

Propiler
House BILL NO. *65* *McFadden, Weese, J.*
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A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 75-5607 AND 75-5707, R.C.M. 1947, TO EMPOWER THE BOARD OF PUBLIC EDUCATION TO OVERSEE ORGANIZATIONS WHOSE PURPOSE IS TO REGULATE INTERSCHOLASTIC ACTIVITIES, AND TO APPOINT TWO MEMBERS TO SERVE AS MEMBERS OF THE BOARD OF DIRECTORS OF SUCH ORGANIZATIONS; TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO APPOINT A REPRESENTATIVE TO THE BOARD OF DIRECTORS OF SUCH ORGANIZATIONS; AND LIMITING THE POWER OF SCHOOL DISTRICTS TO JOIN ORGANIZATIONS NOT OVERSEEN BY THE BOARD."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 Section 1. Section 75-5607, R.C.M. 1947, is amended to read as follows:

"75-5607. Powers and duties. The board of education shall have the power and it shall be its duty to:

(1) effect an orderly and uniform system of teacher certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by sections 75-6002 and 75-6011;

(2) consider the suspension or revocation of teacher certificates, and appeals from the denial of teacher

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certification in accordance with the provisions of section 75-6010;
 (3) administer and order the distribution of state equalization aid in accordance with the provisions of section 75-6917;
 (4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of section 75-7004;
 (5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of section 75-7403;
 (6) adopt policies prescribing the conditions when school may be conducted on Saturday, and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of sections 75-7404 and 75-7405;
 (7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of sections 75-7501 and 75-7502;
 (3) establish the scope of conservation education in the schools in accordance with the provisions of section 75-7505;
 (3) approve or disapprove educational media selected by the superintendent of public instruction for the

1 educational media library in accordance with the provisions
2 of section 75-7511;

3 (10) as the governing board of the state of Montana
4 for vocational education, adopt the policies prescribed by
5 and in accordance with the provisions of section 75-7702;

6 (11) consider applications for post-secondary
7 vocational-technical center designation in accordance with
8 the provisions of section 75-7707;

9 (12) for the purposes of post-secondary
10 vocational-technical centers, approve or disapprove programs
11 and budgets, direct the distribution of moneys in support of
12 such budgets, determine tuition rates and fees, enter into
13 lease agreements or real property purchases in accordance
14 with the post-secondary vocational-technical center
15 provisions of the vocational education chapter of this
16 Title;

17 (13) adopt policies for the conduct of special
18 education in accordance with the provisions of section
19 75-7802;

20 (14) supervise community college districts in
21 accordance with the provisions of sections 75-8103 and
22 75-8119;

23 (15) call an election, determine the results of the
24 election, order and implement the organization of a
25 community college district in accordance with the community

1 college districts chapter of this Title; and

2 (16) approve all rules or regulations and changes
3 therein promulgated by an association or organization whose
4 purpose is to regulate inter-scholastic activity involving
5 public schools;

6 (17) review quarterly the financial statements, and
7 annually the audit, of an association or organization
8 attempting to regulate inter-scholastic activity involving
9 public schools;

10 (18) appoint two (2) members to serve as members with
11 full privileges on the board of directors or board of
12 control of an association or organization whose purpose is
13 to regulate inter-scholastic activity involving public
14 schools, and

15 ~~(16)~~ (19) perform any other duty prescribed from time
16 to time by this Title or any other act of the legislature."

17 Section 2. Section 75-5707, R.C.M. 1947, is amended to
18 read as follows:

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

8 (3) negotiate reciprocal tuition agreements with other
9 states in accordance with the provisions of section 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 section 75-6319;

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

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

17 (7) approve or disapprove the orders of a high school
18 boundary commission in accordance with the provisions of
19 section 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 section 75-6603;

25 (10) generally supervise the school budgeting

1 procedures prescribed by law in accordance with the
2 provisions of section 75-6702, and prescribe the school
3 budget format in accordance with the provisions of ~~section~~
4 sections 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 section 75-6721;

8 (12) approve or disapprove the adoption of a
9 district's emergency budget resolution under the conditions
10 prescribed in section 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 section 75-6729;

14 (13) generally supervise the school financial
15 administration provisions as prescribed by section 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 75-6700 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 section 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 agreement in
23 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;

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) supervise and co-ordinate the conduct of special
10 education in the state in accordance with the provisions of
11 section 75-7803;

12 (35) administer the traffic education program in
13 accordance with the provisions of section 75-7904;

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

17 (37) determine the result of an organization election
18 for a community college district and the related election of
19 trustees in accordance with the provisions of section
20 75-3112;

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

23 (39) publish and distribute fire danger books in
24 accordance with the provisions of section 75-3309;

25 (40) prescribe the method of identification and

1 provisions of section 75-8310; and

2 (41) appoint a representative to serve as a member with
3 full privileges on the board of directors or the board of
4 control of associations or organizations whose purpose is to
5 regulate interscholastic activity involving public schools;
6 and

7 ~~(41)~~-(42) perform any other duty prescribed from time
8 to time by this Title, any other act of the legislature, or
9 the policies of the board of education."

10 Section 3. There is a new R.C.M. section that reads as
11 follows:

12 Limitation of power. The board of trustees of a school
13 district may not be a member of an association or
14 organization that sponsors or attempts to regulate
15 interscholastic activity unless the association or
16 organization subjects its rules and regulations to the state
17 board of public education for approval, files financial
18 statements at regular intervals with the state board of
19 public education, and has a representative of the
20 superintendent of public instruction with full privileges on
21 its board of directors or board of control.

-End-