

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.

House BILL NO. *634*
Candace Long Daily Hamilton
Melinda King

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INTRODUCED BY

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

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

Section 1. Section 20-7-301, MCA, is amended to read:
 "20-7-301. Duties of board of public education. The
 board of public education shall be the governing board of
 the state of Montana for vocational education. The board of
 public education shall adopt policies to effect the orderly
 development of a system of vocational education that is
 adaptable to changing needs, controlled to prevent
 unnecessary duplication, coordinated with federal guidelines
 and requirements for vocational education, and funded to
 ensure growth and quality programming. In order to
 accomplish the orderly development of a system of vocational
 education, the board of public education policies shall

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

1 from the federal government in accordance with the acts of
2 congress;

3 ~~(7)(11)~~ 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 ~~center; 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, MCA, 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 instruction, ~~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 (c) recommend, develop, and submit budgets for the
 5 postsecondary vocational-technical centers;

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

7 (e) recommend to the board of public education through
 8 the state director of vocational education;

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

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

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

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

23 (k) 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 not
 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)~~
 6 ~~are 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 1.~~

10 ~~(d)(e)~~ 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

HOUSE BILL NO. 634

INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,

MCCALLUM, OBERG

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

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

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

"20-7-301. Duties of board of public education. The
board of public education shall be the governing board of
the state of Montana for vocational education. The board of
public education shall adopt policies to effect the orderly
development of a system of vocational education that is
adaptable to changing needs, controlled to prevent
unnecessary duplication, coordinated with federal guidelines
and requirements for vocational education, and funded to
ensure growth and quality programming. In order to

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

(1) a state plan for such development;

(2) standards for vocational education courses and
programs;

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

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

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

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

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

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

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

1 ~~(6)(10)~~ 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 ~~(7)(11)~~ 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 ~~(8)(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~~ (1) 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 instruction, if
 17 in construing such laws 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 directors;~~
 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) 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 ~~(2) 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 ~~1--m++~~ 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 ~~Idi--A--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--(a)--(b)--and--(c)--of--subsection--(k)
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 15--chapter--10--part--1.~~

12 (d)(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 (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)(e)(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-

1 HOUSE BILL NO. 634

2 INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,

3 MCCALLUM, OBERG

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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."

14
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 ~~6~~101 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 ~~7~~111 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 ~~112 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 ~~113 the allowable costs for rental of buildings for~~
 13 ~~postsecondary vocational-technical center purposes;~~

14 ~~114 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 ~~8~~115 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 ~~17~~ 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 ~~18~~ 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~~ 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 instruction, if
17 in construing such laws 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) 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 (2) 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 ~~1~~ 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 ~~(d) A 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 (a), (b), and (c) of subsection (i)~~
 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 ~~15, chapter 10, part 1.~~

12 (d)(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 (e) If the aggregate financing provided by sources of
 8 revenue in (i), (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 (e) 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 EQUIS sources
 22 of 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-

1 HOUSE BILL NO. 634
 2 INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,
 3 McCALLUM, OBERG
 4
 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 ~~20-1-101,~~
 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 20-7-314,~~
 15 ~~20-7-322 THROUGH 20-7-325, 20-7-332 AND 20-7-333, MCA; AND~~
 16 ~~REPEALING SECTION 20-7-302, MCA."~~

17
 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 ADMINISIER~~ 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--of--public--education~~ SUPERINTENDENT OF PUBLIC
 9 INSTRUCTION policies shall include:
 10 (1) a state plan for such development;
 11 (2) standerds for vocational education courses and
 12 programs;
 13 ~~(3) the minimum requirements for granting~~
 14 ~~postsecondary vocational-technical certificates to students;~~
 15 ~~(4) a review process for the establishment and~~
 16 ~~deletion of programs;~~
 17 ~~(5) the necessary qualifications that a postsecondary~~
 18 ~~vocational-technical center director must possess;~~
 19 ~~(3)(6) instructor qualifications for vocational~~
 20 ~~education courses and programs;~~
 21 ~~(4)(7) criteria for approval of vocational education~~
 22 ~~courses and programs which are to receive financial~~
 23 ~~assistance;~~
 24 ~~(8) criteria for receiving, reviewing, and~~
 25 ~~transmitting recommendations on postsecondary~~

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

3 {5}{9} 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 {6}{10} 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 {7}{11} a system of evaluation of vocational education
 12 which allows for consideration of the current and projected
 13 manpower needs and job opportunities; end

14 {12} 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 {13} the allowable costs for rental of buildings for
 20 postsecondary vocational-technical center purposes;

