

HOUSE BILL 450

IN THE HOUSE

January 29, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 15, 1979	Committee recommend bill, do not pass.
February 16, 1979	Report adopted. Objection.
February 20, 1979	Second reading, pass consideration.
February 21, 1979	Second reading, as amended, do not pass.

*House* BILL NO. *450*

INTRODUCED BY *Smalley Thorne Reichert*  
*Zastbender* *Keeler*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION CENTERS; PROVIDING FOR AN EXECUTIVE OFFICER HIRED BY THE BOARD OF PUBLIC EDUCATION; AUTHORIZING A STATEWIDE MILL LEVY; ESTABLISHING LOCAL ADVISORY BOARDS; AMENDING SECTIONS 2-18-103, 20-1-101, 20-2-121, 20-3-103, 20-3-104, 20-3-106, 20-3-324, 20-6-501, 20-7-301 THROUGH 20-7-303, 20-7-311, 20-7-314, 20-7-323, 20-7-324, 20-7-332, 20-7-702, 20-7-704, 20-7-705, AND 20-9-603, MCA; AND REPEALING SECTIONS 20-7-312, 20-7-325, AND 20-7-333, MCA."

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

NEW SECTION. Section 1. State administration of vocational education. Vocational education must be administered according to the laws of Montana and the policies of the board of public education. If there is a conflict between the laws providing for vocational education and any other laws governing the operation of schools, the former controls.

NEW SECTION. Section 2. Local advisory boards -- terms and compensation. (1) There is a local advisory board for each postsecondary vocational-technical center.

(2) A local advisory board consists of seven members appointed by the board of public education in the following manner:

(a) three members must be members of the school district board of trustees in which a postsecondary vocational-technical center is located;

(b) four members must reside outside the county in which a postsecondary vocational-technical center is located; and

(c) four members must be from occupations or professions that are not directly related to education.

(3) The director of a postsecondary vocational-technical center may not be a member of a local advisory board.

(4) (a) After initial appointments, the term of office of members of a local advisory board is 3 years beginning on the third Monday in April of the year appointed.

(b) For the purpose of making initial appointments of members to a local advisory board, the board of public education shall appoint three members to serve for 3 years, two members to serve for 2 years, and two members to serve for 1 year.

(5) Each member shall qualify by filing his oath of office with the board of public education.

(6) The board of public education may remove a local

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1 advisory board member.

2 (7) All vacancies must be filled by appointment by a  
3 majority vote of the board of public education.

4 (8) Appointed members of a local advisory board are  
5 entitled to per diem and travel expenses, as provided in  
6 2-18-501 through 2-18-503, for each day in attendance at  
7 board meetings or in the performance of any duty or service  
8 as a board member. The members must be reimbursed from the  
9 amount appropriated by the legislature for the maintenance  
10 and support of postsecondary vocational-technical centers.

11 NEW SECTION. Section 3. Duties of local advisory  
12 boards. A local advisory board shall:

13 (1) meet at least three times each year and more often  
14 if required;

15 (2) elect a chairman by majority vote and appoint a  
16 secretary; and

17 (3) advise the local postsecondary  
18 vocational-technical center director and the board of public  
19 education on the following:

20 (a) current employment needs in its area;

21 (b) the relevance of programs offered at the  
22 postsecondary vocational-technical center to the area's  
23 current employment needs;

24 (c) program and budget applications by a postsecondary  
25 vocational-technical center to the board of public

1 education;

2 (d) applicants for the position of postsecondary  
3 vocational-technical center director; and

4 (e) the general coordination of the area's  
5 postsecondary vocational-technical center programs,  
6 activities, and services with secondary vocational education  
7 programs.

8 NEW SECTION. Section 4. Retirement systems for  
9 teachers and employees. (1) Postsecondary  
10 vocational-technical center teachers are subject to, and  
11 eligible for the benefits of, the Montana teachers'  
12 retirement system.

13 (2) Postsecondary vocational-technical center  
14 employees not eligible for teachers' retirement system  
15 benefits are subject to, and eligible for the benefits of,  
16 the Montana public employees' retirement system.

17 NEW SECTION. Section 5. Agreements for use of  
18 services or facilities. The board of public education and a  
19 school district board may enter into agreements for the use  
20 by either of the other's services, facilities, or equipment  
21 and for the presentation of courses of either for students  
22 of the other whenever such agreements are considered to be  
23 in the best educational interests of the students involved.

24 NEW SECTION. Section 6. Construction of [part] when  
25 portion thereof in conflict with federal requirements. If

1 any portion of [this part] is found to be in conflict with  
2 federal requirements that are a condition precedent to the  
3 allocation of federal funds to the state, the conflicting  
4 portion is inoperative solely to the extent of the conflict,  
5 and the finding does not affect the operation of the  
6 remainder of [this part].

7 NEW SECTION. Section 7. Teachers and other employees  
8 to continue performing usual duties. (1) All postsecondary  
9 vocational-technical center teachers and other employees of  
10 an existing school district board affected by [this act]  
11 shall continue to perform their usual duties upon the same  
12 terms and conditions as they have prior to July 1, 1979,  
13 until removed or appointed to positions in accordance with  
14 the provisions of [section 20].

15 (2) Postsecondary vocational-technical center teachers  
16 tenured by a school district board shall continue to have  
17 the same tenure rights, duties, and obligations under  
18 employment with the board of public education as earned  
19 under the previous school district board.

20 NEW SECTION. Section 8. Postsecondary vocational  
21 education fund 21. All funds remaining to the credit of  
22 postsecondary vocational education fund 21 on July 1, 1979,  
23 are transferred to the board of public education.

24 NEW SECTION. Section 9. Contracts and obligations  
25 saved. (1) All existing contracts and obligations of an

1 existing department, state board, state officer, or school  
2 district board affected by [this act] remain in effect and  
3 must be performed by the respective department, state board,  
4 or state officer that succeeds to any of the powers and  
5 duties of such department, state board, state officer, or  
6 school district board.

