

SENATE BILL 166

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Education.
February 20, 1979	On motion, ordered printed and placed on second reading.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, indefinitely postponed, as amended.
	On motion, Senate reconsider its action taken on second reading this Legislative Day. On motion, previous motion laid on the Table. Motion adopted.

1 *Senate* BILL NO. 166
2 INTRODUCED BY Gasbender, Blaylock
3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON EDUCATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A STATE
6 VOCATIONAL-TECHNICAL SYSTEM; AMENDING SECTIONS 20-1-101,
7 20-2-121, 20-3-106, 20-3-324, 20-6-501, 20-7-302, 20-7-303,
8 20-7-311, 20-7-314, 20-7-322, 20-7-324, 20-7-331, 20-7-707,
9 20-7-704, AND 20-7-705, MCA; AND REPEALING SECTIONS
10 20-7-312, 20-7-313, 20-7-323, 20-7-325, 20-7-332, AND
11 20-7-333, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 NEW SECTION. Section 1. Definitions. As used in
15 [sections 1 through 9], unless the context clearly indicates
16 otherwise, the following definitions apply:

17 (1) "Board" means the board of regents.
18 (2) "Commissioner" means the commissioner of higher
19 education.
20 (3) "Director" means the administrative director of a
21 center.
22 (4) "State postsecondary vocational-technical system"
23 means the system of state-designated centers organized under
24 the board to meet the state's needs for vocational-technical
25 education for high school graduates and other persons who

1 have terminated their formal high school education.
2 NEW SECTION. Section 2. Powers and duties of the
3 board. The board shall:
4 (1) supervise and administer centers;
5 (2) establish student fee charges prior to September 1
6 immediately preceding the biennium;
7 (3) establish uniform policies as to budgeting,
8 recordkeeping, and student accounting;
9 (4) establish minimum entrance requirements and
10 approve curricular offerings for all centers;
11 (5) establish minimum qualifications of directors,
12 faculty, and staff;
13 (6) establish employment policies;
14 (7) approve salaries and wage contracts of all center
15 employees;
16 (8) approve center programs and budgets;
17 (9) establish policies for the orderly development of
18 a state postsecondary vocational-technical system. Such
19 policies shall include:
20 (a) criteria for approval of courses and programs
21 which are to receive financial assistance;
22 (b) a system of evaluation of all state postsecondary
23 vocational-technical system programs administered by the
24 board. Evaluation shall occur at least once every 3 years
25 and consider current and projected manpower needs and job

1 opportunities; and

2 (c) any other policy, not inconsistent with the law,
3 that is necessary for the proper operation of the state
4 postsecondary vocational-technical system.

5 (10) receive from any governmental or private entity or
6 person all money and other property a center may be entitled
7 to receive or accept and use the property for the specific
8 purpose of the entitlement, grant, or donation;

9 (11) maintain accountability of all materials and
10 equipment; and

11 (12) grant certificates and degrees to the graduates of
12 a center.

13 NEW SECTION Section 3. Duties of the commissioner.
14 The commissioner shall, under board policy:

15 (1) be the chief administrative officer for the board
16 for the administration of its state postsecondary
17 vocational-technical system policies;

18 (2) employ, within the limits of any legislative
19 appropriation and with the confirmation of the board, the
20 staff necessary for the state supervision and administration
21 of the board's postsecondary vocational-technical education
22 policies;

23 (3) provide supervisory and consultative assistance to
24 centers.

25 NEW SECTION Section 4. Appointment and powers and

1 duties of directors. (1) A director for each center shall be
2 appointed by the board. He serves at the pleasure of the
3 board.

4 (2) Consistent with board policies, the director of a
5 center:

6 (a) has general control and supervision of the center;
7 (b) shall adopt rules, not inconsistent with the
8 constitution, the laws of the state, and the policies of the
9 board, for the administration of the center;

10 (c) shall recommend to the board the appointment and
11 dismissal of and compensation and employment terms for
12 instructors and other staff.

13 NEW SECTION Section 5. Local advisory boards. The
14 board of trustees of the school district in which each
15 center is located shall act in an advisory capacity to the
16 center and the board in matters concerning postsecondary
17 vocational-technical education.

18 NEW SECTION Section 6. Conflict of interest -- extr:
19 compensation. It is unlawful for any center director or
20 employee to:

21 (1) have any pecuniary interest, either directly or
22 indirectly, in the erection of any building of the center in
23 which he is employed or furnishing or repairing it;

24 (2) be in any manner connected with the furnishing of
25 supplies for the maintenance of the center; or

1 (3) receive or accept any compensation or reward for
 2 services rendered, except as provided in [section 2].
 3 NEW SECTION. Section 7. Teachers' retirement system.
 4 Teachers employed by a center are subject to and eligible
 5 for the benefits of the teachers' retirement system provided
 6 by law.

7 NEW SECTION. Section 8. Baccalaureate degrees not to
 8 be granted. A center may not grant baccalaureate degrees.

9 NEW SECTION. Section 9. Use of name restricted. Only
 10 those centers designated by law may use the title "state
 11 postsecondary vocational-technical center". All other
 12 public or private schools are prohibited from using that
 13 title.

14 Section 10. Section 20-1-101, MCA, is amended to read:
 15 "20-1-101. Definitions. As used in this title, unless
 16 the context clearly indicates otherwise, the following
 17 definitions apply:

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

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

24 (3) "The board of public education" is the board
 25 created by Article X, section 9, subsection (3) of the

1 1972 Montana constitution and 2-15-1507.
 2 (4) "Board of regents" means the board of regents of
 3 higher education created by Article X, section 9, subsection
 4 (2) of the 1972 Montana constitution and 2-15-1505.

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

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

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

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

23 (9) "Postsecondary vocational-technical education" means vocational-technical education of postsecondary

1 vocational-technical pupils which is conducted by a
 2 postsecondary-vocational-technical center or other programs
 3 as designated by the board of public-education regents.
 4 Postsecondary vocational-technical education shall include
 5 the 13th and 14th year and beyond but will not include work
 6 toward a baccalaureate degree.

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

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

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

25 (13) "Pupil instruction" means the conduct of organized

1 instruction of pupils enrolled in public schools while under
 2 the supervision of a teacher.

3 (14) "Regents" means the board of regents of higher
 4 education.

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

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

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

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

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

20 (20) "Teacher" means any person, except a district
 21 superintendent, who holds a valid Montana teacher
 22 certificate that has been issued by the superintendent of
 23 public instruction under the provisions of this title and
 24 the policies adopted by the board of public education and
 25 who is employed by a district as a member of the

1 instructional, supervisory, or administrative staff. This
 2 definition of a teacher shall also include any person for
 3 whom an emergency authorization of employment of such person
 4 has been issued under the provisions of 20-4-111.

