

CHAPTER NO. 598

HOUSE BILL NO. 634

INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,
McCALLUM, OBERG

IN THE HOUSE

February 6, 1979	On motion, rules suspended to allow Representative Lory to sign Representative Eudaily's name as chief sponsor on bill.
February 7, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 17, 1979	Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Education.
March 21, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1979	Second reading, concurred in.
March 27, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 28, 1979	Returned from second house. Concurred in as amended.
March 31, 1979	Second reading, amendments rejected.
	On motion, Free Joint Con- ference Committee requested.
April 2, 1979	Free Joint Conference Committee appointed.
April 7, 1979	Free Joint Conference Committee reported.
April 9, 1979	Second reading, adopted.
April 10, 1979	Third reading, adopted.
April 11, 1979	Adopted by Senate. Sent to enrolling. Reported correctly enrolled.

1
2 INTRODUCED BY
3

House BILL NO. 634
Endorsed by Daily Hampshire
Malcolm May

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY
5 POSTSECONDARY VOCATIONAL-TECHNICAL CENTER GOVERNANCE;
6 DEFINING DUTIES OF STATE AND LOCAL OFFICIALS; AUTHORIZING A
7 STATEWIDE PROPERTY TAX LEVY FOR THE SUPPORT OF THE CENTERS;
8 AUTHORIZING ADDITIONAL SCHOOL DISTRICT LEVIES IN CERTAIN
9 CASES; CLARIFYING FINANCIAL RESPONSIBILITY FOR MAINTENANCE,
10 REMODELING, AND RENOVATION OF CENTERS; AND AMENDING SECTIONS
11 20-7-301, 20-7-302, 20-7-312, AND 20-7-324, MCA."

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

14 Section 1. Section 20-7-301, MCA, is amended to read:
15 "20-7-301. Duties of board of public education. 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, coordinated with federal guidelines
22 and requirements for vocational education, and funded to
23 ensure growth and quality programming. In order to
24 accomplish the orderly development of a system of vocational
25 education, the board of public education policies shall

1 include:
2 (1) a state plan for such development;
3 (2) standards for vocational education courses and
4 programs;
5 (3) the minimum requirements for granting
6 postsecondary vocational-technical certificates to students;
7 (4) a review process for the establishment and
8 deletion of programs;
9 (5) the necessary qualifications that a postsecondary
10 vocational-technical center director ~~must possess~~
11 ~~and~~ instructor qualifications for vocational
12 education courses and programs;
13 ~~and~~ criteria for approval of vocational education
14 courses and programs which are to receive financial
15 assistance;
16 (6) criteria for receiving, reviewing, and
17 transmitting recommendations on postsecondary
18 vocational-technical center operations and budget requests
19 to the legislature;
20 (7) a basis for apportionment of all moneys
21 appropriated by the legislature for vocational education in
22 accordance with the intent of the legislature as reflected
23 in the terms of the appropriation;
24 ~~and~~ a basis for apportionment of all moneys
25 received by the state of Montana for vocational education

HB 634

1 from the federal government in accordance with the acts of
 2 congress;
 3 ~~77111~~ a system of evaluation of vocational education
 4 which allows for consideration of the current and projected
 5 manpower needs and job opportunities; and
 6 ~~(12) the tuition and fees to be charged at the~~
 7 ~~postsecondary vocational-technical centers, based upon~~
 8 ~~legislative appropriations available to the board of public~~
 9 ~~education for postsecondary vocational-technical centers;~~
 10 ~~(13) the allowable costs for rental of buildings for~~
 11 ~~postsecondary vocational-technical center purposes;~~
 12 ~~(14) guidelines for the authority delegated by the~~
 13 ~~board of public education to the local school district board~~
 14 ~~of trustees operating a postsecondary vocational-technical~~
 15 ~~centers; and~~
 16 ~~(15) any other policy not inconsistent with public~~
 17 ~~law and which is necessary for the proper operation of a~~
 18 ~~system of vocational education."~~

19 Section 2. Section 20-7-302, MCA, is amended to read:
 20 "20-7-302. Duties of superintendent of public
 21 instruction as executive officer. The superintendent of
 22 public instruction shall be the executive officer of the
 23 board of public education for the administration of all
 24 state and federal laws related to vocational education. As
 25 the executive officer, the superintendent of public

1 instruction shall:
 2 (1) administer the vocational education policies
 3 adopted by the board of public education;
 4 (2) prepare curriculum guides for board of public
 5 education adoption;
 6 (3) employ, with the confirmation of the board of
 7 public education, the professional staff necessary for the
 8 state supervision and administration of vocational
 9 education, including a state director for vocational
 10 education;
 11 (4) report the status of vocational education in the
 12 state of Montana when requested by the board of public
 13 education;
 14 (5) keep all vocational education records in his
 15 office; and
 16 (6) provide vocational education supervisory and
 17 consultative assistance to districts;
 18 ~~(7) provide a postsecondary vocational-technical~~
 19 ~~center system policy and procedural handbook for~~
 20 ~~institutional operations that will standardize operations~~
 21 ~~among the centers;~~
 22 ~~(8) identify and direct the county treasurer in those~~
 23 ~~counties where postsecondary vocational-technical centers~~
 24 ~~are located to establish the necessary multifund structures~~
 25 ~~for postsecondary vocational-technical center financial~~

1 operations;

2 (9) meet with the chairman of the board of trustees,
 3 district superintendent, and center director of each
 4 postsecondary vocational-technical center at least twice
 5 each year to discuss recommended changes in board of public
 6 education policies and procedures; and
 7 (10) perform any other duties assigned by the board of
 8 public education."

9 NEW SECTION. Section 3. State director of vocational
 10 education — duties. There is a state director of vocational
 11 education appointed in accordance with the provisions of
 12 20-7-302(3). He must:

13 (1) report the status of vocational education in the
 14 state when requested by the board of public education;

15 (2) formulate and put into effect uniform fiscal,
 16 student, staff, and program accounting systems for the
 17 postsecondary vocational-technical centers;

18 (3) prepare any necessary reports for the board of
 19 public education or the legislature;

20 (4) represent the postsecondary vocational-technical
 21 center system to state agencies, associations, and others
 22 when appropriate;

23 (5) recommend a staffing pattern for the postsecondary
 24 vocational-technical centers;

25 (6) provide for the evaluation of programs and

1 services within each postsecondary vocational-technical
 2 center;

3 (7) provide for evaluation of each postsecondary
 4 vocational-technical center's ability to meet employment and
 5 student vocational-technical education needs;

6 (8) perform any other duty assigned by the executive
 7 officer.

8 Section 4. Section 20-7-312, NCA, is amended to read:

9 "20-7-312. Local administration. The---trustees---or
 10 governing---board---of---a---postsecondary---vocational---technical
 11 center---shall---administer---such---center---according---to---Subject---to
 12 the requirements of the laws of the state of Montana, the
 13 policies of the board of public education, and the
 14 regulations of the superintendent---of---public---instructions---if---
 15 in---construing---such---laws---there---is---a---conflict---between---the
 16 laws---providing---for---postsecondary---vocational---technical
 17 centers---and---any---other---laws---governing---the---operation---of
 18 schools---the---former---shall---have---the---controlling---authority---
 19 executive officer for vocational education as administered
 20 by the state director of vocational education, the board of
 21 trustees operating a postsecondary vocational-technical
 22 center shall:

23 (a) employ from among qualified applicants a
 24 postsecondary vocational-technical center director;

25 (b) employ administrative personnel, faculty members,

1 and employees for the postsecondary vocational-technical
 2 center according to the policies and procedures of the board
 3 of trustees;

4 (i) recommends develop and submit budgets for the
 5 postsecondary vocational-technical centers;

6 (ii) establish and collect student tuition and fees;
 7 (iii) recommend to the board of public education through
 8 the state director of vocational education;

9 (iv) proposals regarding postsecondary
 10 vocational-technical center programs, budgets, student
 11 services, and public service activities; and

12 (v) campus development and program plans for
 13 individual postsecondary vocational-technical center
 14 buildings;

15 (vi) manage buildings erected and equipped on leased
 16 grounds;

17 (vii) receive and administer gifts and bequests to the
 18 postsecondary vocational-technical center according to a
 19 written plan submitted to the board of public education; and

20 (viii) perform any other administrative responsibilities
 21 not inconsistent with law and required by the board of
 22 public education.

23 (2) The board of trustees operating a postsecondary
 24 vocational-technical center may not enter into any contract
 25 that in any way creates a debt or obligation upon the state

1 for the improvement or construction of postsecondary
 2 vocational-technical center buildings on leased property."

3 Section 5. Section 20-7-324, MCA, is amended to read:
 4 "20-7-324. Sources of financing for postsecondary
 5 vocational-technical center budgets -- board of public
 6 education administration. (1) The total of the budgets
 7 approved by the board of public education, together with the
 8 budget for the cost of state administration of the
 9 postsecondary vocational-technical centers, shall constitute
 10 the total maximum approved statewide budget which shall be
 11 financed as follows:

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

16 (b) The board of county commissioners of each county
 17 in which a designated postsecondary vocational-technical
 18 center is located is hereby authorized to levy a tax of no.
 19 to exceed 1 mill on the dollar of all taxable property, real
 20 and personal, within the county for the support and
 21 maintenance of the postsecondary vocational-technical center
 22 located within the county.

23 (c) Designated postsecondary vocational-technical
 24 centers shall be eligible to receive such funds from the
 25 federal government as the board of public education may

1 provide pursuant to applicable acts of congress.

2 (d) A tax shall be levied upon the taxable value of
 3 all real and personal property in the state to raise the
 4 amount considered by the legislature to be necessary when
 5 the funds available from (a), (b), and (c) of subsection (1) are
 6 not sufficient to finance the postsecondary
 7 vocational-technical center system. The tax must be levied
 8 and computed in accordance with the requirements of Title
 9 15, chapter 10, part 1a.

10 (d)(1) The board of trustees of any designated high
 11 school district or county high school district where a
 12 postsecondary vocational-technical center is located may be
 13 required, as a condition for the construction in that
 14 district of a postsecondary vocational-technical center, or
 15 any part thereof, to furnish up to 50% of the amount of
 16 funds required for any such initial construction. The
 17 percentage of initial construction funds to be furnished by
 18 the designated district shall be derived, in whole or in
 19 part, from any of the following sources:

20 (i) the sale of bonds issued by that district (such
 21 bonds shall be issued in conformity with the requirements of
 22 chapter 9, part 4, of this title in the case of high school
 23 and county high school district);

24 (ii) any other funds available to that district which
 25 may be legally and properly applied toward such

1 construction;

2 (iii) the reasonable value of land, buildings,
 3 fixtures, or equipment furnished by that district, subject
 4 to the approval of the board of public education.
 5 (e) If the aggregate financing provided by sources of
 6 revenue in (1)(a), (1)(b), and (1)(c) of this section does
 7 not provide 100% financing of the maximum approved statewide
 8 budget, the remaining deficiency shall be financed from any
 9 state funds appropriated by the legislature for
 10 postsecondary vocational-technical education.

11 (2) The board of public education shall direct the
 12 distribution of the funds specified in subsections (1)(a),
 13 (1)(c), and (1)(e)(d) of this section on the basis of the
 14 budgets approved by the board of public education. The funds
 15 earned by the mill levy specified in subsection (1)(b) of
 16 this section shall be credited by the county treasurer to
 17 the postsecondary vocational-technical center fund.

18 (3) The board of public education shall determine the
 19 amount of financing available from these five sources of
 20 revenue and may approve budgets for maintenance and
 21 operation, construction, and ancillary services. The
 22 aggregate amount of the budgets so approved by the board of
 23 public education for postsecondary vocational-technical
 24 centers shall not exceed the moneys determined to be
 25 available.

1 NEW SECTION Section 6. Additional levy by school
2 district. Notwithstanding the provisions of 20-7-324, the
3 trustees operating a postsecondary vocational-technical
4 center may propose to adopt a budget in excess of the budget
5 amount approved by the board of public education for the
6 purpose of funding salaries and benefits of postsecondary
7 vocational-technical center personnel in the amount in which
8 any negotiated salary and benefit increase is in excess of
9 the increase approved by the legislature for state
10 employees. When the trustees determine that an additional
11 amount is required, they must submit the proposition for an
12 additional levy to the qualified electors of the district
13 pursuant to 20-20-301 and in the manner prescribed by
14 20-9-353.

15 NEW SECTION Section 7. Source of financing for
16 postsecondary vocational-technical center facility
17 maintenance. After the initial phase for postsecondary
18 vocational-technical center construction required by
19 20-7-324(e), the source of funds for maintenance,
20 remodeling, and renovation of postsecondary
21 vocational-technical center facilities must be state funds
22 specifically appropriated by the legislature and approved by
23 the board of public education.

24 NEW SECTION Section 8. Precedence of state laws for
25 vocational education. If, in construing the laws of Montana,

1 there is a conflict between the laws providing for
2 postsecondary vocational-technical centers and any other
3 laws governing the operation of schools, the former have
4 controlling authority.

-End-

APPROVED BY COMM. ON
EDUCATION & CULTURAL RESOURCES

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

16 Section 1. Section 20-7-301, MCA, is amended to read:

17 *20-7-301. Duties of board of public education. The

18 board of public education shall be the governing board of

19 the state of Montana for vocational education. The board of

20 public education shall adopt policies to effect the orderly

21 development of a system of vocational education that is

22 adaptable to changing needs, controlled to prevent

23 unnecessary duplication, coordinated with federal guidelines

24 and requirements for vocational education, and funded to

25 ensure growth and quality programming. In order to

1 accomplish the orderly development of a system of vocational
2 education, the board of public education policies shall
3 include:

4 (1) a state plan for such development;

5 (2) standards for vocational education courses and
6 programs;

7 (3) the minimum requirements for granting
8 postsecondary vocational-technical certificates to students;

9 (4) a review process for the establishment and
10 deletion of programs;

11 (5) the necessary qualifications that a postsecondary
12 vocational-technical center director must possess;

13 (6) instructor qualifications for vocational
14 education courses and programs;

15 (7) criteria for approval of vocational education
16 courses and programs which are to receive financial
17 assistance;

18 (8) criteria for receiving, reviewing, and
19 transmitting recommendations on postsecondary
20 vocational-technical center operations and budget requests
21 to the legislature;

22 (9) a basis for apportionment of all moneys
23 appropriated by the legislature for vocational education in
24 accordance with the intent of the legislature as reflected
25 in the terms of the appropriation;

1 ~~establish~~ a basis for apportionment of all moneys
 2 received by the state of Montana for vocational education
 3 from the federal government in accordance with the acts of
 4 congress;

5 ~~establish~~ a system of evaluation of vocational education
 6 which allows for consideration of the current and projected
 7 manpower needs and job opportunities; and

8 ~~(12) the tuition and fees to be charged at the~~
 9 ~~postsecondary vocational-technical centers, based upon~~
 10 ~~legislative appropriations available to the board of public~~
 11 ~~education for postsecondary vocational-technical centers;~~

12 ~~(13) the allowable costs for rental of buildings for~~
 13 ~~postsecondary vocational-technical center purposes;~~

14 ~~(14) guidelines for the authority delegated by the~~
 15 ~~board of public education to the local school district board~~
 16 ~~of trustees operating a postsecondary vocational-technical~~
 17 ~~center; and~~

18 ~~(15) any other policy not inconsistent with public~~
 19 ~~law and which is necessary for the proper operation of a~~
 20 ~~system of vocational education."~~

21 Section 2. Section 20-7-302, MCA, is amended to read:
 22 "20-7-302. Duties of superintendent of public
 23 instruction as executive officer. The superintendent of
 24 public instruction shall be the executive officer of the
 25 board of public education for the administration of all

1 state and federal laws related to vocational education. As
 2 the executive officer, the superintendent of public
 3 instruction shall:

4 (1) administer the vocational education policies
 5 adopted by the board of public education;

6 (2) prepare curriculum guides for board of public
 7 education adoption;

8 (3) employ, with the confirmation of the board of
 9 public education, the professional staff necessary for the
 10 state supervision and administration of vocational
 11 education, including a state director for vocational
 12 education;

13 (4) report the status of vocational education in the
 14 state of Montana when requested by the board of public
 15 education;

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

18 (6) provide vocational education supervisory and
 19 consultative assistance to districts;

20 ~~(7) provide a postsecondary vocational-technical~~
 21 ~~center system policy and procedural handbook for~~
 22 ~~institutional operations that will standardize operations~~
 23 ~~among the centers;~~

24 ~~(8) identify and direct the county treasurer in those~~
 25 ~~counties where postsecondary vocational-technical centers~~

1 are located to establish the necessary multifund structures
 2 for postsecondary vocational-technical center financial
 3 operations;

4 (9) meet with the chairman of the board of trustees,
 5 district superintendent, and center director of each
 6 postsecondary vocational-technical center at least twice
 7 each year to discuss recommended changes in board of public
 8 education policies and procedures; and

9 (10) perform any other duties assigned by the board of
 10 public education."

