

1 *House* BILL NO. *566*  
 2 INTRODUCED BY *Quadrone - Thomas Harper*  
 3 **VINCENT**  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DESIGNATE THE STATE  
 5 BOARD OF EDUCATION AS THE STATE BOARD OF VOCATIONAL  
 6 EDUCATION THAT SHALL APPOINT AN ADMINISTRATIVE COMMITTEE  
 7 RESPONSIBLE FOR ADMINISTERING VOCATIONAL EDUCATION AND  
 8 HIRING THE EXECUTIVE OFFICER FOR VOCATIONAL EDUCATION;  
 9 AMENDING SECTIONS 75-5607, 75-5617, 75-5707, 75-7701 THROUGH  
 10 75-7704, 75-7706 THROUGH 75-7710, 75-7712, 75-7714, AND  
 11 75-7715, R.C.M. 1947."

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

16 "75-7702. Duties of the state board of vocational  
 17 education. ~~The--board--of--education--shall--be--the--governing~~  
 18 ~~board--of--the--state--of--Montana--for--vocational--education.~~ The  
 19 state board of education shall be designated as the state  
 20 board of vocational education. (1) The state board of  
 21 vocational education shall adopt policies to effect the  
 22 orderly development of a system of vocational education that  
 23 is adaptable to changing needs, controlled to prevent  
 24 unnecessary duplication, co-ordinated with federal  
 25 guidelines and requirements for vocational education, and

1 funded to ensure growth and quality programming. In order to  
 2 accomplish the orderly development of a system of vocational  
 3 education, the board ~~of-education~~ policies shall include:  
 4 ~~(1)~~--(a) a state plan for such development;  
 5 ~~(2)~~--(b) standards for vocational education courses  
 6 and 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 of  
 19 Congress;  
 20 ~~(7)~~--(g) a system of evaluation of vocational  
 21 education which allows for consideration of the current and  
 22 projected manpower needs and job opportunities; and  
 23 ~~(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       (2) The state board of vocational education shall  
 2 appoint an administrative committee to be made up of three  
 3 (3) members from the board of public education and two (2)  
 4 members from the board of regents. The chairman of the  
 5 administrative committee shall be selected from among the  
 6 members of the board of public education.

7       (3) The administrative committee shall be responsible  
 8 for the administration of the policies adopted by the state  
 9 board of vocational education for the state of Montana and  
 10 shall employ the executive officer for vocational  
 11 education."

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

14       "~~75-7703. Duties of superintendent---of---public~~  
 15 ~~instruction--as--executive--officer~~ executive officer for  
 16 ~~vocational education. The---superintendent---of---public~~  
 17 ~~instruction--shall--be--the--executive--officer--of--the--board--of~~  
 18 ~~education--for--the--administration--of~~ The executive officer  
 19 ~~for vocational education shall administer~~ all state and  
 20 federal laws related to vocational education. As In addition  
 21 the executive officer,--the---superintendent---of---public  
 22 instruction shall:

23       (1) administer the vocational education policies  
 24 adopted by the state board of vocational education;

25       (2) prepare curriculum guides for vocational education

1 board ~~of-education~~ adoption;

2       (3) employ, with the confirmation of the ~~board--of~~  
 3 ~~education administrative committee~~, the ~~professional~~ staff  
 4 necessary for the state supervision and administration of  
 5 vocational education, including the postsecondary  
 6 vocational-technical center directors;

7       (4) report the status of vocational education in the  
 8 state of Montana when annually and in a form requested by  
 9 the ~~board-of-education administrative committee;~~

10       (5) keep all vocational education records in his  
 11 office; and

12       (6) provide vocational education supervisory and  
 13 consultative assistance to ~~districts~~ schools;

14       (7) develop a policy manual for the  
 15 vocational-technical centers that specifies standard  
 16 procedures for administration of the centers."

17       Section 3. Section 75-5617, R.C.M. 1947, is amended to  
 18 read as follows:

19       "75-5617. Division of powers among boards. (1) The  
 20 powers and duties assigned to the "board of education,"  
 21 "state board of education" or "state board for vocational  
 22 education" in Title 75, and wherever else appearing in the  
 23 Revised Codes of Montana, 1947, except in chapters 81 and 84  
 24 through 88 of Title 75, sections 75-7701, 75-7704, 75-7706  
 25 through 75-7710, 75-7714, and 75-7715, subsections (14) and

1 (15) of 75-5607, sections 28-301 through 28-304, 44-213,  
2 59-1111, 66-505 and 77-909 through 77-911 and except as  
3 provided in subsection (3) below, are hereby assigned to the  
4 board of public education created in article X, section 9,  
5 subsection (3) of the 1972 Montana constitution.

6 (2) The powers and duties assigned in Title 75,  
7 sections 75-7701, 75-7704, 75-7706 through 75-7710, 75-7714,  
8 and 75-7715 are assigned to the state board of vocational  
9 education as defined in section 75-7702.

10 ~~(2)~~--(3) The powers and duties assigned in chapters 81  
11 and 84 through 88 of Title 75, R.C.M. 1947, and subsections  
12 (14) and (15) of 75-5607 R.C.M. 1947, as well as powers and  
13 duties assigned to the "state board of education ex officio  
14 regents," "state board of education of the state of Montana,  
15 ex officio regents of the Montana university system,"  
16 "regents," "regents of the greater university system,"  
17 "state board of regents" or "regents of the Montana system"  
18 wherever appearing in the Revised Codes of Montana,  
19 including those assigned to the "state board of education"  
20 and the "board of education" in sections 28-301 through  
21 28-304, 44-213, 59-1111, 66-505 and 77-909 through 77-911  
22 and excepting as provided in subsection (3) below, are  
23 hereby assigned to the board of regents of higher education  
24 created by article X, section 9, subsection (2) of the 1972  
25 Montana constitution.

1 ~~(3)~~--(4) The powers and duties assigned in chapters 1  
2 and 5 of Title 82A, R.C.M. 1947, to the "state board of  
3 education" or the "board of education" are hereby assigned  
4 to the state board of education composed of the board of  
5 public education and the board of regents of higher  
6 education as specified in article X, section 9, subsection  
7 (1) of the 1972 Montana constitution."

8 Section 4. Section 75-7701, R.C.M. 1947, is amended to  
9 read as follows:

10 "75-7701. Definitions. As used in this ~~Title~~ Chapter,  
11 unless the context clearly indicates otherwise:

12 "Vocational education" means the instruction and  
13 training to prepare or improve the ~~pupii~~ student for gainful  
14 employment that does not require a baccalaureate or higher  
15 degree. This definition of vocational education shall  
16 include guidance and prevocational, related or technical  
17 instruction necessary to prepare the ~~pupii~~ student for  
18 further vocational education or for entry into employment.

19 "~~Post-secondary~~ Postsecondary vocational-technical  
20 education" means ~~vocational-technical---education---of~~  
21 ~~post-secondary-vocational-technical-pupils-which~~ instruction  
22 and training that is conducted by a ~~post-secondary~~  
23 postsecondary vocational-technical center or through other  
24 programs as designated by the board of vocational education.  
25 ~~Post-secondary~~ Postsecondary vocational-technical education

1 shall include the 13th and 14th year and beyond but will not  
2 include work toward a baccalaureate degree.

3 "Post-secondary Postsecondary vocational-technical  
4 pupii student" means a person who has completed or left  
5 school, is at least sixteen (16) years of age, and is  
6 available for study in preparation for entering the labor  
7 market, for re-entering the labor market, or for employment  
8 stability or advancement in employment.

9 "Post-secondary Postsecondary vocational-technical  
10 center" means a state school used principally for the  
11 provision of post-secondary postsecondary  
12 vocational-technical education to persons who qualify as  
13 post-secondary postsecondary vocational-technical pupii  
14 students. These centers are designated by the state board  
15 of vocational education as defined in section 75-7702 upon  
16 direction by the legislature. All other public or private  
17 schools are hereby prohibited from using this title."

18 Section 5. Section 75-7704, R.C.M. 1947, is amended to  
19 read as follows:

20 "75-7704. District authorization to establish and  
21 maintain vocational education courses and programs. The  
22 trustees of any district, community college district, or  
23 unit of the Montana university system may establish and  
24 maintain a vocational education course or program that  
25 complies with the vocational education standards adopted by

1 the state board of vocational education as defined in  
2 section 75-7702. In order for a course or program to be  
3 eligible for state or federal financing, it shall be  
4 approved by the board of education."

5 Section 6. Section 75-7706, R.C.M. 1947, is amended to  
6 read as follows:

7 "75-7706. State treasurer custodian of vocational  
8 education moneys. The treasurer of the state of Montana is  
9 hereby designated as the custodian of all federal and state  
10 moneys designated, appropriated or apportioned for  
11 vocational education. All moneys received from any federal  
12 or state source for the establishment, operation or  
13 furtherance of vocational education in the state shall be  
14 deposited with the state treasurer. At the direction of the  
15 state board of vocational education as defined in section  
16 75-7702, he shall disburse all moneys appropriated or  
17 received for vocational education."

18 Section 7. Section 75-7707, R.C.M. 1947, is amended to  
19 read as follows:

20 "75-7707. Post-secondary Postsecondary vocational-  
21 technical center designation. Post-secondary Postsecondary  
22 vocational-technical centers shall be designated by the  
23 state board of vocational education as defined in section  
24 75-7702 only upon direction of the legislature. Applications  
25 for designation must be made in accordance with the

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

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

1 application, together with all recommendations shall be  
2 presented by the state board of vocational education to the  
3 next following legislative-assembly legislature.

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

12 Section 8. Section 75-7708, R.C.M. 1947, is amended to  
13 read as follows:

14 "75-7708. Program and budget categories for  
15 post-secondary postsecondary vocational-technical education  
16 centers. The state board of vocational education as defined  
17 in section 75-7702 shall have the sole authority for the  
18 approval of the post-secondary postsecondary  
19 vocational-technical education programs and their budgets.  
20 Such programs and budgets shall be placed into three  
21 categories defined as:

22 (1) Maintenance and operation. The maintenance and  
23 operation category shall include programs and costs for  
24 instruction; vocational guidance and counseling; job  
25 placement; travel of pupils students and personnel while

HB 566

1 engaged in a program; acquisition, maintenance, and repair  
2 of equipment; and the rental of necessary emergency  
3 facilities for not more than one year.

4 (2) Construction. The construction category shall  
5 include the program and cost for construction of new  
6 buildings; acquisition, expansion, remodeling and alteration  
7 of existing buildings; site acquisition and improvements;  
8 architectural fees; and the purchase of initial equipment.

9 (3) Ancillary services. The ancillary services  
10 category shall include the program and cost for the services  
11 and activities necessary to assure quality in the  
12 ~~post-secondary~~ postsecondary vocational-technical center's  
13 instruction, such as supervision and administration of the  
14 center, program evaluation, special demonstration and  
15 experimental programs, and development of instructional  
16 materials and curriculum.

17 The trustees of the designated district or other  
18 governing board where the ~~post-secondary~~ postsecondary  
19 vocational-technical center is located shall submit program  
20 proposals and the related budgets on the basis of these  
21 categories and in accordance with the program and budget  
22 approval procedure prescribed by the state board of  
23 vocational education."

24 Section 9. Section 75-7709, R.C.M. 1947, is amended to  
25 read as follows:

1 "75-7709. Sources of financing for ~~post-secondary~~  
2 postsecondary vocational-technical center budgets -- state  
3 board of ~~publie~~ vocational education administration. The  
4 total of the budgets approved by the state board of ~~publie~~  
5 vocational education as defined in section 75-7702 together  
6 with the budget for the cost of state administration of the  
7 ~~post-secondary~~ postsecondary vocational-technical centers  
8 shall constitute the total maximum approved, state-wide  
9 budget which shall be financed as follows:

10 (1) The primary source of financing is to be those  
11 funds specifically designated by legislative enactment or  
12 referendum by the people for financing ~~post-secondary~~  
13 postsecondary vocational-technical education in Montana.

14 (2) The board of county commissioners of each county  
15 in which a designated ~~post-secondary~~ postsecondary  
16 vocational-technical center is located is hereby authorized  
17 to levy a tax of not to exceed one (1) mill on the dollar of  
18 all taxable property, real and personal, within the county  
19 for the support and maintenance of the ~~post-secondary~~  
20 postsecondary vocational-technical center located within the  
21 said county.

22 (3) Designated ~~post-secondary~~ postsecondary  
23 vocational-technical centers shall be eligible to receive  
24 such funds from the federal government as the state board of  
25 ~~publie~~ vocational education may provide pursuant to

1 applicable Acts of Congress.

2 (4) The board of trustees of any designated high  
3 school district, or county high school district where a  
4 post-secondary postsecondary vocational center is located  
5 may be required, as a condition for the construction in such  
6 district of a post-secondary postsecondary vocational  
7 center, or any part thereof, to furnish up to fifty percent  
8 (50%) of the amount of funds required for any such  
9 construction. The percentage of construction funds to be  
10 furnished by such designated district shall be derived, in  
11 whole or in part, from any of the following sources:

12 (a) The sale of bonds issued by such district. Such  
13 bonds shall be issued in conformity with the requirements of  
14 chapter 71 of Title 75 in the case of high school and county  
15 high school district.

16 (b) Any other funds available to such district which  
17 may be legally and properly applied toward such  
18 construction.

19 (c) The reasonable value of land, buildings, fixtures  
20 or equipment furnished by such district, subject to the  
21 approval of the state board of public vocational education.

22 (5) If the aggregate financing provided by sources of  
23 revenue in (1), (2) and (3) does not provide one hundred per  
24 cent (100%) financing of the maximum approved, state-wide  
25 budget, the remaining deficiency shall be financed from any

1 state funds appropriated by the legislature for  
2 post-secondary postsecondary vocational-technical education.

3 The state board of public vocational education shall  
4 direct the distribution of the funds specified in  
5 subsections (1), (3), and (5) of this section on the basis  
6 of the budgets approved by the state board of public  
7 vocational education. The funds earned by the mill levy  
8 specified in subsection (2) of this section shall be  
9 credited by the county treasurer to the post-secondary  
10 postsecondary vocational-technical center fund.

11 The state board of public vocational education shall  
12 determine the amount of financing available from these five  
13 sources of revenue and may approve budgets for maintenance  
14 and operation, construction and ancillary services. The  
15 aggregate amount of the budgets so approved by the state  
16 board of public vocational education for post-secondary  
17 postsecondary vocational-technical centers shall not exceed  
18 the moneys determined to be available."

19 Section 10. Section 75-7710, R.C.M. 1947, is amended  
20 to read as follows:

21 "75-7710. Local administration. The trustees or  
22 governing board of a post-secondary postsecondary  
23 vocational-technical center shall administer such center  
24 according to the requirements of the laws of the state of  
25 Montana, the policies of the state board of vocational

1 education as defined in section 75-7702, and the regulations  
 2 of the ~~superintendent--of--public--instruction--executive~~  
 3 officer of vocational education. If, in construing such  
 4 laws, there is a conflict between the laws providing for  
 5 ~~post-secondary~~ postsecondary vocational-technical centers  
 6 and any other laws governing the operation of schools, the  
 7 former shall have the controlling authority."