7 (2) An employment contract for postsecondary  
8 vocational-technical center teachers or employees negotiated  
9 prior to July 1, 1979, and whose effective date is on or  
10 before July 1, 1979, remains in effect for the duration of  
11 the contract or until the teacher or employee is removed or  
12 appointed to another position in accordance with the  
13 provisions of [section 20].

14 NEW SECTION. Section 10. Reports required by law to  
15 be performed by successor agencies. All reports required by  
16 law to be made by any existing department, state board,  
17 state officer, or school district board affected by [this  
18 act] must, after July 1, 1979, be made by the executive and  
19 administrative head of the appropriate department, state  
20 board, or state officer prescribed by [this act].

21 NEW SECTION. Section 11. Records and pending business  
22 of agencies transferred. All books, papers, maps, charts,  
23 plans, and records in the possession of an existing  
24 department, state board, state officer, or school district  
25 board affected by [this act] or any officer or member

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1 thereof and pending business in any way pertaining to the  
 2 previous powers and duties of such department, state board,  
 3 state officer, or school district board must be delivered  
 4 and transferred to the administrative and executive head of  
 5 the appropriate department, state board, or state officer  
 6 prescribed in [this act]. If any question arises as to the  
 7 proper custody of any such books, papers, maps, charts,  
 8 plans, records, or pending business, the governor shall  
 9 settle the dispute.

10 Section 12. Section 2-18-103, MCA, is amended to read:

11 "2-18-103. Officers and employees excepted. Parts 1  
 12 and 2 do not apply to the following positions in state  
 13 government:

14 (1) elected officials and their chief deputy and  
 15 executive secretary;

16 (2) officers and employees of the legislative branch;

17 (3) judges and employees of the judicial branch;

18 (4) members of boards and commissions appointed by the  
 19 governor, appointed by the legislature, or appointed by  
 20 other elected state officials;

21 (5) officers or members of the militia;

22 (6) agency heads appointed by the governor;

23 (7) academic and professional administrative personnel  
 24 with individual contracts under the authority of the board  
 25 of regents of higher education;

(8) academic and professional administrative personnel  
 who have entered into individual contracts with the state  
 school for the deaf and blind ~~or with a postsecondary~~  
~~vocational-technical center~~ under the authority of the state  
 board of public education;

(9) teachers under the authority of the department of  
 institutions;

(10) personal staff of the elected officials enumerated  
 in Article VI, section 1, of the constitution of Montana are  
 exempt from 2-18-204, 2-18-205, 2-18-207, and 2-18-1011  
 through 2-18-1013;

(11) legal services staff and the special assistant  
 attorneys general under the direct control of the attorney  
 general."

Section 13. Section 20-1-101, MCA, is amended to read:

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

(1) "Agricultural experiment station" means the  
 agricultural experiment station established at Montana state  
 university.

(2) "Average number belonging" or "ANB" ~~shall mean~~  
~~means~~ the average number of regularly enrolled, full-time  
 pupils attending the public schools of a district.

(3) ~~"The board~~ Board of public education" ~~is~~ means the

1 board created by Article X, section 9, subsection (3) of the  
2 1972 Montana constitution and 2-15-1507.

3 (4) "Board of regents" means the board of regents of  
4 higher education created by Article X, section 9, subsection  
5 (2) of the 1972 Montana constitution and 2-15-1505.

6 (5) "Commissioner" means the commissioner of higher  
7 education created by Article X, section 9, subsection (2) of  
8 the 1972 Montana constitution and 2-15-1506.

9 (6) "County superintendent" means the county  
10 government official who is the school officer of the county.

11 (7) "District superintendent" means any person who  
12 holds a valid class 3 Montana teacher certificate with a  
13 superintendent's endorsement that has been issued by the  
14 superintendent of public instruction under the provisions of  
15 this title and the policies adopted by the board of public  
16 education and who has been employed by a district as a  
17 district superintendent.

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

25 (9) "Postsecondary vocational-technical center system"

1 ~~means the system of state-designated postsecondary~~  
2 ~~vocational-technical centers organized under the board of~~  
3 ~~public education.~~

4 (9)(10) "Postsecondary vocational-technical education"  
5 means vocational-technical education of postsecondary  
6 vocational-technical pupils which is conducted by a  
7 postsecondary vocational-technical center or other programs  
8 as designated by the board of public education.  
9 Postsecondary vocational-technical education shall ~~include~~  
10 ~~includes~~ the 13th and 14th year and beyond but will not  
11 include work toward a baccalaureate degree.

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

18 (11)(12) "Principal" means any person who holds a valid  
19 class 3 Montana teacher certificate with an applicable  
20 principal's endorsement that has been issued by the  
21 superintendent of public instruction under the provisions of  
22 this title and the policies adopted by the board of public  
23 education and who has been employed by a district as a  
24 principal. For the purposes of this title, any reference to  
25 a teacher shall be construed as including a principal, as

1 herein defined.

2 ~~(12)~~(13) "Pupil" means any child who is 6 years of age  
3 or older but has not yet reached his 21st birthday and who  
4 is enrolled in a school established and maintained under the  
5 laws of the state of Montana at public expense.

6 ~~(13)~~(14) "Pupil instruction" means the conduct of  
7 organized instruction of pupils enrolled in public schools  
8 while under the supervision of a teacher.

9 ~~(14)~~(15) "Regents" means the board of regents of higher  
10 education.

11 ~~(15)~~(16) "School food services" means a service of  
12 providing food for the pupils of a district on a nonprofit  
13 basis and ~~shall~~---include includes any food service  
14 financially assisted through funds or commodities provided  
15 by the United States government.

16 ~~(16)~~(17) "The-state State board of education" ~~is~~ means  
17 the board composed of the board of public education and the  
18 board of regents as specified in Article X, section 9,  
19 subsection (1) of the 1972 Montana constitution.

20 ~~(17)~~(18) "State university" means the Montana state  
21 university, located at Bozeman.

22 ~~(18)~~(19) "Superintendent of public instruction" means  
23 that state government official designated as a member of the  
24 executive branch by the constitution of Montana.

25 ~~(19)~~(20) "System" means the Montana university system.