11 NEW SECTION Section 3. State director of vocational
 12 education -- duties. There is a state director of vocational
 13 education appointed in accordance with the provisions of
 14 20-7-302(3). He must:

15 (1) report the status of vocational education in the
 16 state when requested by the board of public education;

17 (2) formulate and put into effect uniform fiscal,
 18 student, staff, and program accounting systems for the
 19 postsecondary vocational-technical centers;

20 (3) prepare any necessary reports for the board of
 21 public education or the legislature;

22 (4) represent the postsecondary vocational-technical
 23 center system to state agencies, associations, and others
 24 when appropriate;

25 (5) recommend a staffing pattern for the postsecondary

1 vocational-technical centers;

2 (6) provide for the evaluation of programs and
 3 services within each postsecondary vocational-technical
 4 center;

5 (7) provide for evaluation of each postsecondary
 6 vocational-technical center's ability to meet employment and
 7 student vocational-technical education needs;

8 (8) perform any other duty assigned by the executive
 9 officer.

10 Section 4. Section 20-7-312, MCA, is amended to read:

11 *20-7-312. Local administration. The---trustees---or
 12 governing--board--of--a--postsecondary--vocational-technical
 13 center--shall--administer--such--center--according--to--the
 14 requirements of the laws of the state of Montana, the
 15 policies of the board of public education, and the
 16 regulations of the superintendent-of-public-instruction--if--
 17 in-construing--such--law--there--is--a--conflict--between--the
 18 laws--providing--for--postsecondary--vocational-technical
 19 centers--and--any--other--laws--governing--the--operation--of
 20 schools--the--former--shall--have--the--controlling--authority--
 21 executive--officer--for--vocational--education--as--administered
 22 by--the--state--director--of--vocational--education--the--board--of
 23 trustees--operating--a--postsecondary--vocational-technical
 24 center--shall:

25 (a) employ--from--among--qualified--applicants--a

1 postsecondary vocational-technical center director:
 2 *(b)* employ administrative personnel, faculty members,
 3 and employees for the postsecondary vocational-technical
 4 center according to the policies and procedures of the board
 5 of trustees;
 6 *(c)* recommend, develop, and submit budgets for the
 7 postsecondary vocational-technical centers;
 8 *(d)* establish and collect student tuition and fees;
 9 *(e)* recommend to the board of public education through
 10 the state director of vocational education;
 11 *(f)* propose regarding postsecondary
 12 vocational-technical center programs, budgets, student
 13 services, and public service activities; and
 14 *(g)* campus development and program plans for
 15 individual postsecondary vocational-technical center
 16 buildings;
 17 *(h)* manage buildings erected and equipped on leased
 18 ground;
 19 *(i)* receive and administer gifts and bequests to the
 20 postsecondary vocational-technical center according to a
 21 written plan submitted to the board of public education; and
 22 *(h)* perform any other administrative responsibilities
 23 not inconsistent with law and required by the board of
 24 public education;
 25 *(i)* The board of trustees operating a postsecondary

1 vocational-technical center may not enter into any contract
 2 that in any way creates a debt or obligation upon the state
 3 for the improvement or construction of postsecondary
 4 vocational-technical center buildings on leased property."
 5 Section 5. Section 20-7-324, MCA, is amended to read:
 6 "20-7-324. Sources of financing for postsecondary
 7 vocational-technical center budgets -- board of public
 8 education administration. (1) The total of the budgets
 9 approved by the board of public education, together with the
 10 budget for the cost of state administration of the
 11 postsecondary vocational-technical centers, shall constitute
 12 the total maximum approved statewide budget which shall be
 13 financed as follows:
 14 (a) The primary source of financing is to be those
 15 funds specifically designated by legislative enactment or
 16 referendum by the people for financing postsecondary
 17 vocational-technical education in Montana.
 18 (b) The board of county commissioners of each county
 19 in which a designated postsecondary vocational-technical
 20 center is located is hereby authorized to levy a tax of not
 21 to exceed ~~one-half~~ 2 MILLS on the dollar of all taxable
 22 property, real and personal, within the county for the
 23 support and maintenance of the postsecondary
 24 vocational-technical center located within the county.
 25 (c) Designated postsecondary vocational-technical

1 centers shall be eligible to receive such funds from the
 2 federal government as the board of public education may
 3 provide pursuant to applicable acts of congress.

4 ~~the tax shall be levied upon the taxable value of
 5 all real and personal property in the state to raise the
 6 amount considered by the legislature to be necessary when
 7 the funds available from this and the subsection
 8 are not sufficient to finance the postsecondary
 9 vocational-technical center system. The tax must be levied
 10 and computed in accordance with the requirements of title
 11 52 chapter 18 part 18~~

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

22 (i) the sale of bonds issued by that district (such
 23 bonds shall be issued in conformity with the requirements of
 24 chapter 9, part 4, of this title in the case of high school
 25 and county high school district);

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

4 (iii) the reasonable value of land, buildings,
 5 fixtures, or equipment furnished by that district, subject
 6 to the approval of the board of public education.

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

13 (2) The board of public education shall direct the
 14 distribution of the funds specified in subsections (1)(a),
 15 (1)(c), and (1)(d) of this section on the basis of the
 16 budgets approved by the board of public education. The funds
 17 earned by the mill levy specified in subsection (1)(b) of
 18 this section shall be credited by the county treasurer to
 19 the postsecondary vocational-technical center fund.

20 (3) The board of public education shall determine the
 21 amount of financing available from these five sources of
 22 revenue and may approve budgets for maintenance and
 23 operation, construction, and ancillary services. The
 24 aggregate amount of the budgets so approved by the board of
 25 public education for postsecondary vocational-technical

1 centers shall not exceed the moneys determined to be
2 available."

3 NEW SECTION Section 6. Additional levy by school
4 district. Notwithstanding the provisions of 20-7-324, the
5 trustees operating a postsecondary vocational-technical
6 center may propose to adopt a budget in excess of the budget
7 amount approved by the board of public education for the
8 purpose of funding salaries and benefits of postsecondary
9 vocational-technical center personnel in the amount in which
10 any negotiated salary and benefit increase is in excess of
11 the increase approved by the legislature for state
12 employees. When the trustees determine that an additional
13 amount is required, they must submit the proposition for an
14 additional levy to the qualified electors of the district
15 pursuant to 20-20-301 and in the manner prescribed by
16 20-9-353.

17 NEW SECTION Section 7. Source of financing for
18 postsecondary vocational-technical center facility
19 maintenance. After the initial phase for postsecondary
20 vocational-technical center construction required by
21 20-7-324(e), the source of funds for maintenance,
22 remodeling, and renovation of postsecondary
23 vocational-technical center facilities must be state funds
24 specifically appropriated by the legislature and approved by
25 the board of public education.

1 NEW SECTION Section 8. Precedence of state laws for
2 vocational education. If, in construing the laws of Montana,
3 there is a conflict between the laws providing for
4 postsecondary vocational-technical centers and any other
5 laws governing the operation of schools, the former have
6 controlling authority.

-End-

HOUSE BILL NO. 634

INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,

McCALLUM, OBERG

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY
6 POSTSECONDARY VOCATIONAL-TECHNICAL CENTER GOVERNANCE;
7 DEFINING DUTIES OF STATE AND LOCAL OFFICIALS; AUTHORIZING--A
8 STATEWIDE--PROPERTY-TAX-LEVY INCREASING THE COUNTY MILL LEVY
9 FOR THE SUPPORT OF THE CENTERS; AUTHORIZING ADDITIONAL
10 SCHOOL DISTRICT LEVIES IN CERTAIN CASES; CLARIFYING
11 FINANCIAL RESPONSIBILITY FOR MAINTENANCE, REMODELING, AND
12 RENOVATION OF CENTERS; AND AMENDING SECTIONS 20-7-301,
13 20-7-302, 20-7-312, AND 20-7-324, MCA."

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

16 Section 1. Section 20-7-301, MCA, is amended to read:

17 "20-7-301. Duties of board of public education. The

18 board of public education shall be the governing board of

19 the state of Montana for vocational education. The board of

20 public education shall adopt policies to effect the orderly

21 development of a system of vocational education that is

22 adaptable to changing needs, controlled to prevent

23 unnecessary duplication, coordinated with federal guidelines

24 and requirements for vocational education, and funded to

25 ensure growth and quality programming. In order to

1 accomplish the orderly development of a system of vocational
2 education, the board of public education policies shall
3 include:

4 (1) a state plan for such development;

5 (2) standards for vocational education courses and
6 programs;

7 (3) the minimum requirements for granting
8 postsecondary vocational-technical certificates to students;

9 (4) a review process for the establishment and
10 deletion of programs;

11 (5) the necessary qualifications that a postsecondary
12 vocational-technical center director must possess;

13 (6) instructor qualifications for vocational
14 education courses and programs;

15 (7) criteria for approval of vocational education
16 courses and programs which are to receive financial
17 assistance;

18 (8) criteria for receiving, reviewing, and
19 transmitting recommendations on postsecondary
20 vocational-technical center operations and budget requests
21 to the legislature;

22 (9) a basis for apportionment of all moneys
23 appropriated by the legislature for vocational education in
24 accordance with the intent of the legislature as reflected
25 in the terms of the appropriation;

1 establish a basis for apportionment of all moneys
 2 received by the state of Montana for vocational education
 3 from the federal government in accordance with the acts of
 4 congress;

5 establish a system of evaluation of vocational education
 6 which allows for consideration of the current and projected
 7 manpower needs and job opportunities; and

8 ~~(12) the tuition and fees to be charged at the
 9 postsecondary vocational-technical centers, based upon
 10 legislative appropriations available to the board of public
 11 education for postsecondary vocational-technical centers;~~

12 ~~(13) the allowable costs for rental of buildings for
 13 postsecondary vocational-technical center purposes;~~

14 ~~(14) guidelines for the authority delegated by the
 15 board of public education to the local school district board
 16 of trustees operating a postsecondary vocational-technical
 17 center; and~~

18 establish any other policy not inconsistent with public
 19 law and which is necessary for the proper operation of a
 20 system of vocational education."

21 Section 2. Section 20-7-302, MCA, is amended to read:

22 "20-7-302. Duties of superintendent of public
 23 instruction as executive officer. The superintendent of
 24 public instruction shall be the executive officer of the
 25 board of public education for the administration of all

1 state and federal laws related to vocational education. As
 2 the executive officer, the superintendent of public
 3 instruction shall:

4 (1) administer the vocational education policies
 5 adopted by the board of public education;

6 (2) prepare curriculum guides for board of public
 7 education adoption;

8 (3) employ, with the confirmation of the board of
 9 public education, the professional staff necessary for the
 10 state supervision and administration of vocational
 11 education, including a state director for vocational
 12 education;

13 (4) report the status of vocational education in the
 14 state of Montana when requested by the board of public
 15 education;

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

18 (6) provide vocational education supervisory and
 19 consultative assistance to districts;

20 ~~(7) provide a postsecondary vocational-technical
 21 center system policy and procedural handbook for
 22 institutional operations that will standardize operations
 23 among the centers;~~

24 ~~(8) identify and direct the county treasurer in those
 25 counties where postsecondary vocational-technical centers~~

1 are located to establish the necessary multifund structures
 2 for postsecondary vocational-technical center financial
 3 operations:

4 191 meet with the chairman of the board of trustees,
 5 district superintendent, and center director of each
 6 postsecondary vocational-technical center at least twice
 7 each year to discuss recommended changes in board of public
 8 education policies and procedures; and

9 1101 perform any other duties assigned by the board of
 10 public education."

11 ~~NEW SECTION.~~ Section 3. State director of vocational
 12 education -- duties. There is a state director of vocational
 13 education appointed in accordance with the provisions of
 14 20-7-302(3). He must:

15 (1) report the status of vocational education in the
 16 state when requested by the board of public education;

17 (2) formulate and put into effect uniform fiscal,
 18 student, staff, and program accounting systems for the
 19 postsecondary vocational-technical centers;

20 (3) prepare any necessary reports for the board of
 21 public education or the legislature;

22 (4) represent the postsecondary vocational-technical
 23 center system to state agencies, associations, and others
 24 when appropriate;

25 (5) recommend a staffing pattern for the postsecondary

1 vocational-technical centers;

2 (6) provide for the evaluation of programs and
 3 services within each postsecondary vocational-technical
 4 center;

5 (7) provide for evaluation of each postsecondary
 6 vocational-technical center's ability to meet employment and
 7 student vocational-technical education needs;

8 (8) perform any other duty assigned by the executive
 9 officer.

10 Section 4. Section 20-7-312, MCA, is amended to read:

11 ~~"20-7-312. Local administration. The---trustees---or
 12 governing---board---of---a---postsecondary---vocational---technical
 13 center---shall---administer---such---center---according~~ 11. Subject to
 14 the requirements of the laws of the state of Montana, the
 15 policies of the board of public education, and the
 16 regulations of the superintendent-of-public-instructions-if-
 17 in-constraining-such-taws---there-is---a---conflict---between---the
 18 taws---providing---for---postsecondary---vocational---technical
 19 centers-and---any---other---taws---governing---the---operation---of
 20 schools---the---former---shall---have---the---controlling---authority---
 21 executive officer for vocational education as administered
 22 by the state director of vocational education, the board of
 23 trustees operating a postsecondary vocational-technical
 24 center shall:

25 ~~1st employ from among qualified applicants a~~

1 postsecondary_vocational-technical_center_director:

2 (b) employ administrative personnel; faculty members;

3 and employees for the postsecondary_vocational-technical

4 center according to the policies and procedures of the board

5 of trustees;

6 (c) recommends, develops and submit budgets for the

7 postsecondary_vocational-technical centers;

8 (d) establish and collect student tuition and fees;

9 (e) recommend to the board of public education through

10 the state director of vocational education;

11 (f) proposals regarding postsecondary

12 vocational-technical center programs, budgets, student

13 services, and public service activities; and

14 (g) campus development and program plans for

15 individual postsecondary vocational-technical center

16 buildings;

17 (h) manage buildings erected and equipped on leased

18 grounds;

19 (i) receive and administer gifts and bequests to the

20 postsecondary_vocational-technical_center according to a

21 written plan submitted to the board of public education; and

22 (j) perform any other administrative responsibilities

23 not inconsistent with law and required by the board of

24 public education;

25 (k) The board of trustees operating a postsecondary

1 centers shall be eligible to receive such funds from the
 2 federal government as the board of public education may
 3 provide pursuant to applicable acts of congress.

