

CHAPTER NO. 471.

HOUSE BILL NO. 298

INTRODUCED BY DUSSAULT, FASBENDER

IN THE HOUSE

January 22, 1979	Introduced and referred to Committee on Education and Cultural Resources.
January 30, 1979	Rereferred to Committee on Local Government.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass. Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Education.
March 20, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 22, 1979	Second reading, concurred in as amended.
March 26, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 27, 1979	Returned from second house. Concurred in as amended.
March 28, 1979	Second reading, amendments adopted.

March 29, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 Hoyle BILL NO. 298
2 INTRODUCED BY Thussman Fiskender

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING SPECIAL
5 EDUCATION COOPERATIVE CONTRACTS; DETAILING THE CONTENTS AND
6 REQUIREMENTS OF THE CONTRACTS; AUTHORIZING SCHOOL DISTRICTS
7 TO APPROPRIATE FUNDS TO COOPERATIVES; PROVIDING FOR TEACHER
8 TENURE FOR SPECIAL EDUCATION COOPERATIVES."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Authorization to create special education
12 cooperatives -- special funding provisions. (1) A school
13 district may contract with one or more other school
14 districts to establish a cooperative to perform any special
15 education administrative service, activity, or undertaking
16 that the school district entering into the contract is
17 authorized by law to perform. The cooperative contract must
18 be authorized by the boards of trustees of the districts
19 entering into the contract.

20 (2) A cooperative contract may allow money allocated
21 to a cooperative to be expended for:

22 (a) recruitment of professionals or employees for the
23 cooperative; and

24 (b) facility rental and supportive services including
25 but not limited to janitorial and communication services.

1 (3) The superintendent of public instruction may
2 transfer directly to a cooperative the state and federal
3 portion of a district's budgeted costs for contracted
4 special education services.

5 Section 2. Detailed contents of special education
6 cooperative contracts. The contract authorized in [section
7 1] may include all necessary and proper matters but must
8 specify the following:

9 (1) its duration;

10 (2) the precise organization, composition, and nature
11 of the cooperative;

12 (3) the purpose of the cooperative;

13 (4) the manner of financing the cooperative and
14 establishing and maintaining a budget therefor;

15 (5) the permissible method to be employed in
16 accomplishing the partial or complete termination of the
17 cooperative agreement and for disposing of property upon
18 partial or complete termination;

19 (6) provision for an administrator or a joint board
20 responsible for administering the cooperative, including
21 representation of the contracting districts on the joint
22 board;

23 (7) the manner of acquiring, holding, and disposing of
24 real and personal property used by the cooperative;

25 (8) any other necessary and proper matters.

1 Section 3. Submission of agreement to attorney
 2 general. (1) Every contract made under the provisions of
 3 [sections 1 through 6] must, as a condition precedent to its
 4 performance, be submitted to the attorney general who must
 5 determine whether the contract is in proper form and
 6 compatible with the laws of Montana.

7 (2) The attorney general must approve any contract
 8 submitted to him pursuant to [section 1] unless he finds
 9 that it does not meet the conditions set forth in [sections
 10 1 and 2], in which case he must detail, in writing addressed
 11 to the school districts concerned, the specific respects in
 12 which the proposed contract fails to meet the requirements
 13 of law. Failure to disapprove a contract within 30 days of
 14 its submission constitutes approval of the contract by the
 15 attorney general.

16 Section 4. Final approval and filing of special
 17 education cooperative contract. Within 10 days after
 18 approval by the attorney general and prior to commencement
 19 of its performance, a special education cooperative contract
 20 made pursuant to [sections 1 through 6] must be:

21 (1) submitted to the superintendent of public
 22 instruction who has final approval authority pursuant to the
 23 policies of the board of public education;

24 (2) filed with the county clerk and recorder of the
 25 county or counties in which the school districts involved

1 are located; and

2 (3) filed with the secretary of state.

