

## COMMITTEE OF THE WHOLE AMENDMENT

MR. CHAIRMAN: I MOVE TO AMEND

### STATEMENT OF INTENT - HOUSE BILL No. 864

A statement of intent is required for House Bill No. 864 in that it delegates rulemaking and licensing authority to the Board of Public Education in Section 9.

The intent of this bill is to establish a certification category for non-teaching school personnel. It is not intended to restrict or authorize the practice of any profession outside of the public school system.

Specialist certificates may be developed in areas such as school psychology or school nursing.

Experience requirements for certification should range from 0 to 3 years depending upon the profession involved and the needs of the public schools. Education and training equivalencies may be considered for purposes of compliance with experience requirements.

Education and training standards should require no less than a bachelor's degree with some additional specialized training. Specialized training may include an appropriate internship or college-based training program.

The standards should require some degree of training or experience that is directly related to the practice of the profession in a school setting.

A state licensing board license may be made a Board of Education requirement for specialist certification.

D. R.

March 21, 1972

MR. President

We, your committee on Education

having had under consideration House Bill No. 534

Enidaily (McCallum and Vassender)

Respectfully report as follows: That House Bill No. 534  
third reading bill, be amended as follows:

1. Title, lines 12 and 13.

Following: "CENTERS;"

Strike: "AND"

Following: "SECTIONS"

Insert: "20-1-101, 20-2-121, 20-3-103, 20-3-104, 20-3-106,"

Following: "20-7-301"

Strike: ", 20-7-302,"

Insert: "THROUGH 20-7-303, 20-7-311,"

Following: "20-7-312,"

Strike: "AND 20-7-324"

Insert: "20-7-314, 20-7-322 THROUGH 20-7-325, 20-7-331, AND 20-7-333"

Following: "MCA"

Insert: "; AND REPEALING SECTION 20-7-302, MCA"

2. Page 1, line 17.

Following: "Duties of"

Strike: "board of public education"

Insert: "the superintendent of public instruction"

RQ.PASS.

continued

3. Page 1, line 18.  
Following: line 17  
Strike: "board of public education"  
Insert: "superintendent of public instruction"  
Following: "governing"  
Strike: "board"  
Insert: "agent and executive officer"
4. Page 1, lines 19 and 20.  
Following: "The"  
Strike: "board of public education"  
Insert: "superintendent of public instruction"
5. Page 1, line 20.  
Following: "adopt"  
Insert: "and administer"
6. Page 2, line 2.  
Following: "the"  
Strike: "board of public education"  
Insert: "superintendent of public instruction"
7. Page 3, lines 10 and 11.  
Following: "the" on line 10  
Strike: "board of public education"  
Insert: "superintendent of public instruction"
8. Page 3, line 15.  
Following: line 14  
Strike: "board of public education"  
Insert: "superintendent of public instruction"
9. Page 3, line 21 through line 10 on page 5.  
Following: line 20 on page 3  
Strike: section 2 in its entirety  
Re-number: subsequent sections
10. Page 5, lines 13 and 14.  
Following: "appointed"  
Strike: "in accordance with the provisions of 20-7-302(3)"  
Insert: "by the superintendent of public instruction"
11. Page 5, lines 15 through 16.  
Following: "(1)"  
Strike: lines 15 through 16 in their entirety  
Insert: "administer the vocational education policies adopted by the superintendent of public instruction;  
(2) prepare curriculum guides for superintendent of public instruction adoption;  
(3) employ, with the confirmation of the superintendent of public instruction, the professional staff necessary for the state supervision and administration of vocational education;  
(4) report the status of vocational education in the state of

- Montana when requested by the superintendent of public instruction;
- (5) keep all vocational education records in his office;
  - (6) provide vocational education supervisory and consultative assistance to districts;
  - (7) provide a postsecondary vocational-technical center system policy and procedural handbook for institutional operations that will standardize operations among the centers;
  - (8) identify and direct the county treasurer in those counties where postsecondary vocational-technical centers are located to establish the necessary multifund structures for postsecondary vocational-technical center financial operations;
  - (9) meet with the chairman of the board of trustees, district superintendent, and center director of each postsecondary vocational-technical center at least twice each year to discuss recommended changes in the superintendent of public instruction's policies and procedures;"

