

1 *HB* BILL NO. *69*  
 2 INTRODUCED BY *Henderson, C. Smith, Paul, Alan, Moore*  
 3 *Robert E. Melchior, F. G. G.*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS  
 5 75-5704, 75-5707, 75-7303, 75-7702, 75-7703, 75-7707,  
 6 75-7710, AND 75-7714, R.C.M. 1947, TO AUTHORIZE THE BOARD OF  
 7 PUBLIC EDUCATION TO EMPLOY AN EXECUTIVE OFFICER TO  
 8 ADMINISTER THE VOCATIONAL EDUCATION PROGRAM FOR THE STATE OF  
 9 MONTANA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 Section 1. Section 75-7702, R.C.M. 1947, is amended to  
 13 read as follows:

14 "75-7702. Duties of board of public education. (1) The  
 15 board of public education shall be the governing-board sole  
 16 agency of the state of Montana for vocational education.

17 (2) The board of public education shall adopt policies  
 18 to effect the orderly development of a system of vocational  
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 20 prevent unnecessary duplication, ~~co-ordinated~~ coordinated  
 21 with federal guidelines and requirements for vocational  
 22 education, and funded to ensure growth and quality  
 23 programming. In order to accomplish the orderly development  
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 25 education policies shall include:

1 (1)(a) a state plan for such development;  
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9 (5)(e) a basis for apportionment of all moneys  
 10 appropriated ~~by the legislature~~ for vocational education in  
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13 (6)(f) a basis for apportionment of all moneys  
 14 received by the state of Montana for vocational education  
 15 from the federal government in accordance with the ~~acts~~ acts  
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17 (7)(g) a system of evaluation of vocational education  
 18 which allows for consideration of the current and projected  
 19 manpower needs and job opportunities; and

20 (8)(h) any other policy not inconsistent with public  
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23 (3) The board of public education shall hire an  
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 10 ~~administer for the board of public education of-the-board-of~~  
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 12 ~~laws related to vocational education and the vocational~~  
 13 ~~education policies of the board. As the--executive--officers~~  
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15 ~~(1)--administer---the---vocational--education--policies~~  
 16 ~~adopted-by-the-board-of-education~~

17 ~~(2)--prepare-curriculum-guides-for-board--of--education~~  
 18 ~~adoption~~

19 ~~(3)--employ--with--the--confirmation--of--the-board-of~~  
 20 ~~education--the-professional-staff-necessary--for--the--state~~  
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3 Section 3. Section 75-7707, R.C.M. 1947, is amended to  
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5 "75-7707. Post-secondary ~~Postsecondary~~  
 6 vocational-technical center designation. ~~Post-secondary~~  
 7 ~~Postsecondary~~ vocational-technical centers shall be  
 8 designated by the board of public education only upon  
 9 direction of the legislature. Applications for designation  
 10 must be made in accordance with the following procedure:

11 (1) The trustees of any high school district, of a  
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 13 ~~governing-board-of-any-unit-of-the-Montana-university-system~~  
 14 ~~board of regents of higher education~~ may submit an  
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 17 such trustees or governing board. The application for  
 18 designation shall be submitted in accordance with the time,  
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 22 located in a county with a taxable valuation of at least  
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24 (2) Applications are to be presented to the  
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 2 ~~board of education.~~ The superintendent ~~of public instruction~~  
 3 ~~executive officer~~ shall review the application and present  
 4 it to the board of public education along with his  
 5 recommendations. The board of public education shall then  
 6 examine the application and recommendations of the  
 7 ~~superintendent of public instruction~~ executive officer and  
 8 either adopt the recommendations of the ~~superintendent of~~  
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14 (3) The board of public education shall recognize the  
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 20 County high school, and high school district number 2 of  
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1 vocational-technical center shall ~~administer such~~ operate  
 2 the center according to the requirements of the laws of the  
 3 state of Montana, the policies of the board of public  
 4 education, and the regulations of the ~~superintendent of~~  
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 8 vocational-technical centers and any other laws governing  
 9 the operation of schools, the former shall have the  
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11 Section 5. Section 75-7714, R.C.M. 1947, is amended to  
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13 "75-7714. ~~Pupil~~ Student fees and disposition of  
 14 collected fees. (1) Fees for the use of equipment and  
 15 material used in instruction and training may be charged by  
 16 the trustees ~~or other governing board~~ of the ~~post-secondary~~  
 17 postsecondary vocational-technical center. The board of  
 18 public education shall prescribe the basis and limitations  
 19 for the charging of such fees.

20 (2) Fees collected by the ~~post-secondary~~ postsecondary  
 21 vocational-technical center shall be deposited with the  
 22 county treasurer in the fund designated by the  
 23 ~~superintendent of public instruction~~ board of public  
 24 education for the receipt of such fees. The expenditure of  
 25 the fees shall not be subject to budget limitations and

1 shall be in addition to the program budgets approved by the  
2 board of public education."

3 Section 6. Section 75-5704, R.C.M. 1947, is amended to  
4 read as follows:

5 "75-5704. Staff. The superintendent of public  
6 instruction ~~shall have the power to~~ may employ, organize,  
7 and administer a staff of personnel to assist him in the  
8 administration of the duties and services of the office. In  
9 organizing his staff, the superintendent of public  
10 instruction shall employ:

11 (1) a supervisor of physical education who is a  
12 graduate of an accredited institution of higher education  
13 with a master's degree in physical education; and

14 ~~{2}--a professional staff for the state supervision and  
15 administration of vocational education in accordance with  
16 the provisions of section 75-7703; and~~

17 ~~{3}~~{2} a special education supervisor who is a  
18 graduate of an accredited institution of higher education  
19 with a master's degree in a field of special education for  
20 the mentally retarded or physically handicapped, and who has  
21 not less than two (2) years experience in special education."

22 Section 7. Section 75-5707, R.C.M. 1947, is amended to  
23 read as follows:

24 "75-5707. Powers and duties. The superintendent of  
25 public instruction shall have the general supervision of the

1 public schools and districts of the state, and he shall have  
2 the power and shall perform the following duties or acts in  
3 implementing and enforcing the provisions of this ~~title~~  
4 title:

5 (1) resolve any controversy resulting from the  
6 proration of joint costs by a joint board of trustees under  
7 the provisions of section 75-5929;

8 (2) issue, renew, or deny teacher certification and  
9 emergency authorizations of employment and give notice of  
10 teacher certification suspension or revocation proceedings  
11 to be conducted by the board of education in accordance with  
12 the provisions of the teacher certification chapter of this  
13 title;

14 (3) negotiate reciprocal tuition agreements with other  
15 states in accordance with the provisions of section 75-6318;

16 (4) pay the tuition for the residents of the Montana  
17 children's center at Twin Bridges high school in accordance  
18 with the provisions of section 75-6319;

19 (5) serve on the teachers' retirement board in  
20 accordance with the provisions of section 75-6203;

21 (6) prescribe absentee voting forms and rules in  
22 accordance with the provisions of section 75-6416;

23 (7) approve or disapprove the orders of a high school  
24 boundary commission in accordance with the provisions of  
25 section 75-6528;

1 (6) approve or disapprove the opening or reopening of  
2 a school in accordance with the provisions of sections  
3 75-6602, 75-6603, 75-6604, or 75-6605;

4 (9) approve or disapprove school isolation within the  
5 limitations prescribed by section 75-6608;

6 (10) generally supervise the school budgeting  
7 procedures prescribed by law in accordance with the  
8 provisions of section 75-6702, and prescribe the school  
9 budget format in accordance with the provisions of section  
10 75-6704 and 75-7209;

11 (11) establish a system of communication for  
12 calculating joint district revenues in accordance with the  
13 provisions of section 75-6721;

14 (12) approve or disapprove the adoption of a  
15 district's emergency budget resolution under the conditions  
16 prescribed in section 75-6725, and publish rules and  
17 regulations for an application for additional state aid for  
18 an emergency budget in accordance with the approval and  
19 disbursement provisions of section 75-6729;

20 (13) generally supervise the school financial  
21 administration provisions as prescribed by section 75-6802;