5 (21) "Textbook" means a book or manual used as a
 6 principal source of study material for a given class or
 7 group of students.

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

12 (23) "Trustees" means the governing board of a
 13 district.

14 (24) "University" means the university of Montana,
 15 located at Missoula.

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

23 Section 11. Section 20-2-121, MCA, is amended to read:
 24
 25 "20-2-121. Board of public education -- powers and
 duties. The board of public education shall:

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

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

8 (3) administer and order the distribution of state
 9 equalization aid in accordance with the provisions of
 10 20-9-344;

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

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

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

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

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

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

8 ~~(10) consider applications for postsecondary~~
 9 ~~vocational-technical-center designation in accordance with~~
 10 ~~the provisions of 20-7-311~~

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

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

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

23 Section 12. Section 20-3-106, MCA, is amended to read:

24 "20-3-106. Supervision of schools -- powers and
 25 duties. The superintendent of public instruction has the

1 general supervision of the public schools and districts of
 2 the state, and he shall perform the following duties or acts
 3 in implementing and enforcing the provisions of this title:
 4 (1) resolve any controversy resulting from the
 5 proration of joint costs by a joint board of trustees under
 6 the provisions of 20-3-362;

7 (2) issue, renew, or deny teacher certification and
 8 emergency authorizations of employment and give notice of
 9 teacher certification, suspensions or revocation proceedings
 10 to be conducted by the board of public education in
 11 accordance with the provisions of the teacher certification
 12 part of this title;

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

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

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

19 (6) approve or disapprove the orders of a high school
 20 boundary commission in accordance with the provisions of
 21 20-6-311;

22 (7) approve or disapprove the opening or reopening of
 23 a school in accordance with the provisions of 20-6-502,
 24 20-6-503, 20-6-504, or 20-6-505;

25 (8) approve or disapprove school isolation within the

1 limitations prescribed by 20-9-302;

2 (9) generally supervise the school budgeting
3 procedures prescribed by law in accordance with the
4 provisions of 20-9-102 and prescribe the school budget
5 format in accordance with the provisions of 20-9-103 and
6 20-9-505;

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

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

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

17 (13) prescribe and furnish the annual report forms to
18 enable the districts to report to the county superintendent
19 in accordance with the provisions of 20-9-213(5) and the
20 annual report forms to enable the county superintendents to
21 report to the superintendent of public instruction in
22 accordance with the provisions of 20-3-209;

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

1 (15) distribute state equalization aid in support of
2 the foundation program in accordance with the provisions of
3 20-9-342, 20-9-346, and 20-9-347;

4 (16) estimate the statewide equalization level for the
5 foundation program in accordance with the provisions of
6 20-9-348;

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

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

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

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

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

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

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

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

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

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

12 (27) license textbook dealers and initiate prosecution
 13 of textbook dealers violating the law in accordance with the
 14 provisions of the textbooks part of this title;

15 (28) administer and perform the duties as the executive
 16 officer of the board of public education for vocational
 17 education in accordance with the provisions of 20-7-302;

18 {29}-consider-applications-for--the--designation--of--a
 19 postsecondary-vocational-technical-center-in-accordance-with
 20 the-provisions-of-20-7-311;

21 {30}-establish-a-fund-for-the-handling-of-postsecondary
 22 vocational-technical-center--fees--in--accordance--with-the
 23 provisions-of-20-7-333;

24 {31}-1291 supervise and coordinate the conduct of
 25 special education in the state in accordance with the

1 provisions of 20-7-403;
 2 {32}-1301 administer the traffic education program in
 3 accordance with the provisions of 20-7-502;
 4 {33}-1311 administer the school food services program in
 5 accordance with the provisions of 20-10-201, 20-10-202, and
 6 20-10-203;
 7 {34}-1321 review school building plans and
 8 specifications in accordance with the provisions of
 9 20-6-622;
 10 {35}-1331 prescribe the method of identification and
 11 signals to be used by school safety patrols in accordance
 12 with the provisions of 20-1-408; and
 13 {36}-1341 perform any other duty prescribed from time to
 14 time by this title, any other act of the legislature, or the
 15 policies of the board of public education."

16 Section 13. Section 20-3-324, MCA, is amended to read:
 17 "20-3-324. Powers and duties. As prescribed elsewhere
 18 in this title, the trustees of each district shall have the
 19 power and it shall be their duty to perform the following
 20 duties or acts:
 21 (1) employ or dismiss a teacher, principal, or other
 22 assistant upon the recommendation of the district
 23 superintendent, the county high school principal, or other
 24 principal as the board may deem necessary, accepting or
 25 rejecting such recommendation as the trustees shall in t'

1 sole discretion determine, in accordance with the provisions
 2 of the school personnel part of this title;

3 (2) employ and dismiss administrative personnel,
 4 clerks, secretaries, teacher aides, custodians, maintenance
 5 personnel, school bus drivers, food service personnel,
 6 nurses, and any other personnel deemed necessary to carry
 7 out the various services of the district;

8 (3) administer the attendance and tuition provisions
 9 and otherwise govern the pupils of the district in
 10 accordance with the provisions of the pupils chapter of this
 11 title;

12 (4) call, conduct, and certify the elections of the
 13 district in accordance with the provisions of the school
 14 elections chapter of this title;

15 (5) participate in the teachers' retirement system of
 16 the state of Montana in accordance with the provisions of
 17 the teachers' retirement system chapter of Title 19;

18 (6) participate in district boundary change actions in
 19 accordance with the provisions of the districts chapter of
 20 this title;

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

24 (8) adopt and administer the annual budget or an
 25 emergency budget of the district in accordance with the

1 provisions of the school budget system part of this title;
 2 (9) conduct the fiscal business of the district in
 3 accordance with the provisions of the school financial
 4 administration part of this title;

5 (10) establish the ANB, foundation program, permissive
 6 levy, additional levy, cash reserve, and state impact aid
 7 amount for the general fund of the district in accordance
 8 with the provisions of the general fund part of this title;
 9 (11) establish, maintain, budget, and finance the
 10 transportation program of the district in accordance with
 11 the provisions of the transportation parts of this title;

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

15 (13) when applicable, establish, financially
 16 administer, and budget for the tuition fund, retirement
 17 fund, building reserve fund, adult education fund,
 18 postsecondary-vocational-technical-center-fund, nonoperating
 19 fund, school food services fund, miscellaneous federal
 20 programs fund, building fund, housing and dormitory fund,
 21 traffic education fund, and interlocal cooperative agreement
 22 fund in accordance with the provisions of the other school
 23 funds parts of this title;

24 (14) when applicable, administer any interlocal
 25 cooperative agreement, gifts, legacies, or devises in