8 Section 11. Section 75-7712, R.C.M. 1947, is amended  
 9 to read as follows:

10 "75-7712. Admission of ~~pupils~~ students with priority  
 11 to Montana residents. ~~Any~~ A person who qualifies as a  
 12 ~~post-secondary~~ postsecondary vocational-technical ~~pupil~~  
 13 student as defined in this ~~act~~ chapter shall be admitted to  
 14 ~~the post-secondary~~ any postsecondary vocational-technical  
 15 center ~~of-his-choice~~ except that ~~pupils~~ students who qualify  
 16 as residents of the state of Montana as hereafter defined  
 17 shall be given priority in case enrollment limitations are  
 18 caused by resource limitation."

19 Section 12. Section 75-7714, R.C.M. 1947, is amended  
 20 to read as follows:

21 "75-7714. ~~Pupil~~ Students fees and disposition of  
 22 collected fees. Fees for the use of equipment and material  
 23 used in instruction and training may be charged by the  
 24 trustees or other governing board of the ~~post-secondary~~  
 25 postsecondary vocational-technical center. The state board

1 of vocational education as defined in section 75-7702 shall  
 2 prescribe the basis and limitations for the charging of such  
 3 fees.

4 Fees collected by the ~~post-secondary~~ postsecondary  
 5 vocational-technical center shall be deposited with the  
 6 county treasurer in the fund designated by the  
 7 superintendent of public instruction for the receipt of such  
 8 fees. The expenditure of the fees shall not be subject to  
 9 budget limitations and shall be in addition to the program  
 10 budgets approved by the state board of vocational  
 11 education."

12 Section 13. Section 75-7715, R.C.M. 1947, is amended  
 13 to read as follows:

14 "75-7715. Lease or purchase of state property for  
 15 ~~post-secondary~~ postsecondary vocational-technical center  
 16 purposes. The state of Montana, acting by and through the  
 17 state board of vocational education as defined in section  
 18 75-7702, is hereby empowered and authorized to enter into a  
 19 lease agreement for a term not to exceed forty (40) years,  
 20 in order to lease to a district operating a ~~post-secondary~~  
 21 postsecondary vocational-technical center any building or  
 22 lands owned by the state and financed in whole or in part by  
 23 an appropriation made by the legislature of the state of  
 24 Montana for the purpose of supporting the district's  
 25 ~~post-secondary~~ postsecondary vocational-technical center.



1 The consideration necessary to support such a lease may be  
2 nominal.

3 The state board of vocational education is hereby  
4 authorized to transfer, or direct transfer of, title held by  
5 the state of Montana in buildings or lands financed in whole  
6 or in part by an appropriation by the state legislature, to  
7 a district operating a post-secondary postsecondary  
8 vocational-technical center, at any time the state board of  
9 vocational education deems such transfer to be in the best  
10 interests of both the state and the district involved,  
11 provided that this authorization extends only to buildings  
12 or lands which are to be used by the district for  
13 post-secondary postsecondary vocational-technical education  
14 purposes."

15 Section 14. Section 75-5607, R.C.M. 1947, is amended  
16 to read as follows:

17 "75-5607. Powers and duties. The board of education  
18 shall have the power and it shall be its duty to:

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

23 (2) consider the suspension or revocation of teacher  
24 certificates, and appeals from the denial of teacher  
25 certification in accordance with the provisions of section

1 75-6010;

2 (3) administer and order the distribution of state  
3 equalization aid in accordance with the provisions of  
4 section 75-6917;

5 (4) adopt and enforce policies to provide uniform  
6 standards and regulations for the design, construction, and  
7 operation of school buses in accordance with the provisions  
8 of section 75-7004;

9 (5) approve or disapprove a reduction of the number of  
10 hours in a district's school day in accordance with the  
11 provisions of section 75-7403;

12 (6) adopt policies prescribing the conditions when  
13 school may be conducted on Saturday, and the types of  
14 pupil-instruction-related days and approval procedure for  
15 such days in accordance with the provisions of sections  
16 75-7404 and 75-7405;

17 (7) adopt standards of accreditation and establish the  
18 accreditation status of every school in accordance with the  
19 provisions of sections 75-7501 and 75-7502;

20 (8) establish the scope of conservation education in  
21 the schools in accordance with the provisions of section  
22 75-7509;

23 (9) approve or disapprove educational media selected  
24 by the superintendent of public instruction for the  
25 educational media library in accordance with the provisions

1 of section 75-7511;

2 ~~{10}-as-the-governing-board-of-the-state-of-Montana-for~~  
3 ~~vocational-education,-adopt-the-policies-prescribed-by--and~~  
4 ~~in-accordance-with-the-provisions-of-section-75-7702,~~

5 ~~{11}-consider-----applications----for----post-secondary~~  
6 ~~vocational-technical-center-designation-in--accordance--with~~  
7 ~~the-provisions-of-section-75-7707,~~

8 ~~{12}-for--the--purposes--of--post-secondary-vocational-~~  
9 ~~technical-centers,-vocational-technical-centers,-approve--or~~  
10 ~~disapprove--programs-and-budgets,-direct-the-distribution-of~~  
11 ~~moneys-in-support-of-such-budgets,-determine--tuition--rates~~  
12 ~~and--fees,-enter--into--lease--agreements--or--real-property~~  
13 ~~purchases---in---accordance---with---the---post-secondary~~  
14 ~~vocational-technical--center--provisions--of--the-vocational~~  
15 ~~education-chapter-of-this-Title,~~

16 ~~{13}-~~(10) adopt policies for the conduct of special  
17 education in accordance with the provisions of section  
18 75-7802;

19 ~~{14}-~~(11) supervise community college districts in  
20 accordance with the provisions of sections 75-8103 and  
21 75-8119;

22 ~~{15}-~~(12) call an election, determine the results of  
23 the election, order and implement the organization of a  
24 community college district in accordance with the community  
25 college districts chapter of this Title; and

1 ~~{16}-~~(13) perform any other duty prescribed from time  
2 to time by this Title or any other act of the legislature."

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

5 "75-5707. Powers and duties. The superintendent of  
6 public instruction shall have the general supervision of the  
7 public schools and districts of the state, and he shall have  
8 the power and shall perform the following duties or acts in  
9 implementing and enforcing the provisions of this Title:

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

13 (2) issue, renew or deny teacher certification and  
14 emergency authorizations of employment and give notice of  
15 teacher certification suspension or revocation proceedings  
16 to be conducted by the board of education in accordance with  
17 the provisions of the teacher certification chapter of this  
18 Title;

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

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

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

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

3 (7) approve or disapprove the orders of a high school  
4 boundary commission in accordance with the provisions of  
5 section 75-6528;

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

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

11 (10) generally supervise the school budgeting  
12 procedures prescribed by law in accordance with the  
13 provisions of section 75-6702, and prescribe the school  
14 budget format in accordance with the provisions of section  
15 75-6704 and 75-7209;

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

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

25 (13) generally supervise the school financial

1 administration provisions as prescribed by section 75-6802;

2 (14) appoint the responsible county officials for the  
3 performance of the budgeting duties and the financial  
4 administration duties for a joint district in accordance  
5 with the provisions of sections 75-6720 and 75-6803;

6 (15) prescribe and furnish the annual report forms to  
7 enable the districts to report to the county superintendent  
8 in accordance with the provisions of subsection (5) of  
9 section 75-6806, and the annual report forms to enable the  
10 county superintendents to report to the superintendent of  
11 public instruction in accordance with the provisions of  
12 section 75-5809;

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

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

19 (18) estimate the state-wide equalization level for the  
20 foundation program in accordance with the provisions of  
21 section 75-6920;

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

24 (20) provide for the uniform and equal provision of  
25 transportation by performing the duties prescribed by the

1 provisions of section 75-7005;

2 (21) approve or disapprove an adult education program

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

4 with the provisions of section 75-7207;

5 (22) request, accept, deposit and expend federal moneys

6 in accordance with the provisions of section 75-7303;

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

8 support of an interlocal co-operative agreement in

9 accordance with the provisions of sections 75-7306 and

10 75-7307;

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

12 disapprove interstate contracts in accordance with the

13 provisions of section 75-7308;

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

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

16 with the provisions of sections 75-7404 and 75-7405;

17 (26) recommend standards of accreditation for all

18 schools to the board of education, and evaluate compliance

19 with such standards and recommend accreditation status of

20 every school to the board of education in accordance with

21 the provisions of sections 75-7501 and 75-7502;

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

23 and assist schools with instructional programs in accordance

24 with the provisions of sections 75-7505 and 75-7506;

25 (28) recommend the scope of conservation education in

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

2 provisions of section 75-7509;

3 (29) establish and maintain a library of visual, aural,

4 and other educational media in accordance with the

5 provisions of section 75-7511;

6 (30) license textbook dealers, maintain a textbook

7 library, initiate prosecution of textbook dealers violating

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

9 the provisions of the textbooks chapter of this Title;

10 ~~(31)-administer-and-perform-the-duties-as-the-executive~~

11 ~~officer-of-the-board-of-education-for-vocational-education~~

12 ~~in-accordance-with-the-provisions-of-section-75-7703;~~

13 ~~(32)-consider-applications-for-the-designation-of-a~~

14 ~~post-secondary-vocational-technical-center-in-accordance~~

15 ~~with-the-provisions-of-section-75-7707;~~

16 ~~(33)-establish-a-fund-for-the-handling-of~~

17 ~~post-secondary-vocational-technical-center-fees-in~~

18 ~~accordance-with-the-provisions-of-section-75-7714;~~

19 ~~(34)-(31)~~ supervise and co-ordinate the conduct of

20 special education in the state in accordance with the

21 provisions of section 75-7803;

22 ~~(35)-(32)~~ administer the traffic education program in

23 accordance with the provisions of section 75-7904;

24 ~~(36)-(33)~~ administer the school food services program

25 in accordance with the provisions of sections 75-8002,

1 75-8003, and 75-8004;  
2 ~~(37)~~-(34) determine the result of an organization  
3 election for a community college district and the related  
4 election of trustees in accordance with the provisions of  
5 section 75-8112;  
6 ~~(38)~~-(35) review school building plans and  
7 specifications in accordance with the provisions of section  
8 75-8206;  
9 ~~(39)~~-(36) publish and distribute fire danger books in  
10 accordance with the provisions of section 75-8309;  
11 ~~(40)~~-(37) prescribe the method of identification and  
12 signals to be used by school safety patrols in accordance  
13 with the provisions of section 75-8310; and  
14 ~~(41)~~-(38) perform any other duty prescribed from time  
15 to time by this Title, any other act of the legislature, or  
16 the policies of the board of education."

-End-

H 13 566

Approved by Committee  
on Education

1 HOUSE BILL NO. 566

2 INTRODUCED BY GUNDERSON, THOMAS, HARPER, VINCENT

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DESIGNATE THE STATE  
5 BOARD OF EDUCATION AS THE STATE BOARD OF VOCATIONAL  
6 EDUCATION THAT SHALL APPOINT AN ADMINISTRATIVE COMMITTEE  
7 RESPONSIBLE FOR ADMINISTERING VOCATIONAL EDUCATION AND  
8 HIRING THE EXECUTIVE OFFICER FOR VOCATIONAL EDUCATION;  
9 AMENDING SECTIONS 75-5607, 75-5617, 75-5707, 75-7701 THROUGH  
10 75-7704, 75-7706 THROUGH 75-7710, 75-7712, 75-7714, AND  
11 75-7715, R.C.M. 1947."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

16 "75-7702. Duties of the state board of vocational  
17 education. The board of education shall be the governing  
18 board of the state of Montana for vocational education. The  
19 state board of education shall be designated as the state  
20 board of vocational education. (1) The state board of  
21 vocational education shall adopt policies to effect the  
22 orderly development of a system of vocational education that  
23 is adaptable to changing needs, controlled to prevent  
24 unnecessary duplication, co-ordinated with federal  
25 guidelines and requirements for vocational education, and

1 funded to ensure growth and quality programming. In order to  
2 accomplish the orderly development of a system of vocational  
3 education, the board ~~of education~~ policies shall include:

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

5 ~~(2)~~ (b) standards for vocational education courses  
6 and 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 of  
19 Congress;

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

23 ~~(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 (2) The state board of vocational education shall  
 2 appoint an administrative committee to be made up of three  
 3 (3) OF THE APPOINTED members from the board of public  
 4 education and two (2) OF THE APPOINTED members from the  
 5 board of regents. The chairman of the administrative  
 6 committee shall be selected from among the members of the  
 7 board of public education.

8 (3) The administrative committee shall be responsible  
 9 HAVE DELEGATED RESPONSIBILITY for the administration of the  
 10 policies adopted by the state board of vocational education  
 11 for the state of Montana and shall employ the executive  
 12 officer for vocational education."

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

15 "75-7703. Duties of ~~superintendent of public~~  
 16 ~~instruction as executive officer~~ executive officer for  
 17 vocational education. The ~~superintendent of public~~  
 18 ~~instruction shall be the executive officer of the board of~~  
 19 ~~education for the administration of~~ The executive officer  
 20 for vocational education shall administer FOR THE  
 21 ADMINISTRATIVE COMMITTEE all state and federal laws related  
 22 to vocational education. ~~As~~ In addition the executive  
 23 officer, ~~the superintendent of public instruction~~ shall AT  
 24 THE DISCRETION OF THE ADMINISTRATIVE COMMITTEE:

25 (1) ~~administer the~~ BE THE CHIEF ADMINISTRATIVE OFFICER

1 FOR THE ADMINISTRATIVE COMMITTEE FOR THE ADMINISTRATION OF  
 2 THE vocational education policies adopted by the state board  
 3 of vocational education;

4 (2) prepare curriculum guides for vocational education  
 5 ~~board of education~~ ADMINISTRATIVE COMMITTEE adoption;

6 (3) employ, with the confirmation of the ~~board of~~  
 7 ~~education~~ administrative committee, the professional staff  
 8 necessary for the state supervision and administration of  
 9 vocational education, including the postsecondary  
 10 vocational-technical center ~~directors~~ STAFF;

11 (4) report the status of vocational education in the  
 12 state of Montana ~~when~~ annually and in a form requested by  
 13 the ~~board of education~~ administrative committee;

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

16 (6) provide vocational education supervisory and  
 17 consultative assistance to ~~district~~ schools;

18 (7) develop a ~~policy~~ manual OF OPERATIONS for the  
 19 vocational-technical centers that specifies standard  
 20 procedures for administration of the centers IN ACCORDANCE  
 21 WITH THE POLICY OF THE STATE BOARD OF VOCATIONAL EDUCATION."

22 Section 3. Section 75-5617, R.C.M. 1947, is amended to  
 23 read as follows:

24 "75-5617. Division of powers among boards. (1) The  
 25 powers and duties assigned to the "board of education,"

1 "state board of education" or "state board for vocational  
 2 education" in title 75, and wherever else appearing in the  
 3 Revised Codes of Montana, 1947, except in chapters 81 and 84  
 4 through 88 of Title 75, sections 75-7701, 75-7704, 75-7706  
 5 through 75-7710, 75-7714, and 75-7715, subsections (14) and  
 6 (15) of 75-5607, sections 28-301 through 28-304, 44-213,  
 7 59-1111, 66-505 and 77-909 through 77-911 and except as  
 8 provided in subsection ~~(3)~~ (4) below, are hereby assigned to  
 9 the board of public education created in article I, section  
 10 9, subsection (3) of the 1972 Montana constitution.

