

HOUSE BILL NO 849

2/15 Introduced  
2/15 Referred to Education & Cultural Resources  
2/15 Fiscal Note Requested  
2/21 Fiscal Note Received  
2/22 Hearing  
2/23 Committee Report-Bill Pass As Amended  
2/23 Statement of Intent Attached  
2/25 2nd Reading Pass  
2/27 3rd Reading Pass

Transmitted to Senate

3/05 Referred to Education & Cultural Resources  
3/20 Hearing  
3/27 Tabled in Committee

1 HOUSE BILL NO. 849  
 2 INTRODUCED BY Donaldson Van Valkenburg  
 3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 6 CLARIFY THE LAWS RELATING TO POSTSECONDARY  
 7 VOCATIONAL-TECHNICAL CENTERS; PROVIDING FOR GENERAL  
 8 ADMINISTRATION AND FINANCE; ESTABLISHING PROCEDURES FOR  
 9 IN-STATE STUDENT TUITION CERTIFICATION; ESTABLISHING A  
 10 VOCATIONAL WORK-STUDY PROGRAM; CLARIFYING CERTIFICATION  
 11 REQUIREMENTS, EMPLOYMENT CONTRACTS, TENURE, AND DISMISSAL OF  
 12 CENTER EDUCATORS; AMENDING SECTIONS 20-1-101, 20-3-106,  
 13 20-7-301, 20-7-302.1, 20-7-312, 20-7-322, 20-7-324, AND  
 14 20-7-331, MCA; REPEALING SECTIONS 20-7-304, 20-7-313,  
 15 20-7-323, 20-7-325, 20-7-326, 20-7-332, AND 20-7-333, MCA;  
 16 AND PROVIDING AN EFFECTIVE DATE."

17  
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 NEW SECTION. Section 1. Definitions. As used in this  
 20 chapter, unless the context requires otherwise, the  
 21 following definitions apply:

22 (1) "Assistant superintendent of vocational education  
 23 services", who is also called the "state director of  
 24 vocational education", means the state official appointed by  
 25 the superintendent of public instruction under the

1 provisions of 20-3-104 to carry out the administrative rules  
 2 and policies of the superintendent of public instruction  
 3 concerning vocational-technical education.

4 (2) "Board of trustees" means the trustees of a high  
 5 school district, a county high school, a community college  
 6 district, or the local executive board of any unit of the  
 7 Montana university system responsible for the operation of a  
 8 postsecondary vocational-technical center.

9 (3) "Center educator" means an instructor,  
 10 administrator, supervisor, student services personnel, or  
 11 specialist employed by or certified for employment by a  
 12 center.

13 (4) "Postsecondary vocational-technical center" or  
 14 "center" means an educational unit of the state  
 15 postsecondary vocational-technical center system used  
 16 principally for the provision of postsecondary  
 17 vocational-technical education to persons who qualify as  
 18 postsecondary vocational-technical students. These centers  
 19 are designated by the superintendent of public instruction  
 20 upon direction by the legislature. All other public or  
 21 private schools are prohibited from using the title  
 22 "postsecondary vocational-technical center".

23 (5) "Postsecondary vocational-technical education"  
 24 means vocational-technical education of postsecondary  
 25 vocational-technical students that is conducted by a

1 postsecondary vocational-technical center or other programs  
 2 as designated by the superintendent of public instruction.  
 3 Postsecondary vocational-technical education includes  
 4 education at the 13th and 14th year and beyond but does not  
 5 include work toward a baccalaureate degree.

6 (6) "Postsecondary vocational-technical student" or  
 7 "student" means a person who has completed or left school,  
 8 is at least 16 years of age, and is attending offerings,  
 9 programs, and courses conducted by a center in full- or  
 10 part-time enrollment status in preparation for entering the  
 11 labor market, for reentering the labor market, or for  
 12 employment stability or advancement in employment.

13 (7) "Student instruction" means the conduct of  
 14 organized instruction of postsecondary vocational-technical  
 15 students enrolled in a center while under supervision of an  
 16 instructor.

17 (8) "Superintendent" means the superintendent of  
 18 public instruction defined in 20-1-101.

19 (9) "Vocational-technical center system" means the  
 20 five centers with locations at Billings, Butte, Great Falls,  
 21 Helena, and Missoula.

22 (10) "Vocational-technical education" means the  
 23 instruction to prepare or improve a student for gainful  
 24 employment that does not require a baccalaureate or higher  
 25 degree. This term includes guidance-related, general, or

1 technical instruction necessary to prepare the student for  
 2 further education or for entry into employment.

3 NEW SECTION. Section 2. Purpose of chapter. It is the  
 4 purpose of this chapter to establish the governance of  
 5 designated postsecondary vocational-technical centers in  
 6 Montana. The legislature intends that the superintendent of  
 7 public instruction and the board of trustees of the centers  
 8 coordinate their responsibilities to insure an orderly  
 9 development of education services to the citizens of Montana  
 10 in accordance with this chapter.

11 NEW SECTION. Section 3. Purpose of postsecondary  
 12 vocational-technical education. The purpose of the  
 13 vocational-technical center system and the centers is to  
 14 provide instruction and services for and in  
 15 vocational-technical education on the postsecondary and  
 16 adult levels designed to meet present and emerging  
 17 occupational needs of the community, state, region, and  
 18 nation.

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

20 "20-7-312. Local administration. (1) Subject to the  
 21 requirements of the laws of the state of Montana and the  
 22 policies of the superintendent ~~of--public--instruction--as~~  
 23 ~~administered--by-the-state-director-of-vocational-education,~~  
 24 the board of trustees operating a ~~postsecondary~~  
 25 ~~vocational-technical~~ center shall:

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

3 (b) employ administrative administrators, supervisors,  
4 student services personnel, faculty members, and other  
5 employees for the postsecondary vocational-technical center  
6 according to the policies and procedures of the board of  
7 trustees;

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

10 (d) ~~establish-and~~ collect student tuition and fees;

11 (e) recommend to the superintendent ~~of--public~~  
12 ~~instruction---through---the--state--director--of--vocational~~  
13 ~~education:~~

14 (i) proposals regarding ~~postsecondary~~  
15 ~~vocational-technical~~ center programs, budgets, student  
16 services, and public service activities; and

17 (ii) campus development and program plans for  
18 individual ~~postsecondary---vocational-technical~~ center  
19 buildings;

20 (f) manage buildings erected and equipped on leased  
21 grounds;

22 (g) receive and administer gifts and bequests to the  
23 ~~postsecondary-vocational-technical~~ center according to a  
24 written plan submitted to the superintendent ~~of-public~~  
25 ~~instruction;~~

1 (h) insure all real and personal property of the  
2 center; and

3 ~~(h)(i)~~ perform any other administrative  
4 responsibilities not inconsistent with law and required by  
5 the superintendent of public instruction.

6 (2) The board of trustees operating a ~~postsecondary~~  
7 ~~vocational-technical~~ center may not enter into any contract  
8 that in any way creates a debt or obligation upon the state  
9 for the improvement or construction of ~~postsecondary~~  
10 ~~vocational-technical~~ center buildings on leased property.

11 (3) When the trustees of a district or the local  
12 executive board of any unit of the Montana university system  
13 are acting in their capacity as the board of trustees for a  
14 center, the trustees or local executive board are  
15 considered, for such purposes, a separate legal entity and  
16 are a separate body corporate and, as such body corporate,  
17 may sue and be sued, contract and be contracted with, and  
18 acquire, hold, use, and dispose of real or personal property  
19 for center purposes, within the limitations prescribed by  
20 law."