1 accordance with the provisions of the miscellaneous
 2 financial parts of this title;

3 (15) hold in trust, acquire, and dispose of the real
 4 and personal property of the district in accordance with the
 5 provisions of the school sites and facilities part of this
 6 title;

7 (16) operate the schools of the district in accordance
 8 with the provisions of the school calendar part of this
 9 title;

10 (17) establish and maintain the instructional services
 11 of the schools of the district in accordance with the
 12 provisions of the instructional services, textbooks,
 13 vocational education and special education parts of this
 14 title;

15 (18) establish and maintain the school food services of
 16 the district in accordance with the provisions of the school
 17 food services parts of this title;

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

21 (20) retain, when deemed advisable, a physician or
 22 registered nurse to inspect the sanitary conditions of the
 23 school or the general health conditions of each pupil and,
 24 upon request, make available to any parent or guardian any
 25 medical reports or health records maintained by the district

1 pertaining to his child;

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

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

8 (23) perform any other duty and enforce any other
 9 requirements for the government of the schools prescribed by
 10 this title, the policies of the board of public education,
 11 or the rules of the superintendent of public instruction."

12 Section 14. Section 20-6-501, MCA, is amended to read:

13 "20-6-501. Definition of various schools. As used in
 14 this title, unless the context clearly indicates otherwise,
 15 the term "school" means an institution for the teaching of
 16 children that is established and maintained under the laws
 17 of the state of Montana at public expense. The trustees of
 18 any district shall designate the grade assignments for the
 19 schools of the district, but for the purposes of this title
 20 each school shall be known as:

21 (1) an elementary school when it comprises the work of
 22 any combination of kindergarten, other preschool programs,
 23 or the first eight grades or their equivalents. A middle
 24 school is a school comprising the work of grades 4 through 8
 25 or any combination thereof that has been accredited as a

1 middle school under the provisions of 20-7-102. When an
 2 accredited junior high school or an accredited 6-year high
 3 school is operated by the district, grades 7 and 8 or their
 4 equivalents shall not be considered as elementary grades.

5 (2) a high school when it comprises the work of one or
 6 more grades of schoolwork or their equivalents intermediate
 7 between the elementary schools and the institutions of
 8 higher education of the state of Montana. Types of high
 9 schools shall be designated as follows:

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

14 (b) a senior high school is a school which comprises
 15 the work of grades 10 through 12 or their equivalents and
 16 which is operated in conjunction with a junior high school;

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

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

23 (e) a county high school is a 4-year high school
 24 operated as an agency of county government and established
 25 under the provisions of the acts of March 3, 1899, March 14,

1 1901, and any subsequent amendments thereto;
 2 (f) a postsecondary vocational-technical center
 3 established under the provisions of 20-7-312;"
 4 Section 15. Section 20-7-302, MCA, is amended to read:
 5 "20-7-302. Duties of superintendent of public
 6 instruction as executive officer of elementary and secondary
 7 vocational education. The superintendent of public
 8 instruction shall be is the executive officer of the board
 9 of public education for the administration of all state and
 10 federal laws related to elementary and secondary vocational
 11 education. As the executive officer, the superintendent of
 12 public instruction shall has the following duties relating
 13 to elementary and secondary vocational education:

14 (1) administer the vocational education policies
 15 adopted by the board of public education;

16 (2) prepare curriculum guides for board of public
 17 education adoption;

18 (3) employ, with the confirmation of the board of
 19 public education, the professional staff necessary for the
 20 state supervision and administration of elementary and
 21 secondary vocational education;

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

25 (5) keep-~~et~~-vocational-education maintain records in

1 his office; and

2 (6) provide vocational education supervisory and
3 consultative assistance to districts."

4 Section 16. Section 20-7-303, MCA, is amended to read:
5 "20-7-303. District authorization to establish and
6 maintain vocational education courses and programs. (1) The
7 trustees of any a district, community college district, or
8 unit of the Montana university system may establish and
9 maintain a vocational education course or program that
10 complies with the vocational education standards policies
11 adopted by the board of public education of regents.

12 (2) The trustees of a high school or elementary school
13 district may establish and maintain a vocational education
14 course or program that complies with the vocational
15 education policies adopted by the board of public education.

16 (3) In order for a course or program to be eligible
17 for state or federal financing, it shall be approved by the
18 board of public education."

19 Section 17. Section 20-7-311, MCA, is amended to read:
20 "20-7-311. Postsecondary-vocational-technical-center
21 Center designation. (1) Postsecondary-vocational-technical
22 centers centers shall be designated by the board of public
23 education only upon direction of the legislature law.
24 Applications for designation must be made in accordance with
25 the following procedures

1 (a) the trustees of any high school district or a
2 county high school or a community college district or the
3 governing board of any unit of the Montana university system
4 may submit an application for designation of a postsecondary
5 vocational-technical center to be operated by such trustees
6 or governing board. The application for designation shall be
7 submitted in accordance with the time, date and form
8 requirements prescribed by the board of public education.
9 Applications high school districts, county high schools or
10 community college districts shall be located in a county
11 with a taxable valuation of at least \$45 million.
12 (b) Applications are to be presented to the
13 superintendent of public instruction acting in his capacity
14 as the executive officer for vocational education of the
15 board of public education. The superintendent of public
16 instruction shall review the application and present it to
17 the board of public education along with his
18 recommendations. The board of public education shall then
19 examine the application and recommendations of the
20 superintendent of public instruction and either adopt the
21 recommendations of the superintendent of public instruction
22 or draft its own recommendations. The applications together
23 with all recommendations shall be presented by the board of
24 public education to the next following legislature.
25 (2) The board of public education regents shall

1 recognize the presently designated postsecondary
 2 vocational-technical centers operated--by--the--respective
 3 board--of--trustees--of located in school district number 1 of
 4 Silver Bow County, high school district number 1 of Lewis
 5 and Clark County, high school district "A" of Cascade
 6 County, Missoula County high school, and high school
 7 district number 2 of Yellowstone County."