21 {14} 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 {8}{15} 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 20-7-302-MCA 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 {1} 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 office; and

25 {6} provide vocational education supervisory and

1 ~~consultative assistance to districts;~~
 2 ~~(7) 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 ~~(8) 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 ~~(9) 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 ~~(10) 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 20-7-302(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 (2) PREPARE CURRICULUM GUIDES FOR SUPERINTENDENT OF
 3 PUBLIC INSTRUCTION ADOPTION;
 4 (3) 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 (4) REPORT THE STATUS OF VOCATIONAL EDUCATION IN THE
 9 STATE OF MONTANA WHEN REQUESTED BY THE SUPERINTENDENT OF
 10 PUBLIC INSTRUCTION;
 11 (5) KEEP ALL VOCATIONAL EDUCATION RECORDS IN HIS
 12 OFFICE;
 13 (6) PROVIDE VOCATIONAL EDUCATION SUPERVISORY AND
 14 CONSULTATIVE ASSISTANCE TO DISTRICTS;
 15 (7) 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 (8) 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 (9) 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 (2)(10) formulate and put into effect uniform fiscal,
 6 student, staff, and program accounting systems for the
 7 postsecondary vocational-technical centers;

8 (3)(11) prepare any necessary reports for the board of
 9 public education or the legislature;

10 (4)(12) represent the postsecondary
 11 vocational-technical center system to state agencies,
 12 associations, and others when appropriate;

13 (5)(13) recommend a staffing pattern for the
 14 postsecondary vocational-technical centers;

15 (6)(14) provide for the evaluation of programs and
 16 services within each postsecondary vocational-technical
 17 center;

18 (7)(15) provide for evaluation of each postsecondary
 19 vocational-technical center's ability to meet employment and
 20 student vocational-technical education needs; AND

21 (8)(16) 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--vocational-technical~~

1 center shall administer such center according (1) 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 instruction if in construing such
 6 laws there is a conflict between the laws providing for
 7 postsecondary vocational-technical centers and any other
 8 laws governing the operation of schools, the former shall
 9 have the controlling authority. ~~executive-officer--for~~
 10 ~~vocational-education as administered by the state director~~
 11 ~~of vocational 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 (i) proposals regarding postsecondary
 25 vocational-technical center programs, budgets, student

1 ~~services, and public service activities; and~~
 2 ~~(iii) campus development and program plans for~~
 3 ~~individual postsecondary vocational-technical center~~
 4 ~~buildings;~~
 5 ~~(f) manage buildings erected and equipped on leased~~
 6 ~~grounds;~~
 7 ~~(g) 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 ~~(h) 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 INSTRUCTION
 23 administration. (1) The total of the budgets approved by the
 24 board--of--public--education SUPERINTENDENT OF PUBLIC
 25 INSTRUCTION, 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 ~~1-mill~~ 2 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 INSTRUCTION may provide pursuant to
 20 applicable acts of congress.
 21 ~~It is a 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 (a), (b), and (c) 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 15,chapter-19,part-1~~

4 ~~(d)(1)(D)~~ 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 (1)(a), (1)(b) and (1)(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 ~~(1)(e)(i)~~ 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 EQUR 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(e)(D), 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"
19 means 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 ~~(11) for the purposes of postsecondary~~
 7 ~~vocational-technical centers, approve or disapprove programs~~
 8 ~~and budgets, direct the distribution of moneys in support of~~
 9 ~~such budgets, determine tuition rates and fees, and enter~~
 10 ~~into lease agreements or real property purchases in~~
 11 ~~accordance with the postsecondary vocational-technical~~
 12 ~~center provisions of the vocational education part of this~~
 13 ~~title;~~

14 ~~(12)(19) adopt policies for the conduct of special~~
 15 ~~education in accordance with the provisions of 20-7-402;~~

16 ~~(13)(10) 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 20-3-302~~; 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, date, 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 20-7-323, MCA, 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; acquisition,
 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 20-7-325, MCA, 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-education 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 19. 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~~
22 ~~superintendent_of_public_instruction~~.

23 (2) For the purposes of this section the eligibility
24 of a student for resident status shall be determined in the
25 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~~
11 ~~public_instruction~~ shall prescribe the basis and limitations
12 for the charging of such fees.