21 NEW SECTION. Section 5. Administration, supervision,  
22 and coordination by superintendent of public instruction.  
23 The postsecondary vocational-technical center system and the  
24 centers are under the supervision and coordination of the  
25 superintendent of public instruction. The superintendent:

1 (1) has general control and supervision of the  
2 vocational-technical center system in accordance with the  
3 provisions of this chapter;

4 (2) shall appoint a state director for the system and  
5 prescribe his duties;

6 (3) shall formulate and put into effect general  
7 policies for the supervision and coordination of the system;

8 (4) shall develop and implement policies that  
9 distinguish between the superintendent's authority to  
10 supervise and coordinate the system and the board of  
11 trustees' authority to administer and control centers;

12 (5) has, when not otherwise provided by law, control  
13 of all books, records, buildings, grounds, and other  
14 property of the system;

15 (6) has, when not otherwise provided by law, general  
16 control of all receipts and disbursements of the system;

17 (7) shall prevent unnecessary duplication of programs  
18 at the centers of the system;

19 (8) shall determine instructor, supervisor,  
20 administrator, and student service personnel qualifications;

21 (9) shall determine tuition and fees to be charged at  
22 the centers, based upon legislative appropriations available  
23 to the superintendent for centers, and which may be based  
24 upon the state of residence of the student;

25 (10) may approve or disapprove long-range building

1 plans and facility construction;

2 (11) shall keep records of all official acts and  
3 documents applicable to the administration of his office  
4 pertaining to centers;

5 (12) is empowered to grant diplomas, degrees, and  
6 terminal certificates to the graduates of the system upon  
7 the recommendation of the faculties and may confer such  
8 power on the board of trustees of a center;

9 (13) may develop any other policy not inconsistent with  
10 law that is necessary for proper operation of the  
11 vocational-technical center system.

12 NEW SECTION. Section 6. Baccalaureate degrees not to  
13 be granted. Baccalaureate degrees may not be granted by a  
14 board of trustees of a center or by the superintendent.  
15 Terminal certificates, diplomas, and applied associate  
16 degrees may be granted to recognize education, training, and  
17 retraining, and for related instruction for apprenticeship.

18 NEW SECTION. Section 7. Destruction of old records.  
19 Upon the order of the board of trustees and with the  
20 approval of the department of administration, center  
21 officers may destroy old, worthless reports, papers, or  
22 records in their offices which have served their purpose and  
23 which are substantiated by permanent records.

24 NEW SECTION. Section 8. Controversy appeal. The  
25 superintendent shall adopt rules of procedure for the

1 resolution of controversies arising under this chapter.

2 NEW SECTION. Section 9. Designation of holidays in  
3 lieu of state holidays. (1) The board of trustees may  
4 substitute an equal number of days set forth in subsection  
5 (2) for legal holidays set forth in 1-1-216. The  
6 substitution must specify which legal holidays are  
7 substituted for days set forth in subsection (2).

8 (2) The following business days may be substituted for  
9 legal holidays as provided in subsection (1):

10 (a) the Friday following Thanksgiving;

11 (b) the Monday before Christmas day or New Year's Day  
12 if either holiday falls on a Tuesday; and

13 (c) the Friday after Christmas Day or New Year's Day  
14 if either holiday falls on a Thursday.

15 NEW SECTION. Section 10. Traffic citations --  
16 agreements with city or county. The board of trustees of a  
17 center may enter into an agreement with the municipality or  
18 county in which the center is located to authorize  
19 designated employees of the center to issue citations for  
20 parking or moving traffic violations, as defined by state or  
21 municipal laws, which occur within the boundaries of the  
22 center campus or on streets or alleys contiguous to the  
23 boundaries of the center. All such citations must be  
24 considered within the jurisdiction of the appropriate local  
25 authority and must be handled in the same manner as

1 citations issued by peace officers of such local authority.

2 NEW SECTION. Section 11. Legal representation. Upon  
3 request of the board of trustees, the county attorney of the  
4 county in which a center is located must act as legal  
5 counsel to the center for all matters requested by the  
6 trustees. At its own expense, the board may secure counsel  
7 in addition to the county attorney or may secure counsel  
8 instead of the county attorney.

9 NEW SECTION. Section 12. Center school year calendar.  
10 The board of trustees shall establish a center calendar of  
11 four school quarters that comprises the total school year.  
12 School quarters must consist of a minimum of 55  
13 instructional days or their equivalent, exclusive of  
14 holidays, teacher inservice days, and administrative days.  
15 The calendar for the ensuing school year must be submitted  
16 to the superintendent annually before May 16.

17 Section 13. Section 20-7-324, MCA, is amended to read:  
18 "20-7-324. Sources of financing for ~~postsecondary~~  
19 ~~vocational-technical~~ center budgets -- superintendent of  
20 public instruction administration. (1) The total of the  
21 ~~center~~ budgets approved by the superintendent of public  
22 ~~instruction, together with the budget for the cost of state~~  
23 ~~administration of the postsecondary vocational-technical~~  
24 ~~centers, shall constitute~~ constitutes the total maximum  
25 approved statewide budget, which The budget shall be

1 financed as follows:

2 (a) The primary source of financing is to be those  
3 funds specifically designated by legislative enactment or  
4 referendum by the people for financing postsecondary  
5 vocational-technical education in Montana. These funds  
6 include but are not limited to:

7 (i) the postsecondary vocational-technical center fund  
8 and all money appropriated to it;

9 (ii) tuition and matriculation fees; and

10 (iii) all contributions derived from public or private  
11 sources.

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

20 (c) ~~Designated--postsecondary--vocational-technical~~  
21 ~~centers--shall-be~~ Centers are eligible to receive such funds  
22 from the federal government as the superintendent of public  
23 instruction may provide pursuant to applicable acts of  
24 congress.

25 (d) ~~The board of trustees of any designated high~~

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

10 (i) ~~the sale of bonds issued by that district (such~~  
11 ~~bonds shall be issued in conformity with the requirements of~~  
12 ~~chapter--9, part 47 of this title in the case of high school~~  
13 ~~and county high school district);~~

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

17 (iii) ~~the reasonable value of land, buildings,~~  
18 ~~fixtures,--or--equipment-furnished-by-that-district, subject~~  
19 ~~to the approval of the superintendent of public instruction;~~

20 (2) ~~The superintendent of public instruction shall~~  
21 ~~direct--the--distribution--of--the--funds--specified--in~~  
22 ~~subsections (1)(a) and (1)(c) on the basis of the budgets~~  
23 ~~approved by the superintendent of public instruction. The~~  
24 ~~funds earned by the mill levy specified in subsection (1)(b)~~  
25 ~~shall be credited by the county treasurer to the~~

1 ~~postsecondary-vocational-technical-center-fund-~~

2 (2) Except as provided in subsection (3), all funds  
 3 set forth in (1)(a)(i), (1)(a)(iii), and (1)(c) shall be  
 4 remitted to the superintendent and may be used only for the  
 5 support of the centers.

6 (3) All funds derived under the provisions of [section  
 7 18] from other public or private sources, if received  
 8 subject to specific conditions, must be used exclusively for  
 9 the specific objects or purposes designated by the donor or  
 10 grantor.

11 ~~(4)~~ (4) The superintendent of public instruction shall  
 12 determine the amount of financing available from these four  
 13 sources of revenue and may approve or disapprove budgets for  
 14 maintenance and the operation, construction, and ancillary  
 15 services operations of centers. The aggregate amount of the  
 16 budgets so approved by the superintendent of public  
 17 instruction for postsecondary-vocational-technical centers  
 18 shall not exceed the money money determined to be  
 19 available.

20 (5) The board of trustees may propose and subsequently  
 21 adopt a budget in excess of the amount of the center's  
 22 legislative appropriation if:

23 (a) the board determines that an additional amount is  
 24 necessary for equipment, salaries, benefits, and operations;  
 25 and

1 (b) the qualified electors of the district approve the  
 2 imposition of an additional levy to fund the increase  
 3 pursuant to 20-20-301 in the manner prescribed in 20-9-353."

4 NEW SECTION. Section 14. Proposed budget. The board  
 5 of trustees of each center shall submit a proposed budget  
 6 for the next biennium to the superintendent of public  
 7 instruction by August 15 immediately preceding each regular  
 8 legislative session. The proposed budget must be in a form  
 9 approved by the state budget director and the  
 10 superintendent. The superintendent shall review the proposed  
 11 budget and all its components and make changes determined  
 12 necessary. Not later than the following September 1, the  
 13 superintendent shall submit a proposal for funding centers  
 14 to the budget director and the legislative fiscal analyst.

15 NEW SECTION. Section 15. Annual budgets for centers.  
 16 The superintendent has the sole authority for the approval  
 17 of the annual center budgets. Such budgets must be in  
 18 compliance with generally accepted accounting principles and  
 19 organized consistent with the college and university  
 20 business accounting fund structure.