1 ~~(20)~~(21) "Teacher" means any person, except a district  
2 superintendent, who holds a valid Montana teacher  
3 certificate that has been issued by the superintendent of  
4 public instruction under the provisions of this title and  
5 the policies adopted by the board of public education and  
6 who is employed by a district as a member of its  
7 instructional, supervisory, or administrative staff. This  
8 definition of a teacher ~~shall~~ also include includes any  
9 person for whom an emergency authorization of employment of  
10 such person has been issued under the provisions of  
11 20-4-111.

12 ~~(21)~~(22) "Textbook" means a book or manual used as a  
13 principal source of study material for a given class or  
14 group of students.

15 ~~(22)~~(23) "Textbook dealer" means any party, company,  
16 corporation, or other organization selling, offering to  
17 sell, or offering for adoption textbooks to districts in the  
18 state of Montana.

19 ~~(23)~~(24) "Trustees" means the governing board of a  
20 district.

21 ~~(24)~~(25) "University" means the university of Montana,  
22 located at Missoula.

23 ~~(25)~~(26) "Vocational education" means the instruction  
24 to prepare or improve the pupil for gainful employment that  
25 does not require a baccalaureate or higher degree. This

1 definition of vocational education ~~shall include~~ includes  
 2 guidance and prevocational, related, or technical  
 3 instruction necessary to prepare the pupil for further  
 4 vocational education or for entry into employment."

5 Section 14. Section 20-2-121, MCA, is amended to read:

6 "20-2-121. Board of public education -- powers and  
 7 duties. The board of public education shall:

8 (1) effect an orderly and uniform system for teacher  
 9 certification and for the issuance of an emergency  
 10 authorization of employment by adopting the policies  
 11 prescribed by 20-4-102 and 20-4-111;

12 (2) consider the suspension or revocation of teacher  
 13 certificates and appeals from the denial of teacher  
 14 certification in accordance with the provisions of 20-4-110;

15 (3) administer and order the distribution of state  
 16 equalization aid in accordance with the provisions of  
 17 20-9-344;

18 (4) adopt and enforce policies to provide uniform  
 19 standards and regulations for the design, construction, and  
 20 operation of school buses in accordance with the provisions  
 21 of 20-10-111;

22 (5) approve or disapprove a reduction of the number of  
 23 hours in a district's school day in accordance with the  
 24 provisions of 20-1-302;

25 (6) adopt policies prescribing the conditions when

1 school may be conducted on Saturday and the types of  
 2 pupil-instruction-related days and approval procedure for  
 3 such days in accordance with the provisions of 20-1-303 and  
 4 20-1-304;

5 (7) adopt standards of accreditation and establish the  
 6 accreditation status of every school in accordance with the  
 7 provisions of 20-7-101 and 20-7-102;

8 (8) approve or disapprove educational media selected  
 9 by the superintendent of public instruction for the  
 10 educational media library in accordance with the provisions  
 11 of 20-7-201;

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

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

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

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

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

5 Section 15. Section 20-3-103, MCA, is amended to read:

6 "20-3-103. Deputy superintendent -- staff. (1) The  
7 state superintendent of public instruction shall appoint a  
8 deputy who, in the absence of the principal or in the case  
9 of vacancy in his office, shall perform all the duties of  
10 office until such disability be ~~is~~ removed or vacancy be ~~is~~  
11 filled. ~~Such~~ ~~the~~ deputy shall subscribe, take, and file the  
12 oath of office provided by law for other state officers  
13 before entering upon the performance of his duties.

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

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

23 (b) a professional staff for the state supervision and  
24 administration of elementary and high school vocational  
25 education in accordance with the provisions of 20-7-302

1 ~~20-7-301~~; and

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

7 Section 16. Section 20-3-104, MCA, is amended to read:

8 "20-3-104. Discretionary staff. In addition to the  
9 positions of employment listed in 20-3-103, the  
10 superintendent of public instruction may employ:

11 (1) one or more assistant superintendents, one of whom  
12 may be designated, with the approval of the board of public  
13 education, as assistant superintendent for elementary and  
14 high school vocational education;

15 (2) a high school supervisor who is the holder of a  
16 class 3 teacher certificate with a district superintendent  
17 endorsement;

18 (3) an elementary supervisor who is the holder of a  
19 valid teacher certificate;

20 (4) a competent person to develop economy and  
21 efficiency in school transportation and to otherwise  
22 supervise the transportation program;

23 (5) a music supervisor who is a graduate of an  
24 accredited institution of higher education in music  
25 education and who has not less than 5 years of teaching

1 experience;

2 (6) an educational media supervisor who is a graduate  
3 of an accredited institution of higher education and who has  
4 experience in the field of educational media; and

5 (7) any other supervisors or assistants as may be  
6 required to carry out the duties of his office."

7 Section 17. Section 20-3-106, HCA, is amended to read:

8 "20-3-106. Supervision of schools -- powers and  
9 duties. The superintendent of public instruction has the  
10 general supervision of the public schools and districts of  
11 the state, and he shall perform the following duties or acts  
12 in implementing and enforcing the provisions of this title:

13 (1) resolve any controversy resulting from the  
14 proration of joint costs by a joint board of trustees under  
15 the provisions of 20-3-362;

16 (2) issue, renew, or deny teacher certification and  
17 emergency authorizations of employment and give notice of  
18 teacher certification suspension or revocation proceedings  
19 to be conducted by the board of public education in  
20 accordance with the provisions of the teacher certification  
21 part of this title;

22 (3) negotiate reciprocal tuition agreements with other  
23 states in accordance with the provisions of 20-5-314;

24 (4) serve on the teachers' retirement board in  
25 accordance with the provisions of 2-15-1010;

1 (5) prescribe absentee voting forms and rules in  
2 accordance with the provisions of 20-20-104;

3 (6) approve or disapprove the orders of a high school  
4 boundary commission in accordance with the provisions of  
5 20-6-311;

6 (7) approve or disapprove the opening or reopening of  
7 a school in accordance with the provisions of 20-6-502,  
8 20-6-503, 20-6-504, or 20-6-505;

9 (8) approve or disapprove school isolation within the  
10 limitations prescribed by 20-9-302;