4 ~~the tax shall be levied upon the taxable value of
 5 all real and personal property in the state to raise the
 6 amount considered by the legislature to be necessary when
 7 the funds available from that district of subsection (1)
 8 are not sufficient to finance the postsecondary
 9 vocational-technical center system. The tax must be levied
 10 and computed in accordance with the requirements of fifth
 11 chapter 18 part 11~~

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

22 ~~(i) the sale of bonds issued by that district (such
 23 bonds shall be issued in conformity with the requirements of
 24 chapter 9, part 4, of this title in the case of high school
 25 and county high school district);~~

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

4 (iii) the reasonable value of land, buildings,
 5 fixtures, or equipment furnished by that district, subject
 6 to the approval of the board of public education.

7 ~~if the aggregate financing provided by sources of
 8 revenue in (1) and (2) of this section does not provide 100% financing of the maximum approved statewide
 9 budget, the remaining deficiency shall be financed from any
 10 state funds appropriated by the legislature for
 11 postsecondary vocational-technical education.~~

12 (2) The board of public education shall direct the
 13 distribution of the funds specified in subsections (1)(a) and
 14 (1)(c) and (3) of this section on the basis of the
 15 budgets approved by the board of public education. The funds
 16 earned by the mill levy specified in subsection (1)(b) of
 17 this section shall be credited by the county treasurer to
 18 the postsecondary vocational-technical center fund.

19 (3) The board of public education shall determine the
 20 amount of financing available from these five ~~four~~ sources
 21 of revenue and may approve budgets for maintenance and
 22 operation, construction, and ancillary services. The
 23 aggregate amount of the budgets so approved by the board of
 24 public education for postsecondary vocational-technical

1 centers shall not exceed the moneys determined to be
 2 available."

3 NEW SECTION Section 6. Additional levy by school
 4 district. Notwithstanding the provisions of 20-7-324, the
 5 trustees operating a postsecondary vocational-technical
 6 center may propose to adopt a budget in excess of the budget
 7 amount approved by the board of public education for the
 8 purpose of funding salaries and benefits of postsecondary
 9 vocational-technical center personnel in the amount in which
 10 any negotiated salary and benefit increase is in excess of
 11 the increase approved by the legislature for state
 12 employees. When the trustees determine that an additional
 13 amount is required, they must submit the proposition for an
 14 additional levy to the qualified electors of the district
 15 pursuant to 20-20-301 and in the manner prescribed by
 16 20-9-353.

17 NEW SECTION Section 7. Source of financing for
 18 postsecondary vocational-technical center facility
 19 maintenance. After the initial phase for postsecondary
 20 vocational-technical center construction required by
 21 20-7-324(e), the source of funds for maintenance,
 22 remodeling, and renovation of postsecondary
 23 vocational-technical center facilities must be state funds
 24 specifically appropriated by the legislature and approved by
 25 the board of public education.

1 NEW SECTION Section 8. Precedence of state laws for
 2 vocational education. If, in construing the laws of Montana,
 3 there is a conflict between the laws providing for
 4 postsecondary vocational-technical centers and any other
 5 laws governing the operation of schools, the former have
 6 controlling authority.

-End-

HOUSE BILL NO. 634

INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,
McCALLUM, OBERG

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY
6 POSTSECONDARY VOCATIONAL-TECHNICAL CENTER GOVERNANCE;
7 DEFINING DUTIES OF STATE AND LOCAL OFFICIALS; AUTHORIZING--A
8 STATEWIDE--PROPERTY-TAX-LEVY INCREASING THE COUNTY MILL LEVY
9 FOR THE SUPPORT OF THE CENTERS; AUTHORIZING ADDITIONAL
10 SCHOOL DISTRICT LEVIES IN CERTAIN CASES; CLARIFYING
11 FINANCIAL RESPONSIBILITY FOR MAINTENANCE, REMODELING, AND
12 RENOVATION OF CENTERS; AND AMENDING SECTIONS 20-1-101a,
13 20-2-121a, 20-3-103, 20-3-104, 20-3-106a, 20-7-301,--20-7-302a,
14 20-7-303, 20-7-311, 20-7-312, AND--20-7-324 20-7-314a,
15 20-7-322 THROUGH 20-7-325, 20-7-332 AND 20-7-333, MCA; AND
16 REPEALING SECTION 20-7-302a, MCA."

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA,

19 Section 1. Section 20-7-301, MCA, is amended to read:

20 "20-7-301. Duties of board--of--public--education THE

21 SUPERINTENDENT OF PUBLIC INSTRUCTION. The board--of--public

22 education SUPERINTENDENT OF PUBLIC INSTRUCTION shall be the

23 governing board AGENT AND EXECUTIVE OFFICER of the state of

24 Montana for vocational education. The board--of--public

25 education SUPERINTENDENT OF PUBLIC INSTRUCTION shall adopt

1 AND ADMINISTER policies to effect the orderly development of
2 a system of vocational education that is adaptable to
3 changing needs, controlled to prevent unnecessary
4 duplication, coordinated with federal guidelines and
5 requirements for vocational education, and funded to ensure
6 growth and quality programming. In order to accomplish the
7 orderly development of a system of vocational education, the
8 board--ef--public--education SUPERINTENDENT OF PUBLIC
9 INSTRUCTION policies shall include:
10
11 (1) a state plan for such development;
12
13 (2) standards for vocational education courses and
14 programs;
15
16 (3) the minimum requirements for granting
17 postsecondary vocational-technical certificates to students;
18
19 (4) a review process for the establishment and
20 deletion of programs;
21
22 (5) the necessary qualifications that a postsecondary
23 vocational-technical center director must possess;
24
25 (6) instructor qualifications for vocational
26 education courses and programs;
27
28 (7) criteria for approval of vocational education
29 courses and programs which are to receive financial
30 assistance;
31
32 (8) criteria for receiving, reviewing, and
33 transmitting recommendations on postsecondary

1 vocational-technical center operations and budget requests
 2 to the legislature;

3 ~~151~~ a basis for apportionment of all moneys
 4 appropriated by the legislature for vocational education in
 5 accordance with the intent of the legislature as reflected
 6 in the terms of the appropriation;

7 ~~161~~ a basis for apportionment of all moneys
 8 received by the state of Montana for vocational education
 9 from the federal government in accordance with the acts of
 10 congress;

11 ~~171~~ a system of evaluation of vocational education
 12 which allows for consideration of the current and projected
 13 manpower needs and job opportunities; and

14 ~~1121~~ the tuition and fees to be charged at the
 15 postsecondary vocational-technical centers, based upon
 16 legislative appropriations available to the board of public
 17 education SUPERINTENDENT OF PUBLIC INSTRUCTION for
 18 postsecondary vocational-technical centers;

19 ~~1131~~ the allowable costs for rental of buildings for
 20 postsecondary vocational-technical center purposes;

21 ~~1141~~ guidelines for the authority delegated by the
 22 board of public education SUPERINTENDENT OF PUBLIC
 23 INSTRUCTION to the local school district board of trustees
 24 operating a postsecondary vocational-technical center; and

25 ~~1071~~ any other policy not inconsistent with public

1 law and which is necessary for the proper operation of a
 2 system of vocational education."

3 ~~Section-2--Section-20-7-302--M6Av-is-amended-to--read+~~
 4 ~~"20-7-302--Duties---of---superintendent---of---public~~
 5 ~~instruction-as-executive--officer---The--superintendent--of~~
 6 ~~public--instruction--shall--be--the--executive--officer--of--the~~
 7 ~~board--of--public--education--for--the--administration--of--all~~
 8 ~~state--and--federal--laws--related--to--vocational--education--As~~
 9 ~~the--executive--officer--the--superintendent--of--public~~
 10 ~~instruction--shall~~

11 ~~{2}--administer---the---vocational--education--policies~~
 12 ~~adopted--by--the--board--of--public--education~~

13 ~~{2}--prepare--curriculum--guides--for--board--of--public~~
 14 ~~education--adoption~~

15 ~~{3}--employ--with--the--confirmation--of--the--board--of~~
 16 ~~public--education--the--professional--staff--necessary--for--the~~
 17 ~~state--supervision--and--administration--of--vocational~~
 18 ~~education--including--a--state--director--for--vocational~~
 19 ~~education~~

20 ~~{4}--report--the--status--of--vocational--education--in--the~~
 21 ~~state--of--Montana--when--requested--by--the--board--of--public~~
 22 ~~education~~

23 ~~{5}--keep--all--vocational--education--records--in--his~~
 24 ~~officer--and~~

25 ~~{6}--provide--vocational--education--supervisory--and~~

1 consultative-assistance-to-districts;"

2 171--provide---a---postsecondary---vocational-technical
3 center---system---policy---and---procedural---handbook---for
4 institutional---operations---that---will---standardize---operations
5 among---the---centers

6 181--identify---and---direct---the---county---treasurer---in---those
7 counties---where---postsecondary---vocational-technical---centers
8 are---located---to---establish---the---necessary---multifund---structures
9 for---postsecondary---vocational-technical---center---financial
10 operations;

11 191---meet---with---the---chairman---of---the---board---of---trustees
12 district---superintendent---and---center---director---of---each
13 postsecondary---vocational-technical---center---at---least---twice
14 each---year---to---discuss---recommended---changes---in---board---of---public
15 education---policies---and---procedures---and

16 191---perform---any---other---duties---assigned---by---the---board---of
17 public---education;"

18 NEW SECTION. Section 2. State director of vocational
19 education -- duties. There is a state director of vocational
20 education appointed in accordance--with--the--provisions--of
21 26-7-302(3) BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. He
22 must:

23 (1) report--the--status--of--vocational--education--in--the
24 state--when--requested--by--the--board--of--public--education
25 ADMINISTER THE VOCATIONAL EDUCATION POLICIES ADOPTED BY THE

1 SUPERINTENDENT OF PUBLIC INSTRUCTION;

2 121 PREPARE CURRICULUM GUIDES FOR SUPERINTENDENT OF
3 PUBLIC INSTRUCTION ADOPTION;

4 131 EMPLOY, WITH THE CONFIRMATION OF THE
5 SUPERINTENDENT OF PUBLIC INSTRUCTION, THE PROFESSIONAL STAFF
6 NECESSARY FOR THE STATE SUPERVISION AND ADMINISTRATION OF
7 VOCATIONAL EDUCATION;

8 141 REPORT THE STATUS OF VOCATIONAL EDUCATION IN THE
9 STATE OF MONTANA WHEN REQUESTED BY THE SUPERINTENDENT OF
10 PUBLIC INSTRUCTION;

11 151 KEEP ALL VOCATIONAL EDUCATION RECORDS IN HIS
12 OFFICE;

13 161 PROVIDE VOCATIONAL EDUCATION SUPERVISORY AND
14 CONSULTATIVE ASSISTANCE TO DISTRICTS;

15 171 PROVIDE A POST SECONDARY VOCATIONAL-TECHNICAL
16 CENTER SYSTEM POLICY AND PROCEDURAL HANDBOOK FOR
17 INSTITUTIONAL OPERATIONS THAT WILL STANDARDIZE OPERATIONS
18 AMONG THE CENTERS;

19 181 IDENTIFY AND DIRECT THE COUNTY TREASURER IN THOSE
20 COUNTIES WHERE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS
21 ARE LOCATED TO ESTABLISH THE NECESSARY MULTIFUND STRUCTURES
22 FOR POSTSECONDARY VOCATIONAL-TECHNICAL CENTER FINANCIAL
23 OPERATIONS;

24 191 MEET WITH THE CHAIRMAN OF THE BOARD OF TRUSTEES,
25 DISTRICT SUPERINTENDENT, AND CENTER DIRECTOR OF EACH

1 POSTSECONDARY VOCATIONAL-TECHNICAL CENTER AT LEAST TWICE
 2 EACH YEAR TO DISCUSS RECOMMENDED CHANGES IN THE
 3 SUPERINTENDENT OF PUBLIC INSTRUCTION'S POLICIES AND
 4 PROCEDURES;

5 ~~t71101~~ formulate and put into effect uniform fiscal,
 6 student, staff, and program accounting systems for the
 7 postsecondary vocational-technical centers;

8 ~~t71101~~ prepare any necessary reports for the board of
 9 public education or the legislature;

10 ~~t71101~~ represent the postsecondary
 11 vocational-technical center system to state agencies,
 12 associations, and others when appropriate;

13 ~~t71101~~ recommend a staffing pattern for the
 14 postsecondary vocational-technical centers;

15 ~~t71101~~ provide for the evaluation of programs and
 16 services within each postsecondary vocational-technical
 17 center;

18 ~~t71101~~ provide for evaluation of each postsecondary
 19 vocational-technical center's ability to meet employment and
 20 student vocational-technical education needs; AND

21 ~~t71101~~ perform any other duty assigned by the
 22 executive-officer SUPERINTENDENT OF PUBLIC INSTRUCTION.

23 Section 3. Section 20-7-312, MCA, is amended to read:

24 ~~"20-7-312. Local administration. The--trustees--or~~
 25 ~~governing--board--of--a--postsecondary--vocationat--technicat~~

1 center--shall--administer--such--center--according ~~III~~ Subject to
 2 the requirements of the laws of the state of Montana, the
 3 policies of the board--of--public--education---and---the
 4 regulations--of--the SUPERINTENDENT OF PUBLIC INSTRUCTION
 5 superintendent--of--public--instructions--if--in--constraining--such
 6 laws--there--is--a--conflict--between--the--laws--providing--for
 7 postsecondary--vocationat--technicat--centers--and--any--other
 8 laws--governing--the--operation--of--schools,--the--former--shall
 9 have--the--controlling--authority-- executive--officer--for
 10 vocationat--education as administered by the state director
 11 of--vocationat--education, the board of trustees operating a
 12 postsecondary vocational-technical center shall:

13 (a) employ, from among qualified applicants, a
 14 postsecondary vocational-technical center director;

15 (b) employ administrative personnel, faculty members,
 16 and employees for the postsecondary vocational-technical
 17 center according to the policies and procedures of the board
 18 of trustees;

19 (c) recommend, develop, and submit budgets for the
 20 postsecondary vocational-technical centers;

21 (d) establish and collect student tuition and fees;

22 (e) recommend to the board of public education through
 23 the state director of vocational education;

24 (f) proposals regarding postsecondary
 25 vocationat-technical center programs, budgets, student

1 services, and public service activities; and
 2 (ii) campus development and program plans for
 3 individual postsecondary vocational-technical center
 4 buildings;
 5 if it manage buildings erected and equipped on leased
 6 grounds;
 7 it receive and administer gifts and bequests to the
 8 postsecondary vocational-technical center according to a
 9 written plan submitted to the board--of--public--education
 10 SUPERINTENDENT OF PUBLIC INSTRUCTION; and
 11 it perform any other administrative responsibilities
 12 not inconsistent with law and required by the board--of
 13 public--education SUPERINTENDENT OF PUBLIC INSTRUCTION.
 14 (2) The board of trustees operating a postsecondary
 15 vocational-technical center may not enter into any contract
 16 that in any way creates a debt or obligation upon the state
 17 for the improvement or construction of postsecondary
 18 vocational-technical center buildings on leased property."