22 (14) appoint the responsible county officials for the  
23 performance of the budgeting duties and the financial  
24 administration duties for a joint district in accordance  
25 with the provisions of sections 75-6720 and 75-6803;

1 (15) prescribe and furnish the annual report forms to  
2 enable the districts to report to the county superintendent  
3 in accordance with the provisions of subsection (5) of  
4 section 75-6806, and the annual report forms to enable the  
5 county superintendents to report to the superintendent of  
6 public instruction in accordance with the provisions of  
7 section 75-5809;

8 (16) approve, disapprove, or adjust an increase of the  
9 average number belonging (ANB) in accordance with the  
10 provisions of sections 75-6903 and 75-6904;

11 (17) distribute state equalization aid in support of  
12 the foundation program in accordance with the provisions of  
13 sections 75-6908, 75-6918, and 75-6919;

14 (18) estimate the state-wide equalization level for  
15 the foundation program in accordance with the provisions of  
16 section 75-6920;

17 (19) distribute state impact aid in accordance with  
18 the provisions of section 75-6925;

19 (20) provide for the uniform and equal provision of  
20 transportation by performing the duties prescribed by the  
21 provisions of section 75-7005;

22 (21) approve or disapprove an adult education program  
23 for which a district proposes to levy a tax in accordance  
24 with the provisions of section 75-7207;

25 (22) request, accept, deposit, and expend federal

1 moneys in accordance with the provisions of section 75-7303;  
 2 (23) authorize the use of federal moneys for the  
 3 support of an interlocal co-operative cooperative agreement  
 4 in accordance with the provisions of sections 75-7306 and  
 5 75-7307;  
 6 (24) prescribe the form and contents of and approve or  
 7 disapprove interstate contracts in accordance with the  
 8 provisions of section 75-7308;  
 9 (25) approve or disapprove the conduct of school on a  
 10 Saturday or on pupil-instruction-related days in accordance  
 11 with the provisions of sections 75-7404 and 75-7405;  
 12 (26) recommend standards of accreditation for all  
 13 schools to the board of education, and evaluate compliance  
 14 with such standards and recommend accreditation status of  
 15 every school to the board of education in accordance with  
 16 the provisions of sections 75-7501 and 75-7502;  
 17 (27) collect and maintain a file of curriculum guides  
 18 and assist schools with instructional programs in accordance  
 19 with the provisions of sections 75-7505 and 75-7506;  
 20 (28) recommend the scope of conservation education in  
 21 the schools to the board of education in accordance with the  
 22 provisions of section 75-7509;  
 23 (29) establish and maintain a library of visual,  
 24 aural, and other educational media in accordance with the  
 25 provisions of section 75-7511;

1 (30) license textbook dealers, maintain a textbook  
 2 library, initiate prosecution of textbook dealers violating  
 3 the law, and supply a textbook listing in accordance with  
 4 the provisions of the textbooks chapter of this title;  
 5 ~~(31) administer and perform the duties as the~~  
 6 ~~executive officer of the board of education for vocational~~  
 7 ~~education in accordance with the provisions of section~~  
 8 ~~75-7703;~~  
 9 ~~(32) consider applications for the designation of a~~  
 10 ~~post-secondary vocational technical center in accordance~~  
 11 ~~with the provisions of section 75-7707;~~  
 12 ~~(33) establish a fund for the handling of~~  
 13 ~~post-secondary vocational technical center fees in~~  
 14 ~~accordance with the provisions of section 75-7714;~~  
 15 (34)(31) supervise and co-ordinate coordinate the  
 16 conduct of special education in the state in accordance with  
 17 the provisions of section 75-7803;  
 18 (35)(32) administer the traffic education program in  
 19 accordance with the provisions of section 75-7904;  
 20 (36)(33) administer the school food services program  
 21 in accordance with the provisions of sections 75-8002,  
 22 75-8003, and 75-8004;  
 23 (37)(34) determine the result of an organization  
 24 election for a community college district and the related  
 25 election of trustees in accordance with the provisions of

1 section 75-8112;

2 ~~(38)~~(32) review school building plans and  
3 specifications in accordance with the provisions of section  
4 75-8206;

5 ~~(39)~~(36) publish and distribute fire danger books in  
6 accordance with the provisions of section 75-8309;

7 ~~(40)~~(37) prescribe the method of identification and  
8 signals to be used by school safety patrols in accordance  
9 with the provisions of section 75-8310; and

10 ~~(41)~~(38) perform any other duty prescribed from time  
11 to time by this ~~title~~ title, any other act of the  
12 legislature, or the policies of the board of public  
13 education."

14 Section 8. Section 75-7303, R.C.M. 1947, is amended to  
15 read as follows:

16 "75-7303. Acceptance and expenditure of federal moneys  
17 for state. (1) The governor and the superintendent of public  
18 instruction are authorized on behalf of the state of Montana  
19 to request and accept such moneys as are now or will be made  
20 available under any act of ~~Congress~~ Congress of the United  
21 States, or otherwise, for purposes of public school building  
22 construction or for any other purposes of public schools and  
23 public education as permitted under the laws of the state of  
24 Montana and as authorized by the grants from the federal  
25 government. Such moneys shall be deposited by the governor

1 and superintendent of public instruction in the state  
2 treasury and are appropriated and made available to the  
3 superintendent of public instruction. All such moneys shall  
4 be expended for the purpose of public school building  
5 construction or for any other purposes of public schools and  
6 public education as permitted under the laws of the state of  
7 Montana and as authorized by the grants from the federal  
8 government. The governor and superintendent of public  
9 instruction are further authorized on behalf of the state of  
10 Montana to accept moneys provided from federal sources for  
11 the express purpose of distribution to nonpublic education.  
12 Such moneys shall be deposited by the governor and  
13 superintendent of public instruction in the state treasury  
14 and are appropriated and made available to the  
15 superintendent of public instruction. All such moneys shall  
16 be distributed in the manner provided by the laws of the  
17 state of Montana and as authorized or expressed by grants  
18 from the federal government. All expenditures of moneys from  
19 federal sources under this section shall be made under the  
20 supervision and in the discretion of the superintendent of  
21 public instruction. Any balance in the account in which such  
22 moneys are maintained shall not lapse at any time, but shall  
23 be continuously available to the superintendent of public  
24 instruction for expenditures consistent with this act and  
25 acts of the federal government.

1       (2) The governor and the executive officer for  
2 vocational education are authorized on behalf of the state  
3 of Montana to request and accept moneys for vocational  
4 education made available under any act of congress of the  
5 United States or otherwise for any purpose of vocational  
6 education as permitted under the laws of the state of  
7 Montana and as authorized by the grants from the federal  
8 government. Such money shall be deposited by the governor  
9 and the executive officer for vocational education in the  
10 state treasury and are appropriated and made available to  
11 the executive officer for vocational education. All  
12 expenditures of moneys from federal sources under this  
13 section shall be made under the supervision and in the  
14 discretion of the executive officer for vocational education  
15 as provided for by the policies of the board of public  
16 education."

-End-

## STATE OF MONTANA

REQUEST NO. 4 80-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 19 77, there is hereby submitted a Fiscal Note for House Bill 69 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 69 authorizes the Board of Public Education to employ an administrative officer to administer the Vocational Education Program for the State of Montana and to contract with the Office of the Superintendent of Public Instruction and other appropriate agencies on vocational educational program offerings. The legislation mandates contracting with the Board of Public Education for the elementary and secondary vocational education program for the 1979 biennium.

## ASSUMPTIONS:

1. All vocational education positions being requested for FY 78 and FY 79 by the Superintendent of Public Instruction will be funded. The current level FTE is 19.25; FY 78 requested FTE is 23.25; FY 79 requested FTE is 24.25.
2. There will be shifts in staff and commensurate operating and equipment expenses between OSPI and the Board of Public Education.

## FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Personal services	\$30,000	\$31,650
Operating expenses	9,000	9,500
Equipment	<u>3,000</u>	<u>0</u>
Additional cost of proposed legislation	<u>\$42,000</u>	<u>\$41,150</u>

*Richard L. Drayton*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-77

Approved by Committee on Judiciary

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2 INTRODUCED BY Judson, Councilman, John Thayer  
3 Edward Melcoly FAGE

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 17 postsecondary vocational-technical center. The board of  
 18 public education shall prescribe the basis and limitations  
 19 for the charging of such fees.

20 (2) Fees collected by the ~~post-secondary~~ postsecondary  
 21 vocational-technical center shall be deposited with the  
 22 county treasurer in the fund designated by the  
 23 ~~superintendent of public instruction~~ board of public  
 24 education for the receipt of such fees. The expenditure of  
 25 the fees shall not be subject to budget limitations and

1 shall be in addition to the program budgets approved by the  
2 board of public education."

3 Section 6. Section 75-5704, R.C.M. 1947, is amended to  
4 read as follows:

5 "75-5704. Staff. The superintendent of public  
6 instruction ~~shall have the power to~~ may employ, organize,  
7 and administer a staff of personnel to assist him in the  
8 administration of the duties and services of the office. In  
9 organizing his staff, the superintendent of public  
10 instruction shall employ:

11 (1) a supervisor of physical education who is a  
12 graduate of an accredited institution of higher education  
13 with a master's degree in physical education; and

14 ~~(2) a professional staff for the state supervision and~~  
15 ~~administration of vocational education in accordance with~~  
16 ~~the provisions of section 75-7703; and~~

17 ~~(3) (2)~~ a special education supervisor who is a  
18 graduate of an accredited institution of higher education  
19 with a master's degree in a field of special education for  
20 the mentally retarded or physically handicapped, and who has  
21 not less than two 2 years experience in special education."

22 Section 7. Section 75-5707, R.C.M. 1947, is amended to  
23 read as follows:

24 "75-5707. Powers and duties. The superintendent of  
25 public instruction shall have the general supervision of the

1 public schools and districts of the state, and he shall have  
2 the power and shall perform the following duties or acts in  
3 implementing and enforcing the provisions of this ~~title~~  
4 title:

5 (1) resolve any controversy resulting from the  
6 proration of joint costs by a joint board of trustees under  
7 the provisions of ~~section~~ 75-5929;

8 (2) issue, renew, or deny teacher certification and  
9 emergency authorizations of employment and give notice of  
10 teacher certification suspension or revocation proceedings  
11 to be conducted by the board of education in accordance with  
12 the provisions of the teacher certification chapter of this  
13 ~~title~~ title;

14 (3) negotiate reciprocal tuition agreements with other  
15 states in accordance with the provisions of ~~section~~ 75-6318;

16 (4) pay the tuition for the residents of the Montana  
17 children's center at Twin Bridges high school in accordance  
18 with the provisions of ~~section~~ 75-6319;

19 (5) serve on the teachers' retirement board in  
20 accordance with the provisions of ~~section~~ 75-6203;

21 (6) prescribe absentee voting forms and rules in  
22 accordance with the provisions of ~~section~~ 75-6416;

23 (7) approve or disapprove the orders of a high school  
24 boundary commission in accordance with the provisions of  
25 ~~section~~ 75-6528;

1 (8) approve or disapprove the opening or reopening of  
2 a school in accordance with the provisions of sections  
3 75-6602, 75-6603, 75-6604, or 75-6605;

4 (9) approve or disapprove school isolation within the  
5 limitations prescribed by section 75-6608;

6 (10) generally supervise the school budgeting  
7 procedures prescribed by law in accordance with the  
8 provisions of section 75-6702 and prescribe the school  
9 budget format in accordance with the provisions of section  
10 75-6704 and 75-7209;

11 (11) establish a system of communication for  
12 calculating joint district revenues in accordance with the  
13 provisions of section 75-6721;

14 (12) approve or disapprove the adoption of a  
15 district's emergency budget resolution under the conditions  
16 prescribed in section 75-6725 and publish rules and  
17 regulations for an application for additional state aid for  
18 an emergency budget in accordance with the approval and  
19 disbursement provisions of section 75-6729;

20 (13) generally supervise the school financial  
21 administration provisions as prescribed by section 75-6802;

22 (14) appoint the responsible county officials for the  
23 performance of the budgeting duties and the financial  
24 administration duties for a joint district in accordance  
25 with the provisions of sections 75-6720 and 75-6803;

1 (15) prescribe and furnish the annual report forms to  
2 enable the districts to report to the county superintendent  
3 in accordance with the provisions of subsection (5) of  
4 section 75-6806, and the annual report forms to enable the  
5 county superintendents to report to the superintendent of  
6 public instruction in accordance with the provisions of  
7 section 75-5809;

8 (16) approve, disapprove, or adjust an increase of the  
9 average number belonging (ANB) in accordance with the  
10 provisions of sections 75-6903 and 75-6904;

11 (17) distribute state equalization aid in support of  
12 the foundation program in accordance with the provisions of  
13 sections 75-6908, 75-6918, and 75-6919;

14 (18) estimate the state-wide equalization level for  
15 the foundation program in accordance with the provisions of  
16 section 75-6920;

17 (19) distribute state impact aid in accordance with  
18 the provisions of section 75-6925;

19 (20) provide for the uniform and equal provision of  
20 transportation by performing the duties prescribed by the  
21 provisions of section 75-7005;

22 (21) approve or disapprove an adult education program  
23 for which a district proposes to levy a tax in accordance  
24 with the provisions of section 75-7207;

25 (22) request, accept, deposit, and expend federal

1 moneys in accordance with the provisions of ~~section~~ 75-7303;

2 (23) authorize the use of federal moneys for the  
3 support of an interlocal co-operative ~~cooperative~~ agreement  
4 in accordance with the provisions of ~~sections~~ 75-7306 and  
5 75-7307;

6 (24) prescribe the form and contents of and approve or  
7 disapprove interstate contracts in accordance with the  
8 provisions of ~~section~~ 75-7308;

9 (25) approve or disapprove the conduct of school on a  
10 Saturday or on pupil-instruction-related days in accordance  
11 with the provisions of ~~sections~~ 75-7404 and 75-7405;

12 (26) recommend standards of accreditation for all  
13 schools to the board of education, and evaluate compliance  
14 with such standards and recommend accreditation status of  
15 every school to the board of education in accordance with  
16 the provisions of ~~sections~~ 75-7501 and 75-7502;

17 (27) collect and maintain a file of curriculum guides  
18 and assist schools with instructional programs in accordance  
19 with the provisions of ~~sections~~ 75-7505 and 75-7506;

20 (28) recommend the scope of conservation education in  
21 the schools to the board of education in accordance with the  
22 provisions of ~~section~~ 75-7509;

23 (29) establish and maintain a library of visual,  
24 aural, and other educational media in accordance with the  
25 provisions of ~~section~~ 75-7511;

1 (30) license textbook dealers, maintain a textbook  
2 library, initiate prosecution of textbook dealers violating  
3 the law, and supply a textbook listing in accordance with  
4 the provisions of the textbooks chapter of this ~~Title~~ title;

5 ~~(31) administer and perform the duties as the~~  
6 ~~executive officer of the board of education for vocational~~  
7 ~~education in accordance with the provisions of section~~  
8 ~~75-7703;~~

9 ~~(32) consider applications for the designation of a~~  
10 ~~post-secondary vocational technical center in accordance~~  
11 ~~with the provisions of section 75-7707;~~

12 ~~(33) establish a fund for the handling of~~  
13 ~~post-secondary vocational technical center fees in~~  
14 ~~accordance with the provisions of section 75-7714;~~

15 ~~(34)~~ (31) supervise and co-ordinate coordinate the  
16 conduct of special education in the state in accordance with  
17 the provisions of ~~section~~ 75-7803;

18 ~~(35)~~ (32) administer the traffic education program in  
19 accordance with the provisions of ~~section~~ 75-7904;

20 ~~(36)~~ (33) administer the school food services program  
21 in accordance with the provisions of ~~sections~~ 75-8002,  
22 75-8003, and 75-8004;

23 ~~(37)~~ (34) determine the result of an organization  
24 election for a community college district and the related  
25 election of trustees in accordance with the provisions of

1 section 75-8112;

2 ~~(38)~~(35) review school building plans and  
3 specifications in accordance with the provisions of section  
4 75-8206;

5 ~~(39)~~(36) publish and distribute fire danger books in  
6 accordance with the provisions of section 75-8309;

7 ~~(40)~~(37) prescribe the method of identification and  
8 signals to be used by school safety patrols in accordance  
9 with the provisions of section 75-8310; and

10 ~~(41)~~(38) perform any other duty prescribed from time  
11 to time by this ~~title~~ title, any other act of the  
12 legislature, or the policies of the board of public  
13 education."