3 Section 5. Authorization to appropriate funds for
 4 purpose of special education cooperative contract. A school
 5 district entering into a special education cooperative
 6 contract pursuant to [sections 1 through 6] may appropriate
 7 funds for and may sell, lease, or otherwise give or supply
 8 to the administrative officer or joint board created for the
 9 purpose of performance of the cooperative contract such
 10 material, personnel, or services as may be within its legal
 11 power to furnish.

12 Section 6. Tenure of special education teachers
 13 employed by cooperatives. (1) Teachers who have tenure
 14 rights with a district and are employed by a cooperative of
 15 which their district is a member do not lose their tenure
 16 with the district.

17 (2) Nontenured teachers employed by a cooperative
 18 acquire tenure with a cooperative in the same manner as
 19 prescribed in 20-4-203, and the provisions of sections
 20 20-4-204 through 20-4-207 are applicable to teachers
 21 employed by a cooperative.

22 (3) Tenure for a special education teacher employed by
 23 a cooperative is acquired only with the cooperative and not
 24 with a member school district of a cooperative.

25 (4) For the purposes of tenure of a teacher employed

1 by a cooperative, special education cooperative contract
2 renewals may not be used to limit the teacher's progress
3 toward tenure status.

4 Section 7. Codification. Sections 1 through 6 are
5 intended to be codified as an integral part of Title 20,
6 chapter 7, part 4, and the provisions contained in Title 20,
7 chapter 7, part 4, apply to sections 1 through 6.

-End-

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Approved by Comm.
on Local Government

HOUSE BILL NO. 298

INTRODUCED BY DUSSAULT, FASBENDER

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING SPECIAL EDUCATION COOPERATIVE CONTRACTS; DETAILING THE CONTENTS AND REQUIREMENTS OF THE CONTRACTS; AUTHORIZING SCHOOL DISTRICTS TO APPROPRIATE FUNDS TO COOPERATIVES; PROVIDING FOR TEACHER TENURE FOR SPECIAL EDUCATION COOPERATIVES."

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

Section 1. Authorization to create special education cooperatives -- special funding provisions. (1) A school district may contract with one or more other school districts to establish a cooperative to perform any special education administrative service, activity, or undertaking that the school district entering into the contract is authorized by law to perform. The cooperative contract must be authorized by the boards of trustees of the districts entering into the contract.

(2) A cooperative contract may allow money allocated to a cooperative to be expended for:

(a) recruitment of professionals or employees for the cooperative; and

(b) facility rental and supportive services including but not limited to janitorial and communication services.

(3) The superintendent of public instruction may transfer directly to a cooperative the state and federal portion of a district's budgeted costs for contracted special education services.

Section 2. Detailed contents of special education cooperative contracts. The contract authorized in [section 1] may include all necessary and proper matters but must specify the following:

- (1) its duration;
- (2) the precise organization, composition, and nature of the cooperative;
- (3) the purpose of the cooperative;
- (4) the manner of financing the cooperative and establishing and maintaining a budget therefor;
- (5) the permissible method to be employed in accomplishing the partial or complete termination of the cooperative agreement and for disposing of property upon partial or complete termination;
- (6) provision for an administrator or a joint board responsible for administering the cooperative, including representation of the contracting districts on the joint board;
- (7) the manner of acquiring, holding, and disposing of real and personal property used by the cooperative;
- (8) any other necessary and proper matters.

1 Section 3. Submission of agreement to attorney
2 general. (1) Every contract made under the provisions of
3 [sections 1 through 6] must, as a condition precedent to its
4 performance, be submitted to the attorney general who must
5 determine whether the contract is in proper form and
6 compatible with the laws of Montana.

7 (2) The attorney general must approve any contract
8 submitted to him pursuant to [section 1] unless he finds
9 that it does not meet the conditions set forth in [sections
10 1 and 2], in which case he must detail, in writing addressed
11 to the school districts concerned, the specific respects in
12 which the proposed contract fails to meet the requirements
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14 its submission constitutes approval of the contract by the
15 attorney general.