19 Section 4. Section 20-7-324, MCA, is amended to read:

20 "20-7-324. Sources of financing for postsecondary
 21 vocational-technical center budgets -- board--of--public
 22 education SUPERINTENDENT OF PUBLIC INSIRUCIION
 23 administration. (1) The total of the budgets approved by the
 24 board--of--public--education SUPERINTENDENT OF PUBLIC
 25 INSIRUCIION, together with the budget for the cost of state

1 administration of the postsecondary vocational-technical
 2 centers, shall constitute the total maximum approved
 3 statewide budget which shall be financed as follows:
 4 (a) The primary source of financing is to be those
 5 funds specifically designated by legislative enactment or
 6 referendum by the people for financing postsecondary
 7 vocational-technical education in Montana.
 8 (b) The board of county commissioners of each county
 9 in which a designated postsecondary vocational-technical
 10 center is located is hereby authorized to levy a tax of not
 11 to exceed ~~2~~ ~~1 1/4~~ MILLS FOR CALENDAR YEAR 1979 AND
 12 ~~1 1/2~~ MILLS THEREAFTER on the dollar of all taxable
 13 property, real and personal, within the county for the
 14 support and maintenance of the postsecondary
 15 vocational-technical center located within the county.
 16 (c) Designated postsecondary vocational-technical
 17 centers shall be eligible to receive such funds from the
 18 federal government as the board--of---public---education
 19 SUPERINTENDENT OF PUBLIC INSIRUCIION may provide pursuant to
 20 applicable acts of congress.
 21 ~~the--tax--shall--be--levied--upon--the--taxable--value--of~~
 22 ~~all--real--and--personal--property--in--the--state--to--raise--the~~
 23 ~~amount--considered--by--the--legislature--to--be--necessary--when~~
 24 ~~the--funds--available--from--federal--and--state--of--subsection--(1)~~
 25 ~~are--not--sufficient--to--finance--the--postsecondary~~

1 vocational-technical--center--systems--the-tax--must-be-levied
 2 and-computed-in-accordance-with-the--requirements--of--title
 3 tax--chapter--is--part--is

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

14 (i) the sale of bonds issued by that district (such
 15 bonds shall be issued in conformity with the requirements of
 16 chapter 9, part 4, of this title in the case of high school
 17 and county high school district);

18 (ii) any other funds available to that district which
 19 may be legally and properly applied toward such
 20 construction;

21 (iii) the reasonable value of land, buildings,
 22 fixtures, or equipment furnished by that district, subject
 23 to the approval of the board--of--public--education
 24 SUPERINTENDENT OF PUBLIC INSTRUCTION.

25 ~~(e)~~--if-the-aggregate-financing-provided-by-sources--of

1 revenue--in--~~(a)~~--~~(b)~~--and--~~(c)~~--of--this--section--does
 2 not-provide-100%-financing-of-the-maximum-approved-statewide
 3 budget--the-remaining-deficiency-shall-be-financed-from--any
 4 state---funds---appropriated---by---the---legislature---for
 5 postsecondary-vocational-technical-education.

6 (2) The board-of-public--education SUPERINTENDENT OF
 7 PUBLIC INSTRUCTION shall direct the distribution of the
 8 funds specified in subsections (1)(a) and (1)(c)--and
 9 ~~(d)~~--of--this--section on the basis of the budgets
 10 approved by the board-of-public-education SUPERINTENDENT OF
 11 PUBLIC INSTRUCTION. The funds earned by the mill levy
 12 specified in subsection (1)(b) of--this--section shall be
 13 credited by the county treasurer to the postsecondary
 14 vocational-technical center fund.

15 (3) The board-of-public--education SUPERINTENDENT OF
 16 PUBLIC INSTRUCTION shall determine the amount of financing
 17 available from these five ~~four~~ sources of revenue and may
 18 approve budgets for maintenance and operation, construction,
 19 and ancillary services. The aggregate amount of the budgets
 20 so approved by the board-of-public-education SUPERINTENDENT
 21 ~~OF~~ PUBLIC INSTRUCTION for postsecondary
 22 vocational-technical centers shall not exceed the moneys
 23 determined to be available."

24 NEW SECTION. Section 5. Additional levy by school
 25 district. Notwithstanding the provisions of 20-7-324, the

1 trustees operating a postsecondary vocational-technical
 2 center may propose to adopt a budget in excess of the budget
 3 ~~amount-approved-by-the-board-of-public-education--for--the~~
 4 ~~purpose--of--funding--salaries-and-benefits--of--postsecondary~~
 5 ~~vocational-technical-center-personnel--in--the--amount--in--which~~
 6 ~~any-negotiated-salary-and-benefit-increase-is-in--excess--of~~
 7 ~~the--increase--approved--by--the--legislature--for--state--employees~~
 8 ~~AMOUNT APPROPRIATED BY THE LEGISLATURE FOR SALARIES AND~~
 9 ~~BENEFITS. THE LEGISLATURE SHALL BASE THE APPROPRIATION FOR~~
 10 ~~SALARIES AND BENEFITS ON AMOUNTS APPROPRIATED IN THE~~
 11 ~~PREVIOUS LEGISLATIVE SESSION.~~ When the trustees determine
 12 that an additional amount is required, they must submit the
 13 proposition for an additional levy to the qualified electors
 14 of the district pursuant to 20-20-301 and in the manner
 15 prescribed by 20-9-353.

16 ~~NEW SECTION~~ Section 6. Source of financing for
 17 postsecondary vocational-technical center facility
 18 maintenance. After the initial phase for postsecondary
 19 vocational-technical center construction required by
 20 20-7-324~~et seq~~101, the source of funds for maintenance,
 21 remodeling, and renovation of postsecondary
 22 vocational-technical center facilities must be state funds
 23 specifically appropriated by the legislature and approved by
 24 the board--of--public--education ~~SUPERINTENDENT OF PUBLIC~~
 25 ~~INSTRUCTION.~~

1 ~~NEW SECTION~~ Section 7. Precedence of state laws for
 2 vocational education. If, in construing the laws of Montana,
 3 there is a conflict between the laws providing for
 4 postsecondary vocational-technical centers and any other
 5 laws governing the operation of schools, the former have
 6 controlling authority.

7 ~~SECTION 8. SECTION 20-1-101, MCA, IS AMENDED TO READ:~~
 8 ~~"20-1-101. Definitions. As used in this title, unless~~
 9 ~~the context clearly indicates otherwise, the following~~
 10 ~~definitions apply:~~

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

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

17 ~~(3) "The board of public education" is the board~~
 18 ~~created by Article X, section 9, subsection (3) of the 1972~~
 19 ~~Montana constitution and 2-15-1507.~~

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

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

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

3 (7) "District superintendent" means any person who
4 holds a valid class 3 Montana teacher certificate with a
5 superintendent's endorsement that has been issued by the
6 superintendent of public instruction under the provisions of
7 this title and the policies adopted by the board of public
8 education and who has been employed by a district as a
9 district superintendent.

10 (8) "Postsecondary vocational-technical center" means
11 a school used principally for the provision of postsecondary
12 vocational-technical education to persons who qualify as
13 postsecondary vocational-technical pupils. These centers are
14 designated by the board-of-public-education superintendent
15 of public instruction upon direction by the legislature. All
16 other public or private schools are hereby prohibited from
17 using this title.

18 (9) "Postsecondary vocational-technical education" means
19 vocational-technical education of postsecondary
20 vocational-technical pupils which is conducted by a
21 postsecondary vocational-technical center or other programs
22 as designated by the board---of---public---education
23 superintendent of public instruction. Postsecondary
24 vocational-technical education shall include the 13th and
25 14th year and beyond but will not include work toward a

1 baccalaureate degree.

2 (10) "Postsecondary vocational-technical pupil" means a
3 person who has completed or left school, is at least 16
4 years of age, and is available for study in preparation for
5 entering the labor market, for reentering the labor market,
6 or for employment stability or advancement in employment.

7 (11) "Principal" means any person who holds a valid
8 class 3 Montana teacher certificate with an applicable
9 principal's endorsement that has been issued by the
10 superintendent of public instruction under the provisions of
11 this title and the policies adopted by the board of public
12 education and who has been employed by a district as a
13 principal. For the purposes of this title, any reference to
14 a teacher shall be construed as including a principal, as
15 herein defined.

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

20 (13) "Pupil instruction" means the conduct of organized
21 instruction of pupils enrolled in public schools while under
22 the supervision of a teacher.

23 (14) "Regents" means the board of regents of higher
24 education.

25 (15) "School food services" means a service of

1 providing food for the pupils of a district on a nonprofit
 2 basis and shall include any food service financially
 3 assisted through funds or commodities provided by the United
 4 States government.

5 (16) "The state board of education" is the board
 6 composed of the board of public education and the board of
 7 regents as specified in Article X, section 9, subsection (1)
 8 of the 1972 Montana constitution.

9 (17) "State university" means the Montana state
 10 university, located at Bozeman.

11 (18) "Superintendent of public instruction" means that
 12 state government official designated as a member of the
 13 executive branch by the constitution of Montana.

14 (19) "System" means the Montana university system.

15 (20) "Teacher" means any person, except a district
 16 superintendent, who holds a valid Montana teacher
 17 certificate that has been issued by the superintendent of
 18 public instruction under the provisions of this title and
 19 the policies adopted by the board of public education and
 20 who is employed by a district as a member of its
 21 instructional, supervisory, or administrative staff. This
 22 definition of a teacher shall also include any person for
 23 whom an emergency authorization of employment of such person
 24 has been issued under the provisions of 20-4-111.

25 (21) "Textbook" means a book or manual used as a

1 principal source of study material for a given class or
 2 group of students.

3 (22) "Textbook dealer" means any party, company,
 4 corporation, or other organization selling, offering to
 5 sell, or offering for adoption textbooks to districts in the
 6 state of Montana.

7 (23) "Trustees" means the governing board of a
 8 district.

9 (24) "University" means the university of Montana,
 10 located at Missoula.

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

18 SECTION 9. SECTION 20-2-121. MCA, IS AMENDED TO READ:

19 "20-2-121. Board of public education -- powers and
 20 duties. The board of public education shall:

21 (1) effect an orderly and uniform system for teacher
 22 certification and for the issuance of an emergency
 23 authorization of employment by adopting the policies
 24 prescribed by 20-4-102 and 20-4-111;

25 (2) consider the suspension or revocation of teacher

1 certificates and appeals from the denial of teacher
 2 certification in accordance with the provisions of 20-4-110;
 3 (3) administer and order the distribution of state
 4 equalization aid in accordance with the provisions of
 5 20-9-344;

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

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

13 (6) adopt policies prescribing the conditions when
 14 school may be conducted on Saturday and the types of
 15 pupil-instruction-related days and approval procedure for
 16 such days in accordance with the provisions of 20-1-303 and
 17 20-1-304;

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

21 (8) approve or disapprove educational media selected
 22 by the superintendent of public instruction for the
 23 educational media library in accordance with the provisions
 24 of 20-7-201;

25 {9}--as-the-governing-board-of-the-state-of-Montana-for

1 vocational--education--adopt-the-policies-prescribed-by-and
 2 in-accordance-with-the-provisions-of-20-7-301#
 3 {18}-consider----applications----for----postsecondary
 4 vocational-technical--center--designation-in-accordance-with
 5 the-provisions-of-20-7-311#
 6 {17}-for----the----purposes----of----postsecondary
 7 vocational-technical-centers--approve-or-disapprove-programs
 8 and-budgets--direct-the-distribution-of-money-in-support-of
 9 such--budgets--determine--tuition-rates-and-fees--and-enter
 10 into--lease--agreements--or--rent--property---purchases---in
 11 accordance---with---the--postsecondary--vocational-technical
 12 center-provisions-of-the-vocational-education-part--of--this
 13 title#

14 {12}1 adopt policies for the conduct of special
 15 education in accordance with the provisions of 20-7-402;
 16 {13}101 perform any other duty prescribed from time to
 17 time by this title or any other act of the legislature."

18 SECTION 10. SECTION 20-3-103, MCA, IS AMENDED TO READ:
 19 "20-3-103. Deputy superintendent -- staff. (1) The
 20 state superintendent of public instruction shall appoint a
 21 deputy who, in the absence of the principal or in the case
 22 of vacancy in his office, shall perform all the duties of
 23 office until such disability be removed or vacancy be
 24 filled. Such deputy shall subscribe, take, and file the oath
 25 of office provided by law for other state officers before

1 entering upon the performance of his duties.