11 (2) The powers and duties assigned in Title 75,  
 12 sections 75-7701, 75-7704, 75-7706 through 75-7710, 75-7714,  
 13 and 75-7715 are assigned to the state board of vocational  
 14 education as defined in section 75-7702.

15 ~~(2)~~ (3) The powers and duties assigned in chapters 81  
 16 and 84 through 88 of Title 75, R.C.M. 1947, and subsections  
 17 (14) and (15) of 75-5607 R.C.M. 1947, as well as powers and  
 18 duties assigned to the "state board of education ex officio  
 19 regents," "state board of education of the state of Montana,  
 20 ex officio regents of the Montana university system,"  
 21 "regents," "regents of the greater university system,"  
 22 "state board of regents" or "regents of the Montana system"  
 23 wherever appearing in the Revised Codes of Montana,  
 24 including those assigned to the "state board of education"  
 25 and the "board of education" in sections 28-301 through

1 28-304, 44-213, 59-1111, 66-505 and 77-909 through 77-911  
 2 and excepting as provided in subsection (3) below, are  
 3 hereby assigned to the board of regents of higher education  
 4 created by article I, section 9, subsection (2) of the 1972  
 5 Montana constitution.

6 ~~(3)~~ (4) The powers and duties assigned in chapters 1  
 7 and 5 of Title 82A, R.C.M. 1947, to the "state board of  
 8 education" or the "board of education" are hereby assigned  
 9 to the state board of education composed of the board of  
 10 public education and the board of regents of higher  
 11 education as specified in article I, section 9, subsection  
 12 (1) of the 1972 Montana constitution."

13 Section 4. Section 75-7701, R.C.M. 1947, is amended to  
 14 read as follows:

15 "75-7701. Definitions. As used in this title chapter,  
 16 unless the context clearly indicates otherwise:

17 "vocational education" means the instruction and  
 18 training to prepare or improve the pupil student for gainful  
 19 employment that does not require a baccalaureate or higher  
 20 degree. This definition of vocational education shall  
 21 include guidance and prevocational, related or technical  
 22 instruction necessary to prepare the pupil student for  
 23 further vocational education or for entry into employment.

24 ~~"Post-secondary. Postsecondary~~ vocational-technical  
 25 education" means ~~vocational technical education of~~



1 ~~post-secondary vocational-technical pupils which instruction~~  
 2 ~~and training that~~ is conducted by a ~~post-secondary~~  
 3 ~~postsecondary~~ vocational-technical center or ~~through other~~  
 4 ~~programs as designated by the board of vocational education~~  
 5 CONTRACTED SERVICES WITH THE ADMINISTRATIVE COMMITTEE.  
 6 ~~Post-secondary Postsecondary~~ vocational-technical education  
 7 shall include the 13th and 14th year and beyond but will not  
 8 include work toward a baccalaureate degree.

9 "Post-secondary Postsecondary vocational-technical  
 10 pupil student" means a person who has completed or left  
 11 school, is at least sixteen (16) years of age, and is  
 12 available for study in preparation for entering the labor  
 13 market, for re-entering the labor market, or for employment  
 14 stability or advancement in employment.

15 "Post-secondary Postsecondary vocational-technical  
 16 center" means a state school used principally for the  
 17 provision of ~~post-secondary~~ postsecondary  
 18 vocational-technical education to persons who qualify as  
 19 ~~post-secondary postsecondary~~ vocational-technical ~~pupils~~  
 20 students. These centers are designated by the state board  
 21 of vocational education ~~as defined in section 75-7702~~ upon  
 22 direction by the legislature. All other public or private  
 23 schools are hereby prohibited from using this title."

24 Section 5. Section 75-7704, R.C.M. 1947, is amended to  
 25 read as follows:

1 "75-7704. District authorization to establish and  
 2 maintain vocational education courses and programs. The  
 3 trustees of any district, community college district, or  
 4 unit of the Montana university system may establish and  
 5 maintain a vocational education course or program that  
 6 complies with the vocational education ~~standards~~ POLICIES  
 7 adopted by the state board of vocational education ~~as~~  
 8 ~~defined in section 75-7702~~. In order for a course or  
 9 program to be eligible for state or federal financing, it  
 10 shall be approved by the ~~board of education~~ ADMINISTRATIVE  
 11 COMMITTEE."

12 Section 6. Section 75-7706, R.C.M. 1947, is amended to  
 13 read as follows:

14 "75-7706. State treasurer custodian of vocational  
 15 education moneys. The treasurer of the state of Montana is  
 16 hereby designated as the custodian of all federal and state  
 17 moneys designated, appropriated or apportioned for  
 18 vocational education. All moneys received from any federal  
 19 or state source for the establishment, operation or  
 20 furtherance of vocational education in the state shall be  
 21 deposited with the state treasurer. At the direction of the  
 22 ~~state board of vocational education as defined in section~~  
 23 75-7702 ADMINISTRATIVE COMMITTEE, he shall disburse all  
 24 moneys appropriated or received for vocational education."

25 Section 7. Section 75-7707, R.C.M. 1947, is amended to

1 read as follows:

2       "75-7707. ~~Post-secondary~~ Postsecondary vocational-  
3 technical center designation. ~~Post-secondary~~ Postsecondary  
4 vocational-technical centers shall be designated by the  
5 state board of vocational education as defined in section  
6 75-7702 only upon direction of the legislature. Applications  
7 for designation must be made in accordance with the  
8 following procedure:

9       (1) The trustees of any high school district, of a  
10 county high school, of a community college district, or the  
11 governing board of any unit of the Montana university system  
12 may submit an application for designation of a  
13 ~~post-secondary~~ postsecondary vocational-technical center to  
14 be operated by such trustees or governing board. The  
15 application for designation shall be submitted in accordance  
16 with the time, data and form requirements prescribed by the  
17 POLICY OF THE STATE board of VOCATIONAL education. Applicant  
18 high school districts, county high schools, or community  
19 college districts shall be located in a county with a  
20 taxable valuation of at least forty-five million dollars  
21 (\$45,000,000).

22       (2) Applications are to be presented to the  
23 ~~superintendent of public instruction acting in his capacity~~  
24 ~~as the executive officer for vocational education of the~~  
25 ~~board of education.~~ The ~~superintendent of public instruction~~

1 ~~executive officer~~ shall review the application and present  
2 it to the ~~administrative committee of the state~~ board of  
3 ~~vocational~~ education along with his recommendations. The  
4 ~~board of education administrative committee~~ shall then  
5 examine the application and recommendations of the  
6 ~~superintendent of public instruction~~ executive officer and  
7 either adopt the recommendations ~~of the superintendent of~~  
8 ~~public instruction~~ or draft its own recommendations. The  
9 application, together with all recommendations shall be  
10 presented by the state board of vocational education to the  
11 next following ~~legislative assembly~~ legislature.

12       The state board of vocational education shall recognize  
13 the presently designated ~~post-secondary~~ postsecondary  
14 vocational-technical centers operated by the respective  
15 board of trustees of school district number 1 of Silver Bow  
16 County, high school district number 1 of Lewis and Clark  
17 County, high school district "A" of Cascade County, Missoula  
18 County high school, and high school district number 2 of  
19 Yellowstone County."

20       Section 8. Section 75-7708, R.C.M. 1947, is amended to  
21 read as follows:

22       "75-7708. Program and budget categories for  
23 ~~post-secondary~~ postsecondary vocational-technical education.  
24 ~~centers~~ The state board of vocational education ~~as defined~~  
25 ~~in section 75-7702~~ shall, THROUGH THE ADMINISTRATIVE

1 ~~COMMITTEE~~, have the sole authority for the approval of the  
 2 ~~post-secondary postsecondary~~ vocational-technical education  
 3 programs and their budgets. Such programs and budgets shall  
 4 be placed into three categories defined as:

5 (1) Maintenance and operation. The maintenance and  
 6 operation category shall include programs and costs for  
 7 instruction; vocational guidance and counseling; job  
 8 placement; travel of ~~people~~ students and personnel while  
 9 engaged in a program; acquisition, maintenance, and repair  
 10 of equipment; and the rental of necessary emergency  
 11 facilities for not more than one year.

12 (2) Construction. The construction category shall  
 13 include the program and cost for construction of new  
 14 buildings; acquisition, expansion, remodeling and alteration  
 15 of existing buildings; site acquisition and improvements;  
 16 architectural fees; and the purchase of initial equipment.

17 (3) Ancillary services. The ancillary services  
 18 category shall include the program and cost for the services  
 19 and activities necessary to assure quality in the  
 20 ~~post-secondary postsecondary~~ vocational-technical center's  
 21 instruction, such as supervision and administration of the  
 22 center, program evaluation, special demonstration and  
 23 experimental programs, and development of instructional  
 24 materials and curriculum.

25 The trustees of the designated district or other

1 governing board where the ~~post-secondary~~ postsecondary  
 2 vocational-technical center is located shall submit program  
 3 proposals and the related budgets on the basis of these  
 4 categories and in accordance with the program and budget  
 5 approval ~~procedure~~ POLICY prescribed by the state board of  
 6 vocational education."

7 Section 9. Section 75-7709, R.C.M. 1947, is amended to  
 8 read as follows:

9 "75-7709. Sources of financing for ~~post-secondary~~  
 10 postsecondary vocational-technical center budgets. ~~state~~  
 11 ~~board of public vocational education administration~~ The  
 12 total of the budgets approved by THE ADMINISTRATIVE  
 13 COMMITTEE IN ACCORDANCE WITH POLICIES OF the state board of  
 14 public vocational education ~~as defined in section 75-7702~~  
 15 together with the budget for the cost of state  
 16 administration of the ~~post-secondary~~ postsecondary  
 17 vocational-technical centers shall constitute the total  
 18 maximum approved, state-wide budget which shall be financed  
 19 as follows:

20 (1) The primary source of financing is to be those  
 21 funds specifically designated by legislative enactment or  
 22 referendum by the people for financing ~~post-secondary~~  
 23 postsecondary vocational-technical education in Montana.

24 (2) The board of county commissioners of each county  
 25 in which a designated ~~post-secondary~~ postsecondary

1 vocational-technical center is located ~~is hereby authorized~~  
 2 to SHALL levy a tax of not to exceed one (1) mill on the  
 3 dollar of all taxable property, real and personal, within  
 4 the county for the support and maintenance of the  
 5 ~~post-secondary~~ postsecondary vocational-technical center  
 6 located within the said county.

7 (3) Designated ~~post-secondary~~ postsecondary  
 8 vocational-technical centers shall be eligible to receive  
 9 such funds from the federal government as the state board of  
 10 public vocational education POLICY may provide pursuant to  
 11 applicable Acts of Congress.

12 (4) The board of trustees of any designated high  
 13 school district, or county high school district where a  
 14 ~~post-secondary~~ postsecondary vocational center is located  
 15 may be required, as a condition for the construction in such  
 16 district of a ~~post-secondary~~ postsecondary vocational  
 17 center, or any part thereof, to furnish up to fifty percent  
 18 (50%) of the amount of funds required for any such  
 19 construction. The percentage of construction funds to be  
 20 furnished by such designated district shall be derived, in  
 21 whole or in part, from any of the following sources:

22 (a) The sale of bonds issued by such district. Such  
 23 bonds shall be issued in conformity with the requirements of  
 24 chapter 71 of Title 75 in the case of high school and county  
 25 high school district.

1 (b) Any other funds available to such district which  
 2 may be legally and properly applied toward such  
 3 construction.

4 (c) The reasonable value of land, buildings, fixtures  
 5 or equipment furnished by such district, subject to ~~the~~  
 6 approval PROVISIONS OF THE POLICY of the state board of  
 7 public vocational education.

8 (5) If the aggregate financing provided by sources of  
 9 revenue in (1), (2) and (3) does not provide one hundred per  
 10 cent (100%) financing of the maximum approved, state-wide  
 11 budget, the remaining deficiency shall be financed from any  
 12 state funds appropriated by the legislature for  
 13 ~~post-secondary~~ postsecondary vocational-technical education.

14 The state board of public vocational education POLICY  
 15 shall ~~direct~~ SPECIFY the METHOD OF distribution of the funds  
 16 specified in subsections (1), (3), and (5) of this section  
 17 on the basis of the budgets approved by the ~~state board of~~  
 18 ~~public vocational education~~ ADMINISTRATIVE COMMITTEE. The  
 19 funds earned by committee. The funds earned by the mill levy  
 20 specified in subsection (2) of this section shall be  
 21 credited by the county treasurer to the ~~post-secondary~~  
 22 postsecondary vocational-technical center fund.

23 The ~~state board of public vocational education~~  
 24 ADMINISTRATIVE COMMITTEE shall determine the amount of  
 25 financing available from these five sources of revenue and

1 ~~any~~ approve budgets OF EACH CENTER for maintenance and  
 2 operation, construction and ancillary services. The  
 3 aggregate amount of the budgets so approved by the state  
 4 ~~board of public vocational education~~ ADMINISTRATIVE  
 5 COMMITTEE for THE ~~post-secondary~~ postsecondary  
 6 vocational-technical centers shall not exceed the moneys  
 7 determined to be available."

8 Section 10. Section 75-7710, R.C.M. 1947, is amended  
 9 to read as follows:

10 "75-7710. Local administration. The trustees or  
 11 governing board of a ~~post-secondary~~ postsecondary  
 12 vocational-technical center shall ~~administer such~~ OPERATE  
 13 THE center according to the requirements of the laws of the  
 14 state of Montana, the policies of the state board of  
 15 vocational education ~~as defined in section 75-7702~~, and the  
 16 regulations of the ~~superintendent of public instruction~~  
 17 ~~executive officer of vocational education~~. If, in  
 18 construing such laws, there is a conflict between the laws  
 19 providing for ~~post-secondary~~ postsecondary  
 20 vocational-technical centers and any other laws governing  
 21 the operation of schools, the former shall have the  
 22 controlling authority."

23 Section 11. Section 75-7712, R.C.M. 1947, is amended  
 24 to read as follows:

25 "75-7712. Admission of pupils students with priority

1 to Montana residents. ~~Any~~ A person who qualifies as a  
 2 ~~post-secondary~~ postsecondary vocational-technical ~~pupil~~  
 3 student as defined in this ~~act~~ chapter shall be admitted to  
 4 the ~~post-secondary~~ any postsecondary vocational-technical  
 5 center ~~of his choice~~ except that ~~pupils~~ students who qualify  
 6 as residents of the state of Montana as hereafter defined  
 7 shall be given priority in case enrollment limitations are  
 8 caused by resource limitation."

9 Section 12. Section 75-7714, R.C.M. 1947, is amended  
 10 to read as follows:

11 "75-7714. Pupil Students fees and disposition of  
 12 collected fees. Fees for the use of equipment and material  
 13 used in instruction and training may be charged by the  
 14 trustees or other governing board of the ~~post-secondary~~  
 15 postsecondary vocational-technical center. ~~The~~ POLICY OF THE  
 16 state board of vocational education ~~as defined in section~~  
 17 ~~75-7702~~ shall prescribe the basis and limitations for the  
 18 charging of such fees.