11 (9) generally supervise the school budgeting  
12 procedures prescribed by law in accordance with the  
13 provisions of 20-9-102 and prescribe the school budget  
14 format in accordance with the provisions of 20-9-103 and  
15 20-9-505;

16 (10) establish a system of communication for  
17 calculating joint district revenues in accordance with the  
18 provisions of 20-9-151;

19 (11) approve or disapprove the adoption of a district's  
20 emergency budget resolution under the conditions prescribed  
21 in 20-9-163 and publish rules for an application for  
22 additional state aid for an emergency budget in accordance  
23 with the approval and disbursement provisions of 20-9-166;

24 (12) generally supervise the school financial  
25 administration provisions as prescribed by 20-9-201(2);

1 (13) 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 20-9-213(5) and the  
 4 annual report forms to enable the county superintendents to  
 5 report to the superintendent of public instruction in  
 6 accordance with the provisions of 20-3-209;

7 (14) approve, disapprove, or adjust an increase of the  
 8 average number belonging (ANB) in accordance with the  
 9 provisions of 20-9-313 and 20-9-314;

10 (15) distribute state equalization aid in support of  
 11 the foundation program in accordance with the provisions of  
 12 20-9-342, 20-9-346, and 20-9-347;

13 (16) estimate the statewide equalization level for the  
 14 foundation program in accordance with the provisions of  
 15 20-9-348;

16 (17) distribute state impact aid in accordance with the  
 17 provisions of 20-9-304;

18 (18) provide for the uniform and equal provision of  
 19 transportation by performing the duties prescribed by the  
 20 provisions of 20-10-112;

21 (19) approve or disapprove an adult education program  
 22 for which a district proposes to levy a tax in accordance  
 23 with the provisions of 20-7-705;

24 (20) request, accept, deposit, and expend federal  
 25 moneys in accordance with the provisions of 20-9-603;

1 (21) authorize the use of federal moneys for the  
 2 support of an interlocal cooperative agreement in accordance  
 3 with the provisions of 20-9-703 and 20-9-704;

4 (22) prescribe the form and contents of and approve or  
 5 disapprove interstate contracts in accordance with the  
 6 provisions of 20-9-705;

7 (23) approve or disapprove the conduct of school on a  
 8 Saturday or on pupil-instruction-related days in accordance  
 9 with the provisions of 20-1-303 and 20-1-304;

10 (24) recommend standards of accreditation for all  
 11 schools to the board of public education and evaluate  
 12 compliance with such standards and recommend accreditation  
 13 status of every school to the board of public education in  
 14 accordance with the provisions of 20-7-101 and 20-7-102;

15 (25) collect and maintain a file of curriculum guides  
 16 and assist schools with instructional programs in accordance  
 17 with the provisions of 20-7-113 and 20-7-114;

18 (26) establish and maintain a library of visual, aural,  
 19 and other educational media in accordance with the  
 20 provisions of 20-7-201;

21 (27) license textbook dealers and initiate prosecution  
 22 of textbook dealers violating the law in accordance with the  
 23 provisions of the textbooks part of this title;

24 (28) ~~administer and perform the duties as the executive~~  
 25 ~~officer~~ the policies of the board of public education for

1 ~~elementary and high school~~ vocational education in  
 2 accordance with the provisions of ~~20-7-302~~ 20-7-301;  
 3 ~~(29) consider applications for the designation of a~~  
 4 ~~postsecondary vocational technical center in accordance with~~  
 5 ~~the provisions of 20-7-311;~~  
 6 ~~(30) establish a fund for the handling of postsecondary~~  
 7 ~~vocational technical center fees in accordance with the~~  
 8 ~~provisions of 20-7-333;~~  
 9 ~~(31)~~ (29) supervise and coordinate the conduct of  
 10 special education in the state in accordance with the  
 11 provisions of 20-7-403;  
 12 ~~(32)~~ (30) administer the traffic education program in  
 13 accordance with the provisions of 20-7-502;  
 14 ~~(33)~~ (31) administer the school food services program in  
 15 accordance with the provisions of 20-10-201, 20-10-202, and  
 16 20-10-203;  
 17 ~~(34)~~ (32) review school building plans and  
 18 specifications in accordance with the provisions of  
 19 20-6-622;  
 20 ~~(35)~~ (33) prescribe the method of identification and  
 21 signals to be used by school safety patrols in accordance  
 22 with the provisions of 20-1-408; and  
 23 ~~(36)~~ (34) perform any other duty prescribed from time to  
 24 time by this title, any other act of the legislature, or the  
 25 policies of the board of public education."

1 Section 18. Section 20-3-324, MCA, is amended to read:  
 2 "20-3-324. Powers and duties. As prescribed elsewhere  
 3 in this title, the trustees of each district shall have the  
 4 power and it shall be their duty to perform the following  
 5 duties or acts:  
 6 (1) employ or dismiss a teacher, principal, or other  
 7 assistant upon the recommendation of the district  
 8 superintendent, the county high school principal, or other  
 9 principal as the board may deem necessary, accepting or  
 10 rejecting such recommendation as the trustees shall in their  
 11 sole discretion determine, in accordance with the provisions  
 12 of the school personnel part of this title;  
 13 (2) employ and dismiss administrative personnel,  
 14 clerks, secretaries, teacher aides, custodians, maintenance  
 15 personnel, school bus drivers, food service personnel,  
 16 nurses, and any other personnel deemed necessary to carry  
 17 out the various services of the district;  
 18 (3) administer the attendance and tuition provisions  
 19 and otherwise govern the pupils of the district in  
 20 accordance with the provisions of the pupils chapter of this  
 21 title;  
 22 (4) call, conduct, and certify the elections of the  
 23 district in accordance with the provisions of the school  
 24 elections chapter of this title;  
 25 (5) participate in the teachers' retirement system of

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1 the state of Montana in accordance with the provisions of  
2 the teachers' retirement system chapter of Title 19;

3 (6) participate in district boundary change actions in  
4 accordance with the provisions of the districts chapter of  
5 this title;