Renumber: subsequent subsections

12. Page 6, line 7.  
Following: "needs;"  
Insert: "and"

13. Page 6, lines 8 and 9.  
Following: "the"  
Strike: "executive officer"  
Insert: "superintendent of public instruction"

14. Page 6, lines 15 and 16.  
Following: "of the"  
Strike: "board of public education, and the regulations of the"  
Insert: "superintendent of public instruction"

15. Page 6, line 21.  
Following: line 20  
Strike: "executive officer for vocational education"

16. Page 7, line 21.  
Following: "the"  
Strike: "board of public education"  
Insert: "superintendent of public instruction"

17. Page 7, lines 23 and 24.  
Following: "the"  
Strike: "board of public education"  
Insert: "superintendent of public instruction"

18. Page 8, lines 7 and 8.  
Following: "budgets --"  
Strike: "board of public education"  
Insert: "superintendent of public instruction"

19. Page 8, line 9.

Following: "by the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

20. Page 8, line 21.

Following: "mill"

Strike: "2"

Insert: "1-1/4"

Following: "MILLS"

Insert: "for calendar year 1979 and 1 1/2 mills thereafter"

21. Page 9, line 2.

Following: "the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

22. Page 10, line 6.

Following: "of the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

23. Page 10, line 13.

Following: "The"

Strike: "board of public education"

Insert: "superintendent of public instruction"

24. Page 10, line 14.

Following: "(a)7"

Strike: "."

Insert: "and"

25. Page 10, line 16.

Following: "the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

26. Page 10, line 20.

Following: "The"

Strike: "board of public education"

Insert: "superintendent of public instruction"

27. Page 10, lines 24 and 25.

Following: "by the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

28. Page 11, lines 6 through 12.

Following: "the" on line 6

Strike: remainder of line 6 through "employees" on line 12

Insert: "amount appropriated by the legislature for salaries and benefits. The legislature shall base the appropriation for salaries and benefits on amounts appropriated in the previous legislative session"

29. Page 11, line 21.

Following: "20-7-324"

Strike: "(e)"

Insert: "(d)"

30. Page 11, line 25.

Following: "the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

31. Page 12, line 7.

Following: line 6.

Insert: "SECTION 8. SECTION 20-1-101, MCA, IS AMENDED TO READ:

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

(subsections (1) through (7) remain the same)

(8) "Postsecondary vocational-technical center" means a school used principally for the provision of postsecondary vocational-technical education to persons who qualify as postsecondary vocational-technical pupils. These centers are designated by the board-of-public-education superintendent of public instruction upon direction by the legislature. All other public or private schools are hereby prohibited from using this title.

(9) "Postsecondary vocational-technical education" means vocational-technical education of postsecondary vocational-technical pupils which is conducted by a postsecondary vocational-technical center or other programs as designated by the board-of-public-education superintendent of public instruction. Postsecondary vocational-technical education shall include the 13th and 14th year and beyond but will not include work toward a baccalaureate degree.

(subsections (10) through (25) remain the same)"

SECTION 9. SECTION 20-2-121, MCA, IS AMENDED TO READ:

"20-2-121. Board of public education -- powers and duties. The board of public education shall:

(subsections (1) through (8) remain the same)

~~(9) -- as the governing board of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;~~

~~(10) -- consider applications for postsecondary vocational-technical center designation in accordance with the provisions of 20-7-311;~~

~~(11) -- for the purposes of postsecondary vocational-technical centers, approve or disapprove programs and budgets, direct the distribution of moneys in support of such budgets, determine tuition rates and fees, and enter into lease agreements or real property purchases in accordance with the postsecondary vocational-technical center provisions of the vocational education part of this title;~~

~~(12) (9) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;~~

~~(13) (10) perform any other duty prescribed from time to time by this title or any other act of the legislature."~~

SECTION 10. SECTION 20-3-103, MCA, IS AMENDED TO READ:

"20-3-103. Deputy superintendent -- staff. (1) The state superintendent of public instruction shall appoint a deputy who, in the absence of the principal or in the case of vacancy in his office, shall perform all the duties of office until such disability be removed or vacancy be filled. Such deputy shall subscribe, take, and file the oath of office provided by law for other state officers before entering upon the performance of his duties.