21 NEW SECTION. Section 16. State treasurer custodian of  
 22 center money. (1) The state treasurer is the treasurer of  
 23 all centers, and all money received by centers from any  
 24 source must be deposited in the state treasury pursuant to  
 25 17-6-105, unless the source of the money specifies deposit



1 somewhere other than in the state treasury.

2 (2) The board of trustees of each center shall request  
3 the establishment of the appropriate accounts in the state  
4 treasury. These accounts must be established in the  
5 appropriate state treasury funds as determined by the  
6 department of administration. All money prescribed and  
7 received under the provisions of this chapter must be  
8 credited to these accounts. The expenditure of the money  
9 deposited in the state treasury must be made under the  
10 budget and for the programs approved by the superintendent  
11 under the provisions of this chapter and pursuant to the  
12 financial administration provisions of this chapter.

13 NEW SECTION. Section 17. Grants and contracts. A  
14 board of trustees may take such action as it considers  
15 necessary with public and private entities to qualify for  
16 and receive grants and to enter into negotiations on  
17 contracts or other agreements that may be advantageous to  
18 the operation of the center. No such grant may be received,  
19 nor may a contract or agreement be entered into, without the  
20 approval of the superintendent.

21 NEW SECTION. Section 18. Authority to accept gifts  
22 and donations. (1) (a) The superintendent, on behalf of the  
23 state, may accept any gift or grant of any kind for the use  
24 of any center.

25 (b) The board of trustees, on behalf of the center,

1 may accept any gift of any kind for the use of the center.

2 (2) A gift or grant subject to specific conditions may  
3 be accepted and, if accepted, must be used subject to the  
4 terms and conditions of the gift or grant.

5 (3) As used in this section, "gift" includes a legacy,  
6 bequest, devise, and any other form of property transfer  
7 without consideration except one denominated by the grantor  
8 as a grant.

9 NEW SECTION. Section 19. Authority to invest. The  
10 board of trustees of a center may direct its administrative  
11 officers to remit to the state treasurer any funds not  
12 otherwise required to be remitted to him for investment  
13 under the board of investments as part of the pooled  
14 investment fund of the state as authorized in 17-6-203(1)  
15 and 17-6-204.

16 NEW SECTION. Section 20. Letting contracts. (1) The  
17 board of trustees shall let contracts for building,  
18 furnishing, repairing, or other work or supplies for the  
19 benefit of the district according to the following:

20 (a) The board of trustees is not required to advertise  
21 or solicit bids if a proposed contract for building,  
22 furnishing, repairing, or other work or supplies does not  
23 exceed \$7,500.

24 (b) If proposed contract costs are for more than  
25 \$7,500 but less than \$25,000, the board of trustees must

1 procure at least three informal bids, if reasonably  
2 available, and if the proposed contract is for building or  
3 repairing, bids may be procured only from contractors  
4 licensed in Montana.

5 (c) If proposed contract costs are for \$25,000 or  
6 more, the board of trustees must solicit formal bids and  
7 advertise once each week for at least 2 weeks in a newspaper  
8 published in the county where the center is located, calling  
9 for bids to perform such work or furnish such supplies.

10 (2) If bids are required, the board shall award the  
11 contract to the lowest responsible bidder, but the board has  
12 the right to reject any and all bids.

13 NEW SECTION. Section 21. Pecuniary interest --  
14 officers not to act as agents. (1) The superintendent,  
15 members of his staff, or board of trustee members may not:

16 (a) have any pecuniary interest, either directly or  
17 indirectly:

18 (i) in the erection of a center building or in  
19 furnishing or repairing a center building; or

20 (ii) in connection with the furnishing of supplies or  
21 for the maintenance of a center.

22 (b) act as an agent or solicitor or receive any  
23 compensation for services in the sale or supply of goods or  
24 services to a center.

25 (2) Any such person violating this section is guilty

1 of a misdemeanor and if convicted shall be fined not less  
2 than \$50 or more than \$200. Such conviction is grounds for  
3 the removal of the offender from office or employment, as  
4 the case may be.

5 NEW SECTION. Section 22. Nongeneral fund money  
6 expended first. A center shall apply expenditures against  
7 nongeneral fund money whenever possible before using state  
8 general fund appropriations. All state general fund money  
9 appropriated or disbursed to a center that is unexpended at  
10 the end of the fiscal year shall revert to the state general  
11 fund.

12 NEW SECTION. Section 23. Exemption from state  
13 payroll. The board of trustees for a center is authorized to  
14 maintain its own payroll system and is exempted from the  
15 state central payroll system.

16 NEW SECTION. Section 24. Property management and  
17 accounting. Centers shall manage and account for property in  
18 the manner determined by the department of administration.

19 NEW SECTION. Section 25. Auditing. For purposes of  
20 auditing, the centers are considered a state agency and must  
21 be audited by the legislative auditor.

22 NEW SECTION. Section 26. Center educator  
23 qualifications. In order to establish a uniform system of  
24 quality education and to ensure the maintenance of  
25 professional standards, certification must be established

1 and maintained under the provisions of this title and no  
 2 person may be permitted to act in a center educator capacity  
 3 at a center until the person meets applicable certification  
 4 requirements or obtains an emergency authorization of  
 5 employment from the superintendent.

6 NEW SECTION. Section 27. Board of public education  
 7 policies -- certification. To establish instructor,  
 8 administrator, supervisory, student services personnel, and  
 9 specialist certification, the superintendent shall, in  
 10 accordance with the provisions of this title, recommend  
 11 policies to the board of public education for the  
 12 certification of the qualifications for instructor,  
 13 administrator, supervisor, student services personnel, and  
 14 specialist. Such policies adopted by the board of public  
 15 education must include:

16 (1) reasonable training and experience requirements  
 17 for instructor, administrator, supervisor, student services  
 18 personnel, and specialist certifications and endorsements;

19 (2) the updating of instructor, administrator,  
 20 supervisor, student services personnel, and specialist  
 21 qualifications based on the same conditions prescribed for  
 22 meeting the initial qualifications;

23 (3) the issuance of emergency authorization to a board  
 24 of trustees to employ a person who is not certified.

25 NEW SECTION. Section 28. Emergency authorization of

1 employment. (1) A board of trustees may request from the  
 2 superintendent an emergency authorization of employment for  
 3 a person who is not a certified center educator when the  
 4 board cannot secure the services of a certified person. The  
 5 person must meet the requirements for emergency  
 6 authorization of employment prescribed by the policies of  
 7 the board of public education for the emergency. An  
 8 emergency authorization of employment must contain the  
 9 following information:

10 (a) the center to which such authorization is issued;  
 11 (b) the person whom the center is authorized to  
 12 employ;

13 (c) the capacity in which the person is employed; and  
 14 (d) the school fiscal year for which such emergency  
 15 authorization of employment is given.

16 (2) The emergency authorization of employment of a  
 17 person is valid for the school fiscal year for which it is  
 18 granted. An emergency authorization of employment may be  
 19 renewed in accordance with board of public education  
 20 policies.

21 (3) An emergency authorization of employment may be  
 22 revoked by the superintendent for good cause in accordance  
 23 with the provisions of this chapter.

24 NEW SECTION. Section 29. Employment and termination  
 25 of center educators -- contract. (1) The board of trustees

1 may employ as a center educator any person who has the  
 2 appropriate certification or for whom an emergency  
 3 authorization of employment has been issued and may  
 4 terminate the employment of any person subject to the  
 5 provisions of this chapter.

6 (2) All center educators must be employed under  
 7 written contract. Each contract of employment must be  
 8 authorized by a resolution of the board and executed, in  
 9 triplicate, by the chairman of the board and the person  
 10 employed as a center educator.

11 NEW SECTION. Section 30. Tenure. If a center  
 12 educator, other than a specialist, has been elected by the  
 13 offer and acceptance of a contract for the fourth  
 14 consecutive year of employment by the board of trustees, the  
 15 person is considered to be reelected from year to year  
 16 thereafter as a tenured center educator at the same salary  
 17 and in the same or comparable position of employment as that  
 18 provided by the last executed contract with such person,  
 19 unless the board of trustees resolves by majority vote of  
 20 its membership to terminate the services of the person in  
 21 accordance with the provisions of this chapter.