6 (7) organize, open, close, or acquire isolation status  
7 for the schools of the district in accordance with the  
8 provisions of the school organization part of this title;

9 (8) adopt and administer the annual budget or an  
10 emergency budget of the district in accordance with the  
11 provisions of the school budget system part of this title;

12 (9) conduct the fiscal business of the district in  
13 accordance with the provisions of the school financial  
14 administration part of this title;

15 (10) establish the ANB, foundation program, permissive  
16 levy, additional levy, cash reserve, and state impact aid  
17 amount for the general fund of the district in accordance  
18 with the provisions of the general fund part of this title;

19 (11) establish, maintain, budget, and finance the  
20 transportation program of the district in accordance with  
21 the provisions of the transportation parts of this title;

22 (12) issue, refund, sell, budget, and redeem the bonds  
23 of the district in accordance with the provisions of the  
24 bonds parts of this title;

25 (13) when applicable, establish, financially

1 administer, and budget for the tuition fund, retirement  
2 fund, building reserve fund, adult education fund,  
3 ~~postsecondary-vocational-technical-center-fund~~, nonoperating  
4 fund, school food services fund, miscellaneous federal  
5 programs fund, building fund, housing and dormitory fund,  
6 traffic education fund, and interlocal cooperative agreement  
7 fund in accordance with the provisions of the other school  
8 funds parts of this title;

9 (14) when applicable, administer any interlocal  
10 cooperative agreement, gifts, legacies, or devise in  
11 accordance with the provisions of the miscellaneous  
12 financial parts of this title;

13 (15) hold in trust, acquire, and dispose of the real  
14 and personal property of the district in accordance with the  
15 provisions of the school sites and facilities part of this  
16 title;

17 (16) operate the schools of the district in accordance  
18 with the provisions of the school calendar part of this  
19 title;

20 (17) establish and maintain the instructional services  
21 of the schools of the district in accordance with the  
22 provisions of the instructional services, textbooks,  
23 vocational education, and special education parts of this  
24 title;

25 (18) establish and maintain the school food services of

1 the district in accordance with the provisions of the school  
2 food services parts of this title;

3 (19) make such reports from time to time as the county  
4 superintendent, superintendent of public instruction, and  
5 board of public education may require;

6 (20) retain, when deemed advisable, a physician or  
7 registered nurse to inspect the sanitary conditions of the  
8 school or the general health conditions of each pupil and,  
9 upon request, make available to any parent or guardian any  
10 medical reports or health records maintained by the district  
11 pertaining to his child;

12 (21) for each member of the trustees, visit each school  
13 of the district not less than once each school fiscal year  
14 to examine its management, conditions, and needs;

15 (22) procure and display outside daily in suitable  
16 weather at each school of the district an American flag  
17 which shall be not less than 4 feet by 6 feet; and

18 (23) perform any other duty and enforce any other  
19 requirements for the government of the schools prescribed by  
20 this title, the policies of the board of public education,  
21 or the rules of the superintendent of public instruction."

22 Section 19. Section 20-6-501, MCA, is amended to read:

23 "20-6-501. Definition of various schools. As used in  
24 this title, unless the context clearly indicates otherwise,  
25 the term "school" means an institution for the teaching of

1 children that is established and maintained under the laws  
2 of the state of Montana at public expense. The trustees of  
3 any district shall designate the grade assignments for the  
4 schools of the district, but for the purposes of this title  
5 each school shall be known as:

6 (1) an elementary school when it comprises the work of  
7 any combination of kindergarten, other preschool programs,  
8 or the first eight grades or their equivalents. A middle  
9 school is a school comprising the work of grades 4 through 8  
10 or any combination thereof that has been accredited as a  
11 middle school under the provisions of 20-7-102. When an  
12 accredited junior high school or an accredited 6-year high  
13 school is operated by the district, grades 7 and 8 or their  
14 equivalents shall not be considered as elementary grades.

15 (2) a high school when it comprises the work of one or  
16 more grades of schoolwork or their equivalents intermediate  
17 between the elementary schools and the institutions of  
18 higher education of the state of Montana. Types of high  
19 schools shall be designated as follows:

20 (a) a junior high school is a school comprising the  
21 work of grades 7 through 9 or their equivalents that has  
22 been accredited as a junior high school under the provisions  
23 of 20-7-102;

24 (b) a senior high school is a school which comprises  
25 the work of grades 10 through 12 or their equivalents and

1 which is operated in conjunction with a junior high school;

2 (c) a 6-year high school is a school comprising the  
3 work of grades 7 through 12 or their equivalents that has  
4 been accredited as a 6-year high school under the provisions  
5 of 20-7-102;

6 (d) a 4-year high school is a school comprising the  
7 work of grades 9 through 12 or their equivalents;

8 (e) a county high school is a 4-year high school  
9 operated as an agency of county government and established  
10 under the provisions of the acts of March 3, 1899, March 14,  
11 1901, and any subsequent amendments thereto;

12 ~~(f) a postsecondary vocational-technical center~~  
13 ~~established under the provisions of 20-7-311.~~

14 Section 20. Section 20-7-301, MCA, is amended to read:

15 "20-7-301. ~~Duties Powers and duties~~ of board of public  
16 education ~~is~~ vocational education. The board of public  
17 education ~~shall be the governing board of the state of~~  
18 ~~Montana is designated as the state board of vocational~~  
19 ~~education and the sole state agency~~ for vocational  
20 education. The board of public education shall:

21 (1) adopt policies to effect the orderly development  
22 of a system of vocational education that is adaptable to  
23 changing needs, controlled to prevent unnecessary  
24 duplication, coordinated with federal guidelines and  
25 requirements for vocational education, and funded to ensure

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

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

5 (2)(b) standards for vocational education courses and  
6 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 education  
21 which allows for consideration of the current and projected  
22 manpower needs and job opportunities; and

23 (h) the basis and limitations for the charging of fees  
24 and the expenditure of fee revenue for the postsecondary  
25 vocational-technical centers; and

1 ~~(b)(1)~~ 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) hire an executive officer for vocational~~  
5 ~~education; and~~