19 Fees collected by the ~~post-secondary~~ postsecondary  
 20 vocational-technical center shall be deposited with the  
 21 county treasurer in the fund designated by the  
 22 ~~superintendent of public instruction~~ EXECUTIVE OFFICER FOR  
 23 VOCATIONAL EDUCATION for the receipt of such fees. The  
 24 expenditure of the fees shall not be subject to budget  
 25 limitations and shall be in addition to the program budgets

1 approved by the ~~state board of vocational education~~  
2 ADMINISTRATIVE COMMITTEE."

3 Section 13. Section 75-7715, R.C.M. 1947, is amended  
4 to read as follows:

5 "75-7715. Lease or purchase of state property for  
6 ~~post-secondary~~ postsecondary vocational-technical center  
7 purposes. The state of Montana, acting by and through the  
8 state board of vocational education, as defined in section  
9 75-7702 is hereby empowered and authorized to enter into a  
10 lease agreement for a term not to exceed forty (40) years,  
11 in order to lease to, OR FROM, a district operating a  
12 ~~post-secondary~~ postsecondary vocational-technical center any  
13 building or lands owned by the state OR DISTRICT and  
14 financed in whole or in part by an appropriation made ~~by the~~  
15 ~~legislature of the state of Montana~~ for the purpose of  
16 supporting ~~the district's post-secondary~~ A postsecondary  
17 vocational-technical center. The consideration necessary to  
18 support such a lease may be nominal. RIGHT OF RENEWAL OF  
19 THE LEASE SHALL BE GUARANTEED IF THE BUILDING IS UTILIZED  
20 FOR THE PURPOSES OF POSTSECONDARY VOCATIONAL EDUCATION."

21 ~~The state board of vocational education is hereby~~  
22 ~~authorized to transfer, or direct transfer of, title held by~~  
23 ~~the state of Montana in buildings or lands financed in whole~~  
24 ~~or in part by an appropriation by the state legislature, to~~  
25 ~~a district operating a post-secondary postsecondary~~

1 ~~vocational technical center, at any time the state board of~~  
2 ~~vocational education deems such transfer to be in the best~~  
3 ~~interests of both the state and the district involved,~~  
4 ~~provided that this authorization extends only to buildings~~  
5 ~~or lands which are to be used by the district for~~  
6 ~~post-secondary postsecondary vocational technical education~~  
7 ~~purposes.~~

8 Section 14. Section 75-5607, R.C.M. 1947, is amended  
9 to read as follows:

10 "75-5607. Powers and duties. The board of education  
11 shall have the power and it shall be its duty to:

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

16 (2) consider the suspension or revocation of teacher  
17 certificates, and appeals from the denial of teacher  
18 certification in accordance with the provisions of section  
19 75-6010;

20 (3) administer and order the distribution of state  
21 equalization aid in accordance with the provisions of  
22 section 75-6917;

23 (4) adopt and enforce policies to provide uniform  
24 standards and regulations for the design, construction, and  
25 operation of school buses in accordance with the provisions

1 of section 75-7004;

2 (5) approve or disapprove a reduction of the number of  
3 hours in a district's school day in accordance with the  
4 provisions of section 75-7403;

5 (6) adopt policies prescribing the conditions when  
6 school may be conducted on Saturday, and the types of  
7 pupil-instruction-related days and approval procedure for  
8 such days in accordance with the provisions of sections  
9 75-7404 and 75-7405;

10 (7) adopt standards of accreditation and establish the  
11 accreditation status of every school in accordance with the  
12 provisions of sections 75-7501 and 75-7502;

13 (8) establish the scope of conservation education in  
14 the schools in accordance with the provisions of section  
15 75-7509;

16 (9) approve or disapprove educational media selected  
17 by the superintendent of public instruction for the  
18 educational media library in accordance with the provisions  
19 of section 75-7511;

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

23 ~~(11) consider applications for post-secondary~~  
24 ~~vocational technical center designation in accordance with~~  
25 ~~the provisions of section 75-7707;~~

1 ~~(12) for the purposes of post-secondary vocational~~  
2 ~~technical centers, vocational technical centers, approve or~~  
3 ~~disapprove programs and budgets, direct the distribution of~~  
4 ~~moneys in support of such budgets, determine tuition rates~~  
5 ~~and fees, enter into lease agreements or real property~~  
6 ~~purchases in accordance with the post-secondary~~  
7 ~~vocational technical center provisions of the vocational~~  
8 ~~education chapter of this Title;~~

9 ~~(13)-(10)~~ adopt policies for the conduct of special  
10 education in accordance with the provisions of section  
11 75-7802;

12 ~~(14)-(11)~~ supervise community college districts in  
13 accordance with the provisions of sections 75-8103 and  
14 75-8119;

15 ~~(15)-(12)~~ call an election, determine the results of  
16 the election, order and implement the organization of a  
17 community college district in accordance with the community  
18 college districts chapter of this Title; and

19 ~~(16)-(13)~~ perform any other duty prescribed from time  
20 to time by this Title or any other act of the legislature."

21 Section 15. Section 75-5707, H.C.R. 1947, is amended  
22 to read as follows:

23 "75-5707. Powers and duties. The superintendent of  
24 public instruction shall have the general supervision of the  
25 public schools and districts of the state, and he shall have

1 the power and shall perform the following duties or acts in  
 2 implementing and enforcing the provisions of this Title:

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

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

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

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

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

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

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

24 (8) approve or disapprove the opening or reopening of  
 25 a school in accordance with the provisions of sections

1 75-6602, 75-6603, 75-6604, or 75-6605;

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

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

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

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

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

20 (14) appoint the responsible county officials for the  
 21 performance of the budgeting duties and the financial  
 22 administration duties for a joint district in accordance  
 23 with the provisions of sections 75-6720 and 75-6603;

24 (15) prescribe and furnish the annual report forms to  
 25 enable the districts to report to the county superintendent



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

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

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

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

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

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

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

23 (22) request, accept, deposit and expend federal moneys  
24 ~~EXCEPT FEDERAL FUNDS FOR VOCATIONAL EDUCATION AS~~  
25 ~~DESCRIBED IN SECTIONS 75-7705 AND 75-7706~~ in accordance

1 with the provisions of section 75-7303;

2 (23) authorize the use of federal moneys for the  
3 support of an interlocal co-operative agreement in  
4 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, aural,  
24 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 executive~~  
6 ~~officer of the board of education for vocational education~~  
7 ~~in accordance with the provisions of section 75-7703;~~

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

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

14 ~~(34)~~ (31) supervise and co-ordinate the conduct of  
15 special education in the state in accordance with the  
16 provisions of section 75-7803;

17 ~~(35)~~ (32) administer the traffic education program in  
18 accordance with the provisions of section 75-7904;

19 ~~(36)~~ (33) administer the school food services program  
20 in accordance with the provisions of sections 75-8002,  
21 75-8003, and 75-8004;

22 ~~(37)~~ (34) determine the result of an organization  
23 election for a community college district and the related  
24 election of trustees in accordance with the provisions of  
25 section 75-8112;

1 ~~(38)~~ (35) review school building plans and  
2 specifications in accordance with the provisions of section  
3 75-8206;

4 ~~(39)~~ (36) publish and distribute fire danger books in  
5 accordance with the provisions of section 75-8309;

6 ~~(40)~~ (37) prescribe the method of identification and  
7 signals to be used by school safety patrols in accordance  
8 with the provisions of section 75-8310; and

9 ~~(41)~~ (38) perform any other duty prescribed from time  
10 to time by this Title, any other act of the legislature, or  
11 the policies of the board of education."

-End-

## HOUSE BILL NO. 566

INTRODUCED BY GUNDERSON, THOMAS, HARPER, VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT TO DESIGNATE THE ~~STATE BOARD--OF~~ BOARD OF PUBLIC EDUCATION AS THE STATE BOARD OF VOCATIONAL EDUCATION THAT SHALL ~~APPOINT--AN--ADMINISTRATIVE COMMITTEE--RESPONSIBLE--FOR--ADMINISTERING--VOCATIONAL--EDUCATION AND---HIRING~~ HIRE THE EXECUTIVE OFFICER FOR VOCATIONAL EDUCATION; AMENDING SECTIONS 75-5607, 75-5617, 75-5707, 75-7701 THROUGH 75-7704, 75-7706 THROUGH 75-7710, 75-7712, 75-7714, AND 75-7715, R.C.M. 1947."

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 the state board of vocational PUBLIC education. ~~The--board--of--education--shall--be--the governing-board-of--the--state--of--Montana--for--vocational education.~~ The state board of PUBLIC education shall be designated as the state board of vocational education. (1) The state board of vocational 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 duplication, co-ordinated 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--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 Acts of 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

THIRD READING

1 system of vocational education.

2 ~~(2) The state board of vocational education shall~~  
 3 ~~appoint an administrative committee to be made up of three~~  
 4 ~~(3) OF THE APPOINTED members from the board of public~~  
 5 ~~education and two (2) OF THE APPOINTED members from the~~  
 6 ~~board of Excesses. The chairman of the administrative~~  
 7 ~~committee shall be selected from among the members of the~~  
 8 ~~board of public education.~~

9 ~~(2) The administrative committee shall be responsible~~  
 10 ~~HAVE DELEGATED RESPONSIBILITY for the administration of the~~  
 11 ~~policies adopted by the state board of vocational education~~  
 12 ~~for the state of Montana and shall employ the executive~~  
 13 ~~officer for vocational education.~~

14 (2) THE BOARD OF PUBLIC EDUCATION SHALL HIRE AN  
 15 EXECUTIVE OFFICER FOR VOCATIONAL EDUCATION. THE EXECUTIVE  
 16 OFFICER SHALL BE AN EX OFFICIO NONVOTING MEMBER OF THE BOARD  
 17 OF PUBLIC EDUCATION."

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

20 "75-7703. Duties of ~~superintendent of public~~  
 21 ~~instruction as executive officer~~ executive officer for  
 22 vocational education. ~~The superintendent of public~~  
 23 ~~instruction shall be the executive officer of the board of~~  
 24 ~~education for the administration of~~ The executive officer  
 25 for vocational education shall administer FOR THE

1 ~~ADMINISTRATIVE COMMITTEE BOARD OF PUBLIC EDUCATION~~ all state  
 2 and federal laws related to vocational education, ~~as in~~  
 3 ~~addition the executive officer, the superintendent of public~~  
 4 ~~instruction shall~~ AT THE DISCRETION OF THE ADMINISTRATIVE  
 5 COMMITTEE BOARD OF PUBLIC EDUCATION:

6 (1) ~~administer the~~ BE THE CHIEF ADMINISTRATIVE OFFICER  
 7 FOR THE ADMINISTRATIVE COMMITTEE FOR THE ADMINISTRATION OF  
 8 THE vocational education policies adopted by the state board  
 9 of vocational education;

10 (2) ~~propose curricular guides for vocational education~~  
 11 ~~board of education~~ ADMINISTRATIVE COMMITTEE BOARD OF PUBLIC  
 12 EDUCATION adoption;

13 (3) employ, with the confirmation of the board of  
 14 education ~~administrative committee~~ BOARD OF PUBLIC  
 15 EDUCATION, the professional staff necessary for the state  
 16 supervision and administration of vocational education,  
 17 ~~including the postsecondary vocational-technical center~~  
 18 ~~directors~~ STAFF DIRECTORS IN CONSULTATION WITH THE LOCAL  
 19 BOARD OF THE DISTRICT IN WHICH A CENTER IS LOCATED:

20 (4) report the status of vocational education in the  
 21 state of Montana ~~when annually and in a form~~ requested by  
 22 the board of education ~~administrative committee~~ BOARD OF  
 23 PUBLIC EDUCATION:

24 (5) keep all vocational education records in his  
 25 office; and

1 (6) provide vocational education supervisory and  
2 consultative assistance to ~~districts, schools;~~

3 (7) develop a policy manual OF OPERATIONS for the  
4 vocational-technical centers that specifies standard  
5 procedures for administration of the centers IN ACCORDANCE  
6 WITH THE POLICY OF THE STATE BOARD OF VOCATIONAL BOARD OF  
7 PUBLIC EDUCATION."

8 Section 3. Section 75-5617, R.C.M. 1947, is amended to  
9 read as follows:

10 "75-5617. Division of powers among boards. (1) The  
11 powers and duties assigned to the "board of education,"  
12 "state board of education" or "state board for vocational  
13 education" in Title 75, and wherever else appearing in the  
14 Revised Codes of Montana, 1947, except in chapters 81 and 84  
15 through 88 of Title 75, sections 75-7701, 75-7704, 75-7706  
16 through 75-7710, 75-7714, and 75-7715, subsections (14) and  
17 (15) of 75-5607, sections 28-301 through 28-304, 44-213,  
18 59-1111, 66-505 and 77-909 through 77-911 and except as  
19 provided in subsection ~~(2)~~ (4) below, are hereby assigned to  
20 the board of public education created in article X, section  
21 9, subsection (3) of the 1972 Montana constitution.

22 (2) The powers and duties assigned in Title 75,  
23 sections 75-7701, 75-7704, 75-7706 through 75-7710, 75-7714,  
24 and 75-7715 are assigned to the state board of vocational  
25 education as defined in section 75-7702.

1 ~~(2)~~-(3) The powers and duties assigned in chapters 81  
2 and 84 through 88 of Title 75, R.C.M. 1947, and subsections  
3 (14) and (15) of 75-5607 R.C.M. 1947, as well as powers and  
4 duties assigned to the "state board of education ex officio  
5 regents," "state board of education of the state of Montana,  
6 ex officio regents of the Montana university system,"  
7 "regents," "regents of the greater university system,"  
8 "state board of regents" or "regents of the Montana system"  
9 wherever appearing in the Revised Codes of Montana,  
10 including those assigned to the "state board of education"  
11 and the "board of education" in sections 28-301 through  
12 28-304, 44-213, 59-1111, 66-505 and 77-909 through 77-911  
13 and excepting as provided in subsection (3) below, are  
14 hereby assigned to the board of regents of higher education  
15 created by article X, section 9, subsection (2) of the 1972  
16 Montana constitution.

17 ~~(3)~~-(4) The powers and duties assigned in chapters 1  
18 and 5 of Title 82A, R.C.M. 1947, to the "state board of  
19 education" or the "board of education" are hereby assigned  
20 to the state board of education composed of the board of  
21 public education and the board of regents of higher  
22 education as specified in article X, section 9, subsection  
23 (1) of the 1972 Montana constitution."

24 Section 4. Section 75-7701, R.C.M. 1947, is amended to  
25 read as follows:

1 "75-7701. Definitions. As used in this title chapter,  
2 unless the context clearly indicates otherwise:

3 "Vocational education" means the instruction and  
4 training to prepare or improve the pupil student for gainful  
5 employment that does not require a baccalaureate or higher  
6 degree. This definition of vocational education shall  
7 include guidance and prevocational, related or technical  
8 instruction necessary to prepare the pupil student for  
9 further vocational education or for entry into employment.