2 (2) The superintendent of public instruction shall
3 have the power to employ, organize, and administer a staff
4 of personnel to assist him in the administration of the
5 duties and services of the office. In organizing his staff,
6 the superintendent of public instruction shall employ:

7 (a) a supervisor of physical education who is a
8 graduate of an accredited institution of higher education
9 with a master's degree in physical education;

10 (b) a professional staff for the state supervision and
11 administration of vocational education in--accordance--with
12 the provisions of 28-7-302; and

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

18 SECTION 11. SECTION 20-3-104, MCA, IS AMENDED TO READ:

19 "20-3-104. Discretionary staff. In addition to the
20 positions of employment listed in 20-3-103, the
21 superintendent of public instruction may employ:

22 (1) one or more assistant superintendents, one of whom
23 may be designated--with-the-approval-of-the-board-of-public
24 education as assistant superintendent for vocational
25 education;

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

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

6 (4) a competent person to develop economy and
7 efficiency in school transportation and to otherwise
8 supervise the transportation program;

9 (5) a music supervisor who is a graduate of an
10 accredited institution of higher education in music
11 education and who has not less than 5 years of teaching
12 experience;

13 (6) an educational media supervisor who is a graduate
14 of an accredited institution of higher education and who has
15 experience in the field of educational media; and

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

18 SECTION 12. SECTION 20-3-106, MCA, IS AMENDED TO READ:

19 "20-3-106. Supervision of schools -- powers and
20 duties. The superintendent of public instruction has the
21 general supervision of the public schools and districts of
22 the state, and he shall perform the following duties or acts
23 in implementing and enforcing the provisions of this title:

24 (1) resolve any controversy resulting from the
25 proration of joint costs by a joint board of trustees under

1 the provisions of 20-3-362;

2 (2) issue, renew, or deny teacher certification and

3 emergency authorizations of employment and give notice of

4 teacher certification suspension or revocation proceedings

5 to be conducted by the board of public education in

6 accordance with the provisions of the teacher certification

7 part of this title;

8 (3) negotiate reciprocal tuition agreements with other

9 states in accordance with the provisions of 20-5-314;

10 (4) serve on the teachers' retirement board in

11 accordance with the provisions of 2-15-1010;

12 (5) prescribe absentee voting forms and rules in

13 accordance with the provisions of 20-20-104;

14 (6) approve or disapprove the orders of a high school

15 boundary commission in accordance with the provisions of

16 20-6-311;

17 (7) approve or disapprove the opening or reopening of

18 a school in accordance with the provisions of 20-6-502,

19 20-6-503, 20-6-504, or 20-6-505;

20 (8) approve or disapprove school isolation within the

21 limitations prescribed by 20-9-302;

22 (9) generally supervise the school budgeting

23 procedures prescribed by law in accordance with the

24 provisions of 20-9-102 and prescribe the school budget

25 format in accordance with the provisions of 20-9-103 and

1 20-9-505;

2 (10) establish a system of communication for

3 calculating joint district revenues in accordance with the

4 provisions of 20-9-151;

5 (11) approve or disapprove the adoption of a district's

6 emergency budget resolution under the conditions prescribed

7 in 20-9-163 and publish rules for an application for

8 additional state aid for an emergency budget in accordance

9 with the approval and disbursement provisions of 20-9-166;

10 (12) generally supervise the school financial

11 administration provisions as prescribed by 20-9-201(2);

12 (13) prescribe and furnish the annual report forms to

13 enable the districts to report to the county superintendent

14 in accordance with the provisions of 20-9-213(5) and the

15 annual report forms to enable the county superintendents to

16 report to the superintendent of public instruction in

17 accordance with the provisions of 20-3-209;

18 (14) approve, disapprove, or adjust an increase of the

19 average number belonging (ANB) in accordance with the

20 provisions of 20-9-313 and 20-9-314;

21 (15) distribute state equalization aid in support of

22 the foundation program in accordance with the provisions of

23 20-9-342, 20-9-346, and 20-9-347;

24 (16) estimate the statewide equalization level for the

25 foundation program in accordance with the provisions of

1 20-9-348;
2 (17) distribute state impact aid in accordance with the
3 provisions of 20-9-304;
4 (18) provide for the uniform and equal provision of
5 transportation by performing the duties prescribed by the
6 provisions of 20-10-112;
7 (19) approve or disapprove an adult education program
8 for which a district proposes to levy a tax in accordance
9 with the provisions of 20-7-705;
10 (20) request, accept, deposit, and expend federal
11 moneys in accordance with the provisions of 20-9-603;
12 (21) authorize the use of federal moneys for the
13 support of an interlocal cooperative agreement in accordance
14 with the provisions of 20-9-703 and 20-9-704;
15 (22) prescribe the form and contents of and approve or
16 disapprove interstate contracts in accordance with the
17 provisions of 20-9-705;
18 (23) approve or disapprove the conduct of school on a
19 Saturday or on pupil-instruction-related days in accordance
20 with the provisions of 20-1-303 and 20-1-304;
21 (24) recommend standards of accreditation for all
22 schools to the board of public education and evaluate
23 compliance with such standards and recommend accreditation
24 status of every school to the board of public education in
25 accordance with the provisions of 20-7-101 and 20-7-102;

1 (25) collect and maintain a file of curriculum guides
2 and assist schools with instructional programs in accordance
3 with the provisions of 20-7-113 and 20-7-114;
4 (26) establish and maintain a library of visual, aural,
5 and other educational media in accordance with the
6 provisions of 20-7-201;
7 (27) license textbook dealers and initiate prosecution
8 of textbook dealers violating the law in accordance with the
9 provisions of the textbooks part of this title;
10 (28) administer-and-perform-the-duties-as-the-executive
11 officer-of-the-board--of--public--education--for--vocational
12 education--in--accordance-with-the-provisions-of-20-7-302 as
13 the governing agent and executive officer of the state of
14 Montana for vocational education, adopt the policies
15 prescribed by and in accordance with the provisions of
16 20-7-301;
17 (29) consider applications for the designation of a
18 postsecondary vocational-technical center in accordance with
19 the provisions of 20-7-311;
20 (30) establish a fund for the handling of postsecondary
21 vocational-technical center fees in accordance with the
22 provisions of 20-7-333;
23 (31) supervise and coordinate the conduct of special
24 education in the state in accordance with the provisions of
25 20-7-403;

1 (32) administer the traffic education program in
 2 accordance with the provisions of 20-7-502;

3 (33) administer the school food services program in
 4 accordance with the provisions of 20-10-201, 20-10-202, and
 5 20-10-203;

6 (34) review school building plans and specifications in
 7 accordance with the provisions of 20-6-622;

8 (35) prescribe the method of identification and signals
 9 to be used by school safety patrols in accordance with the
 10 provisions of 20-1-408; and

11 (36) perform any other duty prescribed from time to
 12 time by this title, any other act of the legislature, or the
 13 policies of the board of public education."

14 SECTION 13. SECTION 20-7-303, MCA, IS AMENDED TO READ:

15 "20-7-303. District authorization to establish and
 16 maintain vocational education courses and programs. The
 17 trustees of any district, community college district, or
 18 unit of the Montana university system may establish and
 19 maintain a vocational education course or program that
 20 complies with the vocational education standards adopted by
 21 the board--of--public--education superintendent of public
 22 instruction. In order for a course or program to be eligible
 23 for state or federal financing, it shall be approved by the
 24 board--of--public--education superintendent of public
 25 instruction."

1 SECTION 14. SECTION 20-7-311, MCA, IS AMENDED TO READ:
 2 "20-7-311. Postsecondary vocational-technical center
 3 designation. (1) Postsecondary vocational-technical centers
 4 shall be designated by the board--of--public--education
 5 superintendent of public instruction only upon direction of
 6 the legislature. Applications for designation must be made
 7 in accordance with the following procedure:

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

20 (b) Applications are to be presented to the
 21 superintendent of public instruction acting-in-his-capacity
 22 as-the-executive-officer-for--vocational--education--of--the
 23 board--of--public--education. The superintendent of public
 24 instruction shall review the application and present it to
 25 the board--of--public--education along with his

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

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

17 SECTION 15. SECTION 20-7-314, MCA, IS AMENDED TO READ:
 18 "20-7-314. Lease or purchase of state property for
 19 postsecondary vocational-technical center purposes. (1) The
 20 state of Montana, acting by and through the board-of--public
 21 education superintendent_of_public_instruction, is hereby
 22 empowered and authorized to enter into a lease agreement for
 23 a term not to exceed 40 years in order to lease to a
 24 district operating a postsecondary vocational-technical
 25 center any building or lands owned by the state and financed

1 in whole or in part by an appropriation made by the
 2 legislature of the state of Montana for the purpose of
 3 supporting the district's postsecondary vocational-technical
 4 center. The consideration necessary to support such a lease
 5 may be nominal.

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

18 SECTION 16. SECTION 20-7-322, MCA, IS AMENDED TO READ:
 19 "20-7-322. State treasurer custodian of vocational
 20 education moneys. The treasurer of the state of Montana is
 21 hereby designated as the custodian of all federal and state
 22 moneys designated, appropriated, or apportioned for
 23 vocational education. All moneys received from any federal
 24 or state source for the establishment, operation, or
 25 furtherance of vocational education in the state shall be

1 deposited with the state treasurer. At the direction of the
 2 ~~board--of--public--education superintendent of public~~
 3 ~~instruction~~, he shall disburse all moneys appropriated or
 4 received for vocational education."

5 ~~SECTION 17. SECTION 20-7-323a IS AMENDED TO READ:~~
 6 "20-7-323. Program and budget categories for
 7 postsecondary vocational-technical education centers. (1)
 8 The ~~board--of--public--education superintendent of public~~
 9 ~~instruction~~ shall have the sole authority for the approval
 10 of the postsecondary vocational-technical education programs
 11 and their budgets. Such programs and budgets shall be placed
 12 into three categories defined as:

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

19 (b) construction, which shall include the program and
 20 cost for construction of new buildings; acquisitions,
 21 expansion, remodeling, and alteration of existing buildings;
 22 site acquisition and improvements; architectural fees; and
 23 the purchase of initial equipment;

24 (c) ancillary services, which shall include the
 25 program and cost for the services and activities necessary

1 to assure quality in the postsecondary vocational-technical
 2 center's instruction, such as supervision and administration
 3 of the center; program evaluation, special demonstration and
 4 experimental programs, and development of instructional
 5 materials and curriculum.

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

13 ~~SECTION 18. SECTION 20-7-325a IS AMENDED TO READ:~~
 14 "20-7-325. Postsecondary vocational-technical center
 15 fund. (1) Whenever an approved postsecondary
 16 vocational-technical center under the provisions of 20-7-311
 17 is operated within a district, the trustees of such district
 18 shall establish a postsecondary vocational-technical center
 19 fund. All moneys prescribed and received under the
 20 provisions of 20-7-324 shall be credited to the
 21 postsecondary vocational-technical center fund. The
 22 expenditure of the moneys deposited in the postsecondary
 23 vocational-technical center fund shall be made under the
 24 budget and for the programs approved by the ~~board--of--public~~
 25 ~~education superintendent of public instruction~~ under the

1 provisions of 20-7-323 and the financial administration
 2 provisions of this title.

3 (2) The approval of the postsecondary
 4 vocational-technical center budget and subsequent revision
 5 or amendment of such budget by the board-of-public-education
 6 superintendent_of_public_instruction shall constitute the
 7 final budget approval, and the inclusion of such fund in the
 8 district's preliminary budget and the final budget approved
 9 by the budget board shall not be required.

10 (3) Whenever the county tax prescribed in
 11 20-7-324(1)(b) is to be used in support of the postsecondary
 12 vocational-technical center fund budget, the county
 13 commissioners are authorized to levy such tax on the county
 14 in accordance with the provisions of 20-9-142.*

15 SECTION 19a. SECTION 20-7-332, MCA, IS AMENDED TO READ:
 16 "20-7-332. Waiver of tuition for Montana residents and
 17 setting nonresident tuition rates. (1) Tuition shall not be
 18 charged to any resident of the state of Montana by the
 19 governing board of any postsecondary vocational-technical
 20 center. However, nonresidents may be charged tuition at
 21 rates to be determined by the board-of-public-education
superintendent_of_public_instruction.

22 (2) For the purposes of this section the eligibility
 23 of a student for resident status shall be determined in the
 24 same manner as that prescribed for use by the Montana

1 university system, except that those provisions referring to
 2 "high school graduates" or "graduation from high school"
 3 shall be considered to refer to a person who has attended
 4 school or who was in attendance at a school.*

5 SECTION 20. SECTION 20-7-333, MCA, IS AMENDED TO READ:
 6 "20-7-333. Pupil fees and disposition of collected
 7 fees. (1) Fees for the use of equipment and material used in
 8 instruction may be charged by the trustees or other
 9 governing board of the postsecondary vocational-technical
 10 center. The board--of--public--education superintendent_of
public_instruction shall prescribe the basis and limitations
 11 for the charging of such fees.

12 (2) Fees collected by the postsecondary
 13 vocational-technical center shall be deposited with the
 14 county treasurer in the fund designated by the
 15 superintendent of public instruction for the receipt of such
 16 fees. The expenditure of the fees shall not be subject to
 17 budget limitations and shall be in addition to the program
 18 budgets approved by the board--of--public--education
superintendent_of_public_instruction.*

19 SECTION 21. REPEALER. SECTION 20-7-302, MCA, IS
 20 REPEALED.

-End-

HOUSE BILL NO. 634

INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,
McCALLUM, OBERG

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY
6 POSTSECONDARY VOCATIONAL-TECHNICAL CENTER GOVERNANCE;
7 DEFINING DUTIES OF STATE AND LOCAL OFFICIALS; AUTHORIZING--A
8 STATEWIDE--PROPERTY-TAX-LEVY INCREASING THE COUNTY MILL LEVY
9 FOR THE SUPPORT OF THE CENTERS; AUTHORIZING ADDITIONAL
10 SCHOOL DISTRICT LEVIES IN CERTAIN CASES; CLARIFYING
11 FINANCIAL RESPONSIBILITY FOR MAINTENANCE, REMODELING, AND
12 RENOVATION OF CENTERS; AND AMENDING SECTIONS 20-1-101a,
13 20-2-121, 20-3-103, 20-3-104, 20-3-106, 20-7-301, 20-7-302,
14 20-7-303, 20-7-311, 20-7-312, AND 20-7-324 20-7-314a,
15 20-7-322 THROUGH 20-7-325, 20-7-332, AND 20-7-333, MCA; AND
16 REPEALING SECTION 20-7-302, MCA; AND PROVIDING AN IMMEDIATE
17 EFFECTIVE DATE--"

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

20 Section 1. Section 20-7-301, MCA, is amended to read:

21 "20-7-301. Duties of board of public education IHE

22 SUPERINTENDENT OF PUBLIC INSTRUCTION. The board of public

23 education SUPERINTENDENT OF PUBLIC INSTRUCTION shall be the

24 governing board AGENT AND EXECUTIVE OFFICER of the state of

25 Montana for vocational education. The board of public

1 education SUPERINTENDENT OF PUBLIC INSTRUCTION shall adopt
2 AND ADMINISTER policies to effect the orderly development of
3 a system of vocational education that is adaptable to
4 changing needs, controlled to prevent unnecessary
5 duplication, coordinated with federal guidelines and
6 requirements for vocational education, and funded to ensure
7 growth and quality programming. In order to accomplish the
8 orderly development of a system of vocational education, the
9 board--of--public--education SUPERINTENDENT OF PUBLIC
10 INSTRUCTION policies shall include:
11 (1) a state plan for such development;
12 (2) standards for vocational education courses and
13 programs;
14 (3) the minimum requirements for granting
15 postsecondary vocational-technical certificates to students;
16 (4) a review process for the establishment and
17 deletion of programs;
18 (5) the necessary qualifications that a postsecondary
19 vocational-technical center director must possess;
20 (6) instructor qualifications for vocational
21 education courses and programs;
22 (7) criteria for approval of vocational education
23 courses and programs which are to receive financial
24 assistance;
25 (8) criteria for receiving, reviewing, and

1 transmitting recommendations on postsecondary
 2 vocational-technical center operations and budget requests
 3 to the legislature;

4 ~~(5)(1)~~ a basis for apportionment of all moneys
 5 appropriated by the legislature for vocational education in
 6 accordance with the intent of the legislature as reflected
 7 in the terms of the appropriation;

8 ~~(6)(1)~~ a basis for apportionment of all moneys
 9 received by the state of Montana for vocational education
 10 from the federal government in accordance with the acts of
 11 congress;

12 ~~(7)(1)~~ a system of evaluation of vocational education
 13 which allows for consideration of the current and projected
 14 manpower needs and job opportunities; and

15 ~~(12)~~ the tuition and fees to be charged at the
 16 postsecondary vocational-technical centers, based upon
 17 legislative appropriations available to the board of public
 18 education SUPERINTENDENT OF PUBLIC INSTRUCTION for
 19 postsecondary vocational-technical centers;

20 ~~(13)~~ the allowable costs for rental of buildings for
 21 postsecondary vocational-technical center purposes;

22 ~~(14)~~ guidelines for the authority delegated by the
 23 board of public education SUPERINTENDENT OF PUBLIC
 24 INSTRUCTION to the local school district board of trustees
 25 operating a postsecondary vocational-technical center; and

1 ~~(8)(15)~~ 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 Section 2--Section 20-7-302, MCA, is amended to read:
 5 "20-7-302--Duties--of--superintendent--of--public
 6 instruction--as--executive--officer--The--superintendent--of
 7 public--instruction--shall--be--the--executive--officer--of--the
 8 board--of--public--education--for--the--administration--of--all
 9 state--and--federal--laws--related--to--vocational--education--As
 10 the--executive--officer--the--superintendent--of--public
 11 instruction--shall--

12 (1) administer the vocational education policies
 13 adopted by the board of public education;

14 (2) prepare curriculum guides for board of public
 15 education adoption;

16 (3) employ with the confirmation of the board of
 17 public education, the professional staff necessary for the
 18 state supervision and administration of vocational
 19 education, including a state director for vocational
 20 education;

21 (4) report the status of vocational education in the
 22 state of Montana when requested by the board of public
 23 education;

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

1 (6) provide vocational education supervisory and
 2 consultative assistance to districts;
 3 (7) provide a postsecondary vocational-technical
 4 center system policy and procedural handbook for
 5 institutional operations that will standardize operations
 6 among the centers;
 7 (8) identify and direct the county treasurer in those
 8 counties where postsecondary vocational-technical centers
 9 are located to establish the necessary multifund structures
 10 for postsecondary vocational-technical center financial
 11 operations;
 12 (9) meet with the chairman of the board of trustees, the
 13 district superintendent, and center director of each
 14 postsecondary vocational-technical center at least twice
 15 each year to discuss recommended changes in board of public
 16 education policies and procedures and
 17 (10) perform any other duties assigned by the board of
 18 public education.