6 ~~(3) appoint and dismiss a director and faculty members~~  
7 ~~for the postsecondary vocational-technical centers, appoint~~  
8 ~~and dismiss any other necessary officers, agents, and~~  
9 ~~employees, fix their compensation, and set the terms and~~  
10 ~~conditions of their employment."~~

11 NEW SECTION. Section 21. Board of public education  
12 contracts -- superintendent of public instruction -- board  
13 of regents. (The board of public education shall:

14 (1) contract with the superintendent of public  
15 instruction for the administration of all high school and  
16 elementary vocational education. The contract must specify  
17 the duties and responsibilities of the board of public  
18 education and the superintendent of public instruction  
19 relating to high school and elementary vocational education.  
20 The contract must be in harmony with board of education  
21 policies and the provisions of the state plan for vocational  
22 education administration. When the board of public education  
23 and the superintendent of public instruction cannot agree on  
24 the terms of a contract, the board of public education is  
25 responsible for the administration of high school and

1 elementary vocational education.

2 (2) contract with the board of regents for the  
3 administration of vocational education at community colleges  
4 and units of the Montana university system. The contract  
5 must specify the duties and responsibilities of the board of  
6 public education and the board of regents and must be in  
7 harmony with the vocational education policies of the board  
8 of public education and the provisions of the state plan for  
9 vocational education administration.

10 Section 22. Section 20-7-302, MCA, is amended to read:

11 "20-7-302. Duties of superintendent--of--public  
12 instruction--~~as the~~ executive officer for vocational  
13 education. ~~(1) The executive officer for vocational~~  
14 ~~education is an ex officio, nonvoting member of the board of~~  
15 ~~public education.~~

16 ~~(2) The--superintendent-of-public-instruction-shall-be~~  
17 ~~the-executive-officer-of-the-board-of-public-education--for~~  
18 ~~the--administration--of~~ At the discretion of the board of  
19 public education, the executive officer shall:

20 (a) administer all state and federal laws related to  
21 vocational education; ~~As--the--executive--officer--the~~  
22 ~~superintendent-of-public-instruction-shall~~

23 ~~(b) administer~~ be the chief administrative officer  
24 for the administration of the vocational education policies  
25 adopted by the board of public education;



1 ~~(2) prepare curriculum guides for board of public~~  
2 ~~education adoption;~~

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

8 ~~(4)(d) report the status of vocational education in~~  
9 ~~the state of Montana when annually, in a form requested by~~  
10 ~~the board of public education;~~

11 ~~(5)(a) keep all vocational education records in his~~  
12 ~~office; and~~

13 ~~(6)(f) provide vocational education supervisory and~~  
14 ~~consultative assistance to districts; and~~

15 ~~(g) develop an operations manual that establishes~~  
16 ~~standard administrative procedures for postsecondary~~  
17 ~~vocational-technical centers."~~

18 Section 23. Section 20-7-303, MCA, is amended to read:

19 "20-7-303. ~~District authorization~~ Authorization to  
20 establish and maintain vocational education courses and  
21 programs. The board of public education or the trustees of  
22 any district, community college district, or unit of the  
23 Montana university system may establish and maintain a  
24 vocational education course or program that complies with  
25 the vocational education standards adopted by the board of

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

4 Section 24. Section 20-7-311, MCA, is amended to read:

5 "20-7-311. Postsecondary vocational-technical center  
6 designation. (1) Postsecondary vocational-technical centers  
7 shall be designated by the board of public education only  
8 upon direction of the legislature. ~~Applications for~~  
9 ~~designation must be made in accordance with the following~~  
10 ~~procedure:~~

11 ~~(a) The trustees of any high school district, of a~~  
12 ~~county high school, of a community college district, or the~~  
13 ~~governing board of any unit of the Montana university system~~  
14 ~~may submit an application for designation of a postsecondary~~  
15 ~~vocational-technical center to be operated by such trustees~~  
16 ~~or governing boards. The application for designation shall be~~  
17 ~~submitted in accordance with the times, dates, and form~~  
18 ~~requirements prescribed by the board of public education.~~  
19 ~~Applicant high school districts, county high schools, or~~  
20 ~~community college districts shall be located in a county~~  
21 ~~with a taxable valuation of at least \$45 million.~~

22 ~~(b) 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 public education. The superintendent of public~~

1 instruction shall review the application and present it to  
 2 the board of public education along with his  
 3 recommendations. The board of public education shall then  
 4 examine the application and recommendations of the  
 5 superintendent of public instruction and either adopt the  
 6 recommendations of the superintendent of public instruction  
 7 or draft its own recommendations. The application together  
 8 with all recommendations shall be presented by the board of  
 9 public education to the next following legislature.

10 (2) The board of public education shall recognize the  
 11 presently designated postsecondary vocational-technical  
 12 centers operated by the respective board of trustees of  
 13 school district number 1 of located in Silver Bow County,  
 14 high school district number 1 of Lewis and Clark County,  
 15 high school district "A" of Cascade County, Missoula County  
 16 high school, and high school district number 2 of  
 17 Yellowstone County."

18 Section 25. Section 20-7-314, MCA, is amended to read:

19 "20-7-314. Lease or purchase of state property  
 20 lease-purchase agreements for postsecondary  
 21 vocational-technical center purposes. (1) The state of  
 22 Montana, acting by and through the board of public education  
 23 is hereby empowered and authorized to enter into a lease  
 24 agreement for a term not to exceed 48 years in order to  
 25 lease to a district operating a postsecondary

1 vocational-technical center any building or lands owned by  
 2 the state and financed in whole or in part by an  
 3 appropriation made by the legislature of the state of  
 4 Montana for the purpose of supporting the district's  
 5 postsecondary vocational-technical centers. A local school  
 6 district must make available to the board of public  
 7 education all buildings and lands that were financed in  
 8 whole or in part by a state or federal appropriation for  
 9 postsecondary vocational-technical education purposes. This  
 10 may be done by lease or lease-purchase agreements or by any  
 11 other method authorized by law. The consideration necessary  
 12 to support such a lease may be nominal.