14 Section 8. Section 75-7303, R.C.M. 1947, is amended to  
15 read as follows:

16 "75-7303. Acceptance and expenditure of federal moneys  
17 for state. (1) The governor and the superintendent of public  
18 instruction are authorized on behalf of the state of Montana  
19 to request and accept such moneys as are now or will be made  
20 available under any act of Congress congress of the United  
21 States, or otherwise, for purposes of public school building  
22 construction or for any other purposes of public schools and  
23 public education as permitted under the laws of the state of  
24 Montana and as authorized by the grants from the federal  
25 government. Such moneys shall be deposited by the governor

1 and superintendent of public instruction in the state  
2 treasury and are appropriated and made available to the  
3 superintendent of public instruction. All such moneys shall  
4 be expended for the purpose of public school building  
5 construction or for any other purposes of public schools and  
6 public education as permitted under the laws of the state of  
7 Montana and as authorized by the grants from the federal  
8 government. The governor and superintendent of public  
9 instruction are further authorized on behalf of the state of  
10 Montana to accept moneys provided from federal sources for  
11 the express purpose of distribution to nonpublic education.  
12 Such moneys shall be deposited by the governor and  
13 superintendent of public instruction in the state treasury  
14 and are appropriated and made available to the  
15 superintendent of public instruction. All such moneys shall  
16 be distributed in the manner provided by the laws of the  
17 state of Montana and as authorized or expressed by grants  
18 from the federal government. All expenditures of moneys from  
19 federal sources under this section shall be made under the  
20 supervision and in the discretion of the superintendent of  
21 public instruction. Any balance in the account in which such  
22 moneys are maintained shall not lapse at any time, but shall  
23 be continuously available to the superintendent of public  
24 instruction for expenditures consistent with this act and  
25 acts of the federal government.

1       (2) The governor and the executive officer for  
2 vocational education are authorized on behalf of the state  
3 of Montana to request and accept moneys for vocational  
4 education made available under any act of congress of the  
5 United States or otherwise for any purpose of vocational  
6 education as permitted under the laws of the state of  
7 Montana and as authorized by the grants from the federal  
8 government. Such money shall be deposited by the governor  
9 and the executive officer for vocational education in the  
10 state treasury and are appropriated and made available to  
11 the executive officer for vocational education. All  
12 expenditures of moneys from federal sources under this  
13 section shall be made under the supervision and in the  
14 discretion of the executive officer for vocational education  
15 as provided for by the policies of the board of public  
16 education."

-End-

Approved by Committee on Education

HOUSE BILL NO. 69

INTRODUCED BY GUNDERSON, SOUTH

PALMER, MOORE, BURNETT, HETCALF, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 75-5704, 75-5707, 75-7303, 75-7702, 75-7703, 75-7707, 75-7710, AND 75-7714, R.C.M. 1947, TO AUTHORIZE THE BOARD OF PUBLIC EDUCATION TO EMPLOY AN ~~EXECUTIVE~~ ADMINISTRATIVE OFFICER TO ADMINISTER THE VOCATIONAL EDUCATION PROGRAM FOR THE STATE OF MONTANA, AND TO CONTRACT WITH THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND OTHER APPROPRIATE AGENCIES ON VOCATIONAL EDUCATIONAL PROGRAM OFFERINGS."

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

Section 1. Section 75-7702, R.C.M. 1947, is amended to read as follows:

"75-7702. Duties of board of public education. (1) The board of public education shall be the ~~governing-board~~ sole agency of the state of Montana for vocational education.

(2) The board of public education shall adopt policies to effect the orderly development of a system of vocational education that is adaptable to changing needs, controlled to prevent unnecessary STAFF OR PROGRAM duplication, ~~co-ordinated~~ coordinated with federal guidelines and requirements for vocational education, and funded to ensure

growth and quality programming. In order to accomplish the orderly development of a system of vocational education, the board of public education policies shall include:

~~(1)~~ (a) a state plan for such development;

~~(2)~~ (b) standards for vocational education courses and programs;

~~(3)~~ (c) instructor qualifications for vocational education courses and programs;

~~(4)~~ (d) criteria for approval of vocational education courses and programs which are to receive financial assistance;

~~(5)~~ (e) a basis for apportionment of all moneys appropriated ~~by the legislature~~ for vocational education in accordance with the intent of the legislature as reflected in the terms of the appropriation;

~~(6)~~ (f) a basis for apportionment of all moneys received by the state of Montana for vocational education from the federal government in accordance with the ~~state~~ acts of ~~Congress~~ Congress;

~~(7)~~ (g) a system of evaluation of vocational education which allows for consideration of the current and projected manpower needs and job opportunities; and

~~(8)~~ (h) any other policy not inconsistent with public law and which is necessary for the proper operation of a system of vocational education.

1 ~~(3) The board of public education shall hire an~~  
 2 ~~executive ADMINISTRATIVE officer for vocational education.~~  
 3 ~~The executive ADMINISTRATIVE officer shall serve at the~~  
 4 ~~pleasure of the board.~~

5 ~~(4) The board of public education, with the assistance~~  
 6 ~~of the executive ADMINISTRATIVE officer, shall formulate and~~  
 7 ~~present the budget for vocational education to the~~  
 8 ~~legislature."~~

9 ~~(5) THE BOARD OF PUBLIC EDUCATION SHAL CONTRACT WITH~~  
 10 ~~THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR OTHER~~  
 11 ~~APPROPRIATE AGENCIES, ORGANIZATIONS OR INDIVIDUALS TO~~  
 12 ~~PROVIDE VOCATIONAL EDUCATIONAL PROGRAMS FOR THE PEOPLE OF~~  
 13 ~~NEBRASKA.~~

14 ~~(6) THE BOARD OF PUBLIC EDUCATION SHALL CONTRACT WITH~~  
 15 ~~THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE~~  
 16 ~~ADMINISTRATION, OPERATION AND SUPERVISION OF ELEMENTARY AND~~  
 17 ~~SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR THE 1977-79~~  
 18 ~~BIPENNIAL.~~

19 Section 2. Section 75-7703, R.C.M. 1947, is amended to  
 20 read as follows:

21 "75-7703. Duties of ~~superintendent of public~~  
 22 ~~instruction as the executive ADMINISTRATIVE officer for~~  
 23 ~~vocational education. The superintendent of public~~  
 24 ~~instruction shall be the executive ADMINISTRATIVE officer~~  
 25 ~~for vocational education shall administer for the board of~~

1 ~~public education of the Board of Education for the~~  
 2 ~~administration of all state and federal law related to~~  
 3 ~~vocational education and the vocational education policies~~  
 4 ~~of the board. As the executive officer, the superintendent~~  
 5 ~~of public instruction shall:~~

6 ~~(1) administer the vocational education policies~~  
 7 ~~adopted by the board of education;~~

8 ~~(2) prepare curriculum guides for board of education~~  
 9 ~~adoption;~~

10 ~~(3) employ, with the consultation of the board of~~  
 11 ~~education, the professional staff necessary for the state~~  
 12 ~~operation and administration of vocational education;~~

13 ~~(4) report the status of vocational education in the~~  
 14 ~~state of Nebraska when requested by the board of education;~~

15 ~~(5) keep all vocational education records in his~~  
 16 ~~office; and~~

17 ~~(6) provide vocational education supervisory and~~  
 18 ~~consultative assistance to districts."~~

19 Section 3. Section 75-7707, R.C.M. 1947, is amended to  
 20 read as follows:

21 "75-7707. ~~Post-Secondary~~ ~~Postsecondary~~  
 22 ~~vocational-technical center designation. Post-Secondary~~  
 23 ~~Postsecondary~~ vocational-technical centers shall be  
 24 designated by the board of public education only upon  
 25 direction of the legislature. Applications for designation

1 must be made in accordance with the following procedure:

2 (1) The trustees of any high school district, of a  
 3 county high school, of a community college district, or the  
 4 ~~governing board of any unit of the Montana university system~~  
 5 board of regents of higher education may submit an  
 6 application for designation of a ~~post-secondary~~  
 7 postsecondary vocational-technical center to be operated by  
 8 such trustees or ~~governing~~ board. The application for  
 9 designation shall be submitted in accordance with the time,  
 10 data, and form requirements prescribed by the board of  
 11 public education. Applicant high school districts, county  
 12 high schools, or community college districts shall be  
 13 located in a county with a taxable valuation of at least  
 14 ~~forty-five million dollars (\$45,000,000)~~ million.