8 Section 18. Section 20-7-314, MCA, is amended to read:
 9
 "20-7-314. Lease or purchase of state property for
 10 postsecondary-vocational-technical center purposes. (1) The
 11 state of Montana, acting by and through the board of public
 12 education regents with ratification by the legislature, is
 13 hereby--empowered--and--authorized--to--may enter into a lease
 14 agreement for a term not to exceed 40 years in--order to
 15 lease to----a----district--operating--a--postsecondary
 16 vocational-technical-center--any--building--or--lands--owned--by
 17 the--state--and--financed--in--whole--or--in--part--by--an
 18 appropriation--made--by--the--legislature--of--the--state--of
 19 Montana--for--the--purpose--of--supporting--the--district's
 20 postsecondary-vocational-technical-center--the--consideration
 21 necessary--to--support--such--a--lease--may--be--nomined local
 22 school district buildings and lands which were financed in
 23 whole or in part by funds made available for the purpose of
 24 supporting a postsecondary vocational-technical center.
 25 (2) The board of public education is hereby authorized

1 to--transfer--or--direct--transfer--of--title--held--by--the--state--of
 2 Montana--in--buildings--or--lands--financed--in--whole--or--in--part
 3 by--an--appropriation--by--the--state--legislature--to--a--district
 4 operating--a--postsecondary--vocational--technical--center--at
 5 any--time--the--board--of--public--education--deems--such--transfer
 6 to--be--in--the--best--interests--of--both--the--state--and--the
 7 district--involved--provided--that--this--authorization--extends
 8 only--to--buildings--or--lands--which--are--to--be--used--by--the
 9 district--for--postsecondary--vocational--technical--education
 10 purposes. Right of renewal of the lease shall be guaranteed
 11 if the buildings and lands are utilized for the purposes of
 12 state postsecondary vocational education."

13 Section 19. Section 20-7-322, MCA, is amended to read:
 14
 "20-7-322. State treasurer custodian of vocational
 15 education moneys money. (1) The state treasurer of--the
 16 state--of--Montana is hereby designated as--the custodian of
 17 all federal--and--state--moneys money designated, appropriated,
 18 or apportioned for vocational education. All--moneys--received
 19 from--any--federal--or--state--source--for--the--establishment
 20 operation--or--furtherance--of--vocational--education--in--the
 21 state--shall--be--deposited--with--the--state--treasurer.
 22 (2) At the direction of the board of public--education
 23 regents, he the state treasurer shall disburse all moneys
 24 money appropriated or--received for postsecondary vocational
 25 education.

1 (3) At the direction of the superintendent of public
 2 instruction, the state treasurer shall disburse all money
 3 appropriated for elementary and secondary vocational
 4 education."

5 Section 20. 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 center budgets -- limitations --
 9 revenue sources. (a) The total of the budgets approved by
 10 the board of public education together with the budget for
 11 the cost of state administration of the postsecondary
 12 vocational-technical centers shall constitute the total
 13 maximum approved statewide budget which shall be financed as
 14 follows: Center budgets and state administrative costs may
 15 not exceed amounts appropriated by the legislature and
 16 approved by the board of regents. Center budgets may be
 17 financed with the following revenue sources:

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

22 (b) The board of county commissioners of each county
 23 in which a designated postsecondary vocational-technical
 24 center is located is hereby authorized to levy

25 in a tax of not to exceed 1 mill on the dollar of all

1 taxable property, real and personal, within the county for
 2 the support and maintenance of the postsecondary
 3 vocational-technical center located within the county which
 4 must be levied by the board of county commissioners of each
 5 county in which a designated center is located.

6 (c) Designated postsecondary vocational-technical
 7 centers shall be eligible to receive such funds from the
 8 federal government as the board of public education may
 9 provide pursuant to applicable acts of congress.

10 (d) 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 construction. The percentage of
 17 construction funds to be furnished by the designated
 18 district shall be derived in whole or in part from any of
 19 the following sources:

20 (e) 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 districts;

24 (f) Any other funds available to that district which
 25 may be legally and property applied toward such

1 construction

2 (1) the reasonable value of lands, buildings, fixtures, or equipment furnished by that district, subject to the approval of the board of public education.

3 (2) if the aggregate financing provided by sources of revenue in (1) and (2) 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.

4 (3) the board of public education shall direct the distribution of the funds specified in subsections (1) and (2) of this section on the basis of the budgets approved by the board of public education. The funds earned by the mill levy specified in subsection (1) of this section shall be credited by the county treasurer to the postsecondary vocational technical center funds.

5 (4) the board of public education shall determine the amount of financing available from these five sources of revenue and may approve budgets for maintenance and operations, construction and ancillary services. The aggregate amount of the budgets so approved by the board of public education for postsecondary vocational technical centers shall not exceed the moneys determined to be available.

1 (2) federal funds available for use by centers;

2 (3) fees authorized by the board of regents;

3 (4) any other funds appropriated by the legislature."

4 Section 21. Section 20-7-331, MCA, is amended to read:

5 "20-7-331. Admission of pupils with priority to 6 Montana residents. Any person who qualifies as a postsecondary vocational technical pupil as defined in this 7 title shall be admitted to the postsecondary 8 vocational technical center of his choice except that 9 pupils who qualify as residents Residents of the state of 10 Montana as hereafter defined by the board shall be given 11 priority in case enrollment limitations are caused by 12 resource limitation."

14 Section 22. Section 20-7-702, MCA, is amended to read:

15 "20-7-702. Authorization to establish adult education 16 program. The trustees of any district or community college 17 district or center may establish and operate an adult 18 education program at any time of the day when facilities and 19 personnel are available. An adult education program may 20 provide both basic and secondary general education, 21 vocational education, American citizenship education, 22 including courses in the English language and American 23 history and government, or any other areas of instruction 24 approved by the trustees."

25 Section 23. Section 20-7-704, MCA, is amended to read:

1 "20-7-704. Adult education tuition and fees. The
 2 trustees of a district~~s~~ or community college district~~s~~ ~~or~~
 3 ~~in the case of a center, the board of regents~~ shall have the
 4 authority to charge tuition for instruction and to charge
 5 fees for the use of equipment and materials. The amount of
 6 such tuition and fees shall be determined on a per-course
 7 basis or on the basis of the cost of the entire adult
 8 education program. All proceeds from tuition and fees shall
 9 be deposited in the adult education fund."

10 Section 24. Section 20-7-705, MCA, is amended to read:

11 "20-7-705. Adult education fund. (1) A separate adult
 12 education fund shall be established when an adult education
 13 program is operated by a district~~s~~ or a community college
 14 district~~s~~ ~~or a center~~. The financial administration of such
 15 fund shall comply with the budgeting, financing, and
 16 expenditure provisions of the laws governing the schools.

17 (2) Whenever the trustees of any district~~s~~ ~~or center~~
 18 establish an adult education program under the provisions of
 19 20-7-702, they shall establish an adult education fund under
 20 the provisions of this section. The adult education fund
 21 shall be the depository for all federal, state, and district
 22 moneys received by the district~~s~~ ~~or center~~ in support of the
 23 adult education program.

24 (3) The trustees of any district may authorize the
 25 levy of a tax of not more than 1 mill on the district for

1 the operation of an adult education program when the
 2 superintendent of public instruction has approved the
 3 educational program to be supported by such levy. The
 4 approval of the superintendent of public instruction shall
 5 have been acquired by the trustees before the fourth Monday
 6 of June in order to include the expenditures to be financed
 7 by the levy in the preliminary budget. The superintendent of
 8 public instruction shall promulgate rules and forms for such
 9 approval.