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

1 Section 26. Section 20-7-323, MCA, is amended to read:

2 "20-7-323. Program and budget categories for  
3 postsecondary vocational-technical education centers. (1)  
4 The board of public education ~~shall have~~ has the sole  
5 authority for the approval of the postsecondary  
6 vocational-technical education programs and their budgets.  
7 Such programs and budgets shall be placed into three  
8 categories defined as:

9 (a) maintenance and operation, which ~~shall include~~  
10 includes programs and costs for instruction; vocational  
11 guidance and counseling; job placement; travel of pupils and  
12 personnel while engaged in a program; acquisition,  
13 maintenance, and repair of equipment; and the rental of  
14 necessary emergency facilities for not more than 1 year;

15 (b) construction, which ~~shall include~~ includes the  
16 program and cost for construction of new buildings;  
17 acquisition, expansion, remodeling, and alteration of  
18 existing buildings; site acquisition and improvements;  
19 architectural fees; and the purchase of initial equipment;

20 (c) ancillary services, which ~~shall include~~ includes  
21 the program and cost for the services and activities  
22 necessary to assure quality in the postsecondary  
23 vocational-technical center's instruction, such as  
24 supervision and administration of the center, program  
25 evaluation, special demonstration and experimental programs,

1 and development of instructional materials and curriculum.

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

9 Section 27. Section 20-7-324, MCA, is amended to read:

10 "20-7-324. Sources of financing for postsecondary  
11 vocational-technical center budgets -- board of public  
12 education administration. (1) The total of the budgets  
13 approved by the board of public education, together with the  
14 budget for the cost of state administration of the  
15 postsecondary vocational-technical centers, ~~shall constitute~~  
16 constitutes the total maximum approved statewide budget  
17 which shall be financed as follows:

18 (a) ~~The primary source of financing is to be those~~  
19 ~~funds specifically designated by legislative enactment or~~  
20 ~~referendum by the people for financing postsecondary~~  
21 ~~vocational-technical education in Montana;~~

22 (b) ~~The board of county commissioners of each county~~  
23 ~~in which a designated postsecondary vocational-technical~~  
24 ~~center is located is hereby authorized to levy a tax of not~~  
25 ~~to exceed 1 mill on the dollar of all taxable property at~~

1 ~~and personally within the county for the support and~~  
 2 ~~maintenance of the postsecondary vocational technical center~~  
 3 ~~located within the county a tax upon the taxable value of~~  
 4 ~~all real and personal property in the state of 1 mill or so~~  
 5 ~~much as is necessary to raise the amount appropriated from~~  
 6 ~~the postsecondary vocational technical center accounts~~  
 7 ~~hereby created, in the earmarked revenue fund for the~~  
 8 ~~support, maintenance, and improvement of the postsecondary~~  
 9 ~~vocational technical center system;~~

10 (c) ~~Designated postsecondary vocational technical~~  
 11 ~~centers shall be eligible to receive such funds from the~~  
 12 ~~federal government as that the board of public education may~~  
 13 ~~provide pursuant to applicable acts of congress; and~~

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

24 (i) ~~the sale of bonds issued by that district (such~~  
 25 ~~bonds shall be issued in conformity with the requirements of~~

1 ~~chapter 9, part 4, of this title in the case of high school~~  
 2 ~~and county high school district);~~

3 (ii) ~~any other funds available to that district which~~  
 4 ~~may be legally and properly applied toward such~~  
 5 ~~construction;~~

6 (iii) ~~the reasonable value of land, buildings,~~  
 7 ~~fixtures, or equipment furnished by that district, subject~~  
 8 ~~to the approval of the board of public education, fees for~~  
 9 ~~the use of equipment and material used in instruction when~~  
 10 ~~authorized by the board of public education;~~

11 (e) ~~if the aggregate financing provided by sources of~~  
 12 ~~revenue in (1)(a), (1)(b), and (1)(c) of this section does~~  
 13 ~~not provide 100% financing of the maximum approved statewide~~  
 14 ~~budget, the remaining deficiency shall be financed from any~~  
 15 ~~state funds appropriated by the legislature for~~  
 16 ~~postsecondary vocational technical education.~~

17 (2) ~~The tax provided for in subsection (1)(b) must be~~  
 18 ~~computed in accordance with the provisions of 15-10-102.~~

19 (2)(3) ~~The board of public education shall direct~~  
 20 ~~specify the method of distribution of the funds specified in~~  
 21 ~~subsections (1)(a), (1)(c)(b), and (1)(c)(c), and (1)(d) of~~  
 22 ~~this section on the basis of the budgets approved by the~~  
 23 ~~board of public education. The funds earned by the mill levy~~  
 24 ~~specified in subsection (1)(b) of this section shall be~~  
 25 ~~credited by the county treasurer to the postsecondary~~

1 ~~vocational-technical-center-funds~~  
 2 ~~(3)(4)~~ The board of public education shall determine  
 3 the amount of financing available from these five ~~four~~  
 4 sources of revenue and ~~may~~ approve budgets for ~~each~~  
 5 ~~postsecondary vocational-technical center~~ for maintenance  
 6 and operation, construction, and ancillary services. The  
 7 aggregate amount of the budgets so approved by the board of  
 8 public education for postsecondary vocational-technical  
 9 centers ~~shall~~ ~~may~~ not exceed the moneys determined to be  
 10 available."

11 Section 28. Section 20-7-332, MCA, is amended to read:  
 12 "20-7-332. Waiver of tuition for Montana residents and  
 13 setting nonresident tuition rates. (1) Tuition shall not be  
 14 charged to any resident of the state of Montana by the  
 15 governing board of public education ~~any--postsecondary~~  
 16 ~~vocational-technical--center~~. However, nonresidents may be  
 17 charged tuition at rates to be determined by the board of  
 18 public education.

19 (2) For the purposes of this section the eligibility  
 20 of a student for resident status shall be determined in the  
 21 same manner as that prescribed for use by the Montana  
 22 university system, except that those provisions referring to  
 23 "high school graduates" or "graduation from high school"  
 24 shall be considered to refer to a person who has attended  
 25 school or who was in attendance at a school."