15 (2) Applications are to be presented to the  
 16 ~~superintendent of public instruction acting in his capacity~~  
 17 ~~as the executive ADMINISTRATIVE officer~~ for vocational  
 18 education ~~of the board of education~~. The ~~superintendent of~~  
 19 ~~public instruction executive ADMINISTRATIVE officer~~ shall  
 20 review the application and present it to the board of public  
 21 education along with his recommendations. The board of  
 22 public education shall then examine the application and  
 23 recommendations of the ~~superintendent of public instruction~~  
 24 ~~executive ADMINISTRATIVE officer~~ and either adopt the  
 25 recommendations of the ~~superintendent of public instruction~~

1 ~~executive ADMINISTRATIVE officer~~ or draft its own  
 2 recommendations. The application, together with all  
 3 recommendations shall be presented by the board of public  
 4 education to the next following ~~legislative assembly~~  
 5 legislature.

6 (3) The board of public education shall recognize the  
 7 presently designated ~~post-secondary~~ postsecondary  
 8 vocational-technical centers operated by the respective  
 9 board of trustees of school district number 1 of Silver Bow  
 10 County, high school district number 1 of Lewis and Clark  
 11 County, high school district "A" of Cascade County, Missoula  
 12 County high school, and high school district number 2 of  
 13 Yellowstone County."

14 Section 4. Section 75-7710, R.C.M. 1947, is amended to  
 15 read as follows:

16 "75-7710. Local administration. The trustees ~~of~~  
 17 ~~governing board~~ of a ~~post-secondary~~ postsecondary  
 18 vocational-technical center shall ~~administer such~~ operate  
 19 the center according to ~~the requirements of~~ the laws of the  
 20 state of Montana, the policies of the board of public  
 21 education, and the regulations of the ~~superintendent of~~  
 22 ~~public instruction executive ADMINISTRATIVE officer for~~  
 23 vocational education. If, in construing such laws, there is  
 24 a conflict between the laws providing for ~~post-secondary~~  
 25 postsecondary vocational-technical centers and any other

1 laws governing the operation of schools, the former shall  
2 have the controlling authority."

3 Section 5. Section 75-7714, R.C.M. 1947, is amended to  
4 read as follows:

5 "75-7714. ~~Part~~ Student fees and disposition of  
6 collected fees. (1) Fees for the use of equipment and  
7 material used in instruction and training may be charged by  
8 the trustees ~~or other governing board~~ of the ~~post-secondary~~  
9 postsecondary vocational-technical center. The board of  
10 public education shall prescribe the basis and limitations  
11 for the charging of such fees.

12 (2) Fees collected by the ~~post-secondary~~ postsecondary  
13 vocational-technical center shall be deposited with the  
14 county treasurer in the fund designated by the  
15 ~~superintendent of public instruction~~ board of public  
16 education for the receipt of such fees. The expenditure of  
17 the fees shall not be subject to budget limitations and  
18 shall be in addition to the program budgets approved by the  
19 board of public education."

20 Section 6. Section 75-5704, R.C.M. 1947, is amended to  
21 read as follows:

22 "75-5704. Staff. The superintendent of public  
23 instruction ~~shall have the power to~~ may employ, organize,  
24 and administer a staff of personnel to assist him in the  
25 administration of the duties and services of the office. In

1 organizing his staff, the superintendent of public  
2 instruction shall employ:

3 (1) a supervisor of physical education who is a  
4 graduate of an accredited institution of higher education  
5 with a master's degree in physical education; and

6 ~~(2) a professional staff for the state supervision and~~  
7 ~~administration of vocational education in accordance with~~  
8 ~~the provisions of section 75-7703; and~~

9 ~~(3)~~ (2) a special education supervisor who is a  
10 graduate of an accredited institution of higher education  
11 with a master's degree in a field of special education for  
12 the mentally retarded or physically handicapped, and who has  
13 not less than ~~two~~ 2 years experience in special education."

14 Section 7. Section 75-5707, R.C.M. 1947, is amended to  
15 read as follows:

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17 public instruction shall have the general supervision of the  
18 public schools and districts of the state, and he shall have  
19 the power and shall perform the following duties or acts in  
20 implementing and enforcing the provisions of this ~~Title~~  
21 title:

22 (1) resolve any controversy resulting from the  
23 prorotation of joint costs by a joint board of trustees under  
24 the provisions of ~~section~~ 75-5929;

25 (2) issue, renew, or deny teacher certification and

1 emergency authorizations of employment and give notice of  
 2 teacher certification suspension or revocation proceedings  
 3 to be conducted by the board of education in accordance with  
 4 the provisions of the teacher certification chapter of this  
 5 ~~title~~ title;

6 (3) negotiate reciprocal tuition agreements with other  
 7 states in accordance with the provisions of ~~section~~ 75-6318;

8 (4) pay the tuition for the residents of the Montana  
 9 children's center at Twin Bridges high school in accordance  
 10 with the provisions of ~~section~~ 75-6319;

11 (5) serve on the teachers' retirement board in  
 12 accordance with the provisions of ~~section~~ 75-6203;

13 (6) prescribe absentee voting forms and rules in  
 14 accordance with the provisions of ~~section~~ 75-6416;

15 (7) approve or disapprove the orders of a high school  
 16 boundary commission in accordance with the provisions of  
 17 ~~section~~ 75-6528;

18 (8) approve or disapprove the opening or reopening of  
 19 a school in accordance with the provisions of ~~sections~~  
 20 75-6602, 75-6603, 75-6604, or 75-6605;

21 (9) approve or disapprove school isolation within the  
 22 limitations prescribed by ~~section~~ 75-6608;

23 (10) generally supervise the school budgeting  
 24 procedures prescribed by law in accordance with the  
 25 provisions of ~~section~~ 75-6702, and prescribe the school

1 budget format in accordance with the provisions of ~~section~~  
 2 75-6704 and 75-7209;

3 (11) establish a system of communication for  
 4 calculating joint district revenues in accordance with the  
 5 provisions of ~~section~~ 75-6721;

6 (12) approve or disapprove the adoption of a  
 7 district's emergency budget resolution under the conditions  
 8 prescribed in ~~section~~ 75-6725, and publish rules ~~and~~  
 9 ~~regulations~~ for an application for additional state aid for  
 10 an emergency budget in accordance with the approval and  
 11 disbursement provisions of ~~section~~ 75-6729;

12 (13) generally supervise the school financial  
 13 administration provisions as prescribed by ~~section~~ 75-6802;

14 (14) appoint the responsible county officials for the  
 15 performance of the budgeting duties and the financial  
 16 administration duties for a joint district in accordance  
 17 with the provisions of ~~sections~~ 75-6720 and 75-6803;

18 (15) prescribe and furnish the annual report forms to  
 19 enable the districts to report to the county superintendent  
 20 in accordance with the provisions of subsection (5) of  
 21 ~~section~~ 75-6806, and the annual report forms to enable the  
 22 county superintendents to report to the superintendent of  
 23 public instruction in accordance with the provisions of  
 24 ~~section~~ 75-5809;