10 "~~Post-secondary Postsecondary~~ vocational-technical  
11 education" means ~~vocational-technical education of~~  
12 ~~post-secondary vocational-technical pupils which instruction~~  
13 ~~and training that is conducted by a post-secondary~~  
14 ~~POSTSECONDARY~~ vocational-technical center or through other  
15 ~~programs as designated by the board of vocational education~~  
16 CONTRACTED SERVICES WITH THE ADMINISTRATIVE COMMITTEE BOARD  
17 OF PUBLIC EDUCATION. ~~Post-secondary Postsecondary~~  
18 vocational-technical education shall include the 13th and  
19 14th year and beyond but will not include work toward a  
20 baccalaureate degree.

21 "~~Post-secondary Postsecondary~~ vocational-technical  
22 pupil student" means a person who has completed or left  
23 school, is at least sixteen (16) years of age, and is  
24 available for study in preparation for entering the labor  
25 market, for re-entering the labor market, or for employment

1 stability or advancement in employment.

2 "~~Post-secondary Postsecondary~~ vocational-technical  
3 center" means a state school used principally for the  
4 provision of ~~post-secondary~~ postsecondary  
5 vocational-technical education to persons who qualify as  
6 ~~post-secondary postsecondary~~ vocational-technical pupils  
7 students. These centers are designated by the state board  
8 of ~~vocational PUBLIC~~ education ~~as defined in section 75-7702~~  
9 upon direction by the legislature. All other public or  
10 private schools are hereby prohibited from using this  
11 title."

12 Section 5. Section 75-7704, R.C.M. 1947, is amended to  
13 read as follows:

14 "75-7704. District authorization to establish and  
15 maintain vocational education courses and programs. The  
16 trustees of any district, community college district, or  
17 unit of the Montana university system may establish and  
18 maintain a vocational education course or program that  
19 complies with the vocational education ~~standards~~ POLICIES  
20 adopted by the state board of ~~vocational PUBLIC~~ education ~~as~~  
21 ~~defined in section 75-7702~~. In order for a course or  
22 program to be eligible for state or federal financing, it  
23 shall be approved by the ~~board of education~~ ADMINISTRATIVE  
24 COMMITTEE BOARD OF PUBLIC EDUCATION."

25 Section 6. Section 75-7706, R.C.M. 1947, is amended to

1 read as follows:

2 \*75-7706. State treasurer custodian of vocational  
 3 education moneys. The treasurer of the state of Montana is  
 4 hereby designated as the custodian of all federal and state  
 5 moneys designated, appropriated or apportioned for  
 6 vocational education. All moneys received from any federal  
 7 or state source for the establishment, operation or  
 8 furtherance of vocational education in the state shall be  
 9 deposited with the state treasurer. At the direction of the  
 10 ~~state board of vocational education as defined in section~~  
 11 ~~75-7702 ADMINISTRATIVE COMMITTEE BOARD OF PUBLIC EDUCATION,~~  
 12 he shall disburse all moneys appropriated or received for  
 13 vocational education."

14 Section 7. Section 75-7707, R.C.M. 1947, is amended to  
 15 read as follows:

16 \*75-7707. ~~Post-secondary~~ Postsecondary vocational-  
 17 technical center designation. ~~Post-secondary~~ Postsecondary  
 18 vocational-technical centers shall be designated by the  
 19 state board of vocational education as defined in section  
 20 75-7702 only upon direction of the legislature. Applications  
 21 for designation must be made in accordance with the  
 22 following procedure:

23 (1) The trustees of any high school district, of a  
 24 county high school, of a community college district, or the  
 25 governing board of any unit of the Montana university system

1 may submit an application for designation of a  
 2 ~~post-secondary~~ postsecondary vocational-technical center to  
 3 be operated by such trustees or governing board. The  
 4 application for designation shall be submitted in accordance  
 5 with the time, data and form requirements prescribed by the  
 6 POLICY OF THE STATE board of VOCATIONAL PUBLIC education.  
 7 Applicant high school districts, county high schools, or  
 8 community college districts shall be located in a county  
 9 with a taxable valuation of at least forty-five million  
 10 dollars (\$45,000,000).

11 (2) Applications are to be presented to the  
 12 ~~superintendent of public instruction acting in his capacity~~  
 13 ~~as the executive officer for vocational education of the~~  
 14 ~~board of education.~~ The ~~superintendent of public instruction~~  
 15 executive officer shall review the application and present  
 16 it to the ~~administrative committee of the state board of~~  
 17 vocational BOARD OF PUBLIC education along with his  
 18 recommendations. The ~~board of education~~ administrative  
 19 committee BOARD OF PUBLIC EDUCATION shall then examine the  
 20 application and recommendations of the ~~superintendent of~~  
 21 ~~public instruction~~ executive officer and either adopt the  
 22 recommendations ~~of the superintendent of public instruction~~  
 23 or draft its own recommendations. The application, together  
 24 with all recommendations shall be presented by the ~~state~~  
 25 ~~board of vocational~~ BOARD OF PUBLIC education to the next

1 following ~~legislative assembly~~ legislature.

2 The ~~state board of vocational~~ BOARD OF PUBLIC education  
 3 shall recognize the presently designated ~~post-secondary~~  
 4 ~~postsecondary~~ vocational-technical centers operated by the  
 5 respective board of trustees of school district number 1 of  
 6 Silver Bow County, high school district number 1 of Lewis  
 7 and Clark County, high school district "A" of Cascade  
 8 County, Missoula County high school, and high school  
 9 district number 2 of Yellowstone County."

10 Section 8. Section 75-7708, R.C.M. 1947, is amended to  
 11 read as follows:

12 "75-7708. Program and budget categories for  
 13 ~~post-secondary postsecondary~~ vocational-technical education.  
 14 centers The ~~state board of vocational~~ BOARD OF PUBLIC  
 15 education ~~as defined in section 75-7702~~ shall, ~~through the~~  
 16 ~~ADMINISTRATIVE COMMITTEE~~, have the sole authority for the  
 17 approval of the ~~post-secondary~~ ~~postsecondary~~  
 18 vocational-technical education programs and their budgets.  
 19 Such programs and budgets shall be placed into three  
 20 categories defined as:

21 (1) Maintenance and operation. The maintenance and  
 22 operation category shall include programs and costs for  
 23 instruction; vocational guidance and counseling; job  
 24 placement; travel of ~~pupile~~ ~~students~~ and personnel while  
 25 engaged in a program; acquisition, maintenance, and repair

1 of equipment; and the rental of necessary emergency  
 2 facilities for not more than one year.

3 (2) Construction. The construction category shall  
 4 include the program and cost for construction of new  
 5 buildings; acquisition, expansion, remodeling and alteration  
 6 of existing buildings; site acquisition and improvements;  
 7 architectural fees; and the purchase of initial equipment.

8 (3) Ancillary services. The ancillary services  
 9 category shall include the program and cost for the services  
 10 and activities necessary to assure quality in the  
 11 ~~post-secondary~~ ~~postsecondary~~ vocational-technical center's  
 12 instruction, such as supervision and administration of the  
 13 center, program evaluation, special demonstration and  
 14 experimental programs, and development of instructional  
 15 materials and curriculum.

16 The trustees of the designated district or other  
 17 governing board where the ~~post-secondary~~ ~~postsecondary~~  
 18 vocational-technical center is located shall submit program  
 19 proposals and the related budgets on the basis of these  
 20 categories and in accordance with the program and budget  
 21 approval ~~procedure~~ POLICY prescribed by the ~~state board of~~  
 22 ~~vocational~~ BOARD OF PUBLIC education."

23 Section 9. Section 75-7709, R.C.M. 1947, is amended to  
 24 read as follows:

25 "75-7709. Sources of financing for ~~post-secondary~~



1 ~~postsecondary~~ vocational-technical center budgets. ~~state~~  
 2 ~~board of public vocational education administration~~ The  
 3 total of the budgets approved by THE ADMINISTRATIVE  
 4 ~~COMMITTEE IN ACCORDANCE WITH POLICIES OF~~ the state board of  
 5 PUBLIC vocational education ~~as defined in section 75-7702~~  
 6 together with the budget for the cost of state  
 7 administration of the ~~post-secondary~~ postsecondary  
 8 vocational-technical centers shall constitute the total  
 9 maximum approved, state-wide budget which shall be financed  
 10 as follows:

11 (1) The primary source of financing is to be those  
 12 funds specifically designated by legislative enactment or  
 13 referendum by the people for financing ~~post-secondary~~  
 14 postsecondary vocational-technical education in Montana.

15 (2) The board of county commissioners of each county  
 16 in which a designated ~~post-secondary~~ postsecondary  
 17 vocational-technical center is located ~~is hereby authorized~~  
 18 ~~to~~ SHALL levy a tax of not to exceed one (1) mill on the  
 19 dollar of all taxable property, real and personal, within  
 20 the county for the support and maintenance of the  
 21 ~~post-secondary~~ postsecondary vocational-technical center  
 22 located within the said county.

23 (3) Designated ~~post-secondary~~ postsecondary  
 24 vocational-technical centers shall be eligible to receive  
 25 such funds from the federal government as the state board of

1 PUBLIC vocational education POLICY may provide pursuant to  
 2 applicable Acts of Congress.

3 (4) The board of trustees of any designated high  
 4 school district, or county high school district where a  
 5 ~~post-secondary~~ postsecondary vocational center is located  
 6 may be required, as a condition for the construction in such  
 7 district of a ~~post-secondary~~ postsecondary vocational  
 8 center, or any part thereof, to furnish up to fifty percent  
 9 (50%) of the amount of funds required for any such  
 10 construction. The percentage of construction funds to be  
 11 furnished by such designated district shall be derived, in  
 12 whole or in part, from any of the following sources:

13 (a) The sale of bonds issued by such district. Such  
 14 bonds shall be issued in conformity with the requirements of  
 15 chapter 71 of Title 75 in the case of high school and county  
 16 high school district.

17 (b) Any other funds available to such district which  
 18 may be legally and properly applied toward such  
 19 construction.

20 (c) The reasonable value of land, buildings, fixtures  
 21 or equipment furnished by such district, subject to ~~the~~  
 22 approval PROVISIONS OF THE POLICY of the state board of  
 23 PUBLIC vocational education.

24 (5) If the aggregate financing provided by sources of  
 25 revenue in (1), (2) and (3) does not provide one hundred per

1 cent (100%) financing of the maximum approved, state-wide  
 2 budget, the remaining deficiency shall be financed from any  
 3 state funds appropriated by the legislature for  
 4 ~~post-secondary~~ postsecondary vocational-technical education.

5 The state board of PUBLIC vocational education POLICY  
 6 shall ~~direct~~ SPECIFY the METHOD OF distribution of the funds  
 7 specified in subsections (1), (3), and (5) of this section  
 8 on the basis of the budgets approved by the ~~state board of~~  
 9 ~~public-vocational-education~~ ADMINISTRATIVE--COMMITTEE BOARD  
 10 OF PUBLIC EDUCATION. ~~The--funds-earned-by-committee-~~ The  
 11 funds earned by the mill levy specified in subsection (2) of  
 12 this section shall be credited by the county treasurer to  
 13 the ~~post-secondary~~ postsecondary vocational-technical center  
 14 fund.

15 The ~~state--board--of--public--vocational--education~~  
 16 ~~ADMINISTRATIVE--COMMITTEE~~ BOARD OF PUBLIC EDUCATION shall  
 17 determine the amount of financing available from these five  
 18 sources of revenue and may approve budgets OF EACH CENTER  
 19 for maintenance and operation, construction and ancillary  
 20 services. The aggregate amount of the budgets so approved by  
 21 the ~~state--board--of--public--vocational~~ education  
 22 ~~ADMINISTRATIVE--COMMITTEE~~ BOARD OF PUBLIC EDUCATION for THE  
 23 ~~post-secondary~~ postsecondary vocational-technical centers  
 24 shall not exceed the moneys determined to be available."

25 Section 10. Section 75-7710, R.C.M. 1947, is amended

1 to read as follows:

2 "75-7710. Local administration. The trustees or  
 3 governing board of a ~~post-secondary~~ postsecondary  
 4 vocational-technical center shall ~~administer such~~ OPERATE  
 5 ~~THE~~ center according to the requirements of the laws of the  
 6 state of Montana, the policies of the ~~state board of~~  
 7 ~~vocational~~ BOARD OF PUBLIC education ~~as defined in section~~  
 8 ~~75-7702~~, and the regulations of the ~~superintendent of public~~  
 9 ~~instruction~~ executive officer of vocational education. If,  
 10 in construing such laws, there is a conflict between the  
 11 laws providing for ~~post-secondary~~ postsecondary  
 12 vocational-technical centers and any other laws governing  
 13 the operation of schools, the former shall have the  
 14 controlling authority."

15 Section 11. Section 75-7712, R.C.M. 1947, is amended  
 16 to read as follows:

17 "75-7712. Admission of pupils students with priority  
 18 to Montana residents. ~~Any~~ A person who qualifies as a  
 19 ~~post-secondary~~ postsecondary vocational-technical pupil  
 20 student as defined in this act chapter shall be admitted to  
 21 the ~~post-secondary~~ any postsecondary vocational-technical  
 22 center ~~of his choice~~ except that pupils students who qualify  
 23 as residents of the state of Montana as hereafter defined  
 24 shall be given priority in case enrollment limitations are  
 25 caused by resource limitation."

1 Section 12. Section 75-7714, R.C.M. 1947, is amended  
2 to read as follows:

3 "75-7714. ~~Pupil~~ Students fees and disposition of  
4 collected fees. Fees for the use of equipment and material  
5 used in instruction and training may be charged by the  
6 trustees or other governing board of the ~~post-secondary~~  
7 postsecondary vocational-technical center. ~~The POLICY OF THE~~  
8 state board of vocational BOARD OF PUBLIC education ~~as~~  
9 defined in section 75-7702 shall prescribe the basis and  
10 limitations for the charging of such fees.

11 Fees collected by the ~~post-secondary~~ postsecondary  
12 vocational-technical center shall be deposited with the  
13 county treasurer in the fund designated by the  
14 ~~superintendent of public instruction~~ EXECUTIVE OFFICER FOR  
15 VOCATIONAL EDUCATION for the receipt of such fees. The  
16 expenditure of the fees shall not be subject to budget  
17 limitations and shall be in addition to the program budgets  
18 approved by the ~~state board of vocational~~ education  
19 ADMINISTRATIVE COMMITTEE BOARD OF PUBLIC EDUCATION."

20 Section 13. Section 75-7715, R.C.M. 1947, is amended  
21 to read as follows:

22 "75-7715. Lease or purchase of state property for  
23 ~~post-secondary~~ postsecondary vocational-technical center  
24 purposes. The state of Montana, acting by and through the  
25 ~~state board of vocational~~ BOARD OF PUBLIC education, ~~as~~

1 ~~defined in section 75-7702~~ is hereby empowered and  
2 authorized to enter into a lease agreement for a term not to  
3 exceed forty (40) years, in order to lease to, OR FROM, a  
4 district operating a ~~post-secondary~~ postsecondary  
5 vocational-technical center any building or lands owned by  
6 the state OR DISTRICT and financed in whole or in part by an  
7 appropriation made ~~by the legislature of the state of~~  
8 ~~Montana~~ for the purpose of supporting ~~the district~~  
9 ~~post-secondary~~ A postsecondary vocational-technical center.  
10 The consideration necessary to support such a lease may be  
11 nominal. RIGHT OF RENEWAL OF THE LEASE SHALL BE GUARANTEED  
12 IF THE BUILDING IS UTILIZED FOR THE PURPOSES OF  
13 POSTSECONDARY VOCATIONAL EDUCATION."