1 Section 29. Section 20-7-702, MCA, is amended to read:  
 2 "20-7-702. Authorization to establish adult education  
 3 program. The trustees of any district or community college  
 4 district ~~or, in the case of a postsecondary~~  
 5 ~~vocational-technical center, the board of public education~~  
 6 may establish and operate an adult education program at any  
 7 time of the day when facilities and personnel are available.  
 8 An adult education program may provide both basic and  
 9 secondary general education, vocational education, American  
 10 citizenship education, including courses in the English  
 11 language and American history and government, or any other  
 12 areas of instruction approved by the trustees ~~or the board~~  
 13 ~~of public education, whichever is appropriate."~~

14 Section 30. Section 20-7-704, MCA, is amended to read:  
 15 "20-7-704. Adult education tuition and fees. The  
 16 trustees of a district or community college district ~~or, in~~  
 17 ~~the case of a postsecondary vocational-technical center, the~~  
 18 ~~board of public education shall have the--authority--to~~ ~~may~~  
 19 charge tuition ~~or fees~~ for instruction and ~~to charge~~ fees  
 20 for the use of equipment and materials. The amount of such  
 21 tuition and fees shall be determined on a per-course basis  
 22 or on the basis of the cost of the entire adult education  
 23 program. All proceeds from tuition and fees shall be  
 24 deposited in the appropriate adult education fund."

25 Section 31. Section 20-7-705, MCA, is amended to read:

1 "20-7-705. Adult education fund. (1) A separate adult  
2 education fund shall be established when an adult education  
3 program is operated by a district or community college  
4 district, or postsecondary vocational-technical center. The  
5 financial administration of such fund shall comply with the  
6 budgeting, financing, and expenditure provisions of the laws  
7 governing the schools.

8 (2) Whenever the trustees of any district or the board  
9 of public education ~~esteblish~~ establishes an adult education  
10 program under the provisions of 20-7-702, they shall  
11 establish an adult education fund under the provisions of  
12 this section. The appropriate adult education fund shall be  
13 the depository for all federal, state, and district moneys  
14 received by the district or postsecondary  
15 vocational-technical center in support of the adult  
16 education program.

17 (3) The trustees of any district may authorize the  
18 levy of a tax of not more than 1 mill on the district for  
19 the operation of an adult education program when the  
20 superintendent of public instruction has approved the  
21 educational program to be supported by such levy. The  
22 approval of the superintendent of public instruction shall  
23 have been acquired by the trustees before the fourth Monday  
24 of June in order to include the expenditures to be financed  
25 by the levy in the preliminary budget. The superintendent of

1 public instruction shall promulgate rules and forms for such  
2 approval.

3 (4) Whenever the trustees of any district or the board  
4 of public education ~~decide~~ decides to offer an adult  
5 education program during the ensuing school fiscal year,  
6 they shall budget for the cost of such program in the  
7 appropriate adult education fund of the preliminary budget.  
8 Any expenditures in support of the adult education program  
9 under the final adult education budget shall be made in  
10 accordance with the financial administration provisions of  
11 this title for a budgeted fund.

12 (5) When a tax levy for an adult education program  
13 which has been approved by the superintendent of public  
14 instruction is included as a revenue item on the final adult  
15 education budget, the county superintendent shall report  
16 such levy requirement to the county commissioners on the  
17 second Monday of August and a levy on the district shall be  
18 made by the county commissioners in accordance with  
19 20-9-142."

20 Section 32. Section 20-9-603, MCA, is amended to read:

21 "20-9-603. Acceptance and expenditure of federal  
22 moneys for state. (1) The governor and the superintendent of  
23 public instruction are authorized on behalf of the state of  
24 Montana to request and accept such moneys as are now or will  
25 be made available under any act of congress of the United

1 States or otherwise for purposes of public school building  
 2 construction or for any other purposes of public schools and  
 3 public education as permitted under the laws of the state of  
 4 Montana and as authorized by the grants from the federal  
 5 government. Such moneys shall be deposited by the governor  
 6 and superintendent of public instruction in the state  
 7 treasury and are appropriated and made available to the  
 8 superintendent of public instruction. All such moneys shall  
 9 be expended for the purpose of public school building  
 10 construction or for any other purposes of public schools and  
 11 public education as permitted under the laws of the state of  
 12 Montana and as authorized by the grants from the federal  
 13 government.

14 (2) The governor and superintendent of public  
 15 instruction are further authorized on behalf of the state of  
 16 Montana to accept moneys provided from federal sources for  
 17 the express purpose of distribution to nonpublic education.  
 18 Such moneys shall be deposited by the governor and  
 19 superintendent of public instruction in the state treasury  
 20 and are appropriated and made available to the  
 21 superintendent of public instruction. All such moneys shall  
 22 be distributed in the manner provided by the laws of the  
 23 state of Montana and as authorized or expressed by grants  
 24 from the federal government.

25 (3) All expenditures of moneys from federal sources

1 under this section shall be made under the supervision and  
 2 in the discretion of the superintendent of public  
 3 instruction. Any balance in the account in which such moneys  
 4 are maintained shall not lapse at any time but shall be  
 5 continuously available to the superintendent of public  
 6 instruction for expenditures consistent with this title and  
 7 acts of the federal government.

8 ~~(4) The provisions of subsections (1) through (3) do~~  
 9 ~~not apply to federal money made available under any act of~~  
 10 ~~Congress of the United States for vocational education.~~  
 11 ~~Federal vocational education money may be requested,~~  
 12 ~~accepted, or expended only at the discretion of the board of~~  
 13 ~~public education as permitted under the laws of the state of~~  
 14 ~~Montana and as authorized by grants from the federal~~  
 15 ~~government."~~

16 Section 33. Severability. If a part of this act is  
 17 invalid, all valid parts that are severable from the invalid  
 18 part remain in effect. If a part of this act is invalid in  
 19 one or more of its applications, the part remains in effect  
 20 in all valid applications that are severable from the  
 21 invalid applications.

22 Section 34. Repealer. Sections 20-7-312, 20-7-325, and  
 23 20-7-333, MCA, are repealed.

-End-