

SENATE BILL NO. 141

INTRODUCED BY WATERMAN, MAZUREK, ECK, BARNHART,
FORRESTER, SCHYE, NATHE

IN THE SENATE

JANUARY 18, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

JANUARY 19, 1991 FIRST READING.

JANUARY 31, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 1, 1991 PRINTING REPORT.

FEBRUARY 2, 1991 ON MOTION, CONSIDERATION PASSED

FEBRUARY 4, 1991 SECOND READING, DO PASS.

FEBRUARY 5, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

 FIRST READING.

MARCH 9, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 12, 1991 SECOND READING, CONCURRED IN.

MARCH 14, 1991 THIRD READING, CONCURRED IN.
AYES, 100; NOES, 0.

 RETURNED TO SENATE.

IN THE SENATE

MARCH 15, 1991 RECEIVED FROM HOUSE.

 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *141*
 2 INTRODUCED BY *Walter J. NATH*
 3 *B. B. Barrett* *Forrester* *Seby* *NATH*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING SPECIAL
 5 EDUCATION COOPERATIVES INTO FULL SERVICE EDUCATION
 6 COOPERATIVES FOR THE PURPOSES OF PERFORMING ALL AUTHORIZED
 7 EDUCATIONAL ACTIVITIES, PROGRAMS, AND ADMINISTRATIVE
 8 SERVICES; AMENDING SECTIONS 20-7-451, 20-7-452, 20-7-454,
 9 20-7-455, 20-7-456, 20-7-457, AND 20-7-458, MCA; AND
 10 PROVIDING AN EFFECTIVE DATE."

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

12 **Section 1.** Section 20-7-451, MCA, is amended to read:

13 "20-7-451. Authorization to create full service special
 14 education cooperatives. (1) A school district may contract
 15 with one or more other school districts to establish a
 16 cooperative to perform all special education administrative
 17 services, activities, and undertakings that the school
 18 district entering into the contract is authorized by law to
 19 perform. The cooperative contract must be authorized by the
 20 boards of trustees of the districts entering into the
 21 contract.

22 (2) A cooperative contract may allow money allocated to
 23 a cooperative to be expended for:

24 (a) recruitment of professionals or employees for the
 25

1 cooperative; and

2 (b) facility rental and supportive services, including
 3 but not limited to janitorial and communication services."

4 **Section 2.** Section 20-7-452, MCA, is amended to read:

5 "20-7-452. Detailed contents of full service special
 6 education cooperative contracts. The contract authorized in
 7 20-7-451 may include all necessary and proper matters but
 8 must specify the following:

9 (1) its duration, which may not be less than 3 years
 10 for purposes of providing special education services;

11 (2) the precise organization, composition, and nature
 12 of the cooperative;

13 (3) the purpose of the cooperative;

14 (4) the manner of financing the cooperative and
 15 establishing and maintaining a budget for the cooperative;

16 (5) the permissible method to be employed in
 17 accomplishing the partial or complete termination of the
 18 cooperative agreement and for disposing of property upon
 19 partial or complete termination;

20 (6) provision for a management board that is
 21 responsible for administering the cooperative and that is
 22 comprised of trustees of the contracting districts or their
 23 authorized representatives;

24 (7) the manner of acquiring, holding, and disposing of
 25 real and personal property used by the cooperative;

1 (8) any other necessary and proper matters."

2 **Section 3.** Section 20-7-454, MCA, is amended to read:

3 "20-7-454. Final approval and filing of special full
4 service education cooperative contract. Within 10 days after
5 approval by the attorney general and prior to commencement
6 of its performance, a full service special education
7 cooperative contract made pursuant to 20-7-451 through
8 20-7-456 must be:

9 (1) submitted to the superintendent of public
10 instruction who has final approval authority pursuant to the
11 policies of the board of public education;

12 (2) filed with the county clerk and recorder of the
13 county or counties in which the school districts involved
14 are located; and

15 (3) filed with the secretary of state."

16 **Section 4.** Section 20-7-455, MCA, is amended to read:

17 "20-7-455. Authorization to appropriate funds for
18 purpose of full service special education cooperative
19 contract. A school district entering into a full service
20 special education cooperative contract pursuant to 20-7-451
21 through 20-7-456 may appropriate funds for and may sell,
22 lease, or otherwise give or supply to the administrative
23 officer, management board, or joint board created for the
24 purpose of performance of the cooperative contract such
25 material, personnel, or services as may be within its legal

1 power to furnish."

2 **Section 5.** Section 20-7-456, MCA, is amended to read:

3 "20-7-456. Tenure of teachers employed by cooperatives.

4 (1) Teachers who have tenure rights with a district and are
5 employed by a cooperative of which their district is a
6 member do not lose their tenure with the district.

7 (2) Nontenured teachers employed by a cooperative
8 acquire tenure with a cooperative in the same manner as
9 prescribed in 20-4-203, and the provisions of 20-4-204
10 through 20-4-207 are applicable to teachers employed by a
11 cooperative.

12 (3) Tenure for a teacher employed by a cooperative is
13 acquired only with the cooperative and not with a member
14 school district of a cooperative.

15 (4) For the purposes of tenure of a teacher employed by
16 a cooperative, special education cooperative contract
17 renewals may not be used to limit the teacher's progress
18 toward tenure status."