25 (16) approve, disapprove, or adjust an increase of the

1 average number belonging (ANB) in accordance with the  
2 provisions of ~~sections~~ 75-6903 and 75-6904;

3 (17) distribute state equalization aid in support of  
4 the foundation program in accordance with the provisions of  
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6 (18) estimate the state-wide equalization level for  
7 the foundation program in accordance with the provisions of  
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9 (19) distribute state impact aid in accordance with  
10 the provisions of ~~section~~ 75-6925;

11 (20) provide for the uniform and equal provision of  
12 transportation by performing the duties prescribed by the  
13 provisions of ~~section~~ 75-7005;

14 (21) approve or disapprove an adult education program  
15 for which a district proposes to levy a tax in accordance  
16 with the provisions of ~~section~~ 75-7207;

17 (22) request, accept, deposit, and expend federal  
18 moneys in accordance with the provisions of ~~section~~ 75-7303;

19 (23) authorize the use of federal moneys for the  
20 support of an interlocal ~~co-operative~~ cooperative agreement  
21 in accordance with the provisions of ~~sections~~ 75-7306 and  
22 75-7307;

23 (24) prescribe the form and contents of and approve or  
24 disapprove interstate contracts in accordance with the  
25 provisions of ~~section~~ 75-7308;

1 (25) approve or disapprove the conduct of school on a  
2 Saturday or on pupil-instruction-related days in accordance  
3 with the provisions of ~~sections~~ 75-7404 and 75-7405;

4 (26) recommend standards of accreditation for all  
5 schools to the board of education, and evaluate compliance  
6 with such standards and recommend accreditation status of  
7 every school to the board of education in accordance with  
8 the provisions of ~~sections~~ 75-7501 and 75-7502;

9 (27) collect and maintain a file of curriculum guides  
10 and assist schools with instructional programs in accordance  
11 with the provisions of ~~sections~~ 75-7505 and 75-7506;

12 (28) recommend the scope of conservation education in  
13 the schools to the board of education in accordance with the  
14 provisions of ~~section~~ 75-7509;

15 (29) establish and maintain a library of visual,  
16 aural, and other educational media in accordance with the  
17 provisions of ~~section~~ 75-7511;

18 (30) license textbook dealers, maintain a textbook  
19 library, initiate prosecution of textbook dealers violating  
20 the law, and supply a textbook listing in accordance with  
21 the provisions of the textbooks chapter of this ~~title~~ title;

22 ~~(31) administer and perform the duties as the~~  
23 ~~executive officer of the board of education for vocational~~  
24 ~~education in accordance with the provisions of section~~  
25 ~~75-7703;~~

1 ~~(22)~~ consider applications for the designation of a  
2 post secondary vocational technical center in accordance  
3 with the provisions of section 75-7707;

4 ~~(33)~~ establish a fund for the handling of  
5 post secondary vocational technical center fees in  
6 accordance with the provisions of section 75-7714;

7 ~~(34)~~ (31) supervise and ~~co-ordinate~~ coordinate the  
8 conduct of special education in the state in accordance with  
9 the provisions of section 75-7803;

10 ~~(35)~~ (32) administer the traffic education program in  
11 accordance with the provisions of section 75-7904;

12 ~~(36)~~ (33) administer the school food services program  
13 in accordance with the provisions of sections 75-8002,  
14 75-8003, and 75-8004;

15 ~~(37)~~ (34) determine the result of an organization  
16 election for a community college district and the related  
17 election of trustees in accordance with the provisions of  
18 section 75-8112;

19 ~~(38)~~ (35) review school building plans and  
20 specifications in accordance with the provisions of section  
21 75-8206;

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23 accordance with the provisions of section 75-8309;

24 ~~(40)~~ (37) prescribe the method of identification and  
25 signals to be used by school safety patrols in accordance

1 with the provisions of section 75-8310; and

2 ~~(44)~~ (38) perform any other duty prescribed from time  
3 to time by this Title title, any other act of the  
4 legislature, or the policies of the board of public  
5 education."

6 Section 8. Section 75-7303, R.C.M. 1947, is amended to  
7 read as follows:

8 "75-7303. Acceptance and expenditure of federal moneys  
9 for state. (1) The governor and the superintendent of public  
10 instruction are authorized on behalf of the state of Montana  
11 to request and accept such moneys as are now or will be made  
12 available under any act of ~~Congress~~ Congress of the United  
13 States, or otherwise, for purposes of public school building  
14 construction or for any other purposes of public schools and  
15 public education as permitted under the laws of the state of  
16 Montana and as authorized by the grants from the federal  
17 government. Such moneys shall be deposited by the governor  
18 and superintendent of public instruction in the state  
19 treasury, and are appropriated and made available to the  
20 superintendent of public instruction. All such moneys shall  
21 be expended for the purpose of public school building  
22 construction or for any other purposes of public schools and  
23 public education as permitted under the laws of the state of  
24 Montana and as authorized by the grants from the federal  
25 government. The governor and superintendent of public

1 instruction are further authorized on behalf of the state of  
 2 Montana to accept moneys provided from federal sources for  
 3 the express purpose of distribution to nonpublic education.  
 4 Such moneys shall be deposited by the governor and  
 5 superintendent of public instruction in the state treasury,  
 6 and are appropriated and made available to the  
 7 superintendent of public instruction. All such moneys shall  
 8 be distributed in the manner provided by the laws of the  
 9 state of Montana and as authorized or expressed by grants  
 10 from the federal government. All expenditures of moneys from  
 11 federal sources under this section shall be made under the  
 12 supervision and in the discretion of the superintendent of  
 13 public instruction. Any balance in the account in which such  
 14 moneys are maintained shall not lapse at any time, but shall  
 15 be continuously available to the superintendent of public  
 16 instruction for expenditures consistent with this act and  
 17 acts of the federal government.

18 (2) The governor and the executive officer for  
 19 vocational education BOARD OF PUBLIC EDUCATION are  
 20 authorized on behalf of the state of Montana to request and  
 21 accept moneys for vocational education made available under  
 22 any act of congress of the United States or otherwise for  
 23 any purpose of vocational education as permitted under the  
 24 laws of the state of Montana and as authorized by the grants  
 25 from the federal government. Such money shall be deposited

1 by the governor and the executive officer for vocational  
 2 education BOARD OF PUBLIC EDUCATION in the state treasury  
 3 and are appropriated and made available to the executive  
 4 officer for vocational education BOARD OF PUBLIC EDUCATION.  
 5 All expenditures of moneys from federal sources under this  
 6 section shall be made under the supervision and in the  
 7 discretion of the executive officer for vocational education  
 8 as provided for by the policies of the board of public  
 9 education."

-End-

## 1 HOUSE BILL NO. 69

2 INTRODUCED BY GUNDERSON, SOUTH

3 PALMER, MOORE, BURNETT, METCALF, FAGG

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS  
6 75-5704, 75-5707, 75-7303, 75-7702, 75-7703, 75-7707,  
7 75-7710, AND 75-7714, R.C.M. 1947, TO AUTHORIZE THE BOARD OF  
8 PUBLIC EDUCATION TO EMPLOY AN ~~EXECUTIVE~~ ADMINISTRATIVE  
9 OFFICER TO ADMINISTER THE VOCATIONAL EDUCATION PROGRAM FOR  
10 THE STATE OF MONTANA, AND TO CONTRACT WITH THE OFFICE OF  
11 SUPERINTENDENT OF PUBLIC INSTRUCTION AND OTHER APPROPRIATE  
12 AGENCIES ON VOCATIONAL EDUCATIONAL PROGRAM OFFERINGS."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:15 Section 1. Section 75-7702, R.C.M. 1947, is amended to  
16 read as follows:17 "75-7702. Duties of board of public education. (1) The  
18 board of public education shall be the ~~governing board~~ sole  
19 agency of the state of Montana for vocational education.20 (2) The board of public education shall adopt policies  
21 to effect the orderly development of a system of vocational  
22 education that is adaptable to changing needs, controlled to  
23 prevent unnecessary STAFF OR PROGRAM duplication,  
24 ~~co-ordinated~~ coordinated with federal guidelines and  
25 requirements for vocational education, and funded to ensure1 growth and quality programming. In order to accomplish the  
2 orderly development of a system of vocational education, the  
3 board of public education policies shall include:4 ~~(1)~~ (a) a state plan for such development;5 ~~(2)~~ (b) standards for vocational education courses and  
6 programs;7 ~~(3)~~ (c) instructor qualifications for vocational  
8 education courses and programs;9 ~~(4)~~ (d) criteria for approval of vocational education  
10 courses and programs which are to receive financial  
11 assistance;12 ~~(5)~~ (e) a basis for apportionment of all moneys  
13 appropriated ~~by the legislature~~ for vocational education in  
14 accordance with the intent of the legislature as reflected  
15 in the terms of the appropriation;16 ~~(6)~~ (f) a basis for apportionment of all moneys  
17 received by the state of Montana for vocational education  
18 from the federal government in accordance with the ~~acts~~ acts  
19 of ~~Congress~~ Congress;20 ~~(7)~~ (g) a system of evaluation of vocational education  
21 which allows for consideration of the current and projected  
22 manpower needs and job opportunities; and23 ~~(8)~~ (h) any other policy not inconsistent with public  
24 law and which is necessary for the proper operation of a  
25 system of vocational education.