16 Section 4. Final approval and filing of special
17 education cooperative contract. Within 10 days after
18 approval by the attorney general and prior to commencement
19 of its performance, a special education cooperative contract
20 made pursuant to [sections 1 through 6] must be:

21 (1) submitted to the superintendent of public
22 instruction who has final approval authority pursuant to the
23 policies of the board of public education;

24 (2) filed with the county clerk and recorder of the
25 county or counties in which the school districts involved

1 are located; and

2 (3) filed with the secretary of state.

3 Section 5. Authorization to appropriate funds for
4 purpose of special education cooperative contract. A school
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10 material, personnel, or services as may be within its legal
11 power to furnish.

12 Section 6. Tenure of ~~special~~---education teachers
13 employed by cooperatives. (1) Teachers who have tenure
14 rights with a district and are employed by a cooperative of
15 which their district is a member do not lose their tenure
16 with the district.

17 (2) Nontenured teachers employed by a cooperative
18 acquire tenure with a cooperative in the same manner as
19 prescribed in 20-4-203, and the provisions of sections
20 20-4-204 through 20-4-207 are applicable to teachers
21 employed by a cooperative.

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23 a cooperative is acquired only with the cooperative and not
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1 by a cooperative, special education cooperative contract
2 renewals may not be used to limit the teacher's progress
3 toward tenure status.

4 Section 7. Codification. Sections 1 through 6 are
5 intended to be codified as an integral part of Title 20,
6 chapter 7, part 4, and the provisions contained in Title 20,
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 16 accomplishing the partial or complete termination of the
 17 cooperative agreement and for disposing of property upon
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 20 responsible for administering the cooperative, including
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Authorization to create FULL SERVICE special education cooperatives -- special funding provisions. (1) A school district may contract with one or more other school districts to establish a cooperative to perform any ALL special education administrative service SERVICES, activity ACTIVITIES, or AND undertaking UNDERTAKINGS that the school district entering into the contract is authorized by law to perform. The cooperative contract must be authorized by the boards of trustees of the districts entering into the contract.

(2) A cooperative contract may allow money allocated to a cooperative to be expended for:

(a) recruitment of professionals or employees for the cooperative; and

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 15 of law. Failure to disapprove a contract within 30 days of
 16 its submission constitutes approval of the contract by the
 17 attorney general.
 18 Section 4. Final approval and filing of special
 19 education cooperative contract. Within 10 days after
 20 approval by the attorney general and prior to commencement
 21 of its performance, a FULL SERVICE special education
 22 cooperative contract made pursuant to [sections 1 through 6]
 23 must be:
 24 (1) submitted to the superintendent of public
 25 instruction who has final approval authority pursuant to the

1 policies of the board of public education;
 2 (2) filed with the county clerk and recorder of the
 3 county or counties in which the school districts involved
 4 are located; and
 5 (3) filed with the secretary of state.
 6 Section 5. Authorization to appropriate funds for
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8 intended to be codified as an integral part of Title 20,
9 chapter 7, part 4, and the provisions contained in Title 20,
10 chapter 7, part 4, apply to sections 1 through 6.

11 ~~SECTION 8. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON~~
12 ~~PASSAGE AND APPROVAL.~~

-End-

March 20, 1979

SENATE STANDING COMMITTEE REPORT
(Education)

That House Bill No. 298, third reading bill, be amended as follows:

1. Page 1, line 11.
Following: "create"
Insert: "full service"

2. Page 1, line 14.
Following: "perform"
Strike: "any"
Insert: "all"

3. Page 1, line 15.
Following: "administrative"
Strike: "service"
Insert: "services"
Following: "service"
Strike: "activity"
Insert: "activities"
Following: "activity,"
Strike: "or"

Insert: "and"
Following: "or"
Strike: "undertaking"
Insert: "undertakings"

4. Page 2, line 5.
Following: "of"
Insert: "full service"

5. Page 3, line 19.
Following: "a"
Insert: "full service"

6. Page 4, line 4.
Following: "of"
Insert: "full service"

7. Page 4, line 5.
Following: "a"
Insert: "full service"

March 22, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 298, third reading bill, be amended as follows:

1. Title, line 8.

Following: "COOPERATIVES"

Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 5, line 8.

Following: line 7

Insert: "Section 8. Effective Date. This act is effective upon passage and approval."