10 (4) Whenever the trustees of any district~~s~~ ~~or center~~
 11 decide to offer an adult education program during the
 12 ensuing school fiscal year, they shall budget for the cost
 13 of such program in the adult education fund of the
 14 preliminary budget. Any expenditures in support of the adult
 15 education program under the final adult education budget
 16 shall be made in accordance with the financial
 17 administration provisions of this title for a budgeted fund.

18 (5) When a tax levy for an adult education program
 19 which has been approved by the superintendent of public
 20 instruction is included as a revenue item on the final adult
 21 education budget, the county superintendent shall report
 22 such levy requirement to the county commissioners on the
 23 second Monday of August and a levy on the district shall be
 24 made by the county commissioners in accordance with
 25 20-9-142."

1 Section 25. Repealer. Sections 20-7-312, 20-7-313,
2 20-7-323, 20-7-325, 20-7-332, and 20-7-333, MCA, are
3 repealed.

-End-

1 *Sen.* BILL NO. 166
2 INTRODUCED BY Spohr, Blaylock
3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON EDUCATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A STATE
6 VOCATIONAL-TECHNICAL SYSTEM; AMENDING SECTIONS 20-1-101,
7 20-2-121, 20-3-106, 20-3-324, 20-6-501, 20-7-302, 20-7-303,
8 20-7-311, 20-7-314, 20-7-322, 20-7-324, 20-7-331, 20-7-702,
9 20-7-704, AND 20-7-705, MCA; AND REPEALING SECTIONS
10 20-7-312, 20-7-313, 20-7-323, 20-7-325, 20-7-332, AND
11 20-7-333, MCA."

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

14 NEW SECTION. Section 1. Definitions. As used in
15 [sections 1 through 9], unless the context clearly indicates
16 otherwise, the following definitions apply:

17 (1) "Board" means the board of regents.

18 (2) "Commissioner" means the commissioner of higher
19 education.

20 (3) "Director" means the administrative director of a
21 center.

22 (4) "State postsecondary vocational-technical system"
23 means the system of state-designated centers organized under
24 the board to meet the state's needs for vocational-technical
25 education for high school graduates and other persons who

1 have terminated their formal high school education.
2 NEW SECTION. Section 2. Powers and duties of the
3 board. The board shall:
4 (1) supervise and administer centers;
5 (2) establish student fee charges prior to September 1
6 immediately preceding the biennium;
7 (3) establish uniform policies as to budgeting,
8 recordkeeping, and student accounting;
9 (4) establish minimum entrance requirements and
10 approve curricular offerings for all centers;
11 (5) establish minimum qualifications of directors,
12 faculty, and staff;
13 (6) establish employment policies;
14 (7) approve salaries and wage contracts of all center
15 employees;
16 (8) approve center programs and budgets;
17 (9) establish policies for the orderly development of
18 a state postsecondary vocational-technical system. Such
19 policies shall include:
20 (a) criteria for approval of courses and programs
21 which are to receive financial assistance;
22 (b) a system of evaluation of all state postsecondary
23 vocational-technical system programs administered by the
24 board. Evaluation shall occur at least once every 3 years
25 and consider current and projected manpower needs and job

1 opportunities; and

2 (c) any other policy, not inconsistent with the law,
3 that is necessary for the proper operation of the state
4 postsecondary vocational-technical system.

5 (10) receive from any governmental or private entity or
6 person all money and other property a center may be entitled
7 to receive or accept and use the property for the specific
8 purpose of the entitlement, grant, or donation;

9 (11) maintain accountability of all materials and
10 equipment; and

11 (12) grant certificates and degrees to the graduates of
12 a center.

13 NEW SECTION Section 3. Duties of the commissioner.

14 The commissioner shall, under board policy:

15 (1) be the chief administrative officer for the board
16 for the administration of its state postsecondary
17 vocational-technical system policies;

18 (2) employ, within the limits of any legislative
19 appropriation and with the confirmation of the board, the
20 staff necessary for the state supervision and administration
21 of the board's postsecondary vocational-technical education
22 policies;

23 (3) provide supervisory and consultative assistance to
24 centers.

25 NEW SECTION Section 4. Appointment and powers and

1 duties of directors. (1) A director for each center shall be
2 appointed by the board. He serves at the pleasure of the
3 board.

4 (2) Consistent with board policies, the director of a
5 center:

6 (a) has general control and supervision of the center;
7 (b) shall adopt rules, not inconsistent with the
8 constitution, the laws of the state, and the policies of the
9 board, for the administration of the center;

10 (c) shall recommend to the board the appointment and
11 dismissal of and compensation and employment terms for
12 instructors and other staff.

13 NEW SECTION Section 5. Local advisory boards. The
14 board of trustees of the school district in which each
15 center is located shall act in an advisory capacity to the
16 center and the board in matters concerning postsecondary
17 vocational-technical education.

18 NEW SECTION Section 6. Conflict of interest -- extra
19 compensation. It is unlawful for any center director or
20 employee to:

21 (1) have any pecuniary interest, either directly or
22 indirectly, in the erection of any building of the center in
23 which he is employed or furnishing or repairing it;

24 (2) be in any manner connected with the furnishing of
25 supplies for the maintenance of the center; or

1 (3) receive or accept any compensation or reward for
 2 services rendered, except as provided in [section 2].

3 ~~NEW SECTION~~ Section 7. Teachers' retirement system.
 4 Teachers employed by a center are subject to and eligible
 5 for the benefits of the teachers' retirement system provided
 6 by law.

7 ~~NEW SECTION~~ Section 8. Baccalaureate degrees not to
 8 be granted. A center may not grant baccalaureate degrees.

9 ~~NEW SECTION~~ Section 9. Use of name restricted. Only
 10 those centers designated by law may use the title "state
 11 postsecondary vocational-technical center". All other
 12 public or private schools are prohibited from using that
 13 title.

14 Section 10. Section 20-1-101, MCA, is amended to read:
 15 "20-1-101. Definitions. As used in this title, unless
 16 the context clearly indicates otherwise, the following
 17 definitions apply:

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

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

24 (3) "The board of public education" is the board
 25 created by Article X, section 9, subsection (3) of the

1 1972 Montana constitution and 2-15-1507.

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

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

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

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

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

24 (9) "Postsecondary vocational-technical education"
 25 means vocational-technical education of postsecondary

1 vocational-technical pupils which is conducted by a
 2 postsecondary-vocational-technical center or other programs
 3 as designated by the board of public-education regents.
 4 Postsecondary vocational-technical education shall include
 5 the 13th and 14th year and beyond but will not include work
 6 toward a baccalaureate degree.