19 NEW SECTION. Section 2. State director of vocational
 20 education -- duties. There is a state director of vocational
 21 education appointed in accordance with the provisions of
 22 20-7-302(3) BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. He
 23 must:

24 (1) report the status of vocational education in the
 25 state when requested by the board of public education;

1 1. ADMINISTER THE VOCATIONAL EDUCATION POLICIES ADOPTED BY THE
 2 SUPERINTENDENT OF PUBLIC INSTRUCTION:
 3 (1) PREPARE CURRICULUM GUIDES FOR SUPERINTENDENT OF
 4 PUBLIC INSTRUCTION ADOPTION;
 5 (2) EMPLOY, WITH THE CONFIRMATION OF THE
 6 SUPERINTENDENT OF PUBLIC INSTRUCTION, THE PROFESSIONAL STAFF
 7 NECESSARY FOR THE STATE SUPERVISION AND ADMINISTRATION OF
 8 VOCATIONAL EDUCATION;
 9 (3) REPORT THE STATUS OF VOCATIONAL EDUCATION IN THE
 10 STATE OF MONTANA WHEN REQUESTED BY THE SUPERINTENDENT OF
 11 PUBLIC INSTRUCTION;
 12 (4) KEEP ALL VOCATIONAL EDUCATION RECORDS IN HIS
 13 OFFICE;
 14 (5) PROVIDE VOCATIONAL EDUCATION SUPERVISORY AND
 15 CONSULTATIVE ASSISTANCE TO DISTRICTS;
 16 (6) PROVIDE A POSTSECONDARY VOCATIONAL-TECHNICAL
 17 CENTER SYSTEM POLICY AND PROCEDURAL HANDBOOK FOR
 18 INSTITUTIONAL OPERATIONS THAT WILL STANDARDIZE OPERATIONS
 19 AMONG THE CENTERS;
 20 (8) IDENTIFY AND DIRECT THE COUNTY TREASURER IN THOSE
 21 COUNTIES WHERE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS
 22 ARE LOCATED TO ESTABLISH THE NECESSARY MULTIFUND STRUCTURES
 23 FOR POSTSECONDARY VOCATIONAL-TECHNICAL CENTER FINANCIAL
 24 OPERATIONS;
 25 (9) MEET WITH THE CHAIRMAN OF THE BOARD OF TRUSTEES.

1 DISTRICT SUPERINTENDENT, AND CENTER DIRECTOR OF EACH
 2 POSTSECONDARY VOCATIONAL-TECHNICAL CENTER AT LEAST TWICE
 3 EACH YEAR TO DISCUSS RECOMMENDED CHANGES IN THE
 4 SUPERINTENDENT OF PUBLIC INSTRUCTION'S POLICIES AND
 5 PROCEDURES;

6 ~~121101~~ formulate and put into effect uniform fiscal,
 7 student, staff, and program accounting systems for the
 8 postsecondary vocational-technical centers;

9 ~~121111~~ prepare any necessary reports for the board-of
 10 public-education SUPERINTENDENT OF PUBLIC INSTRUCTION or the
 11 legislature;

12 ~~121121~~ represent the postsecondary
 13 vocational-technical center system to state agencies,
 14 associations, and others when appropriate;

15 ~~121131~~ recommend a staffing pattern for the
 16 postsecondary vocational-technical centers;

17 ~~121141~~ provide for the evaluation of programs and
 18 services within each postsecondary vocational-technical
 19 center;

20 ~~121151~~ provide for evaluation of each postsecondary
 21 vocational-technical center's ability to meet employment and
 22 student vocational-technical education needs; AND

23 ~~121161~~ perform any other duty assigned by the
 24 executive-officer SUPERINTENDENT OF PUBLIC INSTRUCTION.

25 Section 3. Section 20-7-312, MCA, is amended to read:

1 ~~20-7-312. Local administration. The trustees or~~
 2 ~~governing board of a postsecondary vocational-technical~~
 3 ~~center shall administer such center according to Subject to~~
 4 ~~the requirements of the laws of the state of Montana AND~~
 5 ~~the policies of the board of public education and the~~
 6 ~~regulations of the SUPERINTENDENT OF PUBLIC INSTRUCTION~~
 7 ~~superintendent of public instruction. If, in construing such~~
 8 ~~laws, there is a conflict between the laws providing for~~
 9 ~~postsecondary vocational-technical centers and any other~~
 10 ~~laws governing the operation of schools, the former shall~~
 11 ~~have the controlling authority. executive officer for~~
 12 ~~mentioned education as administered by the state director~~
 13 ~~of vocational education, the board of trustees operating a~~
 14 ~~postsecondary vocational-technical center shall:~~

15 ~~(a) employ from among qualified applicants a~~
 16 ~~postsecondary vocational-technical center director;~~
 17 ~~(b) employ administrative personnel, faculty members,~~
 18 ~~and employees for the postsecondary vocational-technical~~
 19 ~~center according to the policies and procedures of the board~~
 20 ~~of trustees;~~

21 ~~(c) recommend, develop, and submit budgets for the~~
 22 ~~postsecondary vocational-technical centers;~~

23 ~~(d) establish and collect student tuition and fees;~~
 24 ~~(e) recommend to the board of public education~~
 25 ~~SUPERINTENDENT OF PUBLIC INSTRUCTION through the state~~

1 director of vocational education;

2 *(i)* proposals regarding postsecondary
 3 vocational-technical center programs, budgets, student
 4 services, and public service activities; and
 5 *(ii)* campus development and program plans for
 6 individual postsecondary vocational-technical center
 7 buildings;

8 *(f)* manage buildings erected and equipped on leased
 9 grounds;

10 *(g)* receive and administer gifts and bequests to the
 11 postsecondary vocational-technical center according to a
 12 written plan submitted to the board of public education
 13 SUPERINTENDENT OF PUBLIC INSTRUCTION; and

14 *(h)* perform any other administrative responsibilities
 15 not inconsistent with law and required by the board of
 16 public education SUPERINTENDENT OF PUBLIC INSTRUCTION.

17 *(2)* The board of trustees operating a postsecondary
 18 vocational-technical center may not enter into any contract
 19 that in any way creates a debt or obligation upon the state
 20 for the improvement or construction of postsecondary
 21 vocational-technical center buildings on leased property."

22 Section 4. Section 20-7-324, MCA, is amended to read:
 23 "20-7-324. Sources of financing for postsecondary
 24 vocational-technical center budgets -- board of public
 25 education SUPERINTENDENT OF PUBLIC INSTRUCTION

1 administration. (1) The total of the budgets approved by the
 2 board of public education SUPERINTENDENT OF PUBLIC
 3 INSTRUCTION, together with the budget for the cost of state
 4 administration of the postsecondary vocational-technical
 5 centers, shall constitute the total maximum approved
 6 statewide budget which shall be financed as follows:

7 *(a)* The primary source of financing is to be those
 8 funds specifically designated by legislative enactment or
 9 referendum by the people for financing postsecondary
 10 vocational-technical education in Montana.

11 *(b)* The board of county commissioners of each county
 12 in which a designated postsecondary vocational-technical
 13 center is located is hereby authorized to levy a tax of not
 14 to exceed ~~2~~ ~~1~~ 1/4 MILLS FOR CALENDAR YEAR 1979 AND
 15 1 1/2 MILLS THEREAFTER on the dollar of all taxable
 16 property, real and personal, within the county for the
 17 support and maintenance of the postsecondary
 18 vocational-technical center located within the county.

19 *(c)* Designated postsecondary vocational-technical
 20 centers shall be eligible to receive such funds from the
 21 federal government as the board of public education
 22 SUPERINTENDENT OF PUBLIC INSTRUCTION may provide pursuant to
 23 applicable acts of congress.

24 *~~idt a tax shall be levied upon the taxable value of~~*
 25 *~~all real and personal property in the state to raise the~~*

1 ~~amount considered by the legislature to be necessary when~~
 2 ~~the funds available from (a) and (c) of subsection (b)~~
 3 ~~are not sufficient to finance the postsecondary~~
 4 ~~vocational-technical center system. The tax must be levied~~
 5 ~~and computed in accordance with the requirements of title~~
 6 ~~25 chapter 10, part 4.~~

7 ~~(d)(1)(D)~~ The board of trustees of any designated high
 8 school district or county high school district where a
 9 postsecondary vocational-technical center is located may be
 10 required, as a condition for the construction in that
 11 district of a postsecondary vocational-technical center, or
 12 any part thereof, to furnish up to 50% of the amount of
 13 funds required for any such ~~initial~~ ~~such~~ construction. The
 14 percentage of ~~initial~~ construction funds to be furnished by
 15 the designated district shall be derived, in whole or in
 16 part, from any of the following sources:

17 (i) the sale of bonds issued by that district (such
 18 bonds shall be issued in conformity with the requirements of
 19 chapter 9, part 4, of this title in the case of high school
 20 and county high school district);

21 (ii) any other funds available to that district which
 22 may be legally and properly applied toward such
 23 construction;

24 (iii) the reasonable value of lands, buildings,
 25 fixtures, or equipment furnished by that district, subject

1 to the approval of the board of public education
 2 SUPERINTENDENT OF PUBLIC INSTRUCTION.

3 ~~(e) if the aggregate financing provided by sources of~~
 4 ~~revenue in (2)(a), (2)(b), and (2)(c) of this section does~~
 5 ~~not provide 100% financing of the maximum approved statewide~~
 6 ~~budget, the remaining deficiency shall be financed from any~~
 7 ~~state funds appropriated by the legislature for~~
 8 ~~postsecondary vocational-technical education.~~

9 (2) The board of public education SUPERINTENDENT OF
 10 PUBLIC INSTRUCTION shall direct the distribution of the
 11 funds specified in subsections (1)(a) and (1)(c) and
 12 ~~(f)(2)(D)~~ of this section on the basis of the budgets
 13 approved by the board of public education SUPERINTENDENT OF
 14 PUBLIC INSTRUCTION. The funds earned by the mill levy
 15 specified in subsection (1)(b) of this section shall be
 16 credited by the county treasurer to the postsecondary
 17 vocational-technical center fund.

18 (3) The board of public education SUPERINTENDENT OF
 19 PUBLIC INSTRUCTION shall determine the amount of financing
 20 available from these five ~~four~~ sources of revenue and may
 21 approve budgets for maintenance and operation, construction,
 22 and ancillary services. The aggregate amount of the budgets
 23 so approved by the board of public education SUPERINTENDENT
 24 OF PUBLIC INSTRUCTION for postsecondary
 25 vocational-technical centers shall not exceed the moneys

1 determined to be available."

2 NEW SECTION. Section 5. Additional levy by school
 3 district. Notwithstanding the provisions of 20-7-324, the
 4 trustees operating a postsecondary vocational-technical
 5 center may propose to adopt a budget in excess of the budget
 6 amount approved by the board of public education for the
 7 purpose of funding salaries and benefits of postsecondary
 8 vocational-technical center personnel in the amount in which
 9 any negotiated salary and benefit increase is in excess of
 10 the increase approved by the legislature for state employees
 11 AMOUNT APPROPRIATED BY THE LEGISLATURE FOR SALARIES AND
 12 BENEFITS. THE LEGISLATURE SHALL BASE THE APPROPRIATION FOR
 13 SALARIES AND BENEFITS ON AMOUNTS APPROPRIATED IN THE
 14 PREVIOUS LEGISLATIVE SESSION. When the trustees determine
 15 that an additional amount is required, they must submit the
 16 proposition for an additional levy to the qualified electors
 17 of the district pursuant to 20-20-301 and in the manner
 18 prescribed by 20-9-353. WHEN ANOTHER ADDITIONAL LEVY
 19 PROPOSITION IS PRESENTED TO THE ELECTORATE, THE PROPOSITION
 20 FOR AN ADDITIONAL LEVY FOR A POSTSECONDARY
 21 VOCATIONAL-TECHNICAL CENTER MAY BE PRESENTED AS A SEPARATE
 22 ISSUE ON THE BALLOT OR IT MAY BE CONSOLIDATED WITH THE
 23 ADDITIONAL LEVY PROPOSITION OF THE HIGH SCHOOL DISTRICT.

24 NEW SECTION. Section 6. Source of financing for
 25 postsecondary vocational-technical center facility

1 maintenance. After the initial phase for postsecondary
 2 vocational-technical center construction required by
 3 20-7-324(f)(1)(b) the the source of funds for maintenance,
 4 remodeling, and renovation of postsecondary
 5 vocational-technical center facilities must MAY be EITHER
 6 LOCAL FUNDS OR state funds specifically appropriated by the
 7 legislature and approved by the board of public education
 8 SUPERINTENDENT OF PUBLIC INSTRUCTION.

9 NEW SECTION. Section 7. Precedence of state laws for
 10 vocational education. If, in construing the laws of Montana,
 11 there is a conflict between the laws providing for
 12 postsecondary vocational-technical centers and any other
 13 laws governing the operation of schools, the former have
 14 controlling authority.

15 SECTION A. SECTION 20-1-101, MCA, IS AMENDED TO READ:
 16 "20-1-101. Definitions. As used in this title, unless
 17 the context clearly indicates otherwise, the following
 18 definitions apply:

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

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

25 (3) "The board of public education" is the board

1 created by Article X, section 9, subsection (3) of the 1972
 2 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 superintendent
of public instruction upon direction by the legislature. All
 23 other public or private schools are hereby prohibited from
 24 using this title.

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

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

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

24 (12) "Pupil" means any child who is 6 years of age or
 25 older but has not yet reached his 21st birthday and who is

1 enrolled in a school established and maintained under the
 2 laws of the state of Montana at public expense.