14 ~~The state board of vocational~~ education is hereby  
15 ~~authorized to transfer, or direct transfer of, title held by~~  
16 ~~the state of Montana in buildings or lands financed in whole~~  
17 ~~or in part by an appropriation by the state legislature, to~~  
18 ~~a district operating a post-secondary postsecondary~~  
19 ~~vocational-technical center, at any time the state board of~~  
20 ~~vocational education deems such transfer to be in the best~~  
21 ~~interests of both the state and the district involved,~~  
22 ~~provided that this authorization extends only to buildings~~  
23 ~~or lands which are to be used by the district for~~  
24 ~~post-secondary postsecondary vocational technical education~~  
25 purposes.

1 Section 14. Section 75-5607, R.C.M. 1947, is amended  
 2 to read as follows:

3 \*75-5607. Powers and duties. The board of PUBLIC  
 4 education shall have the power and it shall be its duty to:

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

9 (2) consider the suspension or revocation of teacher  
 10 certificates, and appeals from the denial of teacher  
 11 certification in accordance with the provisions of section  
 12 75-6010;

13 (3) administer and order the distribution of state  
 14 equalization aid in accordance with the provisions of  
 15 section 75-6917;

16 (4) adopt and enforce policies to provide uniform  
 17 standards and regulations for the design, construction, and  
 18 operation of school buses in accordance with the provisions  
 19 of section 75-7004;

20 (5) approve or disapprove a reduction of the number of  
 21 hours in a district's school day in accordance with the  
 22 provisions of section 75-7403;

23 (6) adopt policies prescribing the conditions when  
 24 school may be conducted on Saturday, and the types of  
 25 pupil-instruction-related days and approval procedure for

1 such days in accordance with the provisions of sections  
 2 75-7404 and 75-7405;

3 (7) adopt standards of accreditation and establish the  
 4 accreditation status of every school in accordance with the  
 5 provisions of sections 75-7501 and 75-7502;

6 (8) establish the scope of conservation education in  
 7 the schools in accordance with the provisions of section  
 8 75-7509;

9 (9) approve or disapprove educational media selected  
 10 by the superintendent of public instruction for the  
 11 educational media library in accordance with the provisions  
 12 of section 75-7511;

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

16 ~~(11) consider applications for post-secondary~~  
 17 ~~vocational technical center designation in accordance with~~  
 18 ~~the provisions of section 75-7707;~~

19 ~~(12) for the purposes of post-secondary vocational~~  
 20 ~~technical centers, vocational technical centers, approve or~~  
 21 ~~disapprove programs and budgets, direct the distribution of~~  
 22 ~~moneys in support of such budgets, determine tuition rates~~  
 23 ~~and fees, enter into lease agreements or real property~~  
 24 ~~purchases in accordance with the post-secondary~~  
 25 ~~vocational technical center provisions of the vocational~~

1 ~~education chapter of this Title;~~

2 ~~(13)~~ (10) adopt policies for the conduct of special  
3 education in accordance with the provisions of section  
4 75-7802;

5 ~~(14)~~ (11) supervise community college districts in  
6 accordance with the provisions of sections 75-8103 and  
7 75-8119;

8 ~~(15)~~ (12) call an election, determine the results of  
9 the election, order and implement the organization of a  
10 community college district in accordance with the community  
11 college districts chapter of this Title; and

12 ~~(16)~~ (13) perform any other duty prescribed from time  
13 to time by this Title or any other act of the legislature."

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

16 "75-5707. Powers and duties. The superintendent of  
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 (1) resolve any controversy resulting from the  
22 proration of joint costs by a joint board of trustees under  
23 the provisions of section 75-5929;

24 (2) issue, renew or deny teacher certification and  
25 emergency authorizations of employment and give notice of

1 teacher certification suspension or revocation proceedings  
2 to be conducted by the board of PUBLIC education in  
3 accordance with the provisions of the teacher certification  
4 chapter of this Title;

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

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

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

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

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

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

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

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

1 75-6704 and 75-7209;

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

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

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

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

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

24 (16) approve, disapprove or adjust an increase of the  
25 average number belonging (ANB) in accordance with the

1 provisions of sections 75-6903 and 75-6904;

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

5 (18) estimate the state-wide equalization level for the  
6 foundation program in accordance with the provisions of  
7 section 75-6920;

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

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

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

16 (22) request, accept, deposit and expend federal moneys  
17 ~~--- EXCEPT FEDERAL FUNDS FOR VOCATIONAL EDUCATION AS~~  
18 ~~DESCRIBED IN SECTIONS 75-7705 AND 75-7706 ---~~ in accordance  
19 with the provisions of section 75-7303;

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

24 (24) prescribe the form and contents of and approve or  
25 disapprove interstate contracts in accordance with the

1 provisions of section 75-7308;

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

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

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

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

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

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

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

1 ~~(32) 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 the conduct of  
8 special education in the state in accordance with the  
9 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;

22 ~~(39)-(36)~~ publish and distribute fire danger books in  
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 75-9310; and  
2 ~~(44)~~ (38) perform any other duty prescribed from time  
3 to time by this Title, any other act of the legislature, or  
4 the policies of the board of PUBLIC education."

-End-



April 2, 1975

SENATE COMMITTEE ON EDUCATION

AMENDMENTS TO HOUSE BILL NO. 566

That House Bill No. 566, third reading, be amended as follows:

1. Amend the title, line 5.  
Following: "OF"  
Strike: "BOARD OF PUBLIC"  
Insert: "State Board of"
2. Amend the title, line 8.  
Following: "HIRING"  
Strike: "HIRE"  
Insert: "appoint an administrative committee responsible for administering vocational education and hiring"
3. Amend the title, line 11.  
Following: "75-7714,"  
Strike: "AND"
4. Amend the title, line 11.  
Following: "75-7115,"  
Insert: "and 75-7303,"
5. Amend page 1, section 1, line 16.  
Following: "state"  
Insert: "state"
6. Amend page 1, section 1, line 17.  
Following: line 16  
Strike: "PUBLIC"  
Insert: "vocational"
7. Amend page 1, section 1, line 19.  
Following: "state"  
Insert: "state"
8. Amend page 1, section 1, line 19.  
Following: "of"  
Strike: "PUBLIC"
9. Amend page 1, section 1, line 21.  
Following: "state"  
Insert: "state"
10. Amend page 1, section 1, line 21.  
Following: "vocational"  
Strike: "PUBLIC"  
Insert: "vocational"
11. Amend page 3, section 1, lines 14 through 17.  
Strike: lines 14 through 17 in their entirety  
Insert: "(2) The governor shall appoint an administrative committee to be made up of three (3) of the appointed members from the board of public education and two (2) of the appointed members from the board of regents. The chairman of the administrative committee shall be a member and shall be selected by the board of public education.  
  
(3) The administrative committee shall have delegated responsibility for the administration of the policies adopted by the state board of vocational education for the state of Montana and shall employ the executive officer for vocational education. The executive officer shall be an ex officio nonvoting member of the administrative committee."
12. Amend page 4, section 2, line 1.  
Following: "COMMITTEE"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"
13. Amend page 4, section 2, lines 4 and 5.  
Following: "COMMITTEE"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"
14. Amend page 4, section 2, line 7.  
Following: "FOR THE"  
Insert: "administrative committee for the"
15. Amend page 4, section 1, line 8.  
Following: "policies"  
Insert: ";
16. Amend page 4, section 2, lines 11 and 12.  
Following: "COMMITTEE"  
Strike: "BOARD OF PUBLIC EDUCATION adoption;"  
Insert: "(2) prepare curriculum guides for administrative committee adoption;"
17. Amend page 4, section 2, lines 14 and 15.  
Following: "committee"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"
18. Amend page 4, section 2, lines 22 and 23.  
Following: "committee"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"

April 2, 1975

H.B. 566

Page 2

19. Amend page 5, section 2, lines 6 and 7.  
Following: "~~VOCATIONALS~~"  
Strike: "~~BOARD OF PUBLIC~~"  
Insert: "state board of vocational"
20. Amend page 7, section 4, lines 16 and 17.  
Following: "~~COMMITTEE~~"  
Strike: "~~BOARD OF PUBLIC EDUCATION~~"  
Insert: "administrative committee"
21. Amend page 8, section 4, line 7.  
Following: "~~state~~"  
Insert: "state"
22. Amend page 8, section 4, line 8.  
Following: "~~vocational~~"  
Strike: "~~PUBLIC~~"  
Insert: "vocational"
23. Amend page 8, section 5, line 20.  
Following: "~~state~~"  
Insert: "state"
24. Amend page 8, section 5, line 20.  
Following: "~~vocational~~"  
Strike: "~~PUBLIC~~"  
Insert: "vocational"
25. Amend page 8, section 5, line 24.  
Following: "~~COMMITTEE~~"  
Strike: "~~BOARD OF PUBLIC EDUCATION~~"  
Insert: "administrative committee"
26. Amend page 9, section 6, line 11.  
Following: "~~COMMITTEE~~"  
Strike: "~~BOARD OF PUBLIC EDUCATION~~"  
Insert: "administrative committee"
27. Amend page 9, section 6, line 13.  
Following: line 13  
Insert: "Section 7. Section 75-7303, R.C.M. 1947, is amended to read as follows:  
"75-7303. Acceptance and expenditure of federal moneys for state. The governor and the superintendent of public instruction are authorized on behalf of the state of Montana to request and accept such moneys as are now or will be made available under any act of Congress of the United States, or otherwise, for purposes of public school building construction or for any other purposes of public schools and public education as permitted under the laws of the state of Montana and as authorized by the grants from the federal

government. Such moneys shall be deposited by the governor and superintendent of public instruction in the state treasury, and are appropriated and made available to the superintendent of public instruction. All such moneys shall be expended for the purpose of public school building construction or for any other purposes of public schools and public education as permitted under the laws of the state of Montana and as authorized by the grants from the federal government. The governor and superintendent of public instruction are further authorized on behalf of the state of Montana to accept moneys provided from federal sources for the express purpose of distribution to non-public education. Such moneys shall be deposited by the governor and superintendent of public instruction in the state treasury, and are appropriated and made available to the superintendent of public instruction. All such moneys shall be distributed in the manner provided by the laws of the state of Montana and as authorized or expressed by grants from the federal government. All expenditures of moneys from federal sources under this section shall be made under the supervision and in the discretion of the superintendent of public instruction. Any balance in the account in which such moneys are maintained shall not lapse at any time, but shall be continuously available to the superintendent of public instruction for expenditures consistent with this act and acts of the federal government.

The governor and the executive officer for vocational education are authorized on behalf of the state of Montana to request and accept moneys for vocational

education as are now or will be made available under any act of Congress of the United States, or otherwise, for purposes of building construction for vocational education or for any other purpose for vocational education as permitted under the laws of the state of Montana and as authorized by the grants from the federal government.

Such moneys shall be deposited by the governor and the executive officer for vocational education in the state treasury, and are appropriated and made available to the executive officer for vocational education.

All expenditures of moneys from federal sources under this section shall be made under the supervision and in the discretion of the executive officer for vocational education as provided by the policies of the state board of vocational education.

Renumber: All subsequent sections.

28. Amend page 10, section 7, line 6.  
Following: "~~STATE~~"  
Insert: "state"

29. Amend page 10, section 7, line 6.  
Following: "VOCATIONAL"  
Strike: "PUBLIC"  
Insert: "vocational"
30. Amend page 10, section 7, line 17.  
Following: "vocational"  
Strike: "BOARD OF PUBLIC"  
Insert: "administrative committee for the state board of vocational"
31. Amend page 10, section 7, line 19.  
Following: "committee"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"
32. Amend page 10, section 7, line 25.  
Following: "vocational"  
Strike: "BOARD OF PUBLIC"  
Insert: "state board of vocational"
33. Amend page 11, section 7, line 2.  
Following: "vocational"  
Strike: "BOARD OF PUBLIC"  
Insert: "state board of vocational"
34. Amend page 11, section 8, line 14.  
Following: "vocational"  
Strike: "BOARD OF PUBLIC"  
Insert: "state board of vocational"
35. Amend page 11, section 8, line 16.  
Following: "COMMITTEE"  
Insert: ", through the administrative committee,"
36. Amend page 12, section 8, line 22.  
Following: "vocational"  
Strike: "BOARD OF PUBLIC"  
Insert: "state board of vocational"
37. Amend page 13, section 9, line 4.  
Following: "state"  
Insert: "administrative committee in accordance with the policies of state"
38. Amend page 13, section 9, line 5.  
Following: "vocational"  
Insert: "vocational"
39. Amend page 13, section 9, line 25.  
Following: "state"  
Insert: "state"

40. Amend page 14, section 9, line 1.  
Following: "vocational"  
Insert: "vocational"
41. Amend page 14, section 9, line 22.  
Following: "state"  
Insert: "state"
42. Amend page 14, section 9, line 23.  
Following: "vocational"  
Insert: "vocational"
43. Amend page 15, section 9, line 5.  
Following: "state"  
Insert: "state"
44. Amend page 15, section 9, line 5.  
Following: "vocational"  
Insert: "vocational"
45. Amend page 15, section 9, lines 9 and 10.  
Following: "COMMITTEE"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"
46. Amend page 15, section 9, line 16.  
Following: "COMMITTEE"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"
47. Amend page 15, section 9, line 22.  
Following: "COMMITTEE"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"
48. Amend page 16, section 10, line 7.  
Following: "vocational"  
Strike: "BOARD OF PUBLIC"  
Insert: "state board of vocational"
49. Amend page 17, section 12, line 8.  
Following: "vocational"  
Strike: "BOARD OF PUBLIC"  
Insert: "state board of vocational"
50. Amend page 17, section 12, line 19.  
Following: "COMMITTEE"  
Strike: "BOARD OF PUBLIC EDUCATION"  
Insert: "administrative committee"

April 2, 1975

H.B. 566

Page 7

51. Amend page 17, section 13, line 25.

Following: "vocational"

Strike: "BOARD OF PUBLIC"

Insert: "state board of vocational"

52. Amend page 27, section 15, line 4.

Following: line 4

Insert: "Section 16. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

AND AS SO AMENDED, BE CONCURRED IN

## 1 HOUSE BILL NO. 566

2 INTRODUCED BY GUNDERSON, THOMAS, HARPER, VINCENT

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DESIGNATE THE ~~STATE~~  
 5 ~~BOARD--OF~~ ~~BOARD--OF--PUBLIC~~ STATE BOARD OF EDUCATION AS THE  
 6 STATE BOARD OF VOCATIONAL EDUCATION THAT SHALL ~~APPOINT--AN~~  
 7 ~~ADMINISTRATIVE---COMMITTEE---RESPONSIBLE--FOR--ADMINISTERING~~  
 8 ~~VOCATIONAL---EDUCATION---AND---HIRING~~ HIRE APPOINT AN  
 9 ADMINISTRATIVE COMMITTEE RESPONSIBLE FOR ADMINISTERING  
 10 VOCATIONAL EDUCATION AND HIRING THE EXECUTIVE OFFICER FOR  
 11 VOCATIONAL EDUCATION; AMENDING SECTIONS 75-5607, 75-5617,  
 12 75-5707, 75-7701 THROUGH 75-7704, 75-7706 THROUGH 75-7710,  
 13 75-7712, 75-7714, ~~AND~~ 75-7715, AND 75-7303 R.C.M. 1947."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:16 Section 1. Section 75-7702, R.C.M. 1947, is amended to  
17 read as follows:

18 "75-7702. Duties of the state STATE board of  
 19 vocational PUBLIC VOCATIONAL education. ~~The---board---of~~  
 20 ~~education---shall---be---the---governing---board---of---the---state---of~~  
 21 ~~Montana---for---vocational---education;~~ The state STATE board of  
 22 PUBLIC education shall be designated as the state board of  
 23 vocational education. (1) The state STATE board of  
 24 vocational PUBLIC VOCATIONAL education shall adopt policies  
 25 to effect the orderly development of a system of vocational

1 education that is adaptable to changing needs, controlled to  
 2 prevent unnecessary duplication, co-ordinated with federal  
 3 guidelines and requirements for vocational education, and  
 4 funded to ensure growth and quality programming. In order to  
 5 accomplish the orderly development of a system of vocational  
 6 education, the board ~~of-education~~ policies shall include:

7 (1)--(a) a state plan for such development;

8 (2)--(b) standards for vocational education courses  
9 and programs;10 (3)--(c) instructor qualifications for vocational  
11 education courses and programs;12 (4)--(d) criteria for approval of vocational education  
13 courses and programs which are to receive financial  
14 assistance;15 (5)--(e) a basis for apportionment of all moneys  
16 appropriated by the legislature for vocational education in  
17 accordance with the intent of the legislature as reflected  
18 in the terms of the appropriation;19 (6)--(f) a basis for apportionment of all moneys  
20 received by the state of Montana for vocational education  
21 from the federal government in accordance with the Acts of  
22 Congress;23 (7)--(g) a system of evaluation of vocational  
24 education which allows for consideration of the current and  
25 projected manpower needs and job opportunities; and

1       ~~{0}~~--(h) any other policy not inconsistent with public  
2 law and which is necessary for the proper operation of a  
3 system of vocational education.

4       ~~{2}--The state board of vocational education shall~~  
5 ~~appoint an administrative committee to be made up of three~~  
6 ~~{3}--OF THE APPOINTED~~ members from the board of public  
7 ~~education and two {2}--OF THE APPOINTED members from the~~  
8 ~~board of regents, The chairman of the administrative~~  
9 ~~committee shall be selected from among the members of the~~  
10 ~~board of public education;~~

11       ~~{3}--The administrative committee shall be responsible~~  
12 ~~HAVE DELEGATED RESPONSIBILITY~~ for the administration of the  
13 ~~policies adopted by the state board of vocational education~~  
14 ~~for the state of Montana and shall employ the executive~~  
15 ~~officer for vocational education;~~

16       ~~{2}--THE BOARD OF PUBLIC EDUCATION SHALL HIRE AN~~  
17 ~~EXECUTIVE OFFICER FOR VOCATIONAL EDUCATION; THE EXECUTIVE~~  
18 ~~OFFICER SHALL BE AN EX OFFICIO NONVOTING MEMBER OF THE BOARD~~  
19 ~~OF PUBLIC EDUCATION;~~

20       (2) THE GOVERNOR SHALL APPOINT AN ADMINISTRATIVE  
21 COMMITTEE TO BE MADE UP OF THREE (3) OF THE APPOINTED  
22 MEMBERS FROM THE BOARD OF PUBLIC EDUCATION AND TWO (2) OF  
23 THE APPOINTED MEMBERS FROM THE BOARD OF REGENTS. THE  
24 CHAIRMAN OF THE ADMINISTRATIVE COMMITTEE SHALL BE A MEMBER  
25 AND SHALL BE SELECTED BY THE BOARD OF PUBLIC EDUCATION.

1       (3) THE ADMINISTRATIVE COMMITTEE SHALL HAVE DELEGATED  
2 RESPONSIBILITY FOR THE ADMINISTRATION OF THE POLICIES  
3 ADOPTED BY THE STATE BOARD OF VOCATIONAL EDUCATION FOR THE  
4 STATE OF MONTANA AND SHALL EMPLOY THE EXECUTIVE OFFICER FOR  
5 VOCATIONAL EDUCATION. THE EXECUTIVE OFFICER SHALL BE AN EX  
6 OFFICIO NONVOTING MEMBER OF THE ADMINISTRATIVE COMMITTEE."

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

9       "75-7703. Duties of superintendent of public  
10 instruction as executive officer executive officer for  
11 vocational education. The superintendent of public  
12 instruction shall be the executive officer of the board of  
13 education for the administration of The executive officer  
14 for vocational education shall administer FOR THE  
15 ADMINISTRATIVE COMMITTEE BOARD OF PUBLIC EDUCATION  
16 ADMINISTRATIVE COMMITTEE all state and federal laws related  
17 to vocational education. As In addition the executive  
18 officer, the superintendent of public instruction shall AT  
19 THE DISCRETION OF THE ADMINISTRATIVE COMMITTEE BOARD OF  
20 PUBLIC EDUCATION ADMINISTRATIVE COMMITTEE:

21       (1) administer the BE THE CHIEF ADMINISTRATIVE OFFICER  
22 FOR THE ADMINISTRATIVE COMMITTEE FOR THE ADMINISTRATIVE  
23 COMMITTEE FOR THE ADMINISTRATION OF THE vocational education  
24 policies; adopted by the state board of vocational  
25 education;

1           ~~(2) -- prepare curriculum guides for vocational education~~  
 2 ~~board--of-education ADMINISTRATIVE COMMITTEE BOARD-OF-PUBLIC~~  
 3 ~~EDUCATION~~ adoption;

4           (2) PREPARE CURRICULUM GUIDES FOR ADMINISTRATIVE  
 5 COMMITTEE ADOPTION;

6           (3) employ, with the confirmation of the ~~board-of~~  
 7 ~~education administrative-committee BOARD-OF-PUBLIC-EDUCATION~~  
 8 ~~ADMINISTRATIVE COMMITTEE~~, the ~~professional~~ staff necessary  
 9 for the state supervision and administration of vocational  
 10 education, including the ~~postsecondary vocational-technical~~  
 11 ~~center directors STAFF DIRECTORS IN CONSULTATION WITH THE~~  
 12 ~~LOCAL BOARD OF THE DISTRICT IN WHICH A CENTER IS LOCATED~~;

13           (4) report the status of vocational education in the  
 14 state of Montana ~~when annually and in a form~~ requested by  
 15 the ~~board-of-education administrative--committee BOARD--OF~~  
 16 ~~PUBLIC-EDUCATION~~ ADMINISTRATIVE COMMITTEE;

17           (5) keep all vocational education records in his  
 18 office; and

19           (6) provide vocational education supervisory and  
 20 consultative assistance to ~~districts~~ schools;

21           (7) develop a ~~policy manual OF OPERATIONS~~ for the  
 22 ~~vocational-technical centers that specifies standard~~  
 23 ~~procedures for administration of the centers IN ACCORDANCE~~  
 24 ~~WITH THE POLICY OF THE STATE BOARD-OF--VOCATIONAL BOARD--OF~~  
 25 ~~PUBLIC STATE BOARD OF VOCATIONAL EDUCATION.~~"

1           Section 3. Section 75-5617, R.C.M. 1947, is amended to  
 2 read as follows:

3           "75-5617. Division of powers among boards. (1) The  
 4 powers and duties assigned to the "board of education,"  
 5 "state board of education" or "state board for vocational  
 6 education" in Title 75, and wherever else appearing in the  
 7 Revised Codes of Montana, 1947, except in chapters 81 and 84  
 8 through 88 of Title 75, sections 75-7701, 75-7704, 75-7706  
 9 through 75-7710, 75-7714, and 75-7715, subsections (14) and  
 10 (15) of 75-5607, sections 28-301 through 28-304, 44-213,  
 11 59-1111, 66-505 and 77-909 through 77-911 and except as  
 12 provided in subsection ~~(3)~~ (4) below, are hereby assigned to  
 13 the board of public education created in article X, section  
 14 9, subsection (3) of the 1972 Montana constitution.

15           (2) The powers and duties assigned in Title 75,  
 16 sections 75-7701, 75-7704, 75-7706 through 75-7710, 75-7714,  
 17 and 75-7715 are assigned to the state board of vocational  
 18 education as defined in section 75-7702.

19           ~~(2)~~ (3) The powers and duties assigned in chapters 81  
 20 and 84 through 88 of Title 75, R.C.M. 1947, and subsections  
 21 (14) and (15) of 75-5607 R.C.M. 1947, as well as powers and  
 22 duties assigned to the "state board of education ex officio  
 23 regents," "state board of education of the state of Montana,  
 24 ex officio regents of the Montana university system,"  
 25 "regents," "regents of the greater university system,"

1 "state board of regents" or "regents of the Montana system"  
 2 wherever appearing in the Revised Codes of Montana,  
 3 including those assigned to the "state board of education"  
 4 and the "board of education" in sections 28-301 through  
 5 28-304, 44-213, 59-1111, 66-505 and 77-909 through 77-911  
 6 and excepting as provided in subsection (3) below, are  
 7 hereby assigned to the board of regents of higher education  
 8 created by article X, section 9, subsection (2) of the 1972  
 9 Montana constitution.

10 ~~(3)~~ (4) The powers and duties assigned in chapters 1  
 11 and 5 of Title 82A, R.C.M. 1947, to the "state board of  
 12 education" or the "board of education" are hereby assigned  
 13 to the state board of education composed of the board of  
 14 public education and the board of regents of higher  
 15 education as specified in article X, section 9, subsection  
 16 (1) of the 1972 Montana constitution."

17 Section 4. Section 75-7701, R.C.M. 1947, is amended to  
 18 read as follows:

19 "75-7701. Definitions. As used in this ~~Title~~ chapter,  
 20 unless the context clearly indicates otherwise:

21 "Vocational education" means the instruction and  
 22 training to prepare or improve the pupil student for gainful  
 23 employment that does not require a baccalaureate or higher  
 24 degree. This definition of vocational education shall  
 25 include guidance and prevocational, related or technical

1 instruction necessary to prepare the pupil student for  
 2 further vocational education or for entry into employment.

3 "~~Post-secondary~~ Postsecondary vocational-technical  
 4 education" means ~~vocational-technical---education---of~~  
 5 ~~post-secondary-vocational-technical-pupils-which instruction~~  
 6 ~~and training that~~ is conducted by a post-secondary  
 7 postsecondary vocational-technical center or through other  
 8 ~~programs-as-designated-by-the-board-of-vocational--education~~  
 9 ~~CONTRACTED SERVICES WITH THE ADMINISTRATIVE-COMMITTEE BOARD~~  
 10 ~~OF---PUBLIC---EDUCATION~~ ADMINISTRATIVE COMMITTEE.

11 Post-secondary Postsecondary vocational-technical education  
 12 shall include the 13th and 14th year and beyond but will not  
 13 include work toward a baccalaureate degree.

14 "~~Post-secondary~~ Postsecondary vocational-technical  
 15 pupil student" means a person who has completed or left  
 16 school, is at least sixteen (16) years of age, and is  
 17 available for study in preparation for entering the labor  
 18 market, for re-entering the labor market, or for employment  
 19 stability or advancement in employment.

20 "~~Post-secondary~~ Postsecondary vocational-technical  
 21 center" means a state school used principally for the  
 22 provision of post-secondary postsecondary  
 23 vocational-technical education to persons who qualify as  
 24 post-secondary postsecondary vocational-technical pupils  
 25 students. These centers are designated by the state STATE



1 board of ~~vocational PUBLIC~~ VOCATIONAL education as-defined  
 2 in-section-75-7702 upon direction by the legislature. All  
 3 other public or private schools are hereby prohibited from  
 4 using this title."

5 Section 5. Section 75-7704, R.C.M. 1947, is amended to  
 6 read as follows:

7 "75-7704. District authorization to establish and  
 8 maintain vocational education courses and programs. The  
 9 trustees of any district, community college district, or  
 10 unit of the Montana university system may establish and  
 11 maintain a vocational education course or program that  
 12 complies with the vocational education standards POLICIES  
 13 adopted by the state STATE board of vocational PUBLIC  
 14 VOCATIONAL education as-defined--in--section-75-7702. In  
 15 order for a course or program to be eligible for state or  
 16 federal financing, it shall be approved by the board-of  
 17 education ADMINISTRATIVE-COMMITTEE BOARD-OF-PUBLIC-EDUCATION  
 18 ADMINISTRATIVE COMMITTEE."

19 Section 6. Section 75-7706, R.C.M. 1947, is amended to  
 20 read as follows:

21 "75-7706. State treasurer custodian of vocational  
 22 education moneys. The treasurer of the state of Montana is  
 23 hereby designated as the custodian of all federal and state  
 24 moneys designated, appropriated or apportioned for  
 25 vocational education. All moneys received from any federal

1 or state source for the establishment, operation or  
 2 furtherance of vocational education in the state shall be  
 3 deposited with the state treasurer. At the direction of the  
 4 state-board-of-vocational-education-as--defined--in--section  
 5 75-7702 ADMINISTRATIVE-COMMITTEE BOARD-OF-PUBLIC-EDUCATION  
 6 ADMINISTRATIVE COMMITTEE, he shall disburse all moneys  
 7 appropriated or received for vocational education."

8 SECTION 7. SECTION 75-7303, R.C.M. 1947, IS AMENDED TO  
 9 READ AS FOLLOWS:

10 "75-7303. Acceptance and expenditure of federal moneys  
 11 for state. 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 of the United States, or  
 15 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

1 Montana and as authorized by the grants from the federal  
 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 non-public 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  
 9 superintendent of public instruction. All such moneys shall  
 10 be distributed in the manner provided by the laws of the  
 11 state of Montana and as authorized or expressed by grants  
 12 from the federal government. All expenditures of moneys from  
 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 The governor and the executive officer for vocational  
 21 education are authorized on behalf of the state of Montana  
 22 to request and accept moneys for vocational education as are  
 23 now or will be made available under any act of Congress of  
 24 the United States, or otherwise, for purposes of building  
 25 construction for vocational education or for any other

1 purpose for vocational education as permitted under the laws  
 2 of the state of Montana and as authorized by the grants from  
 3 the federal government.

4 Such moneys shall be deposited by the governor and the  
 5 executive officer for vocational education in the state  
 6 treasury, and are appropriated and made available to the  
 7 executive officer for vocational education.

8 All expenditures of moneys from federal sources under  
 9 this section shall be made under the supervision and in the  
 10 discretion of the executive officer for vocational education  
 11 as provided by the policies of the state board of vocational  
 12 education."