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

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

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

25 (13) "Pupil instruction" means the conduct of organized

1 instruction of pupils enrolled in public schools while under
 2 the supervision of a teacher.

3 (14) "Regents" means the board of regents of higher
 4 education.

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

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

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

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

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

20 (20) "Teacher" means any person, except a district
 21 superintendent, who holds a valid Montana teacher
 22 certificate that has been issued by the superintendent of
 23 public instruction under the provisions of this title and
 24 the policies adopted by the board of public education and
 25 who is employed by a district as a member of its

1 instructional, supervisory, or administrative staff. This
 2 definition of a teacher shall also include any person for
 3 whom an emergency authorization of employment of such person
 4 has been issued under the provisions of 20-4-111.

5 (21) "Textbook" means a book or manual used as a
 6 principal source of study material for a given class or
 7 group of students.

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

12 (23) "Trustees" means the governing board of a
 13 district.

14 (24) "University" means the university of Montana,
 15 located at Missoula.

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

23 Section 11. Section 20-2-121, MCA, is amended to read:
 24 "20-2-121. Board of public education -- powers and
 25 duties. The board of public education shall:

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

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

8 (3) administer and order the distribution of state
 9 equalization aid in accordance with the provisions of
 10 20-9-344;

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

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

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

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

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

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

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

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

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

21 ~~(23) perform any other duty prescribed from time to
 22 time by this title or any other act of the legislature."~~

23 Section 12. Section 20-3-106, MCA, is amended to read:
 24 "20-3-106. Supervision of schools — powers and
 25 duties. The superintendent of public instruction has the

1 general supervision of the public schools and districts of
 2 the state, and he shall perform the following duties or acts
 3 in implementing and enforcing the provisions of this title:
 4 (1) resolve any controversy resulting from the
 5 proration of joint costs by a joint board of trustees under
 6 the provisions of 20-3-362;

7 (2) issue, renew, or deny teacher certification and
 8 emergency authorizations of employment and give notice of
 9 teacher certifications, suspensions, or revocation proceedings
 10 to be conducted by the board of public education in
 11 accordance with the provisions of the teacher certification
 12 part of this title;

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

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

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

19 (6) approve or disapprove the orders of a high school
 20 boundary commission in accordance with the provisions of
 21 20-6-311;

22 (7) approve or disapprove the opening or reopening of
 23 a school in accordance with the provisions of 20-6-502,
 24 20-6-503, 20-6-504, or 20-6-505;

25 (8) approve or disapprove school isolation within the

1 limitations prescribed by 20-9-302;
 2 (9) generally supervise the school budgeting
 3 procedures prescribed by law in accordance with the
 4 provisions of 20-9-102 and prescribe the school budget
 5 format in accordance with the provisions of 20-9-103 and
 6 20-9-505;

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

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

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

17 (13) prescribe and furnish the annual report forms to
 18 enable the districts to report to the county superintendent
 19 in accordance with the provisions of 20-9-213(5) and the
 20 annual report forms to enable the county superintendents to
 21 report to the superintendent of public instruction in
 22 accordance with the provisions of 20-3-209;

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

1 (15) distribute state equalization aid in support of
 2 the foundation program in accordance with the provisions of
 3 20-9-342, 20-9-346, and 20-9-347;

4 (16) estimate the statewide equalization level for the
 5 foundation program in accordance with the provisions of
 6 20-9-348;

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

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

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

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

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

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

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

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

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

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

12 (27) license textbook dealers and initiate prosecution
 13 of textbook dealers violating the law in accordance with the
 14 provisions of the textbooks part of this title;

15 (28) administer and perform the duties as the executive
 16 officer of the board of public education for vocational
 17 education in accordance with the provisions of 20-7-302;

18 (29) consider applications for the designation of a
 19 postsecondary vocational-technical center in accordance with
 20 the provisions of 20-7-311;

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

24 (31) supervise and coordinate the conduct of
 25 special education in the state in accordance with the

1 provisions of 20-7-403;

2 (32) administer the traffic education program in
 3 accordance with the provisions of 20-7-502;
 4 (33) administer the school food services program in
 5 accordance with the provisions of 20-10-201, 20-10-202, and
 6 20-10-203;

7 (34) review school building plans and
 8 specifications in accordance with the provisions of
 9 20-6-622;

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

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

16 Section 13. Section 20-3-324, MCA, is amended to read:
 17 "20-3-324. Powers and duties. As prescribed elsewhere
 18 in this title, the trustees of each district shall have the
 19 power and it shall be their duty to perform the following
 20 duties or acts:

21 (1) employ or dismiss a teacher, principal, or other
 22 assistant upon the recommendation of the district
 23 superintendent, the county high school principal, or other
 24 principal as the board may deem necessary, accepting or
 25 rejecting such recommendation as the trustees shall in

1 sole discretion determine, in accordance with the provisions
 2 of the school personnel part of this title;

3 (2) employ and dismiss administrative personnel,
 4 clerks, secretaries, teacher aides, custodians, maintenance
 5 personnel, school bus drivers, food service personnel,
 6 nurses, and any other personnel deemed necessary to carry
 7 out the various services of the district;

8 (3) administer the attendance and tuition provisions
 9 and otherwise govern the pupils of the district in
 10 accordance with the provisions of the pupils chapter of this
 11 title;

12 (4) call, conduct, and certify the elections of the
 13 district in accordance with the provisions of the school
 14 elections chapter of this title;

15 (5) participate in the teachers' retirement system of
 16 the state of Montana in accordance with the provisions of
 17 the teachers' retirement system chapter of Title 19;

18 (6) participate in district boundary change actions in
 19 accordance with the provisions of the districts chapter of
 20 this title;

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

24 (8) adopt and administer the annual budget or an
 25 emergency budget of the district in accordance with the

1 provisions of the school budget system part of this title;
 2 (9) conduct the fiscal business of the district in
 3 accordance with the provisions of the school financial
 4 administration part of this title;

5 (10) establish the ANB, foundation program, permissive
 6 levy, additional levy, cash reserve, and state impact aid
 7 amount for the general fund of the district in accordance
 8 with the provisions of the general fund part of this title;
 9 (11) establish, maintain, budget, and finance the
 10 transportation program of the district in accordance with
 11 the provisions of the transportation parts of this title;

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

15 (13) when applicable, establish, financially
 16 administer, and budget for the tuition fund, retirement
 17 fund, building reserve fund, adult education fund,
 18 postsecondary-vocational-technical-center-fund, nonoperating
 19 fund, school food services fund, miscellaneous federal
 20 programs fund, building fund, housing and dormitory fund,
 21 traffic education fund, and interlocal cooperative agreement
 22 fund in accordance with the provisions of the other school
 23 funds parts of this title;