22 NEW SECTION. Section 31. Termination of tenured  
 23 personnel. (1) If the board of trustees of a center resolves  
 24 to terminate the services of a tenured center educator under  
 25 the provisions of this chapter, it shall, before April 1,

1 notify the person of the termination, in writing, by  
 2 certified letter or by personal notification for which a  
 3 signed receipt is returned. The notification must include a  
 4 printed copy of this section for the terminated person's  
 5 information.

6 (2) Any tenured center educator who has received a  
 7 notice of termination may request, in writing, within 10  
 8 days of the receipt of such notice, a written statement  
 9 declaring clearly and explicitly the specific reason or  
 10 reasons for the termination of the person's services. The  
 11 board must reply with a statement of such reasons to the  
 12 person within 10 days after the request.

13 (3) Within 10 days after the tenured center educator  
 14 receives the notice of termination or statement of reasons  
 15 for termination, the person may request, in writing, a  
 16 hearing before the board of trustees to reconsider its  
 17 termination action. When a hearing is requested, the board  
 18 shall conduct the hearing and reconsider its termination  
 19 action within 10 days after the receipt of the request for a  
 20 hearing. If the board affirms its decision to terminate the  
 21 person's employment, the person may appeal the decision to  
 22 the superintendent of public instruction. The superintendent  
 23 may appoint a qualified attorney as legal adviser to assist  
 24 the superintendent in preparing findings of fact and  
 25 conclusions of law.

1        NEW SECTION. Section 32. Notification of tenured  
 2 center educator reelection -- acceptance. (1) The board of  
 3 trustees shall provide written notice by April 1 to all  
 4 tenured center educators who have been reelected to  
 5 employment. Any tenured center educator who does not receive  
 6 notice of reelection or notice of termination is  
 7 automatically reelected for employment for the ensuing  
 8 school fiscal year.

9        (2) A tenured center educator who receives  
 10 notification of his reelection of employment for the ensuing  
 11 school fiscal year must provide the board of trustees with  
 12 his written acceptance of the conditions of such reelection  
 13 within 20 days after the receipt of the notice of  
 14 reelection. Failure to notify the board of acceptance of  
 15 the reelection of employment within 20 days constitutes  
 16 conclusive evidence of nonacceptance of the employment  
 17 position tendered in the notice of reelection.

18        NEW SECTION. Section 33. Notification of nontenured  
 19 personnel reelection -- acceptance -- termination. (1) The  
 20 board of trustees shall provide written notice by April 15  
 21 to all nontenured center educators who have been reelected  
 22 for employment. Any nontenured center educator who does not  
 23 receive notice of reelection of employment or notice of  
 24 termination shall be automatically reelected for employment  
 25 for the ensuing school fiscal year.

1        (2) Any nontenured center educator who receives  
 2 notification of his reelection for the ensuing school fiscal  
 3 year must provide the board with his written acceptance of  
 4 the conditions of such reelection within 20 days after the  
 5 receipt of the notice of reelection. Failure to so notify  
 6 the board within 20 days constitutes nonacceptance of the  
 7 position tendered in the notice of reelection of employment.

8        (3) When the board notifies a nontenured center  
 9 educator of termination, the person may, within 10 days  
 10 after receipt of such notice, make a written request to the  
 11 board for a written statement of the reasons for termination  
 12 of employment. Within 10 days after receipt of the request,  
 13 the board shall furnish such a statement to the person.

14        (4) The provisions of this section do not apply to  
 15 cases in which a nontenured center educator is terminated  
 16 when the financial condition of the center requires a  
 17 reduction in the number of persons employed and the reason  
 18 for the termination is to reduce the number of persons  
 19 employed.

20        NEW SECTION. Section 34. Dismissal of personnel under  
 21 contract. (1) The board of trustees of any center may  
 22 dismiss a person before the expiration of his employment  
 23 contract for immorality, unfitness, or incompetence related  
 24 to the performance of his employment, or for violation of  
 25 the adopted policies of such board.

1 (2) Any person who has been dismissed may appeal  
2 following the rules of controversy established by the  
3 superintendent under the provisions of [section 8].

4 NEW SECTION. Section 35. Retirement systems. (1)  
5 Personnel employed by a center who are center educators or  
6 who are employed under the provisions of an emergency  
7 authorization of employment are subject to and eligible for  
8 the benefits of the teachers' retirement system.

9 (2) All employees of a center who are not subject to  
10 the provisions of subsection (1) are subject to and eligible  
11 for the benefits of the public employees' retirement system.

12 Section 36. Section 20-7-331, MCA, is amended to read:

13 "20-7-331. Admission of ~~pupils~~ students with priority  
14 to Montana residents. Any person who qualifies as a  
15 postsecondary vocational-technical ~~pupil~~ student as defined  
16 in this ~~title~~ chapter shall be admitted to the postsecondary  
17 ~~vocational-technical~~ center of his choice, except that  
18 pupils who qualify as residents ~~of-the-state-of-Montana~~ as  
19 ~~hereafter~~ defined in [section 37] shall be given priority in  
20 case enrollment limitations are caused by resource  
21 limitation."

22 NEW SECTION. Section 37. Definitions. (1) Terms used  
23 in [sections 37 through 40] are defined as follows:

24 (a) "Domicile" means a person's true, fixed, and  
25 permanent home and place of habitation.

1 (b) "Minor" means a male or female person who has not  
2 attained the age of 18 years.

3 (c) "Resident" means:

4 (i) a person who has been domiciled in Montana for 1  
5 year immediately preceding registration at any center for  
6 any term or session for which resident classification is  
7 claimed. Attendance as a full-time student at any center,  
8 college, university, or other institution of higher  
9 education is not alone sufficient to qualify for residence  
10 in Montana.

11 (ii) a member of the armed forces of the United States  
12 assigned to and residing in Montana, his spouse, or his  
13 dependent children; or

14 (iii) a person meeting the requirements of [section  
15 39].

16 (2) If this definition of residency or any portion  
17 thereof is declared unconstitutional as it is applied to  
18 payment of nonresident fees and tuition, the superintendent  
19 may make rules on what constitutes adequate evidence of  
20 residency status not inconsistent with such court decisions.

21 NEW SECTION. Section 38. System open to all people.  
22 The postsecondary vocational-technical system is open to all  
23 people, subject to such uniform rules as the board of  
24 trustees considers proper.

25 NEW SECTION. Section 39. Presumptions and rules as to

1 domicile. (1) Unless the contrary appears to the center  
2 registering authority, it is presumed the domicile of a  
3 minor is that:

4 (a) of the parents or, if one of them is deceased or  
5 they do not share the same domicile, of the parent having  
6 legal custody or, if neither parent has legal custody, the  
7 parent with whom the minor customarily resides; or

8 (b) of his guardian when the court appointing the  
9 guardian certifies that the primary purpose of the  
10 appointment is not to qualify the minor as a resident of  
11 this state.

12 (2) A resident student who marries a nonresident does  
13 not by that fact alone lose resident status for tuition and  
14 fee purposes for a period of 4 years after marriage.

15 (3) Residence is not lost because of relocation as a  
16 member of the armed forces of the United States.

17 (4) A new domicile is established by a qualified  
18 person if he is physically present in Montana with no  
19 intention to acquire a domicile outside of Montana.

20 (5) Domicile is not lost by absence from Montana with  
21 no intention to establish a new domicile.

22 (6) Montana high school graduates are resident  
23 students of the system for 2 consecutive years of attendance  
24 if:

25 (a) they apply for admittance to the system within 1

1 year after graduation; or

2 (b) their parents or the parent having legal custody  
3 or, if neither parent has legal custody, the parent with  
4 whom they customarily reside has resided in Montana in one  
5 of the 2 years immediately preceding the graduation.

6 (7) Upon moving to Montana, an adult employed within  
7 the state may apply for in-state tuition classification for  
8 the employee's spouse and dependent minor children, such  
9 classification being effective at the next registration and  
10 continuing as long as a Montana domicile is maintained, if  
11 the employed adult:

12 (a) is employed on a full-time basis in the state;

13 (b) files for payment of estimates of or is subject to  
14 withholding of Montana state income taxes;

15 (c) is not in the state primarily as a student; and

16 (d) did not come to Montana primarily for the purpose  
17 of education or for the education of the employee's spouse.