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

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

-End-

HOUSE BILL NO. 634

INTRODUCED BY EUDAILY, LORY, DAILY, HARRINGTON,

MCCALLUM, OBERG

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

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

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

"20-7-301. Duties of ~~board of public education~~ THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The ~~board of public education~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall be the governing ~~board~~ AGENT AND EXECUTIVE OFFICER of the state of Montana for vocational education. The ~~board of public~~

~~education~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall adopt ~~AND ADMINISTER~~ policies to effect the orderly development of a system of vocational education that is adaptable to changing needs, controlled to prevent unnecessary duplication, coordinated with federal guidelines and requirements for vocational education, and funded to ensure growth and quality programming. In order to accomplish the orderly development of a system of vocational education, the ~~board of public education~~ SUPERINTENDENT OF PUBLIC INSTRUCTION policies shall include:

- (1) a state plan for such development;
- (2) standards for vocational education courses and programs;
- ~~(3) the minimum requirements for granting postsecondary vocational-technical certificates to students;~~
- ~~(4) a review process for the establishment and deletion of programs;~~
- ~~(5) the necessary qualifications that a postsecondary vocational-technical center director must possess;~~
- ~~(6) instructor qualifications for vocational education courses and programs;~~
- ~~(7) criteria for approval of vocational education courses and programs which are to receive financial assistance;~~
- ~~(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)(9) 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)(10) 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)(11) 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 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~~
 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 ADMINISTER THE VOCATIONAL EDUCATION POLICIES ADOPTED BY THE
 2 SUPERINTENDENT OF PUBLIC INSTRUCTION;

3 (2) PREPARE CURRICULUM GUIDES FOR SUPERINTENDENT OF
 4 PUBLIC INSTRUCTION ADOPTION;

5 (3) 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 (4) REPORT THE STATUS OF VOCATIONAL EDUCATION IN THE
 10 STATE OF MONTANA WHEN REQUESTED BY THE SUPERINTENDENT OF
 11 PUBLIC INSTRUCTION;

12 (5) KEEP ALL VOCATIONAL EDUCATION RECORDS IN HIS
 13 OFFICE;

14 (6) PROVIDE VOCATIONAL EDUCATION SUPERVISORY AND
 15 CONSULTATIVE ASSISTANCE TO DISTRICTS;

16 (7) 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 (2)(10) formulate and put into effect uniform fiscal,
 7 student, staff, and program accounting systems for the
 8 postsecondary vocational-technical centers;

9 (3)(11) prepare any necessary reports for the board of
 10 public education SUPERINTENDENT OF PUBLIC INSTRUCTION or the
 11 legislature;

12 (4)(12) represent the postsecondary
 13 vocational-technical center system to state agencies,
 14 associations, and others when appropriate;

15 (5)(13) recommend a staffing pattern for the
 16 postsecondary vocational-technical centers;

17 (6)(14) provide for the evaluation of programs and
 18 services within each postsecondary vocational-technical
 19 center;

20 (7)(15) provide for evaluation of each postsecondary
 21 vocational-technical center's ability to meet employment and
 22 student vocational-technical education needs; AND

23 (8)(16) 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~~ (1) 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 vocational 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 ~~1 mill~~ 2 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 ~~(d) A tax shall be levied upon the taxable value of~~
 25 ~~all real and personal property in the state to raise the~~

~~amount considered by the legislature to be necessary when the funds available from (a), (b), and (c) of subsection (1) are not sufficient to finance the postsecondary vocational-technical center system. The tax must be levied and computed in accordance with the requirements of title 15, chapter 10, part 1.~~

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

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

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

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

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

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

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

(3) The board of public education SUPERINTENDENT OF PUBLIC INSTRUCTION shall determine the amount of financing available from these ~~five~~ FOUR sources of revenue and may approve budgets for maintenance and operation, construction, and ancillary services. The aggregate amount of the budgets so approved by the board of public education SUPERINTENDENT OF PUBLIC INSTRUCTION for postsecondary 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(e)(2), the~~ IME 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 8. 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
23 of public instruction upon direction by the legislature. All
24 other public or private schools are hereby prohibited from
25 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~~
6 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."

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:

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

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

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

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

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

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

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

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

~~(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 20-7-361;~~

~~(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 real 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;

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

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

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

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

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

(7) any other supervisors or assistants as may be 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."

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:

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

facilities for not more than 1 year;

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

(c) ancillary services, which shall include the program and cost for the services and activities necessary to assure quality in the postsecondary vocational-technical center's instruction, such as supervision and administration of the center, program evaluation, special demonstration and experimental programs, and development of instructional materials and curriculum.

(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

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~~
 8 ~~education superintendent of public instruction~~ under the
 9 provisions of 20-7-323 and the financial administration
 10 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~~
 14 ~~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~~
 5 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~~
 19 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"

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)7"
Strike: "."
Insert: "and"

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

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 real 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

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

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."