13 Section 8. Section 75-7707, R.C.M. 1947, is amended to  
 14 read as follows:

15 "75-7707. ~~Post-secondary~~ Postsecondary vocational-  
 16 technical center designation. ~~Post-secondary~~ Postsecondary  
 17 vocational-technical centers shall be designated by the  
 18 state board of vocational education as--defined--in--section  
 19 75-7702 only upon direction of the legislature. Applications  
 20 for designation must be made in accordance with the  
 21 following procedure:

22 (1) The trustees of any high school district, of a  
 23 county high school, of a community college district, or the  
 24 governing board of any unit of the Montana university system  
 25 may submit an application for designation of a

1 ~~post-secondary~~ postsecondary vocational-technical center to  
 2 be operated by such trustees or governing board. The  
 3 application for designation shall be submitted in accordance  
 4 with the time, data and form requirements prescribed by the  
 5 POLICY OF THE STATE STATE board of VOCATIONAL PUBLIC  
 6 VOCATIONAL education. Applicant high school districts,  
 7 county high schools, or community college districts shall be  
 8 located in a county with a taxable valuation of at least  
 9 forty-five million dollars (\$45,000,000).

10 (2) Applications are to be presented to the  
 11 ~~superintendent of public instruction acting in his capacity~~  
 12 ~~as the executive officer for vocational education of the~~  
 13 ~~board of education. The superintendent of public instruction~~  
 14 ~~executive officer~~ shall review the application and present  
 15 it to the ~~administrative committee of the state board of~~  
 16 ~~vocational BOARD OF PUBLIC ADMINISTRATIVE COMMITTEE FOR THE~~  
 17 ~~STATE BOARD OF VOCATIONAL~~ education along with his  
 18 recommendations. The ~~board of education administrative~~  
 19 ~~committee BOARD OF PUBLIC EDUCATION ADMINISTRATIVE COMMITTEE~~  
 20 shall then examine the application and recommendations of  
 21 the ~~superintendent of public instruction executive officer~~  
 22 and either adopt the recommendations of ~~the superintendent~~  
 23 ~~of public instruction~~ or draft its own recommendations. The  
 24 application, together with all recommendations shall be  
 25 presented by the ~~state board of vocational BOARD OF PUBLIC~~

1 STATE BOARD OF VOCATIONAL education to the next following  
 2 ~~legislative assembly legislature.~~

3 The ~~state board of vocational BOARD OF PUBLIC STATE~~  
 4 BOARD OF VOCATIONAL education shall recognize the presently  
 5 designated ~~post-secondary postsecondary~~ vocational-technical  
 6 centers operated by the respective board of trustees of  
 7 school district number 1 of Silver Bow County, high school  
 8 district number 1 of Lewis and Clark County, high school  
 9 district "A" of Cascade County, Missoula County high school,  
 10 and high school district number 2 of Yellowstone County."

11 Section 9. Section 75-7708, R.C.M. 1947, is amended to  
 12 read as follows:

13 "75-7708. Program and budget categories for  
 14 ~~post-secondary postsecondary~~ vocational-technical education.  
 15 ~~centers~~ The ~~state board of vocational BOARD OF PUBLIC STATE~~  
 16 BOARD OF VOCATIONAL education ~~as defined in section 75-7702~~  
 17 shall, ~~THROUGH THE ADMINISTRATIVE COMMITTEE,~~ THROUGH THE  
 18 ADMINISTRATIVE COMMITTEE, have the sole authority for the  
 19 approval of the ~~post-secondary postsecondary~~  
 20 vocational-technical education programs and their budgets.  
 21 Such programs and budgets shall be placed into three  
 22 categories defined as:

23 (1) Maintenance and operation. The maintenance and  
 24 operation category shall include programs and costs for  
 25 instruction; vocational guidance and counseling; job

1 placement; travel of ~~pupils~~ students and personnel while  
 2 engaged in a program; acquisition, maintenance, and repair  
 3 of equipment; and the rental of necessary emergency  
 4 facilities for not more than one year.

5 (2) Construction. The construction category shall  
 6 include the program and cost for construction of new  
 7 buildings; acquisition, expansion, remodeling and alteration  
 8 of existing buildings; site acquisition and improvements;  
 9 architectural fees; and the purchase of initial equipment.

10 (3) Ancillary services. The ancillary services  
 11 category shall include the program and cost for the services  
 12 and activities necessary to assure quality in the  
 13 ~~post-secondary~~ postsecondary vocational-technical center's  
 14 instruction, such as supervision and administration of the  
 15 center, program evaluation, special demonstration and  
 16 experimental programs, and development of instructional  
 17 materials and curriculum.

18 The trustees of the designated district or other  
 19 governing board where the ~~post-secondary~~ postsecondary  
 20 vocational-technical center is located shall submit program  
 21 proposals and the related budgets on the basis of these  
 22 categories and in accordance with the program and budget  
 23 approval ~~procedure~~ POLICY prescribed by the ~~state board of~~  
 24 ~~vocational~~ BOARD OF PUBLIC STATE BOARD OF VOCATIONAL  
 25 education."

1 Section 10. Section 75-7709, R.C.M. 1947, is amended  
 2 to read as follows:

3 "75-7709. Sources of financing for ~~post-secondary~~  
 4 postsecondary vocational-technical center budgets. ~~state~~  
 5 ~~board of public vocational education administration~~ The  
 6 total of the budgets approved by THE ADMINISTRATIVE  
 7 ~~COMMITTEE IN ACCORDANCE WITH POLICIES OF the state~~  
 8 ADMINISTRATIVE COMMITTEE IN ACCORDANCE WITH THE POLICIES OF  
 9 THE STATE board of ~~vocational~~ VOCATIONAL education ~~as~~  
 10 ~~defined in section 75-7702~~ together with the budget for the  
 11 cost of state administration of the ~~post-secondary~~  
 12 postsecondary vocational-technical centers shall constitute  
 13 the total maximum approved, state-wide budget which shall be  
 14 financed as follows:

15 (1) The primary source of financing is to be those  
 16 funds specifically designated by legislative enactment or  
 17 referendum by the people for financing ~~post-secondary~~  
 18 postsecondary vocational-technical education in Montana.

19 (2) The board of county commissioners of each county  
 20 in which a designated ~~post-secondary~~ postsecondary  
 21 vocational-technical center is located ~~is hereby authorized~~  
 22 ~~to~~ SHALL levy a tax or not to exceed one (1) mill on the  
 23 dollar of all taxable property, real and personal, within  
 24 the county for the support and maintenance of the  
 25 ~~post-secondary~~ postsecondary vocational-technical center

1 located within the said county.

2 (3) Designated ~~post-secondary~~ postsecondary  
3 vocational-technical centers shall be eligible to receive  
4 such funds from the federal government as the ~~state~~ STATE  
5 board of ~~vocational~~ VOCATIONAL education POLICY may provide  
6 pursuant to applicable Acts of Congress.

7 (4) The board of trustees of any designated high  
8 school district, or county high school district where a  
9 ~~post-secondary~~ postsecondary vocational center is located  
10 may be required, as a condition for the construction in such  
11 district of a ~~post-secondary~~ postsecondary vocational  
12 center, or any part thereof, to furnish up to fifty percent  
13 (50%) of the amount of funds required for any such  
14 construction. The percentage of construction funds to be  
15 furnished by such designated district shall be derived, in  
16 whole or in part, from any of the following sources:

17 (a) The sale of bonds issued by such district. Such  
18 bonds shall be issued in conformity with the requirements of  
19 chapter 71 of Title 75 in the case of high school and county  
20 high school district.

21 (b) Any other funds available to such district which  
22 may be legally and properly applied toward such  
23 construction.

24 (c) The reasonable value of land, buildings, fixtures  
25 or equipment furnished by such district, subject to the

1 ~~approval~~ PROVISIONS OF THE POLICY of the ~~state~~ STATE board  
2 of ~~vocational~~ VOCATIONAL education.

3 (5) If the aggregate financing provided by sources of  
4 revenue in (1), (2) and (3) does not provide one hundred per  
5 cent (100%) financing of the maximum approved, state-wide  
6 budget, the remaining deficiency shall be financed from any  
7 state funds appropriated by the legislature for  
8 ~~post-secondary~~ postsecondary vocational-technical education.

9 The ~~state~~ STATE board of ~~vocational~~ VOCATIONAL  
10 education POLICY shall ~~direct~~ SPECIFY the METHOD OF  
11 distribution of the funds specified in subsections (1), (3),  
12 and (5) of this section on the basis of the budgets approved  
13 by the ~~state board of public vocational education~~  
14 ~~ADMINISTRATIVE COMMITTEE BOARD OF PUBLIC EDUCATION~~  
15 ADMINISTRATIVE COMMITTEE. ~~The funds earned by committee.~~  
16 The funds earned by the mill levy specified in subsection  
17 (2) of this section shall be credited by the county  
18 treasurer to the ~~post-secondary~~ postsecondary  
19 vocational-technical center fund.

20 The ~~state board of public vocational education~~  
21 ~~ADMINISTRATIVE COMMITTEE BOARD OF PUBLIC EDUCATION~~  
22 ADMINISTRATIVE COMMITTEE shall determine the amount of  
23 financing available from these five sources of revenue and  
24 may approve budgets OF EACH CENTER for maintenance and  
25 operation, construction and ancillary services. The



1 approved by the state--board--of--vocational--education  
 2 ADMINISTRATIVE--COMMITTEE BOARD--OF--PUBLIC--EDUCATION  
 3 ADMINISTRATIVE COMMITTEE."

4 Section 14. Section 75-7715, R.C.M. 1947, is amended  
 5 to read as follows:

6 "75-7715. Lease or purchase of state property for  
 7 post-secondary postsecondary vocational-technical center  
 8 purposes. The state of Montana, acting by and through the  
 9 state board--of vocational BOARD-OF-PUBLIC STATE BOARD OF  
 10 VOCATIONAL education, as--defined--in--section--75-7702 is  
 11 hereby empowered and authorized to enter into a lease  
 12 agreement for a term not to exceed forty (40) years, in  
 13 order to lease to, OR FROM, a district operating a  
 14 post-secondary postsecondary vocational-technical center any  
 15 building or lands owned by the state OR DISTRICT and  
 16 financed in whole or in part by an appropriation made by-the  
 17 legislature--of--the--state--of--Montana for the purpose of  
 18 supporting the--district's--post-secondary A postsecondary  
 19 vocational-technical center. The consideration necessary to  
 20 support such a lease may be nominal. RIGHT OF RENEWAL OF  
 21 THE LEASE SHALL BE GUARANTEED IF THE BUILDING IS UTILIZED  
 22 FOR THE PURPOSES OF POSTSECONDARY VOCATIONAL EDUCATION."

23 The--state--board--of--vocational--education--is--hereby  
 24 authorized-to-transfer,or-direct-transfer-of,-title-held-by  
 25 the-state-of-Montana-in-buildings-or-lands-financed-in-whole

1 or--in-part-by-an-appropriation-by-the-state-legislature,-to  
 2 a--district--operating---a--post-secondary--postsecondary  
 3 vocational-technical--center,-at-any-time-the-state-board-of  
 4 vocational-education-deems-such-transfer-to-be-in--the--best  
 5 interests--of--both--the--state--and--the-district-involved,  
 6 provided-that-this-authorization-extends-only--to--buildings  
 7 or--lands--which--are--to--be--used--by--the--district--for  
 8 post-secondary-postsecondary-vocational-technical-education  
 9 purposes.

10 Section 15. Section 75-5607, R.C.M. 1947, is amended  
 11 to read as follows:

12 "75-5607. Powers and duties. The board of PUBLIC  
 13 education shall have the power and it shall be its duty to:

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

18 (2) consider the suspension or revocation of teacher  
 19 certificates, and appeals from the denial of teacher  
 20 certification in accordance with the provisions of section  
 21 75-6010;

22 (3) administer and order the distribution of state  
 23 equalization aid in accordance with the provisions of  
 24 section 75-6917;

25 (4) adopt and enforce policies to provide uniform

1 standards and regulations for the design, construction, and  
2 operation of school buses in accordance with the provisions  
3 of section 75-7004;

4 (5) approve or disapprove a reduction of the number of  
5 hours in a district's school day in accordance with the  
6 provisions of section 75-7403;

7 (6) adopt policies prescribing the conditions when  
8 school may be conducted on Saturday, and the types of  
9 pupil-instruction-related days and approval procedure for  
10 such days in accordance with the provisions of sections  
11 75-7404 and 75-7405;

12 (7) adopt standards of accreditation and establish the  
13 accreditation status of every school in accordance with the  
14 provisions of sections 75-7501 and 75-7502;

15 (8) establish the scope of conservation education in  
16 the schools in accordance with the provisions of section  
17 75-7509;

18 (9) approve or disapprove educational media selected  
19 by the superintendent of public instruction for the  
20 educational media library in accordance with the provisions  
21 of section 75-7511;

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

25 ~~(11) consider applications for post-secondary~~

1 ~~vocational-technical-center-designation-in-accordance-with~~  
2 ~~the-provisions-of-section-75-7707;~~

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

11 ~~(13) (10)~~ adopt policies for the conduct of special  
12 education in accordance with the provisions of section  
13 75-7802;

14 ~~(14) (11)~~ supervise community college districts in  
15 accordance with the provisions of sections 75-8103 and  
16 75-8119;

17 ~~(15) (12)~~ call an election, determine the results of  
18 the election, order and implement the organization of a  
19 community college district in accordance with the community  
20 college districts chapter of this Title; and

21 ~~(16) (13)~~ perform any other duty prescribed from time  
22 to time by this Title or any other act of the legislature."

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

25 "75-5707. Powers and duties. The superintendent of



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

5 (1) resolve any controversy resulting from the  
6 prorotation 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 PUBLIC education in  
12 accordance with the provisions of the teacher certification  
13 chapter of this 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 district's  
15 emergency budget resolution under the conditions prescribed  
16 in section 75-6725, and publish rules and regulations for an  
17 application for additional state aid for an emergency budget  
18 in accordance with the approval and disbursement provisions  
19 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 the  
 15 foundation program in accordance with the provisions of  
 16 section 75-6920;

17 (19) distribute state impact aid in accordance with the  
 18 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 moneys

1 -- EXCEPT FEDERAL FUNDS FOR VOCATIONAL EDUCATION AS  
 2 DESCRIBED IN SECTIONS 75-7705 AND 75-7706 -- in accordance  
 3 with the provisions of section 75-7303;

4 (23) authorize the use of federal moneys for the  
 5 support of an interlocal co-operative agreement in  
 6 accordance with the provisions of sections 75-7306 and  
 7 75-7307;

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

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

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

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

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

25 (29) establish and maintain a library of visual, aural,

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

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

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

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

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

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

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

21 ~~(36)-(33)~~ administer the school food services program  
22 in accordance with the provisions of sections 75-8002,  
23 75-8003, and 75-8004;

24 ~~(37)-(34)~~ determine the result of an organization  
25 election for a community college district and the related

1 election of trustees in accordance with the provisions of  
2 section 75-8112;

3 ~~(38)-(35)~~ review school building plans and  
4 specifications in accordance with the provisions of section  
5 75-8206;

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

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

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

14 SECTION 17. SEVERABILITY. IF A PART OF THIS ACT IS  
15 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID  
16 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN  
17 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT  
18 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE  
19 INVALID APPLICATIONS.

-End-