutory team for providing youth
3 services, including:

4 (i) a child protective team as provided for in 41-3-108;

5 (ii) a youth placement committee as provided for in 41-5-121 and 41-5-122;

6 (iii) a county interdisciplinary child information and school safety team or an auxiliary team as provided
7 for in 52-2-211;

8 (iv) a foster care review committee as provided for in 41-3-115;

9 (v) a local citizen review board as provided for in 41-3-1003; and

10 (vi) a local advisory council as provided for in 53-21-702.

11 (b) If the local interagency team decides to coordinate and consolidate statutory teams, it shall ensure
12 that all state and federal rules, laws, and policies required of the individual statutory teams are fulfilled."
13

14 **NEW SECTION. Section 9. Transfer of funds -- improvements to school safety and security.** (1)

15 For fiscal year 2013 through fiscal year 2015 only, a school district may transfer state or local revenue from any
16 budgeted or nonbudgeted fund, other than the debt service fund OR RETIREMENT FUND, to its building reserve fund
17 in an amount not to exceed the school district's estimated costs of improvements to school safety and security
18 as follows:

19 (a) planning for improvements to school safety, including but not limited to the cost of services provided
20 by architects, engineers, and other consultants;

21 (b) installing or updating locking mechanisms and ingress and egress systems at public school access
22 points, including but not limited to systems for exterior egress doors and interior passageways and rooms, using
23 contemporary technologies;

24 (c) installing or updating bullet-resistant windows and barriers; and

25 (d) installing or updating emergency response systems using contemporary technologies.

26 (2) Any transfers made pursuant to subsection (1) are not considered expenditures to be applied against
27 budget authority. Any revenue transfers that are not encumbered for expenditures in compliance with subsection
28 (1) by June 30, 2015, must be transferred back to the originating fund from which the revenue was transferred.

29 (3) The intent of this section is to increase the flexibility and efficiency of school districts without an
30 increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund

1 supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the
2 transferred funds.

3
4 ~~NEW SECTION. Section 11. Repealer.~~ The following sections of the Montana Code Annotated are
5 repealed:

6 90-6-801. ~~Short title.~~

7 90-6-802. ~~Purpose.~~

8 90-6-803. ~~Definitions.~~

9 90-6-809. ~~Quality schools facility grant program -- legislature to authorize grants -- types of grants~~
10 ~~available.~~

11 90-6-810. ~~Procedure for approval of projects -- role of department and governor -- approval by legislature.~~

12 90-6-811. ~~Priorities for projects -- application of criteria -- consideration of project attributes -- adjustments~~
13 ~~for educationally relevant factors.~~

14 90-6-812. ~~Conditions for grants.~~

15 90-6-818. ~~Disbursement of funds -- department discretion when actual expenses are less than projected~~
16 ~~expenses.~~

17 90-6-819. ~~Department to adopt rules.~~

18
19 NEW SECTION. Section 10. Codification instruction. [Section 40 9] is intended to be codified as an
20 integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [section 4 9].

21
22 NEW SECTION. Section 11. Effective dates. (1) Except as provided in ~~subsections~~ SUBSECTION (2)
23 ~~and (3)~~, [this act] is effective July 1, 2013.

24 (2) [Section 40 9 and this section] are effective on passage and approval.

25 (3) ~~[Sections 5 and 11] are effective July 1, 2014.~~

26
27 ~~NEW SECTION. Section 14. Applicability.~~ [Sections 5 and 11] apply to the executive budget for the
28 office of public instruction to be presented to the 2015 legislature and to all subsequent executive budgets.

29
30 NEW SECTION. Section 12. Termination. [Section 40 9] terminates June 30, 2015.

31 - END -