(2) The superintendent of public instruction shall have the power to employ, organize, and administer a staff of personnel to assist him in the administration of the duties and services of the office. In organizing his staff, the superintendent of public instruction shall employ:

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

(b) a professional staff for the state supervision and administration of vocational education in accordance with the provisions of 20-7-302; and

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

SECTION 11. SECTION 20-3-104, MCA, IS AMENDED TO READ:

"20-3-104. Discretionary staff. In addition to the positions of employment listed in 20-3-103, the superintendent of public instruction may employ:

(1) one or more assistant superintendents, one of whom may be designated, with the approval of the board of public education, as assistant superintendent for vocational education;

(subsections (2) through (7) remain the same)"

SECTION 12. SECTION 20-3-106, MCA, IS AMENDED TO READ:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(subsections (1) through (27) remain the same)

(28) administer and perform the duties as the executive officer of the board of public education for vocational education in accordance with the provisions of 20-7-302; as the governing agent and executive officer of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(subsections (29) through (36) remain the same)"

SECTION 13. SECTION 20-7-303, MCA, IS AMENDED TO READ:

"20-7-303. District authorization to establish and maintain vocational education courses and programs. The trustees of any district, community college district, or unit of the Montana university system may establish and maintain a vocational education course or program that complies with the vocational education standards adopted by the board of public education superintendent.

of public instruction. In order for a course or program to be eligible for state or federal financing, it shall be approved by the board-of-public-education superintendent of public instruction."

SECTION 14. SECTION 20-7-311, MCA, IS AMENDED TO READ:

"20-7-311. Postsecondary vocational-technical center designation.

(1) Postsecondary vocational-technical centers shall be designated by the board-of-public-education superintendent of public instruction only upon direction of the legislature. Applications for designation must be made in accordance with the following procedure:

(a) The trustees of any high school district, of a county high school, of a community college district, or the governing board of any unit of the Montana university system may submit an application for designation of a postsecondary vocational-technical center to be operated by such trustees or governing board. The application for designation shall be submitted in accordance with the time, data, and form requirements prescribed by the board-of-public-education superintendent of public instruction. Applicant high school districts, county high schools, or community college districts shall be located in a county with a taxable valuation of at least \$45 million.

(b) Applications are to be presented to the superintendent of public instruction ~~acting-in-his-capacity-as-the-executive-officer-for-vocational-education-of-the-board-of-public-education~~. The superintendent of public instruction shall ~~review-the-application-and-present-it-to-the-board-of-public-education-along-with-his-recommendations--The-board-of-public-education-shall-then-examine~~ the application and ~~recommendations-of-the-superintendent-of-public-instruction-and-either-adopt-the-recommendations-of-the-superintendent-of-public-instruction-or~~ draft its own recommendations. The application, together with all recommendations, shall be presented by the board-of-public-education superintendent of public instruction to the next following legislature.

(2) The board-of-public-education superintendent of public instruction shall recognize the presently designated postsecondary vocational-technical centers operated by the respective board of trustees of school district number 1 of Silver Bow County, high school district number 1 of Lewis and Clark County, high school district "A" of Cascade County, Missoula County high school, and high school district number 2 of Yellowstone County."