24 (14) when applicable, administer any interlocal
 25 cooperative agreement, gifts, legacies, or devises in

1 accordance with the provisions of the miscellaneous
 2 financial parts of this title;

3 (15) hold in trust, acquire, and dispose of the real
 4 and personal property of the district in accordance with the
 5 provisions of the school sites and facilities part of this
 6 title;

7 (16) operate the schools of the district in accordance
 8 with the provisions of the school calendar part of this
 9 title;

10 (17) establish and maintain the instructional services
 11 of the schools of the district in accordance with the
 12 provisions of the instructional services, textbooks,
 13 vocational education, and special education parts of this
 14 title;

15 (18) establish and maintain the school food services of
 16 the district in accordance with the provisions of the school
 17 food services parts of this title;

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

21 (20) retain, when deemed advisable, a physician or
 22 registered nurse to inspect the sanitary conditions of the
 23 school or the general health conditions of each pupil and,
 24 upon request, make available to any parent or guardian any
 25 medical reports or health records maintained by the district

1 pertaining to his child;

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

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

8 (23) perform any other duty and enforce any other
 9 requirements for the government of the schools prescribed by
 10 this title, the policies of the board of public education,
 11 or the rules of the superintendent of public instruction."

12 Section 14. Section 20-6-501, MCA, is amended to read:

13 "20-6-501. Definition of various schools. As used in
 14 this title, unless the context clearly indicates otherwise,
 15 the term "school" means an institution for the teaching of
 16 children that is established and maintained under the laws
 17 of the state of Montana at public expense. The trustees of
 18 any district shall designate the grade assignments for the
 19 schools of the district, but for the purposes of this title
 20 each school shall be known as:

21 (1) an elementary school when it comprises the work of
 22 any combination of kindergarten, other preschool programs,
 23 or the first eight grades or their equivalents. A middle
 24 school is a school comprising the work of grades 4 through 8
 25 or any combination thereof that has been accredited as a

1 middle school under the provisions of 20-7-102. When an
 2 accredited junior high school or an accredited 6-year high
 3 school is operated by the district, grades 7 and 8 or their
 4 equivalents shall not be considered as elementary grades.

5 (Z) a high school when it comprises the work of one or
 6 more grades of schoolwork or their equivalents intermediate
 7 between the elementary schools and the institutions of
 8 higher education of the state of Montana. Types of high
 9 schools shall be designated as follows:

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

14 (b) a senior high school is a school which comprises
 15 the work of grades 10 through 12 or their equivalents and
 16 which is operated in conjunction with a junior high school;

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

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

23 (e) a county high school is a 4-year high school
 24 operated as an agency of county government and established
 25 under the provisions of the acts of March 3, 1899, March 14,

1 1901, and any subsequent amendments thereto,
 2 ~~ff) a postsecondary vocational technical center~~
 3 established under the provisions of 20-7-311.
 4 Section 15. Section 20-7-302, MCA, is amended to read:
 5 20-7-302. Duties of superintendent of public
 6 instruction as executive officer of elementary and secondary
 7 vocational education. The superintendent of public
 8 instruction shall be ~~is~~ the executive officer of the board
 9 of public education for the administration of all state and
 10 federal laws related to elementary and secondary vocational
 11 education. As the executive officer, the superintendent of
 12 public instruction shall ~~has~~ the following duties relating
 13 to elementary and secondary vocational education:

14 (1) administer the ~~vocational~~ education policies
 15 adopted by the board of public education;

16 (2) prepare curriculum guides for board of public
 17 education adoption;

18 (3) employ, with the confirmation of the board of
 19 public education, the professional staff necessary for the
 20 state supervision and administration of elementary and
 21 secondary vocational education;

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

25 (5) keep ~~an~~ vocational education maintain records in

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1 his office; and

2 (6) provide vocational education supervisory and
3 consultative assistance to districts."

4 Section 16. Section 20-7-303, MCA, is amended to read:
5 "20-7-303. District authorization to establish and
6 maintain vocational education courses and programs. (1) The
7 trustees of any a district, community college district, or
8 unit of the Montana university system may establish and
9 maintain a vocational education course or program that
10 complies with the vocational education standards policies
11 adopted by the board of public education of regents.

12 (2) The trustees of a high school or elementary school
13 district may establish and maintain a vocational education
14 course or program that complies with the vocational
15 education policies adopted by the board of public education.

16 (3) In order for a course or program to be eligible
17 for state or federal financing, it shall be approved by the
18 board of public education."

19 Section 17. Section 20-7-311, MCA, is amended to read:
20 "20-7-311. Postsecondary vocational-technical-center
21 Center designation. (1) Postsecondary vocational-technical
22 centers shall be designated by the board of public
23 education only upon direction of the legislature. Applications
24 for designation must be made in accordance with
25 the following procedure:

1 (a) The trustees of any high school district or a
2 county high school or a community college district or the
3 governing board of any unit of the Montana university system
4 may submit an application for designation of a postsecondary
5 vocational-technical center to be operated by such trustees
6 or governing boards. The application for designation shall be
7 submitted in accordance with the time, date, and form
8 requirements prescribed by the board of public education.
9 Applicant high school districts, county high schools or
10 community college districts shall be located in a county
11 with a taxable valuation of at least \$45 million.

12 (b) Applications are to be presented to the
13 superintendent of public instruction acting in his capacity
14 as the executive officer for vocational education of the
15 board of public education. The superintendent of public
16 instruction shall review the application and present it to
17 the board of public education along with his
18 recommendations. The board of public education shall then
19 examine the application and recommendations of the
20 superintendent of public instruction and either adopt the
21 recommendations of the superintendent of public instruction
22 or draft its own recommendations. The application together
23 with all recommendations shall be presented by the board of
24 public education to the next following legislature.

25 (2) The board of public education regents

1 recognize the presently designated postsecondary
 2 vocational-technical centers operated by the respective
 3 board of trustees of located in school district number 1 of
 4 Silver Bow County, high school district number 1 of Lewis
 5 and Clark County, high school district "A" of Cascade
 6 County, Missoula County high schools and high school
 7 district number 2 of Yellowstone County."

