

1 House BILL NO. 588  
2 INTRODUCED BY Staff

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS  
5 75-7702, 75-7703, 75-5707, 75-7707, 75-7710, AND 75-7714,  
6 R.C.M. 1947, TO REMOVE THE SUPERINTENDENT OF PUBLIC  
7 INSTRUCTION AS THE EXECUTIVE OFFICER FOR VOCATIONAL  
8 EDUCATION AND GIVING THE BOARD OF PUBLIC EDUCATION THE  
9 RESPONSIBILITY FOR HIRING THE EXECUTIVE OFFICER FROM AMONG  
10 QUALIFIED APPLICANTS."

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

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

15 "75-7702. Duties of board of public education. (1) The  
16 board of public education shall be the governing board of  
17 the state of Montana for vocational education. The board of  
18 public education shall adopt policies to effect the orderly  
19 development of a system of vocational education that is  
20 adaptable to changing needs, controlled to prevent  
21 unnecessary duplication, co-ordinated with federal guidelines  
22 and requirements for vocational education, and funded to  
23 ensure growth and quality programming. In order to accomplish  
24 the orderly development of a system of vocational education,  
25 the board of public education policies shall include:

- 1 ~~(1)~~--(a) a state plan for such development;
- 2 ~~(2)~~--(b) standards for vocational education courses  
3 and programs;
- 4 ~~(3)~~--(c) instructor qualifications for vocational  
5 education courses and programs;
- 6 ~~(4)~~--(d) criteria for approval of vocational education  
7 courses and programs which are to receive financial  
8 assistance;
- 9 ~~(5)~~--(e) a basis for apportionment of all moneys  
10 appropriated by the legislature for vocational education in  
11 accordance with the intent of the legislature as reflected  
12 in the terms of the appropriation;
- 13 ~~(6)~~--(f) a basis for apportionment of all moneys  
14 received by the state of Montana for vocational education  
15 from the federal government in accordance with the Acts of  
16 Congress;
- 17 ~~(7)~~--(g) a system of evaluation of vocational  
18 education which allows for consideration of the current and  
19 projected manpower needs and job opportunities; and
- 20 ~~(8)~~--(h) any other policy not inconsistent with public  
21 law and which is necessary for the proper operation of a  
22 system of vocational education.
- 23 (2) The board of public education shall employ, from  
24 among qualified applicants, the executive officer for  
25 vocational-technical education."

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

3 \*75-7703. Duties of ~~superintendent--of--public~~  
4 ~~instruction-as~~ executive officer. ~~The--superintendent--of~~  
5 ~~public-instruction-shall-be-the~~ The executive officer of the  
6 board of public education ~~for-the-administration-of~~ shall  
7 administer all state and federal laws related to vocational  
8 education. ~~As-the~~ The executive officer, ~~the-superintendent~~  
9 ~~of-public-instruction~~ shall:

10 (1) administer the vocational education policies  
11 adopted by the board of public education;

12 (2) prepare curriculum guides for board of public  
13 education adoption;

14 (3) employ, with the confirmation of the board of  
15 public education, the professional staff necessary for the  
16 state supervision and administration of vocational  
17 education;

18 (4) report the status of vocational education in the  
19 state of Montana when requested by the board of public  
20 education;

21 (5) keep all vocational education records in his  
22 office; and

23 (6) provide vocational education supervisory and  
24 consultative assistance to districts."

25 Section 3. Section 75-5707, R.C.M. 1947, is amended to

1 read as follows:

2 \*75-5707. Powers and duties. The superintendent of  
3 public instruction shall have the general supervision of the  
4 public schools and districts of the state, and he shall have  
5 the power and shall perform the following duties or acts in  
6 implementing and enforcing the provisions of this Title:

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

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

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

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

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

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

25 (7) approve or disapprove the orders of a high school

1 boundary commission in accordance with the provisions of  
2 section 75-6528;

3 (8) approve or disapprove the opening or reopening of  
4 a school in accordance with the provisions of sections  
5 75-6602, 75-6603, 75-6604, or 75-6605;

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

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

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

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

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

24 (14) appoint the responsible county officials for the  
25 performance of the budgeting duties and the financial

1 administration duties for a joint district in accordance  
2 with the provisions of sections 75-6720 and 75-6803;

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

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

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

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

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

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

24 (21) approve or disapprove an adult education program  
25 for which a district proposes to levy a tax in accordance

1 with the provisions of section 75-7207;  
 2 (22) request, accept, deposit and expend federal moneys  
 3 in accordance 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 ~~430~~-(35) review school building plans and  
4 specifications in accordance with the provisions of section  
5 75-8206;

6 ~~439~~-(36) publish and distribute fire danger books in  
7 accordance with the provisions of section 75-8309;

8 ~~440~~-(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 ~~441~~-(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 education."

14 Section 4. Section 75-7707, R.C.M. 1947, is amended to  
15 read as follows:

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

21 (1) The trustees of any high school district, of a  
22 county high school, of a community college district, or the  
23 governing board of any unit of the Montana university system  
24 may submit an application for designation of a  
25 post-secondary vocational-technical center to be operated by

1 such trustees or governing board. The application for  
2 designation shall be submitted in accordance with the time,  
3 data and form requirements prescribed by the board of  
4 education. Applicant high school districts, county high  
5 schools, or community college districts shall be located in  
6 a county with a taxable valuation of at least forty-five  
7 million dollars (\$45,000,000).

8 (2) Applications are to be presented to the  
9 ~~superintendent--of-public-instruction-acting-in-his-capacity~~  
10 ~~as-the~~ executive officer for vocational education of the  
11 board of public education. The ~~superintendent-of-public~~  
12 ~~instruction~~ executive officer shall review the application  
13 and present it to the board of public education along with  
14 his recommendations. The board of public education shall  
15 then examine the application and recommendations of the  
16 ~~superintendent-of-public-instruction~~ executive officer and  
17 either adopt the recommendations ~~of-the-superintendent-of~~  
18 ~~public-instruction~~ or draft its own recommendations. The  
19 application, together with all recommendations shall be  
20 presented by the board of public education to the next  
21 following legislative assembly.

22 The board of public education shall recognize the  
23 presently designated post-secondary vocational-technical  
24 centers operated by the respective board of trustees of  
25 school district number 1 of Silver Bow County, high school

1 district number 1 of Lewis and Clark County, high school  
 2 district "A" of Cascade County, Missoula County high school,  
 3 and high school district number 2 of Yellowstone County."

4 Section 5. Section 75-7710, R.C.M. 1947, is amended to  
 5 read as follows:

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

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

19 "75-7714. Pupil fees and disposition of collected  
 20 fees. Fees for the use of equipment and material used in  
 21 instruction may be charged by the trustees or other  
 22 governing board of the post-secondary vocational-technical  
 23 center. The board of public education shall prescribe the  
 24 basis and limitations for the charging of such fees.

25 Fees collected by the post-secondary

1 vocational-technical center shall be deposited with the  
 2 county treasurer in the fund designated by the  
 3 ~~superintendent-of-public-instruction~~ executive officer for  
 4 vocational education for the receipt of such fees. The  
 5 expenditure of the fees shall not be subject to budget  
 6 limitations and shall be in addition to the program budgets  
 7 approved by the board of public education."

-End-