18 NEW SECTION. Section 40. Evidence as to domiciliary  
19 intent -- changes in status. (1) To determine the domicile  
20 of a person, the centers of the system shall apply the  
21 following rules:

22 (a) Nonpayment of Montana income tax by a person whose  
23 income is sufficient to be taxed is highly persuasive  
24 evidence of non-Montana domicile.

25 (b) A person must intend to establish a domicile in

1 Montana.

2 (2) After registration, a student's classification for  
3 tuition and fee purposes remains unchanged in the absence of  
4 evidence to the contrary. A written statement of the  
5 evidence must be filed with the registering authority of the  
6 center. Changes in classification must be in writing,  
7 signed by the registering authority, and take effect at the  
8 student's next registration.

9 (3) A minor may qualify for a change in status only if  
10 his parents or the parent having legal custody or, if  
11 neither parent has legal custody, the parent with whom he  
12 customarily resides or legal guardian or person having legal  
13 custody completes the requirements for establishing domicile  
14 as set forth in [sections 37 through 40].

15 (4) It is presumed a minor or adult registered as a  
16 full-time student at any center is not qualified for a  
17 change in his or his dependent's classification for tuition  
18 and fee purposes unless he completes 12 continuous months of  
19 residence while not attending a center of the system or a  
20 public institution of higher learning within the state or  
21 while serving in the armed forces.

22 (5) Any student whose request for classification as a  
23 resident is denied has the right of appeal through the rules  
24 of procedure for resolution of controversies established  
25 under [section 8]. At the request of the student, the center

1 registering authority shall forward a copy of the decision  
2 not to grant in-state classification and the complete file  
3 on the student to the superintendent in accordance with the  
4 rules of procedure for resolution of controversies.

5 NEW SECTION. Section 41. Student's right of privacy  
6 -- legislative intent. It is the legislature's intent that  
7 an institution of the postsecondary vocational-technical  
8 center system of Montana is obligated to respect a student's  
9 right of privacy. This obligation must be observed by  
10 establishing procedures to protect the health, safety, and  
11 privacy of a person's residence and the privacy of his  
12 records. Intrusions by peace officers and other officials  
13 exercising responsibility for law enforcement must be  
14 governed by standards and procedures no less stringent than  
15 those applicable to intrusions on private quarters outside  
16 the centers. Further, a student may not be subjected to  
17 discrimination in the manner of covert records.

18 NEW SECTION. Section 42. Release of student records.  
19 A center may release a student's academic record only when  
20 requested by the student or by a subpoena issued by a court  
21 or tribunal of competent jurisdiction. A student's written  
22 permission must be obtained before the center may release  
23 any other kind of record unless such record has been  
24 subpoenaed by a court or tribunal of competent jurisdiction.

25 NEW SECTION. Section 43. Academic records to be kept



1 separate -- student's right to examine records. (1) Academic  
2 records must be kept separate from disciplinary and all  
3 other records. Academic transcripts may contain only  
4 information of academic nature.

5 (2) A student may examine all written summaries,  
6 descriptions, statements, or reports of academic or  
7 disciplinary nature that are compiled concerning him.

8 NEW SECTION. Section 44. Vocational work-study  
9 program -- definition and purpose. (1) As used in [sections  
10 44 through 52], "student" means any Montana resident who is  
11 a postsecondary vocational-technical student as defined in  
12 [section 1] and who has met the qualifications for  
13 enrollment as a full-time student or who is presently  
14 enrolled as a full-time student in good standing.

15 (2) It is the purpose of [sections 44 through 52] to  
16 help ensure that no resident of Montana is denied attendance  
17 at centers because of financial barriers and further to  
18 provide low-cost supplemental assistance for all centers  
19 within Montana. The legislature intends that any Montana  
20 resident wishing to gain admittance to such centers in  
21 Montana, within necessary budgetary limitations as provided  
22 by law, be allowed the opportunity to earn in part or in  
23 total sufficient money to pay the costs accompanying such  
24 attendance through employment by state and local governing  
25 units and certain public interest organizations.

1 NEW SECTION. Section 45. Vocational work-study  
2 program. There is a vocational work-study program  
3 administered by the superintendent of public instruction as  
4 provided by [sections 44 through 52].

5 NEW SECTION. Section 46. Limitation on use of funds.  
6 No less than 70% of the funds allocated to the vocational  
7 work-study program shall be used to provide job  
8 opportunities for students with demonstrated financial need.  
9 The remainder of the funds allocated to this program may be  
10 used to provide job opportunities on a basis other than  
11 financial need. Such other bases include but are not limited  
12 to:

13 (1) laboratory, teaching, and tutorial assistantships  
14 requiring particular skills; and

15 (2) cases in which a student's family cannot  
16 demonstrate financial need but in which the student has a  
17 desire to contribute toward his education through  
18 employment.

19 NEW SECTION. Section 47. Funds supplemental to other  
20 funds. All funds allocated through the vocational work-study  
21 program are supplemental in nature and are not meant to  
22 replace existing federal and state student financial  
23 assistance funds or any other funds that would otherwise be  
24 appropriated for student assistance.

25 NEW SECTION. Section 48. Rules for allocation of

1 work-study funds. The superintendent shall promulgate rules  
2 for the allocation of vocational work-study funds among the  
3 centers.

4 NEW SECTION. Section 49. Eligibility to employ  
5 vocational work-study students. Any local governing body;  
6 state or local administrative agency, department, board, or  
7 commission; judicial, legislative, or other governmental  
8 unit; or nonprofit private organization is eligible to  
9 employ Montana students under the vocational work-study  
10 program as determined by the superintendent and within the  
11 funding limitations of the program. However, such  
12 eligibility:

13 (1) may not result in the displacement of employed  
14 workers or impair existing contracts for services;

15 (2) may not involve any partisan or nonpartisan  
16 political activity associated with a candidate or contending  
17 group or faction in an election for public or party office;

18 (3) may not involve the construction, operation, or  
19 maintenance of so much of any facility as is used or to be  
20 used for sectarian instruction or as a place of worship; and

21 (4) in the case of nonprofit organizations other than  
22 governmental units, must result in employment that is in the  
23 general public interest rather than in the interest of a  
24 particular group.

25 NEW SECTION. Section 50. Antidiscrimination. No

1 employer is eligible to employ any person under the  
2 vocational work-study program if the employer practices  
3 discrimination in employment against any individual because  
4 of race, creed, religion, color, political ideas, sex, age,  
5 marital status, physical or mental handicap, ancestry, or  
6 national origin.

7 NEW SECTION. Section 51. Approval of salaries. The  
8 salaries paid to students employed under the vocational  
9 work-study program and the number of hours each student  
10 works must be approved by center officers administering the  
11 program, subject to guidelines promulgated by the  
12 superintendent. No student employed under the program may be  
13 paid less than the minimum wage as provided by law.

14 NEW SECTION. Section 52. Contributions from  
15 employers. Each employer must contribute toward the salary  
16 of each student employed under the vocational work-study  
17 program at a level determined by the superintendent but at a  
18 level no less than 30% of the student's hourly wage.

19 NEW SECTION. Section 53. Precedence of postsecondary  
20 vocational-technical center chapter. Unless specifically set  
21 forth in any other sections of the school laws prescribed in  
22 this title, postsecondary vocational-technical centers are  
23 governed by the provisions of this chapter. If there is a  
24 conflict between other requirements of this title and the  
25 provisions of this chapter regulating postsecondary

1 vocational-technical centers, the provisions of this chapter  
2 govern.