1 must be made in accordance with the following procedure:

2 (1) The trustees of any high school district, of a  
 3 county high school, of a community college district, or the  
 4 ~~governing board of any unit of the Montana university system~~  
 5 board of regents of higher education may submit an  
 6 application for designation of a ~~post-secondary~~  
 7 postsecondary vocational-technical center to be operated by  
 8 such trustees or ~~governing~~ board. The application for  
 9 designation shall be submitted in accordance with the time,  
 10 data, and form requirements prescribed by the board of  
 11 public education. Applicant high school districts, county  
 12 high schools, or community college districts shall be  
 13 located in a county with a taxable valuation of at least  
 14 ~~forty-five million dollars (\$45,000,000)~~ million.

15 (2) Applications are to be presented to the  
 16 ~~superintendent of public instruction acting in his capacity~~  
 17 ~~as the executive ADMINISTRATIVE officer~~ for vocational  
 18 education ~~of the board of education~~. The ~~superintendent of~~  
 19 ~~public instruction~~ executive ADMINISTRATIVE officer shall  
 20 review the application and present it to the board of public  
 21 education along with his recommendations. The board of  
 22 public education shall then examine the application and  
 23 recommendations of the ~~superintendent of public instruction~~  
 24 executive ADMINISTRATIVE officer and either adopt the  
 25 recommendations of the ~~superintendent of public instruction~~

1 ~~executive~~ ADMINISTRATIVE officer or draft its own  
 2 recommendations. The application, together with all  
 3 recommendations shall be presented by the board of public  
 4 education to the next following ~~legislative assembly~~  
 5 legislature.

6 (3) The board of public education shall recognize the  
 7 presently designated ~~post-secondary~~ postsecondary  
 8 vocational-technical centers operated by the respective  
 9 board of trustees of school district number 1 of Silver Bow  
 10 County, high school district number 1 of Lewis and Clark  
 11 County, high school district "A" of Cascade County, Missoula  
 12 County high school, and high school district number 2 of  
 13 Yellowstone County."

14 Section 4. Section 75-7710, R.C.M. 1947, is amended to  
 15 read as follows:

16 "75-7710. Local administration. The trustees ~~of~~  
 17 ~~governing board~~ of a ~~post-secondary~~ postsecondary  
 18 vocational-technical center shall ~~administer such~~ operate  
 19 the center according to ~~the requirements of~~ the laws of the  
 20 state of Montana, the policies of the board of public  
 21 education, and the regulations of the ~~superintendent of~~  
 22 ~~public instruction~~ executive ADMINISTRATIVE officer for  
 23 vocational education. If, in construing such laws, there is  
 24 a conflict between the laws providing for ~~post-secondary~~  
 25 postsecondary vocational-technical centers and any other

1 laws governing the operation of schools, the former shall  
 2 have the controlling authority. THIS ACT DOES NOT TRANSFER  
 3 AUTHORITY OF HIRING EMPLOYEES FROM THE LOCAL DISTRICT TO THE  
 4 STATE.

5 Section 5. Section 75-7714, R.C.M. 1947, is amended to  
 6 read as follows:

7 "75-7714. ~~Part~~ Student fees and disposition of  
 8 collected fees. (1) Fees for the use of equipment and  
 9 material used in instruction and training may be charged by  
 10 the trustees ~~or other governing board~~ of the ~~post-secondary~~  
 11 postsecondary vocational-technical center. The board of  
 12 public education shall prescribe the basis and limitations  
 13 for the charging of such fees.

14 (2) Fees collected by the ~~post-secondary~~ postsecondary  
 15 vocational-technical center shall be deposited with the  
 16 county treasurer in the fund designated by the  
 17 ~~superintendent of public instruction~~ board of public  
 18 education for the receipt of such fees. The expenditure of  
 19 the fees shall not be subject to budget limitations and  
 20 shall be in addition to the program budgets approved by the  
 21 board of public education."

22 Section 6. Section 75-5704, R.C.M. 1947, is amended to  
 23 read as follows:

24 "75-5704. Staff. The superintendent of public  
 25 instruction ~~shall have the power to~~ may employ, organize,

1 and administer a staff of personnel to assist him in the  
 2 administration of the duties and services of the office. In  
 3 organizing his staff, the superintendent of public  
 4 instruction shall employ:

5 (1) a supervisor of physical education who is a  
 6 graduate of an accredited institution of higher education  
 7 with a master's degree in physical education; and

8 ~~(2) a professional staff for the state supervision and~~  
 9 ~~administration of vocational education in accordance with~~  
 10 ~~the provisions of section 75-7703; and~~

11 ~~(2)~~ (2) a special education supervisor who is a  
 12 graduate of an accredited institution of higher education  
 13 with a master's degree in a field of special education for  
 14 the mentally retarded or physically handicapped, and who has  
 15 not less than ~~two~~ 2 years experience in special education."

16 Section 7. Section 75-5707, R.C.M. 1947, is amended to  
 17 read as follows:

18 "75-5707. Powers and duties. The superintendent of  
 19 public instruction shall have the general supervision of the  
 20 public schools and districts of the state, and he shall have  
 21 the power and shall perform the following duties or acts in  
 22 implementing and enforcing the provisions of this ~~Title~~  
 23 title:

24 (1) resolve any controversy resulting from the  
 25 proration of joint costs by a joint board of trustees under

1 the provisions of ~~sections~~ 75-5929;

2 (2) issue, renew, or deny teacher certification and  
 3 emergency authorizations of employment and give notice of  
 4 teacher certification suspension or revocation proceedings  
 5 to be conducted by the board of education in accordance with  
 6 the provisions of the teacher certification chapter of this  
 7 ~~Title title~~;

8 (3) negotiate reciprocal tuition agreements with other  
 9 states in accordance with the provisions of ~~sections~~ 75-6318;

10 (4) pay the tuition for the residents of the Montana  
 11 children's center at Twin Bridges high school in accordance  
 12 with the provisions of ~~sections~~ 75-6319;

13 (5) serve on the teachers' retirement board in  
 14 accordance with the provisions of ~~sections~~ 75-6203;

15 (6) prescribe absentee voting forms and rules in  
 16 accordance with the provisions of ~~sections~~ 75-6416;

17 (7) approve or disapprove the orders of a high school  
 18 boundary commission in accordance with the provisions of  
 19 ~~sections~~ 75-6528;

20 (8) approve or disapprove the opening or reopening of  
 21 a school in accordance with the provisions of ~~sections~~  
 22 75-6602, 75-6603, 75-6604, or 75-6605;

23 (9) approve or disapprove school isolation within the  
 24 limitations prescribed by ~~sections~~ 75-6608;

25 (10) generally supervise the school budgeting

1 procedures prescribed by law in accordance with the  
 2 provisions of ~~sections~~ 75-6702, and prescribe the school  
 3 budget format in accordance with the provisions of ~~sections~~  
 4 75-6704 and 75-7209;