3 (13) "Pupil instruction" means the conduct of organized
 4 instruction of pupils enrolled in public schools while under
 5 the supervision of a teacher.

6 (14) "Regents" means the board of regents of higher
 7 education.

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

13 (16) "The state board of education" is the board
 14 composed of the board of public education and the board of
 15 regents as specified in Article X, section 9, subsection (1)
 16 of the 1972 Montana constitution.

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

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

22 (19) "System" means the Montana university system.

23 (20) "Teacher" means any person, except a district
 24 superintendent, who holds a valid Montana teacher
 25 certificate that has been issued by the superintendent of

1 public instruction under the provisions of this title and
 2 the policies adopted by the board of public education and
 3 who is employed by a district as a member of its
 4 instructional, supervisory, or administrative staff. This
 5 definition of a teacher shall also include any person for
 6 whom an emergency authorization of employment of such person
 7 has been issued under the provisions of 20-4-111.

8 (21) "Textbook" means a book or manual used as a
 9 principal source of study material for a given class or
 10 group of students.

11 (22) "Textbook dealer" means any party, company,
 12 corporation, or other organization selling, offering to
 13 sell, or offering for adoption textbooks to districts in the
 14 state of Montana.

15 (23) "Trustees" means the governing board of a
 16 district.

17 (24) "University" means the university of Montana,
 18 located at Missoula.

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

1 SECTION 9. SECTION 20-2-121, NCA, IS AMENDED TO READ:
 2 "20-2-121. Board of public education -- powers and
 3 duties. The board of public education shall:

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

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

11 (3) administer and order the distribution of state
 12 equalization aid in accordance with the provisions of
 13 20-9-344;

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

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

21 (6) adopt policies prescribing the conditions when
 22 school may be conducted on Saturday and the types of
 23 pupil-instruction-related days and approval procedure for
 24 such days in accordance with the provisions of 20-1-303 and
 25 20-1-304;

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

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

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

11 ~~(10) consider applications for postsecondary
 12 vocational-technical center designation in accordance with
 13 the provisions of 20-7-321;~~

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

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

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

1 SECTION 10. SECTION 20-3-103, MCA, IS AMENDED TO READ:
 2 "20-3-103. Deputy superintendent -- staff. (1) The
 3 state superintendent of public instruction shall appoint a
 4 deputy who, in the absence of the principal or in the case
 5 of vacancy in his office, shall perform all the duties of
 6 office until such disability be removed or vacancy be
 7 filled. Such deputy shall subscribe, take, and file the oath
 8 of office provided by law for other state officers before
 9 entering upon the performance of his duties.

10 (2) The superintendent of public instruction shall
 11 have the power to employ, organize, and administer a staff
 12 of personnel to assist him in the administration of the
 13 duties and services of the office. In organizing his staff,
 14 the superintendent of public instruction shall employ:

15 (a) a supervisor of physical education who is a
 16 graduate of an accredited institution of higher education
 17 with a master's degree in physical education;

18 (b) a professional staff for the state supervision and
 19 administration of vocational education ~~in accordance with~~
 20 the provisions of 20-7-302; and

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

1 SECTION 11. SECTION 20-3-104, MCA, IS AMENDED TO READ:
 2 "20-3-104. Discretionary staff. In addition to the
 3 positions of employment listed in 20-3-103, the
 4 superintendent of public instruction may employ:
 5 (1) one or more assistant superintendents, one of whom
 6 may be designated ~~with the approval of the board of public~~
 7 education as assistant superintendent for vocational
 8 education;
 9 (2) a high school supervisor who is the holder of a
 10 class 3 teacher certificate with a district superintendent
 11 endorsement;
 12 (3) an elementary supervisor who is the holder of a
 13 valid teacher certificate;
 14 (4) a competent person to develop economy and
 15 efficiency in school transportation and to otherwise
 16 supervise the transportation program;
 17 (5) a music supervisor who is a graduate of an
 18 accredited institution of higher education in music
 19 education and who has not less than 5 years of teaching
 20 experience;
 21 (6) an educational media supervisor who is a graduate
 22 of an accredited institution of higher education and who has
 23 experience in the field of educational media; and
 24 (7) any other supervisors or assistants as may be
 25 required to carry out the duties of his office."

1 SECTION 12. SECTION 20-3-106, MCA, IS AMENDED TO READ:
 2 "20-3-106. Supervision of schools -- powers and
 3 duties. The superintendent of public instruction has the
 4 general supervision of the public schools and districts of
 5 the state, and he shall perform the following duties or acts
 6 in implementing and enforcing the provisions of this title:
 7 (1) resolve any controversy resulting from the
 8 proration of joint costs by a joint board of trustees under
 9 the provisions of 20-3-362;
 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 public education in
 14 accordance with the provisions of the teacher certification
 15 part of this title;
 16 (3) negotiate reciprocal tuition agreements with other
 17 states in accordance with the provisions of 20-5-314;
 18 (4) serve on the teachers' retirement board in
 19 accordance with the provisions of 2-15-1010;
 20 (5) prescribe absentee voting forms and rules in
 21 accordance with the provisions of 20-20-104;
 22 (6) approve or disapprove the orders of a high school
 23 boundary commission in accordance with the provisions of
 24 20-6-311;
 25 (7) approve or disapprove the opening or reopening of

1 a school in accordance with the provisions of 20-6-502,
 2 20-6-503, 20-6-504, or 20-6-505;
 3 (8) approve or disapprove school isolation within the
 4 limitations prescribed by 20-9-302;
 5 (9) generally supervise the school budgeting
 6 procedures prescribed by law in accordance with the
 7 provisions of 20-9-102 and prescribe the school budget
 8 format in accordance with the provisions of 20-9-103 and
 9 20-9-505;
 10 (10) establish a system of communication for
 11 calculating joint district revenues in accordance with the
 12 provisions of 20-9-151;
 13 (11) approve or disapprove the adoption of a district's
 14 emergency budget resolution under the conditions prescribed
 15 in 20-9-163 and publish rules for an application for
 16 additional state aid for an emergency budget in accordance
 17 with the approval and disbursement provisions of 20-9-166;
 18 (12) generally supervise the school financial
 19 administration provisions as prescribed by 20-9-201(2);
 20 (13) prescribe and furnish the annual report forms to
 21 enable the districts to report to the county superintendent
 22 in accordance with the provisions of 20-9-213(5) and the
 23 annual report forms to enable the county superintendents to
 24 report to the superintendent of public instruction in
 25 accordance with the provisions of 20-3-209;

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

4 (15) distribute state equalization aid in support of
 5 the foundation program in accordance with the provisions of
 6 20-9-342, 20-9-346, and 20-9-347;

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

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

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

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

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

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

23 (22) prescribe the form and contents of and approve or
 24 disapprove interstate contracts in accordance with the
 25 provisions of 20-9-705;

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

4 (24) recommend standards of accreditation for all
 5 schools to the board of public education and evaluate
 6 compliance with such standards and recommend accreditation
 7 status of every school to the board of public education in
 8 accordance with the provisions of 20-7-101 and 20-7-102;

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

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

15 (27) license textbook dealers and initiate prosecution
 16 of textbook dealers violating the law in accordance with the
 17 provisions of the textbooks part of this title;

18 (28) ~~administer-and-perform-the-duties-as-the-executive~~
 19 ~~officer-of-the-board--of--public--education--for--vocational~~
 20 ~~education--in--accordance--with--the--provisions--of--20-7-302~~ as
 21 ~~the governing agent and executive officer of the state of~~
 22 ~~Montana for vocational education, adopt the policies~~
 23 ~~prescribed by and in accordance with the provisions of~~
 24 ~~20-7-301;~~

25 (29) consider applications for the designation of a

1 postsecondary vocational-technical center in accordance with
 2 the provisions of 20-7-311;

3 (30) establish a fund for the handling of postsecondary
 4 vocational-technical center fees in accordance with the
 5 provisions of 20-7-333;

6 (31) supervise and coordinate the conduct of special
 7 education in the state in accordance with the provisions of
 8 20-7-403;

9 (32) administer the traffic education program in
 10 accordance with the provisions of 20-7-502;

11 (33) administer the school food services program in
 12 accordance with the provisions of 20-10-201, 20-10-202, and
 13 20-10-203;

14 (34) review school building plans and specifications in
 15 accordance with the provisions of 20-6-622;

16 (35) prescribe the method of identification and signals
 17 to be used by school safety patrols in accordance with the
 18 provisions of 20-1-408; and

19 (36) perform any other duty prescribed from time to
 20 time by this title, any other act of the legislature, or the
 21 policies of the board of public education."

22 SECTION 13. SECTION 20-7-303, MCA, IS AMENDED TO READ:

23 "20-7-303. District authorization to establish and
 24 maintain vocational education courses and programs. The
 25 trustees of any district, community college district, or

1 unit of the Montana university system may establish and
 2 maintain a vocational education course or program that
 3 complies with the vocational education standards adopted by
 4 the board of public education superintendent of public
 5 instruction. In order for a course or program to be eligible
 6 for state or federal financing, it shall be approved by the
 7 board of public education superintendent of public
 8 instruction."

9 SECTION 14. SECTION 20-7-311, MCA, IS AMENDED TO READ:
 10 "20-7-311. Postsecondary vocational-technical center
 11 designation. (1) Postsecondary vocational-technical centers
 12 shall be designated by the board of public education
 13 superintendent of public instruction only upon direction of
 14 the legislature. Applications for designation must be made
 15 in accordance with the following procedure:

16 (a) The trustees of any high school district, of a
 17 county high school, of a community college district, or the
 18 governing board of any unit of the Montana university system
 19 may submit an application for designation of a postsecondary
 20 vocational-technical center to be operated by such trustees
 21 or governing board. The application for designation shall be
 22 submitted in accordance with the time, date, and form
 23 requirements prescribed by the board of public education
 24 superintendent of public instruction. Applicant high school
 25 districts, county high schools, or community college

1 districts shall be located in a county with a taxable
2 valuation of at least \$45 million.

3 (b) Applications are to be presented to the
4 superintendent of public instruction ~~acting in his capacity~~
5 as the executive officer for vocational education of the
6 board of public education. The superintendent of public
7 instruction shall review the application and present it to
8 the board of public education along with his
9 recommendations. The board of public education shall then
10 examine the application and recommendations of the
11 superintendent of public instruction and either adopt the
12 recommendations of the superintendent of public instruction
13 or draft its own recommendations. The application, together
14 with all recommendations, shall be presented by the board of
15 public education superintendent of public instruction to the
16 next following legislature.

17 (2) The board of public education superintendent of
18 public instruction shall recognize the presently designated
19 postsecondary vocational-technical centers operated by the
20 respective board of trustees of school district number 1 of
21 Silver Bow County, high school district number 1 of Lewis
22 and Clark County, high school district "A" of Cascade
23 County, Missoula County high school, and high school
24 district number 2 of Yellowstone County.

25 SECTION 15. SECTION 20-7-314, MCA, IS AMENDED TO READ:

1 "20-7-314. Lease or purchase of state property for
2 postsecondary vocational-technical center purposes. (1) The
3 state of Montana, acting by and through the board of public
4 education superintendent of public instruction, is hereby
5 empowered and authorized to enter into a lease agreement for
6 a term not to exceed 40 years in order to lease to a
7 district operating a postsecondary vocational-technical
8 center any building or lands owned by the state and financed
9 in whole or in part by an appropriation made by the
10 legislature of the state of Montana for the purpose of
11 supporting the district's postsecondary vocational-technical
12 center. The consideration necessary to support such a lease
13 may be nominal.

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

1 SECTION 16. SECTION 20-7-322, MCA, IS AMENDED TO READ:
 2 "20-7-322. State treasurer custodian of vocational
 3 education moneys. The treasurer of the state of Montana is
 4 hereby designated as the custodian of all federal and state
 5 moneys designated, appropriated, or apportioned for
 6 vocational education. All moneys received from any federal
 7 or state source for the establishment, operation, or
 8 furtherance of vocational education in the state shall be
 9 deposited with the state treasurer. At the direction of the
 10 board--of--public--education superintendent of public
 11 instruction, he shall disburse all moneys appropriated or
 12 received for vocational education."

13 SECTION 17. SECTION 20-7-323, MCA, IS AMENDED TO READ:
 14 "20-7-323. Program and budget categories for
 15 postsecondary vocational-technical education centers. (1)
 16 The board--of--public--education superintendent of public
 17 instruction shall have the sole authority for the approval
 18 of the postsecondary vocational-technical education programs
 19 and their budgets. Such programs and budgets shall be placed
 20 into three categories defined as:

21 (a) maintenance and operation, which shall include
 22 programs and costs for instruction; vocational guidance and
 23 counseling; job placement; travel of pupils and personnel
 24 while engaged in a program; acquisition, maintenance, and
 25 repair of equipment; and the rental of necessary emergency

1 facilities for not more than 1 year;
 2 (b) construction, which shall include the program and
 3 cost for construction of new buildings; acquisition,
 4 expansion, remodelling, and alteration of existing buildings;
 5 site acquisition and improvements; architectural fees; and
 6 the purchase of initial equipment;
 7 (c) ancillary services, which shall include the
 8 program and cost for the services and activities necessary
 9 to assure quality in the postsecondary vocational-technical
 10 center's instruction, such as supervision and administration
 11 of the center, program evaluation, special demonstration and
 12 experimental programs, and development of instructional
 13 materials and curriculum.

14 (2) The trustees of the designated district or other
 15 governing board where the postsecondary vocational-technical
 16 center is located shall submit program proposals and the
 17 related budgets on the basis of these categories and in
 18 accordance with the program and budget approval procedure
 19 prescribed by the board--of--public--education superintendent
 20 of public instruction."

21 SECTION 18. SECTION 20-7-325, MCA, IS AMENDED TO READ:
 22 "20-7-325. Postsecondary vocational-technical center
 23 fund. (1) Whenever an approved postsecondary
 24 vocational-technical center under the provisions of 20-7-311
 25 is operated within a district, the trustees of such district

1 shall establish a postsecondary vocational-technical center
 2 fund. All moneys prescribed and received under the
 3 provisions of 20-7-324 shall be credited to the
 4 postsecondary vocational-technical center fund. The
 5 expenditure of the moneys deposited in the postsecondary
 6 vocational-education center fund shall be made under the
 7 budget and for the programs approved by the board-of-public-education
superintendent of public instruction under the
 8 provisions of 20-7-323 and the financial administration
 9 provisions of this title.

11 (2) The approval of the postsecondary
 12 vocational-technical center budget and subsequent revision
 13 or amendment of such budget by the board-of-public-education
superintendent of public instruction shall constitute the
 15 final budget approval, and the inclusion of such fund in the
 16 district's preliminary budget and the final budget approved
 17 by the budget board shall not be required.

18 (3) Whenever the county tax prescribed in
 19 20-7-324(1)(b) is to be used in support of the postsecondary
 20 vocational-technical center fund budget, the county
 21 commissioners are authorized to levy such tax on the county
 22 in accordance with the provisions of 20-9-142."

23 SECTION 19. SECTION 20-7-332. MCA, IS AMENDED TO READ:
 24 "20-7-332. Waiver of tuition for Montana residents and
 25 setting nonresident tuition rates. (1) Tuition shall not be

1 charged to any resident of the state of Montana by the
 2 governing board of any postsecondary vocational-technical
 3 center. However, nonresidents may be charged tuition at
 4 rates to be determined by the board-of-public-education
superintendent of public instruction.