3 NEW SECTION. Section 54. Applications and adherence  
4 to certain other laws. (1) When the term "school district"  
5 appears in the following sections outside of Title 20, the  
6 term includes postsecondary vocational-technical centers and  
7 the provisions of those sections applicable to school  
8 districts apply to postsecondary vocational-technical  
9 centers: 2-9-101, 2-9-111, 2-9-316, 2-16-602, 2-16-614,  
10 2-18-703, 7-11-103, 17-7-201, 18-1-102, 18-1-112, 18-1-201,  
11 18-2-101, 18-2-103, 18-2-113, 18-2-114, 18-2-404, 18-2-408,  
12 18-5-205, 19-1-102, 19-1-811, 25-1-402, 39-3-104, 39-4-107,  
13 39-31-103, 39-31-304, 39-71-116, 39-71-117, 39-71-2106,  
14 39-71-2206, 40-6-237, 49-3-101, 49-3-102, Title 50, and  
15 Rules 4D(2)(g) and 15(c), M.R.Civ.P., as amended.

16 (2) When the term "school district" appears in a  
17 section outside of Title 20 but the section is not listed in  
18 subsection (1), the school district provision does not apply  
19 to a postsecondary vocational-technical center.

20 (3) The term "public education" in 20-9-603 includes  
21 postsecondary vocational-technical education.

22 Section 55. Section 20-1-101, MCA, is amended to read:  
23 "20-1-101. Definitions. As used in this title, unless  
24 the context clearly indicates otherwise, the following  
25 definitions apply:

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

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

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

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

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

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

18 (7) "District superintendent" means any person who  
19 holds a valid class 3 Montana teacher certificate with a  
20 superintendent's endorsement that has been issued by the  
21 superintendent of public instruction under the provisions of  
22 this title and the policies adopted by the board of public  
23 education and who has been employed by a district as a  
24 district superintendent.

25 ~~{8}--"Postsecondary-vocational-technical-center"--means~~

~~1 a school used principally for the provision of postsecondary  
2 vocational-technical education to persons who qualify as  
3 postsecondary vocational-technical pupils. These centers are  
4 designated by the superintendent of public instruction upon  
5 direction by the legislature. All other public or private  
6 schools are hereby prohibited from using this title.~~

~~7 {9} "Postsecondary vocational-technical education"  
8 means vocational-technical education of postsecondary  
9 vocational-technical pupils which is conducted by a  
10 postsecondary vocational-technical center or other programs  
11 as designated by the superintendent of public instruction.  
12 Postsecondary vocational-technical education shall include  
13 the 13th and 14th year and beyond but will not include work  
14 toward a baccalaureate degree.~~

~~15 {10} "Postsecondary vocational-technical pupil" means a  
16 person who has completed or left school, is at least 16  
17 years of age, and is available for study in preparation for  
18 entering the labor market, for reentering the labor market,  
19 or for employment stability or advancement in employment.~~

~~20 {11}(8) "Principal" means any person who holds a valid  
21 class 3 Montana teacher certificate with an applicable  
22 principal's endorsement that has been issued by the  
23 superintendent of public instruction under the provisions of  
24 this title and the policies adopted by the board of public  
25 education and who has been employed by a district as a~~

1 principal. For the purposes of this title, any reference to  
2 a teacher shall be construed as including a principal, as  
3 herein defined.

4 {12}(9) "Pupil" means any child who is 6 years of age  
5 or older on or before September 10 of the year in which the  
6 child is to enroll or has been enrolled by special  
7 permission of the board of trustees under 20-5-101(3) but  
8 has not yet reached his 19th birthday and who is enrolled in  
9 a school established and maintained under the laws of the  
10 state of Montana at public expense.

11 {13}(10) "Pupil instruction" means the conduct of  
12 organized instruction of pupils enrolled in public schools  
13 while under the supervision of a teacher.

14 {14}(11) "Regents" means the board of regents of higher  
15 education.

16 {15}(12) "School food services" means a service of  
17 providing food for the pupils of a district on a nonprofit  
18 basis and shall include any food service financially  
19 assisted through funds or commodities provided by the United  
20 States government.

21 {16}(13) "The state board of education" is the board  
22 composed of the board of public education and the board of  
23 regents as specified in Article X, section 9, subsection  
24 (1), of the 1972 Montana constitution.

25 {17}(14) "State university" means the Montana state

1 university, located at Bozeman.

2 †18†(15) "Superintendent of public instruction" means  
3 that state government official designated as a member of the  
4 executive branch by the constitution of Montana.

5 †19†(16) "System" means the Montana university system.

6 †20†(17) "Teacher" means any person, except a district  
7 superintendent, who holds a valid Montana teacher  
8 certificate that has been issued by the superintendent of  
9 public instruction under the provisions of this title and  
10 the policies adopted by the board of public education and  
11 who is employed by a district as a member of its  
12 instructional, supervisory, or administrative staff. This  
13 definition of a teacher shall also include any person for  
14 whom an emergency authorization of employment of such person  
15 has been issued under the provisions of 20-4-111.

16 †21†(18) "Textbook" means a book or manual used as a  
17 principal source of study material for a given class or  
18 group of students.

19 †22†(19) "Textbook dealer" means any party, company,  
20 corporation, or other organization selling, offering to  
21 sell, or offering for adoption textbooks to districts in the  
22 state of Montana.

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

25 †24†(21) "University" means the university of Montana,

1 located at Missoula.

2 †25†(22) "Vocational education" means the instruction  
3 to prepare or improve the pupil for gainful employment that  
4 does not require a baccalaureate or higher degree. This  
5 definition of vocational education shall include guidance  
6 and prevocational, related, or technical instruction  
7 necessary to prepare the pupil for further vocational  
8 education or for entry into employment."

9 Section 56. Section 20-3-106, MCA, is amended to read:

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

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

18 (2) issue, renew, or deny teacher certification and  
19 emergency authorizations of employment;

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

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

24 (5) approve or disapprove the orders of a high school  
25 boundary commission in accordance with the provisions of

1 20-6-311;

2 (6) approve or disapprove the opening or reopening of

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

4 20-6-503, 20-6-504, or 20-6-505;

5 (7) approve or disapprove school isolation within the

6 limitations prescribed by 20-9-302;

7 (8) generally supervise the school budgeting

8 procedures prescribed by law in accordance with the

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

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

11 20-9-506;

12 (9) establish a system of communication for

13 calculating joint district revenues in accordance with the

14 provisions of 20-9-151;

15 (10) approve or disapprove the adoption of a district's

16 emergency budget resolution under the conditions prescribed

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

18 additional state aid for an emergency budget in accordance

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

20 (11) generally supervise the school financial

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

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

23 enable the districts to report to the county superintendent

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

25 annual report forms to enable the county superintendents to

1 report to the superintendent of public instruction in

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

3 (13) approve, disapprove, or adjust an increase of the

4 average number belonging (ANB) in accordance with the

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

6 (14) distribute state equalization aid in support of

7 the foundation program in accordance with the provisions of

8 20-9-342, 20-9-346, and 20-9-347;

9 (15) estimate the statewide equalization level for the

10 foundation program in accordance with the provisions of

11 20-9-348;

12 (16) distribute state impact aid in accordance with the

13 provisions of 20-9-304;

14 (17) provide for the uniform and equal provision of

15 transportation by performing the duties prescribed by the

16 provisions of 20-10-112;

17 (18) approve or disapprove an adult education program

18 for which a district proposes to levy a tax in accordance

19 with the provisions of 20-7-705;

20 (19) request, accept, deposit, and expend federal

21 moneys in accordance with the provisions of 20-9-603;

22 (20) authorize the use of federal moneys for the

23 support of an interlocal cooperative agreement in accordance

24 with the provisions of 20-9-703 and 20-9-704;

25 (21) prescribe the form and contents of and approve or

1 disapprove interstate contracts in accordance with the  
2 provisions of 20-9-705;

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

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

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

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

17 (26) license textbook dealers and initiate prosecution  
18 of textbook dealers violating the law in accordance with the  
19 provisions of the textbooks part of this title;

20 (27) as the governing agent and executive officer of  
21 the state of Montana for vocational education, adopt the  
22 policies prescribed by and in accordance with the provisions  
23 of 20-7-301;

24 (28) consider applications for the designation of a  
25 postsecondary vocational-technical center in accordance with

1 the provisions of 20-7-311;

2 (29) establish a fund for the handling of postsecondary  
3 vocational-technical center fees in accordance with the  
4 provisions of ~~20-7-333~~ [sections 13 through 25];

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

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

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

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

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

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

21 Section 57. Section 20-7-322, MCA, is amended to read:

22 "20-7-322. State treasurer custodian of vocational  
23 education moneys. ~~{1}~~ The treasurer of the state of Montana  
24 is hereby designated as the custodian of all federal and  
25 state moneys designated, appropriated, or apportioned for

1 vocational education. All moneys received from any federal  
 2 or state source for the establishment, operation, or  
 3 furtherance of vocational education in the state shall be  
 4 deposited with the state treasurer. At the direction of the  
 5 superintendent of public instruction, he shall disburse all  
 6 moneys appropriated or received for vocational education.