5 (11) establish a system of communication for  
 6 calculating joint district revenues in accordance with the  
 7 provisions of ~~sections~~ 75-6721;

8 (12) approve or disapprove the adoption of a  
 9 district's emergency budget resolution under the conditions  
 10 prescribed in ~~sections~~ 75-6725, and publish rules ~~and~~  
 11 ~~regulations~~ for an application for additional state aid for  
 12 an emergency budget in accordance with the approval and  
 13 disbursement provisions of ~~sections~~ 75-6729;

14 (13) generally supervise the school financial  
 15 administration provisions as prescribed by ~~sections~~ 75-6802;

16 (14) appoint the responsible county officials for the  
 17 performance of the budgeting duties and the financial  
 18 administration duties for a joint district in accordance  
 19 with the provisions of ~~sections~~ 75-6720 and 75-6803;

20 (15) prescribe and furnish the annual report forms to  
 21 enable the districts to report to the county superintendent  
 22 in accordance with the provisions of subsection (5) of  
 23 ~~sections~~ 75-6806, and the annual report forms to enable the  
 24 county superintendents to report to the superintendent of  
 25 public instruction in accordance with the provisions of

1 ~~section~~ 75-5809;

2 (16) approve, disapprove, or adjust an increase of the

3 average number belonging (ANB) in accordance with the

4 provisions of ~~sections~~ 75-6903 and 75-6904;

5 (17) distribute state equalization aid in support of

6 the foundation program in accordance with the provisions of

7 ~~sections~~ 75-6908, 75-6918, and 75-6919;

8 (18) estimate the state-wide equalization level for

9 the foundation program in accordance with the provisions of

10 ~~section~~ 75-6920;

11 (19) distribute state impact aid in accordance with

12 the provisions of ~~section~~ 75-6925;

13 (20) provide for the uniform and equal provision of

14 transportation by performing the duties prescribed by the

15 provisions of ~~section~~ 75-7005;

16 (21) approve or disapprove an adult education program

17 for which a district proposes to levy a tax in accordance

18 with the provisions of ~~section~~ 75-7207;

19 (22) request, accept, deposit, and expend federal

20 moneys in accordance with the provisions of ~~section~~ 75-7303;

21 (23) authorize the use of federal moneys for the

22 support of an interlocal ~~co-operative~~ cooperative agreement

23 in accordance with the provisions of ~~sections~~ 75-7306 and

24 75-7307;

25 (24) prescribe the form and contents of and approve or

1 disapprove interstate contracts in accordance with the

2 provisions of ~~section~~ 75-7308;

3 (25) approve or disapprove the conduct of school on a

4 Saturday or on pupil-instruction-related days in accordance

5 with the provisions of ~~sections~~ 75-7404 and 75-7405;

6 (26) recommend standards of accreditation for all

7 schools to the board of education, and evaluate compliance

8 with such standards and recommend accreditation status of

9 every school to the board of education in accordance with

10 the provisions of ~~sections~~ 75-7501 and 75-7502;

11 (27) collect and maintain a file of curriculum guides

12 and assist schools with instructional programs in accordance

13 with the provisions of ~~sections~~ 75-7505 and 75-7506;

14 (28) recommend the scope of conservation education in

15 the schools to the board of education in accordance with the

16 provisions of ~~section~~ 75-7509;

17 (29) establish and maintain a library of visual,

18 aural, and other educational media in accordance with the

19 provisions of ~~section~~ 75-7511;

20 (30) license textbook dealers, maintain a textbook

21 library, initiate prosecution of textbook dealers violating

22 the law, and supply a textbook listing in accordance with

23 the provisions of the textbooks chapter of this Title title;

24 ~~(31) administer and perform the duties as the~~

25 ~~executive officer of the board of education for vocational~~

1 ~~education in accordance with the provisions of section~~  
 2 ~~75-7703;~~  
 3 ~~(32) consider applications for the designation of a~~  
 4 ~~post-secondary vocational technical center in accordance~~  
 5 ~~with the provisions of section 75-7707;~~  
 6 ~~(33) establish a fund for the handling of~~  
 7 ~~post-secondary vocational technical center fees in~~  
 8 ~~accordance with the provisions of section 75-7714;~~  
 9 ~~(34)~~ (31) supervise and ~~co-ordinate~~ coordinate the  
 10 conduct of special education in the state in accordance with  
 11 the provisions of ~~section~~ 75-7803;  
 12 ~~(35)~~ (32) administer the traffic education program in  
 13 accordance with the provisions of ~~section~~ 75-7904;  
 14 ~~(36)~~ (33) administer the school food services program  
 15 in accordance with the provisions of ~~sections~~ 75-8002,  
 16 75-8003, and 75-8004;  
 17 ~~(37)~~ (34) determine the result of an organization  
 18 election for a community college district and the related  
 19 election of trustees in accordance with the provisions of  
 20 ~~section~~ 75-8112;  
 21 ~~(38)~~ (35) review school building plans and  
 22 specifications in accordance with the provisions of ~~section~~  
 23 75-8206;  
 24 ~~(39)~~ (36) publish and distribute fire danger books in  
 25 accordance with the provisions of ~~section~~ 75-8309;

1 ~~(40)~~ (37) prescribe the method of identification and  
 2 signals to be used by school safety patrols in accordance  
 3 with the provisions of ~~section~~ 75-8310; and  
 4 ~~(41)~~ (38) perform any other duty prescribed from time  
 5 to time by this ~~title~~ title, any other act of the  
 6 legislature, or the policies of the board of public  
 7 education."  
 8 Section 8. Section 75-7303, R.C.M. 1947, is amended to  
 9 read as follows:  
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 11 for state. (1) The governor and the superintendent of public  
 12 instruction are authorized on behalf of the state of Montana  
 13 to request and accept such moneys as are now or will be made  
 14 available under any act of ~~Congress~~ congress of the United  
 15 States, or otherwise, for purposes of public school building  
 16 construction or for any other purposes of public schools and  
 17 public education as permitted under the laws of the state of  
 18 Montana and as authorized by the grants from the federal  
 19 government. Such moneys shall be deposited by the governor  
 20 and superintendent of public instruction in the state  
 21 treasury, and are appropriated and made available to the  
 22 superintendent of public instruction. All such moneys shall  
 23 be expended for the purpose of public school building  
 24 construction or for any other purposes of public schools and  
 25 public education as permitted under the laws of the state of

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 2 government. The governor and superintendent of public  
 3 instruction are further authorized on behalf of the state of  
 4 Montana to accept moneys provided from federal sources for  
 5 the express purpose of distribution to nonpublic education.  
 6 Such moneys shall be deposited by the governor and  
 7 superintendent of public instruction in the state treasury,  
 8 and are appropriated and made available to the  
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 10 be distributed in the manner provided by the laws of the  
 11 state of Montana and as authorized or expressed by grants  
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 13 federal sources under this section shall be made under the  
 14 supervision and in the discretion of the superintendent of  
 15 public instruction. Any balance in the account in which such  
 16 moneys are maintained shall not lapse at any time, but shall  
 17 be continuously available to the superintendent of public  
 18 instruction for expenditures consistent with this act and  
 19 acts of the federal government.

20 (2) The governor and the executive officer for  
 21 vocational education BOARD OF PUBLIC EDUCATION are  
 22 authorized on behalf of the state of Montana to request and  
 23 accept moneys for vocational education made available under  
 24 any act of congress of the United States or otherwise for  
 25 any purpose of vocational education as permitted under the

1 laws of the state of Montana and as authorized by the grants  
 2 from the federal government. Such money shall be deposited  
 3 by the governor and the executive officer for vocational  
 4 education BOARD OF PUBLIC EDUCATION in the state treasury  
 5 and are appropriated and made available to the executive  
 6 officer for vocational education BOARD OF PUBLIC EDUCATION.  
 7 All expenditures of moneys from federal sources under this  
 8 section shall be made under the supervision and in the  
 9 discretion of the executive officer for vocational education  
 10 as provided for by the policies of the board of public  
 11 education."

-End-