19 **Section 6.** Section 20-7-457, MCA, is amended to read:

20 "20-7-457. Funding provisions for special education
21 purposes of cooperatives or joint boards. (1) The
22 superintendent of public instruction shall pay directly to a
23 cooperative or to a joint board formed under 20-3-361 for
24 special education purposes the approved allowable costs for
25 contracted special education services from the state special

1 revenue fund for state equalization aid as provided in
2 20-9-343. The total of the payments must be within the limit
3 set by the legislature for approved special education
4 budgets.

5 (2) A school district that elects to participate in a
6 cooperative for special education purposes shall agree in
7 the cooperative contract to participate for a period of at
8 least 3 years.

9 (3) A school district that elects to participate in a
10 joint board formed under 20-3-361 for special education
11 purposes shall confirm in writing to the joint board by
12 October 1 of the current school fiscal year the district's
13 intention to participate or to not participate in a joint
14 board agreement for the next school fiscal year.

15 (4) After June 30, 1990, a cooperative that has not met
16 the requirements of 20-7-453 and 20-7-454 may not be funded
17 under the provisions of this section except by approval of
18 the superintendent of public instruction. The superintendent
19 shall adopt rules for approval of special education funding
20 within a full service special education cooperatives--formed
21 after-June-30-1990 cooperative."

22 **Section 7.** Section 20-7-458, MCA, is amended to read:

23 "20-7-458. Reduced caseloads for qualifying
24 cooperatives or joint boards. The superintendent of public
25 instruction may reduce the caseloads for any itinerant

1 special education personnel of a full service ~~special~~
2 education cooperative or a joint board formed under 20-3-361
3 for special education purposes if the cooperative or joint
4 board meets the requirements of 20-7-457. The superintendent
5 shall adopt rules to determine the eligibility of a
6 cooperative or a joint board for reduced caseloads under
7 this section."

8 NEW SECTION. **Section 8.** Effective date. [This act] is
9 effective July 1, 1991.

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

SENATE BILL NO. 141

INTRODUCED BY WATERMAN, MAZUREK, ECK, BARNHART,

FORRESTER, SCHYE, NATHE

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING SPECIAL EDUCATION COOPERATIVES INTO FULL SERVICE EDUCATION COOPERATIVES FOR THE PURPOSES OF PERFORMING ALL AUTHORIZED EDUCATIONAL ACTIVITIES, PROGRAMS, AND ADMINISTRATIVE SERVICES; AMENDING SECTIONS 20-7-451, 20-7-452, 20-7-454, 20-7-455, 20-7-456, 20-7-457, AND 20-7-458, MCA; AND PROVIDING AN EFFECTIVE DATE."

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"20-7-451. Authorization to create full service special education cooperatives. (1) A school district may contract with one or more other school districts to establish a cooperative to perform ANY OR all special education administrative services, activities, and undertakings that the school district entering into the contract is authorized by law to perform. The cooperative contract must be authorized by the boards of trustees of the districts entering into the contract.

(2) A cooperative contract may allow money allocated to a cooperative to be expended for:

(a) recruitment of professionals or employees for the cooperative; and

(b) facility rental and supportive services, including but not limited to janitorial and communication services."

Section 2. Section 20-7-452, MCA, is amended to read:

"20-7-452. Detailed contents of full service special education cooperative contracts. The contract authorized in 20-7-451 may include all necessary and proper matters but must specify the following:

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(2) the precise organization, composition, and nature of the cooperative;

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(4) the manner of financing the cooperative and establishing and maintaining a budget for the cooperative;

(5) the permissible method to be employed in accomplishing the partial or complete termination of the cooperative agreement and for disposing of property upon partial or complete termination;

(6) provision for a management board that is responsible for administering the cooperative and that is comprised of trustees of the contracting districts or their authorized representatives;

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SECOND READING



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9 20-7-456 must be:

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11 instruction who has final approval authority pursuant to the
12 policies of the board of public education;

13 (2) filed with the county clerk and recorder of the
14 county or counties in which the school districts involved
15 are located; and

16 (3) filed with the secretary of state."

17 **Section 4.** Section 20-7-455, MCA, is amended to read:

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19 purpose of full service special education cooperative
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24 officer, management board, or joint board created for the
25 purpose of performance of the cooperative contract such

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6 employed by a cooperative of which their district is a
7 member do not lose their tenure with the district.

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22 purposes of cooperatives or joint boards. (1) The
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24 cooperative or to a joint board formed under 20-3-361 for
25 special education purposes the approved allowable costs for

1 contracted special education services from the state special
 2 revenue fund for state equalization aid as provided in
 3 20-9-343. The total of the payments must be within the limit
 4 set by the legislature for approved special education
 5 budgets.

6 (2) A school district that elects to participate in a
 7 cooperative for special education purposes shall agree in
 8 the cooperative contract to participate for a period of at
 9 least 3 years.

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 11 joint board formed under 20-3-361 for special education
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 13 October 1 of the current school fiscal year the district's
 14 intention to participate or to not participate in a joint
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 17 the requirements of 20-7-453 and 20-7-454 may not be funded
 18 under the provisions of this section except by approval of
 19 the superintendent of public instruction. The superintendent
 20 shall adopt rules for approval of ~~special-education-funding~~
 21 ~~within-a~~ full service special education cooperatives--formed
 22 ~~after--June--30,--1990~~ cooperative COOPERATIVES FORMED AFTER
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24 **Section 7.** Section 20-7-458, MCA, is amended to read:

25 "20-7-458. Reduced caseloads for qualifying

1 cooperatives or joint boards. The superintendent of public
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10 NEW SECTION. **Section 8.** Effective date. [This act] is
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10 **NEW SECTION. Section 8.** Effective date. [This act] is
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REFERENCE BILL



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