7 ~~{2}--The state treasurer is the treasurer for all~~  
 8 ~~postsecondary vocational technical centers, and all money~~  
 9 ~~received by postsecondary vocational technical centers from~~  
 10 ~~any source shall be deposited in the state treasury pursuant~~  
 11 ~~to 17-6-105, unless the source of the money specifies~~  
 12 ~~deposit somewhere other than in the state treasury."~~

13 Section 58. Section 20-7-301, MCA, is amended to read:

14 "20-7-301. Duties of the superintendent of public  
 15 instruction. The superintendent of public instruction shall  
 16 be the governing agent and executive officer of the state of  
 17 Montana for vocational education. The superintendent of  
 18 public instruction shall adopt and administer policies to  
 19 effect the orderly development of a system of vocational  
 20 education that is adaptable to changing needs, controlled to  
 21 prevent unnecessary duplication, coordinated with federal  
 22 guidelines and requirements for vocational education, and  
 23 funded to ensure growth and quality programming. In order to  
 24 accomplish the orderly development of a system of vocational  
 25 education, the superintendent of public instruction policies

1 shall include:

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



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

3 ~~{11}~~(8) 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--vocatinal-technical--centers;-based--upon  
8 legislative-appropriations-available-to--the--superintendent  
9 of-public-instruction-for-postsecondary-vocatinal-technical  
10 centers;

11 ~~{13}~~-the--allowable--costs--for-rental-of-buildings-for  
12 postsecondary-vocatinal-technical-center-purposes;

13 ~~{14}~~-guidelines-for--the--authority--delegated--by--the  
14 superintendent--of--public--instruction--to--the--local-school  
15 district--board--of--trustees--operating---a---postsecondary  
16 vocational-technical-center;-and

17 ~~{15}~~(9) any other policy not inconsistent with public  
18 law and which is necessary for the proper operation of a  
19 system of vocational education."

20 Section 59. Section 20-7-302.1, MCA, is amended to  
21 read:

22 "20-7-302.1. State director of vocational education --  
23 duties. There is a state director of vocational education  
24 appointed by the superintendent of public instruction. He  
25 must:

1 (1) administer the vocational education policies  
2 adopted by the 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--vocatinal-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--vocatinal-technical--centers  
22 are--located--to--establish--the--necessary--multifund--structures  
23 for--postsecondary--vocatinal-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 (10) formulate and put into effect uniform fiscal,  
 7 student, staff, and program accounting systems for the  
 8 postsecondary vocational technical centers;

9 (11) prepare any necessary reports for the  
 10 superintendent of public instruction or the legislature;

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

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

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

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

22 (7) perform such duties as may be required under  
 23 [sections 1 through 54]; and

24 (16)(8) perform any other duty assigned by the  
 25 superintendent of public instruction."

1 NEW SECTION. Section 60. Codification instruction.  
 2 (1) Sections 1 through 54 are intended to be codified as an  
 3 integral chapter in Title 20, and except where otherwise  
 4 provided in sections 1 through 54, the provisions of Title  
 5 20 apply to sections 1 through 54.

6 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-324,  
 7 and 20-7-331 are intended to be renumbered and recodified as  
 8 an integral part of the chapter established in subsection  
 9 (1), and the provisions of such sections apply to the  
 10 chapter and the provisions of the chapter apply to such  
 11 sections.

12 NEW SECTION. Section 61. Repealer. Sections 20-7-304,  
 13 20-7-313, 20-7-323, 20-7-325, 20-7-326, 20-7-332, and  
 14 20-7-333, MCA, are repealed.

15 NEW SECTION. Section 62. Effective date. This act is  
 16 effective July 1, 198\_.

-End-

## STATE OF MONTANA

## FISCAL NOTE

REQUEST NO. FNN 451-85Form BD-15

In compliance with a written request received February 19, 19 85, there is hereby submitted a Fiscal Note for House Bill 849 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 849 is an act to generally revise and clarify the laws relating to postsecondary vocational-technical centers; providing for general administration and finance; establishing procedures for in-state student tuition certification; establishing a vocational work-study program; clarifying certification requirements, employment contracts, tenure, and dismissal of center educators.

ASSUMPTIONS:

1. Except for the work-study provision contained in House Bill 849, there is no additional fiscal impact.
2. The state will fund the work-study program for students at the vocational technical centers at the same ratio of state dollars available for the program to total enrollment as that of the university system and community colleges.
3. The ratio per student of state funds available for work-study and total enrollment for the university system and community colleges is approximately \$11.34 per student.
4. The projected enrollment of the five vo-tech centers is 2605 students for FY 1986.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY 1986</u>	<u>FY 1987</u>	<u>Total Biennium</u>
Current Law N/A	\$ -0-	\$ -0-	\$ -0-
Proposed Law	\$29,540	\$29,540	\$59,080
Change	\$29,540	\$29,540	\$59,080

Funding:

Present Law - General Fund	\$ -0-	\$ -0-	\$ -0-
Proposed Law - General Fund	\$29,540	\$29,540	\$59,080
Total General Fund Need	\$29,540	\$29,540	\$59,080

- 1) The above figures are an estimate of general fund needed to support the work-study portion of this bill assuming that the same ratio of funding is available to the Vo-Tech centers as presently is available to the university system and the community colleges.

*David L. Hunter*

BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 21, 1985

HB 849

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

STATEMENT OF INTENT

HOUSE BILL 849

House Education and Cultural Resources Committee

1  
2  
3  
4  
5 Rulemaking is granted in various sections of the bill  
6 relative to the operation of postsecondary  
7 vocational-technical centers and the postsecondary  
8 vocational-technical center system. Rules would relate to  
9 tuition, budgets and other financial responsibilities,  
10 center education qualifications, personnel controversy  
11 appeal, student residency, student records and privacy  
12 concerns, and administration of a work-study program.

13 It is intended that rules adopted by the superintendent  
14 of public instruction aim towards coordination of  
15 responsibilities of the superintendent and local trustees of  
16 the centers. The rules should not conflict with the local  
17 decisionmaking authority but address only those matters of  
18 systemwide concern necessary for uniform operation of the  
19 system.

SECOND READING

HB 849

1 HOUSE BILL NO. 849  
 2 INTRODUCED BY DONALDSON, VAN VALKENBURG  
 3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 6 CLARIFY THE LAWS RELATING TO POSTSECONDARY  
 7 VOCATIONAL-TECHNICAL CENTERS; PROVIDING FOR GENERAL  
 8 ADMINISTRATION AND FINANCE; ESTABLISHING PROCEDURES FOR  
 9 IN-STATE STUDENT TUITION CERTIFICATION; ESTABLISHING A  
 10 VOCATIONAL WORK-STUDY PROGRAM; CLARIFYING CERTIFICATION  
 11 REQUIREMENTS, EMPLOYMENT CONTRACTS, TENURE, AND DISMISSAL OF  
 12 CENTER EDUCATORS; AMENDING SECTIONS 20-1-101, 20-3-106,  
 13 20-7-301, 20-7-302.1, 20-7-312, 20-7-322, 20-7-324, AND  
 14 20-7-331, MCA; REPEALING SECTIONS 20-7-304, 20-7-313,  
 15 20-7-323, 20-7-325, 20-7-326, 20-7-332, AND 20-7-333, MCA;  
 16 AND PROVIDING AN EFFECTIVE DATE."

17  
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 19 NEW SECTION. Section 1. Definitions. As used in this  
 20 chapter, unless the context requires otherwise, the  
 21 following definitions apply:

22 (1) "Assistant superintendent of vocational education  
 23 services", who is also called the "state director of  
 24 vocational education", means the state official appointed by  
 25 the superintendent of public instruction under the

1 provisions of 20-3-104 to carry out the administrative rules  
 2 and policies of the superintendent of public instruction  
 3 concerning vocational-technical education.