6 (2) For the purposes of this section the eligibility
 7 of a student for resident status shall be determined in the
 8 same manner as that prescribed for use by the Montana
 9 university system, except that those provisions referring to
 10 "high school graduates" or "graduation from high school"
 11 shall be considered to refer to a person who has attended
 12 school or who was in attendance at a school."

13 SECTION 20. SECTION 20-7-333. MCA, IS AMENDED TO READ:
 14 "20-7-333. Pupil fees and disposition of collected
 15 fees. (1) Fees for the use of equipment and material used in
 16 instruction may be charged by the trustees or other
 17 governing board of the postsecondary vocational-technical
 18 center. The board-of-public-education superintendent of
public instruction shall prescribe the basis and limitations
 20 for the charging of such fees.

21 (2) Fees collected by the postsecondary
 22 vocational-technical center shall be deposited with the
 23 county treasurer in the fund designated by the
 24 superintendent of public instruction for the receipt of such
 25 fees. The expenditure of the fees shall not be subject to

1 budget limitations and shall be in addition to the program
2 budgets approved by the board of public education
3 superintendent of public instruction."

4 SECTION 21. REPEALER. SECTION 20-7-302. MCA, IS
5 REPEALED.

6 SECTION 22. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
7 PASSAGE AND APPROVAL.

-End-

March 21, 1979

SENATE STANDING COMMITTEE REPORT
(Education)

That House Bill No. 634, third reading bill, be amended as follows:

1. Title, lines 12 and 13.

Following: "CENTERS;"

Strike: "AND"

Following: "SECTIONS"

Insert: "20-1-101, 20-2-121, 20-3-103, 20-3-104, 20-3-106,"

Following: "20-7-301"

Strike: ", 20-7-302,"

Insert: "THROUGH 20-7-303, 20-7-311,"

Following: "20-7-312,"

Strike: "AND 20-7-324"

Insert: "20-7-314, 20-7-322 THROUGH 20-7-325, 20-7-332, AND 20-7-333"

Following: "MCA"

Insert: "; AND REPEALING SECTION 20-7-302, MCA"

2. Page 1, line 17.

Following: "Duties of"

Strike: "board of public education"

Insert: "the superintendent of public instruction"

3. Page 1, line 18.

Following: line 17

Strike: "board of public education"

Insert: "superintendent of public instruction"

Following: "governing"

Strike: "board"

Insert: "agent and executive officer"

4. Page 1, lines 19 and 20.

Following: "The"

Strike: "board of public education"

Insert: "superintendent of public instruction"

5. Page 1, line 20.

Following: "adopt"

Insert: "and administer"

6. Page 2, line 2.

Following: "the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

7. Page 3, lines 10 and 11.

Following: "the" on line 10

Strike: "board of public education"

Insert: "superintendent of public instruction"

8. Page 3, line 15.

Following: line 14

Strike: "board of public education"

Insert: "superintendent of public instruction"

Page 2
March 21, 1979
House Bill No. 634

9. Page 3, line 21 through line 10 on page 5.

Following: line 20 on page 3

Strike: section 2 in its entirety

Renumber: subsequent sections

10. Page 5, lines 13 and 14.

Following: "appointed"

Strike: "in accordance with the provisions of 20-7-302(3)"

Insert: "by the superintendent of public instruction"

11. Page 5, lines 15 through 16.

Following: "(1)"

Strike: lines 15 through 16 in their entirety

Insert: "administer the vocational education policies adopted by the superintendent of public instruction;

(2) prepare curriculum guides for superintendent of public instruction adoption;

(3) employ, with the confirmation of the superintendent of public instruction, the professional staff necessary for the state supervision and administration of vocational education;

(4) report the status of vocational education in the state of

Montana when requested by the superintendent of public instruction;

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

(6) provide vocational education supervisory and consultative assistance to districts;

(7) provide a postsecondary vocational-technical center system policy and procedural handbook for institutional operations that will standardize operations among the centers;

(8) identify and direct the county treasurer in those counties where postsecondary vocational-technical centers are located to establish the necessary multifund structures for postsecondary vocational-technical center financial operations;

(9) meet with the chairman of the board of trustees, district superintendent, and center director of each postsecondary vocational-technical center at least twice each year to discuss recommended changes in the superintendent of public instruction's policies and procedures;"

Renumber: subsequent subsections

12. Page 6, line 7.

Following: "needs;"

Insert: "and"

13. Page 6, lines 8 and 9.

Following: "the"

Strike: "executive officer"

Insert: "superintendent of public instruction"

14. Page 6, lines 15 and 16.

Following: "of the"

Strike: "board of public education, and the regulations of the"

Insert: "superintendent of public instruction"

15. Page 6, line 21.
Following: line 20
Strike: "executive officer for vocational education"

16. Page 7, line 21.
Following: "the"
Strike: "board of public education"
Insert: "superintendent of public instruction"

17. Page 7, lines 23 and 24.
Following: "the"
Strike: "board of public education"
Insert: "superintendent of public instruction"

18. Page 8, lines 7 and 8.
Following: "budgets --"
Strike: "board of public education"
Insert: "superintendent of public instruction"

19. Page 8, line 9.
Following: "by the"
Strike: "board of public education"
Insert: "superintendent of public instruction"

20. Page 8, line 21.
Following: "mills"
Strike: "2"
Insert: "1-1/4"
Following: "MILLS"
Insert: "for calendar year 1979 and 1 1/2 mills thereafter"

21. Page 9, line 2.
Following: "the"
Strike: "board of public education"
Insert: "superintendent of public instruction"

22. Page 10, line 6.
Following: "of the"
Strike: "board of public education"
Insert: "superintendent of public instruction"

23. Page 10, line 13.
Following: "The"
Strike: "board of public education"
Insert: "superintendent of public instruction"

24. Page 10, line 14.
Following: "(a),"
Strike: ".
Insert: "and"

25. Page 10, line 16.
Following: "the"
Strike: "board of public education"
Insert: "superintendent of public instruction"

March 21, 1979

House Bill No. 634

26. Page 10, line 20.

Following: "The"

Strike: "board of public education"

Insert: "superintendent of public instruction"

27. Page 10, lines 24 and 25.

Following: "by the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

28. Page 11, lines 6 through 12.

Following: "the" on line 6

Strike: remainder of line 6 through "employees." on line 12

Insert: "amount appropriated by the legislature for salaries and benefits. The legislature shall base the appropriation for salaries and benefits on amounts appropriated in the previous legislative session"

29. Page 11, line 21.

Following: "20-7-324"

Strike: "(e)"

Insert: "(d)"

30. Page 11, line 25.

Following: "the"

Strike: "board of public education"

Insert: "superintendent of public instruction"

31. Page 12, line 7.

Following: line 6.

Insert: "SECTION 8. 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:

(subsections (1) through (7) remain the same)

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

(9) "Postsecondary vocational-technical education" means vocational-technical education of postsecondary vocational-technical pupils which is conducted by a postsecondary vocational-technical center or other programs as designated by the board-of-public-education superintendent of public instruction. Postsecondary vocational-technical education shall include the 13th and 14th year and beyond but will not include work toward a baccalaureate degree.

(subsections (10) through (25) remain the same)"

SECTION 9. SECTION 20-2-121, MCA, IS AMENDED TO READ:

"20-2-121. Board of public education -- powers and duties.

The board of public education shall:

(subsections (1) through (8) remain the same)

{9}--as-the-governing-board-of-the-state-of-Montana-for-vocational-education,-adopt-the-policies-prescribed-by-and-in-accordance-with-the-provisions-of-20-7-301;

{10}--consider-applications-for-postsecondary-vocational-technical-center-designation-in-accordance-with-the-provisions-of-20-7-311;

{11}--for-the-purposes-of-postsecondary-vocational-technical-centers,-approve-or-disapprove-programs-and-budgets,-direct-the-distribution-of-moneys-in-support-of-such-budgets,-determine-tuition-rates-and-fees,-and-enter-into-lease-agreements-or-rent-property-purchases-in-accordance-with-the-postsecondary-vocational-technical-center-provisions-of-the-vocational-education-part-of-this-title;

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

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

SECTION 10. SECTION 20-3-103, MCA, IS AMENDED TO READ:

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

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

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

(b) a professional staff for the state supervision and administration of vocational education in-accordance-with-the-provisions-of-20-7-302; and

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

SECTION 11. SECTION 20-3-104, MCA, IS AMENDED TO READ:

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

(1) one or more assistant superintendents, one of whom may be designated,-with-the-approval-of-the-board-of-public-education,-as assistant superintendent for vocational education;

(subsections (2) through (7) remain the same)"

SECTION 12. SECTION 20-3-106, MCA, IS AMENDED TO READ:

"20-3-106. Supervision of schools -- powers and duties. The

March 21, 1979

House Bill No. 634

superintendent of public instruction has the general supervision of the public schools and districts of the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(subsections (1) through (27) remain the same)

(28) ~~administer-and-perform-the-duties-as-the-executive officer-of-the-board-of-public-education-for-vocational-education in-accordance-with-the-provisions-of-20-7-302, as the governing agent and executive officer of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;~~

(subsections (29) through (36) remain the same)"

SECTION 13. SECTION 20-7-303, MCA, IS AMENDED TO READ:

"20-7-303. District authorization to establish and maintain vocational education courses and programs. The trustees of any district, community college district, or unit of the Montana university system may establish and maintain a vocational education course or program that complies with the vocational education standards adopted by the board-of-public-education superintendent of public instruction. In order for a course or program to be eligible for state or federal financing, it shall be approved by the board-of-public-education superintendent of public instruction."

SECTION 14. SECTION 20-7-311, MCA, IS AMENDED TO READ:

"20-7-311. Postsecondary vocational-technical center designation.

(1) Postsecondary vocational-technical centers shall be designated by the board-of-public-education superintendent of public instruction only upon direction of the legislature. Applications for designation must be made in accordance with the following procedure:

(a) The trustees of any high school district, of a county high school, of a community college district, or the governing board of any unit of the Montana university system may submit an application for designation of a postsecondary vocational-technical center to be operated by such trustees or governing board. The application for designation shall be submitted in accordance with the time, data, and form requirements prescribed by the board-of-public-education superintendent of public instruction. Applicant high school districts, county high schools, or community college districts shall be located in a county with a taxable valuation of at least \$45 million.

(b) Applications are to be presented to the superintendent of public instruction ~~acting-in-his-capacity-as-the-executive-officer for-vocational-education-of-the-board-of-public-education~~. The superintendent of public instruction shall ~~review-the-application and-present-it-to-the-board-of-public-education-along-with-his recommendations~~. The board-of-public-education shall then examine the application and ~~recommendations-of-the-superintendent-of-public instruction-and-either-adopt-the-recommendations-of-the-superintendent of-public-instruction-or draft its-own recommendations~~. The application, together with all recommendations, shall be presented by the board-of-public-education superintendent of public instruction to the next following legislature.

(2) The board-of-public-education superintendent of public instruction shall recognize the presently designated postsecondary

March 21, 1979

House Bill No. 634

vocational-technical centers operated by the respective board of trustees of school district number 1 of Silver Bow County, high school district number 1 of Lewis and Clark County, high school district "A" of Cascade County, Missoula County high school, and high school district number 2 of Yellowstone County."

SECTION 15. SECTION 20-7-314, MCA, IS AMENDED TO READ:

"20-7-314. Lease or purchase of state property for postsecondary vocational-technical center purposes. (1) The state of Montana, acting by and through the board-of-public-education superintendent of public instruction, is hereby empowered and authorized to enter into a lease agreement for a term not to exceed 40 years in order to lease to a district operating a postsecondary vocational-technical center any building or lands owned by the state and financed in whole or in part by an appropriation made by the legislature of the state of Montana for the purpose of supporting the district's postsecondary vocational-technical center. The consideration necessary to support such a lease may be nominal.

(2) The board-of-public-education superintendent of public instruction is hereby authorized to transfer or direct transfer of title held by the state of Montana in buildings or lands financed in whole or in part by an appropriation by the state legislature to a district operating a postsecondary vocational-technical center, at any time the board-of-public-education superintendent of public instruction deems such transfer to be in the best interests of both the state and the district involved, provided that this authorization extends only to buildings or lands which are to be used by the district for postsecondary vocational-technical education purposes."

SECTION 16. SECTION 20-7-322, MCA, IS AMENDED TO READ:

"20-7-322. State treasurer custodian of vocational education moneys. The treasurer of the state of Montana is hereby designated as the custodian of all federal and state moneys designated, appropriated, or apportioned for vocational education. All moneys received from any federal or state source for the establishment, operation, or furtherance of vocational education in the state shall be deposited with the state treasurer. At the direction of the board-of-public-education superintendent of public instruction, he shall disburse all moneys appropriated or received for vocational education."

SECTION 17. SECTION 20-7-323, MCA, IS AMENDED TO READ:

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

(subsections (1) (a), (1) (b), and (1) (c) remain the same)

(2) The trustees of the designated district or other governing board where the postsecondary vocational-technical center is located shall submit program proposals and the related budgets on the basis of these categories and in accordance with

the program and budget approval procedure prescribed by the board-of-public-education superintendent of public instruction."

SECTION 18. SECTION 20-7-325, MCA, IS AMENDED TO READ:

"20-7-325. Postsecondary vocational-technical center fund.

(1) Whenever an approved postsecondary vocational-technical center under the provisions of 20-7-311 is operated within a district, the trustees of such district shall establish a postsecondary vocational-technical center fund. All moneys prescribed and received under the provisions of 20-7-324 shall be credited to the postsecondary vocational-technical center fund. The expenditure of the moneys deposited in the postsecondary vocational-education center fund shall be made under the budget and for the programs approved by the board-of-public-education superintendent of public instruction under the provisions of 20-7-323 and the financial administration provisions of this title.

(2) The approval of the postsecondary vocational-technical center budget and subsequent revision or amendment of such budget by the board-of-public-education superintendent of public instruction shall constitute the final budget approval, and the inclusion of such fund in the district's preliminary budget and the final budget approved by the budget board shall not be required.

(subsection (3) remains the same)"

SECTION 19. SECTION 20-7-332, MCA, IS AMENDED TO READ:

"20-7-332. Waiver of tuition for Montana residents and setting non-resident tuition rates. (1) Tuition shall not be charged to any resident of the state of Montana by the governing board of any postsecondary vocational-technical center. However, nonresidents may be charged tuition at rates determined by the board-of-public-education superintendent of public instruction.

(subsection (2) remains the same)"

SECTION 20. SECTION 20-7-333, MCA, IS AMENDED TO READ:

"20-7-333. Pupil fees and disposition of collected fees.

(1) Fees for the use of equipment and material used in instruction may be charged by the trustees or other governing board of the postsecondary vocational-technical center. The board-of-public-education superintendent of public instruction shall prescribe the basis and limitations for the charging of such fees.

(2) Fees collected by the postsecondary vocational-technical center shall be deposited with the county treasurer in the fund designated by the superintendent of public instruction for the receipt of such fees. The expenditure of the fees shall not be subject to budget limitations and shall be in addition to the program budgets approved by the board-of-public-education superintendent of public instruction."

Section 21. Repealer. Section 20-7-302, MCA, is repealed."