SECTION 15. SECTION 20-7-314, MCA, IS AMENDED TO READ:

"20-7-314. Lease or purchase of state property for postsecondary vocational-technical center purposes. (1) The state of Montana, acting by and through the board-of-public-education superintendent of public instruction, is hereby empowered and authorized to enter into a lease agreement for a term not to exceed 40 years in order to lease to a district operating a postsecondary vocational-technical center any building or lands owned by the state and financed in whole or in part by an appropriation made by the legislature of the state of Montana



for the purpose of supporting the district's postsecondary vocational-technical center. The consideration necessary to support such a lease may be nominal.

(2) The board-of-public-education superintendent of public instruction is hereby authorized to transfer or direct transfer of title held by the state of Montana in buildings or lands financed in whole or in part by an appropriation by the state legislature to a district operating a postsecondary vocational-technical center, at any time the board-of-public-education superintendent of public instruction deems such transfer to be in the best interests of both the state and the district involved, provided that this authorization extends only to buildings or lands which are to be used by the district for postsecondary vocational-technical education purposes."

SECTION 16. SECTION 20-7-322, MCA, IS AMENDED TO READ:

"20-7-322. State treasurer custodian of vocational education moneys. The treasurer of the state of Montana is hereby designated as the custodian of all federal and state moneys designated, appropriated, or apportioned for vocational education. All moneys received from any federal or state source for the establishment, operation, or furtherance of vocational education in the state shall be deposited with the state treasurer. At the direction of the board-of-public-education superintendent of public instruction, he shall disburse all moneys appropriated or received for vocational education."

SECTION 17. SECTION 20-7-323, MCA, IS AMENDED TO READ:

"20-7-323. Program and budget categories for postsecondary vocational-technical education centers. (1) The board-of-public-education superintendent of public instruction shall have the sole authority for the approval of the postsecondary vocational-technical education programs and their budgets. Such programs and budgets shall be placed into three categories defined as:

(subsections (1) (a), (1) (b), and (1) (c) remain the same)

(2) The trustees of the designated district or other governing board where the postsecondary vocational-technical center is located shall submit program proposals and the related budgets on the basis of these categories and in accordance with the program and budget approval procedure prescribed by the board-of-public-education superintendent of public instruction."

SECTION 18. SECTION 20-7-325, MCA, IS AMENDED TO READ:

"20-7-325. Postsecondary vocational-technical center fund.  
(1) Whenever an approved postsecondary vocational-technical center under the provisions of 20-7-311 is operated within a district, the trustees of such district shall establish a postsecondary vocational-technical center fund. All moneys prescribed and received under the provisions of 20-7-322 shall be credited to the postsecondary vocational-technical center fund. The expenditure of the moneys deposited in the postsecondary vocational-education center fund shall be made under the budget and for the programs approved by the board-of-public-education superintendent of public instruction."

superintendent of public instruction under the provisions of 20-7-323 and the financial administration provisions of this title.

(2) The approval of the postsecondary vocational-technical center budget and subsequent revision or amendment of such budget by the board-of-public-education superintendent of public instruction shall constitute the final budget approval, and the inclusion of such fund in the district's preliminary budget and the final budget approved by the budget board shall not be required.

(subsection (3) remains the same)"

SECTION 19. SECTION 20-7-332, MCA, IS AMENDED TO READ:

"20-7-332. Waiver of tuition for Montana residents and setting non-resident tuition rates. (1) Tuition shall not be charged to any resident of the state of Montana by the governing board of any postsecondary vocational-technical center. However, nonresidents may be charged tuition at rates determined by the board-of-public-education superintendent of public instruction.

(subsection (2) remains the same)"

SECTION 20. SECTION 20-7-333, MCA, IS AMENDED TO READ:

"20-7-333. Pupil fees and disposition of collected fees.

(1) Fees for the use of equipment and material used in instruction may be charged by the trustees or other governing board of the postsecondary vocational-technical center. The board-of-public-education superintendent of public instruction shall prescribe the basis and limitations for the charging of such fees.

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

Section 21. Repealer. Section 20-7-302, MCA, is repealed."

And, as so amended, BE CONCURRED IN

Chairman