8 Section 18. Section 20-7-314, MCA, is amended to read:
 9 "20-7-314. Lease or purchase of state property for
 10 postsecondary vocational-technical center purposes. (1) The

state of Montana, acting by and through the board of public
 education regents with ratification by the legislature, is
 hereby empowered and authorized to may enter into a lease
 agreement for a term not to exceed 40 years in order to 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 centers The consideration
necessary to support such a lease may be nominal local
school district buildings and lands which were financed in
whole or in part by funds made available for the purpose of
supporting a postsecondary vocational-technical center.
 (2) The board of public education is hereby authorized

1 to transfer or direct transfer of title held by the state of
 2 Montana in buildings or lands financed in whole or in part
 3 by an appropriation by the state legislature to a district
 4 operating a postsecondary vocational-technical center at
 5 any time the board of public education deems such transfer
 6 to be in the best interests of both the state and the
 7 district involved provided that this authorization extends
 8 only to buildings or lands which are to be used by the
 9 district for postsecondary vocational-technical education
 10 purposes. Right of renewal of the lease shall be guaranteed
 11 if the buildings and lands are utilized for the purposes of
 12 state postsecondary vocational education."

13 Section 19. Section 20-7-322, MCA, is amended to read:
 14 "20-7-322. State treasurer custodian of vocational
 15 education moneys money. (1) The state treasurer of the

state of Montana is hereby designated as the custodian of
 all federal and state moneys money 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.
 (2) At the direction of the board of public education
 regents, the state treasurer shall disburse all moneys
 money appropriated or received for postsecondary vocational
 education.

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1 (3) At the direction of the superintendent of public
 2 instruction, the state treasurer shall disburse all money
 3 appropriated for elementary and secondary vocational
 4 education."

5 Section 20. 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--Center--budgets -- limitations --
 9 revenue--sources. (1) The total of the budgets approved by
 10 the board of public education together with the budget for
 11 the cost of state administration of the postsecondary
 12 vocational-technical--centers--shall--constitute--the--total
 13 maximum approved statewide budget which shall be financed as
 14 follows: Center budgets and state administrative costs may
 15 not exceed amounts appropriated by the legislature and
 16 approved by the board of regents. Center budgets may be
 17 financed with the following revenue sources:
 18 (a) The primary source of financing is to be those
 19 funds specifically designated by legislative enactment or
 20 referendum by the people for financing postsecondary
 21 vocational-technical education in Montana;
 22 (b) The board of county commissioners of each county
 23 in which a designated postsecondary vocational-technical
 24 center is located is hereby authorized to levy
 25 a tax of not to exceed 1 mill on the dollar of all

1 taxable property, real and personal, within the a county for
 2 the--support--and--maintenance--of--the--postsecondary
 3 vocational-technical--center--located--within--the--county--which
 4 must be levied by the board of county commissioners of each
 5 county in which a designated center is located.

6 (c) Designated--postsecondary---vocational-technical
 7 centers--shall--be--eligible--to--receive--such--funds--from--the
 8 federal--government--as--the--board--of--public--education--may
 9 provide--pursuant--to--applicable--acts--of--congress;

10 (d) 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--construction--the--percentage--of
 17 construction--funds--to--be--furnished--by--the--designated
 18 district--shall--be--derived--in--whole--or--in--part--from--any--of
 19 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--collected--to--aid--the--district;

1 construction
 2 titl) 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 te) if the aggregate financing provided by sources of
 6 revenue--in--titl) and titl) 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 titl)
 13 titl) and titl) 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 titl) of
 16 this section shall be credited by the county treasurer to
 17 the postsecondary vocational technical center funds.
 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 operations--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 12) federal funds available for use by centers;
 2 13) fees authorized by the board of regents;
 3 14) any other funds appropriated by the legislature."
 4 Section 21. Section 20-7-331, MCA, is amended to read:
 5 "20-7-331. Admission of pupils--with priority to
 6 Montana residents. Any person who qualifies as a
 7 postsecondary vocational technical pupil as defined in this
 8 title--shall--be--admitted--to--the--postsecondary
 9 vocational technical center of his choice--except--that
 10 pupils who qualify as residents of the state of
 11 Montana as hereafter defined by the board shall be given
 12 priority in case enrollment limitations are caused by
 13 resource limitation."
 14 Section 22. Section 20-7-702, MCA, is amended to read:
 15 "20-7-702. Authorization to establish adult education
 16 program. The trustees of any district or community college
 17 district or center may establish and operate an adult
 18 education program at any time of the day when facilities and
 19 personnel are available. An adult education program may
 20 provide both basic and secondary general education,
 21 vocational education, American citizenship education,
 22 including courses in the English language and American
 23 history and government, or any other areas of instruction
 24 approved by the trustees."
 25 Section 23. Section 20-7-704, MCA, is amended to read:

1 "20-7-704. Adult education tuition and fees. The
 2 trustees of a district or community college district, or
 3 in the case of a center, the board of regents shall have the
 4 authority to charge tuition for instruction and to charge
 5 fees for the use of equipment and materials. The amount of
 6 such tuition and fees shall be determined on a per-course
 7 basis or on the basis of the cost of the entire adult
 8 education program. All proceeds from tuition and fees shall
 9 be deposited in the adult education fund."

10 Section 24. Section 20-7-705, MCA, is amended to read:
 11 "20-7-705. Adult education fund. (1) A separate adult
 12 education fund shall be established when an adult education
 13 program is operated by a district or a community college
 14 district or a center. The financial administration of such
 15 fund shall comply with the budgeting, financing, and
 16 expenditure provisions of the laws governing the schools.

17 (2) Whenever the trustees of any district or center
 18 establish an adult education program under the provisions of
 19 20-7-702, they shall establish an adult education fund under
 20 the provisions of this section. The adult education fund
 21 shall be the depository for all federal, state, and district
 22 moneys received by the district or center in support of the
 23 adult education program.

24 (3) The trustees of any district may authorize the
 25 levy of a tax of not more than 1 mill on the district for

1 the operation of an adult education program when the
 2 superintendent of public instruction has approved the
 3 educational program to be supported by such levy. The
 4 approval of the superintendent of public instruction shall
 5 have been acquired by the trustees before the fourth Monday
 6 of June in order to include the expenditures to be financed
 7 by the levy in the preliminary budget. The superintendent of
 8 public instruction shall promulgate rules and forms for such
 9 approval.

10 (4) Whenever the trustees of any district or center
 11 decide to offer an adult education program during the
 12 ensuing school fiscal year, they shall budget for the cost
 13 of such program in the adult education fund of the
 14 preliminary budget. Any expenditures in support of the adult
 15 education program under the final adult education budget
 16 shall be made in accordance with the financial
 17 administration provisions of this title for a budgeted fund.

18 (5) When a tax levy for an adult education program
 19 which has been approved by the superintendent of public
 20 instruction is included as a revenue item on the final adult
 21 education budget, the county superintendent shall report
 22 such levy requirement to the county commissioners on the
 23 second Monday of August and a levy on the district shall be
 24 made by the county commissioners in accordance with
 25 20-9-142."

1 Section 25. Repealer. Sections 20-7-312, 20-7-313,
2 20-7-323, 20-7-325, 20-7-332, and 20-7-333, MCA, are
3 repealed.

-End-