4 (2) "Board of trustees" means the trustees of a high  
 5 school district, a county high school, a community college  
 6 district, or the ~~local-executive-board-of-any-unit~~ BOARD OF  
 7 REGENTS of the Montana university system responsible for the  
 8 operation of a postsecondary vocational-technical center.

9 (3) "Center educator" means an instructor,  
 10 administrator, supervisor, student services personnel, or  
 11 specialist employed by or certified for employment by a  
 12 center.

13 (4) "Postsecondary vocational-technical center" or  
 14 "center" means an educational unit of the state  
 15 postsecondary vocational-technical center system used  
 16 principally for the provision of postsecondary  
 17 vocational-technical education to persons who qualify as  
 18 postsecondary vocational-technical students. These centers  
 19 are designated by the superintendent of public instruction  
 20 upon direction by the legislature. All other public or  
 21 private schools are prohibited from using the title  
 22 "postsecondary vocational-technical center".

23 (5) "Postsecondary vocational-technical education"  
 24 means vocational-technical education of postsecondary  
 25 vocational-technical students that is conducted by a



1 postsecondary vocational-technical center or other programs  
 2 as designated by the superintendent of public instruction.  
 3 Postsecondary vocational-technical education includes  
 4 education at the 13th and 14th year and beyond but does not  
 5 include work toward a baccalaureate degree.

6 (6) "Postsecondary vocational-technical student" or  
 7 "student" means a person who has completed or left school,  
 8 is at least 16 years of age, and is attending offerings,  
 9 programs, and courses conducted by a center in full- or  
 10 part-time enrollment status in preparation for entering the  
 11 labor market, for reentering the labor market, or for  
 12 employment stability or advancement in employment.

13 (7) "Student instruction" means the conduct of  
 14 organized instruction of postsecondary vocational-technical  
 15 students enrolled in a center while under supervision of an  
 16 instructor.

17 (8) "Superintendent" means the superintendent of  
 18 public instruction defined in 20-1-101.

19 (9) "Vocational-technical center system" means the  
 20 five centers with locations at Billings, Butte, Great Falls,  
 21 Helena, and Missoula.

22 (10) "Vocational-technical education" means the  
 23 instruction to prepare or improve a student for gainful  
 24 employment that does not require a baccalaureate or higher  
 25 degree. This term includes guidance-related, general, or

1 technical instruction necessary to prepare the student for  
 2 further education or for entry into employment.

3 NEW SECTION. Section 2. Purpose of chapter. It is the  
 4 purpose of this chapter to establish the governance of  
 5 designated postsecondary vocational-technical centers in  
 6 Montana. The legislature intends that the superintendent of  
 7 public instruction and the board of trustees of the centers  
 8 coordinate their responsibilities to insure an orderly  
 9 development of education services to the citizens of Montana  
 10 in accordance with this chapter.

11 NEW SECTION. Section 3. Purpose of postsecondary  
 12 vocational-technical education. The purpose of the  
 13 vocational-technical center system and the centers is to  
 14 provide instruction and services for and in  
 15 vocational-technical education on the postsecondary and  
 16 adult levels designed to meet present and emerging  
 17 occupational needs of the community, state, region, and  
 18 nation.

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

20 "20-7-312. Local administration. (1) Subject to the  
 21 requirements of the laws of the state of Montana and the  
 22 policies of the superintendent of--public--instruction--as  
 23 administered--by-the-state-director-of-vocational-education,  
 24 the board of trustees operating a postsecondary  
 25 vocational-technical center shall:

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

3 (b) employ administrative administrators, supervisors,  
4 student services personnel, faculty members, and other  
5 employees for the postsecondary vocational-technical center  
6 according to the policies and procedures of the board of  
7 trustees;

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

10 (d) ~~establish-and~~ collect student tuition and fees;

11 (e) recommend to the superintendent ~~of--public~~  
12 ~~instruction---through---the---state---director---of---vocational~~  
13 ~~education:~~

14 (i) proposals regarding ~~postsecondary~~  
15 ~~vocational-technical~~ center programs, budgets, student  
16 services, and public service activities; and

17 (ii) campus development and program plans for  
18 individual ~~postsecondary---vocational-technical~~ center  
19 buildings;

20 (f) manage buildings erected and equipped on leased  
21 grounds;

22 (g) receive and administer gifts and bequests to the  
23 ~~postsecondary-vocational-technical~~ center according to a  
24 written plan submitted to the superintendent ~~of-public~~  
25 ~~instruction;~~

1 (h) insure all real and personal property of the  
2 center; and

3 ~~(h)(i)~~ perform any other administrative  
4 responsibilities not inconsistent with law and required by  
5 the superintendent of public instruction.

6 (2) The board of trustees operating a ~~postsecondary~~  
7 ~~vocational-technical~~ center may not enter into any contract  
8 that in any way creates a debt or obligation upon the state  
9 for the improvement or construction of ~~postsecondary~~  
10 ~~vocational-technical~~ center buildings on leased property.

11 (3) When the trustees of a district or the ~~local~~  
12 ~~executive-board-of-any-unit~~ BOARD OF REGENTS of the Montana  
13 university system are acting in their capacity as the board  
14 of trustees for a center, the trustees or ~~local--executive~~  
15 board BOARD OF REGENTS are considered, for such purposes, a  
16 separate legal entity and are a separate body corporate and,  
17 as such body corporate, may sue and be sued, contract and be  
18 contracted with, and acquire, hold, use, and dispose of real  
19 or personal property for center purposes, within the  
20 limitations prescribed by law."

21 NEW SECTION. Section 5. Administration, supervision,  
22 and coordination by superintendent of public instruction.  
23 The postsecondary vocational-technical center system and the  
24 centers are under the supervision and coordination of the  
25 superintendent of public instruction. The superintendent:



1 (1) has general control and supervision of the  
2 vocational-technical center system in accordance with the  
3 provisions of this chapter;

4 (2) shall appoint a state director for the system and  
5 prescribe his duties;

6 (3) shall formulate and put into effect general  
7 policies for the supervision and coordination of the system;

8 (4) shall develop and implement policies that  
9 distinguish between the superintendent's authority to  
10 supervise and coordinate the system and the board of  
11 trustees' authority to administer and control centers;

12 (5) has, when not otherwise provided by law, control  
13 of all books, records, buildings, grounds, and other  
14 property of the system;

15 (6) has, when not otherwise provided by law, general  
16 control of all receipts and disbursements of the system;

17 (7) shall prevent unnecessary duplication of programs  
18 at the centers of the system;

19 (8) shall determine instructor, supervisor,  
20 administrator, and student service personnel qualifications;

21 (9) shall determine tuition and fees to be charged at  
22 the centers, based upon legislative appropriations available  
23 to the superintendent for centers, and which may be based  
24 upon the state of residence of the student;

25 (10) may approve or disapprove long-range building

1 plans and facility construction;

2 (11) shall keep records of all official acts and  
3 documents applicable to the administration of his office  
4 pertaining to centers;

5 (12) is empowered to grant diplomas~~--degrees~~, and  
6 terminal certificates to the graduates of the system upon  
7 the recommendation of the faculties and may confer such  
8 power on the board of trustees of a center;

9 (13) may develop any other policy not inconsistent with  
10 law that is necessary for proper operation of the  
11 vocational-technical center system.

12 NEW SECTION. Section 6. Baccalaureate degrees not to  
13 be granted. Baccalaureate degrees may not be granted by a  
14 board of trustees of a center or by the superintendent.  
15 Terminal certificates, AND diplomas~~--and--applied--associate~~  
16 degrees may be granted to recognize education, training, and  
17 retraining, and for related instruction for apprenticeship.

18 NEW SECTION. Section 7. Destruction of old records.  
19 Upon the order of the board of trustees and with the  
20 approval of the department of administration, center  
21 officers may destroy old, worthless reports, papers, or  
22 records in their offices which have served their purpose and  
23 which are substantiated by permanent records.

24 NEW SECTION. Section 8. Controversy appeal. The  
25 superintendent shall adopt rules of procedure for the

1 resolution of controversies arising under this chapter.

2 NEW SECTION. Section 9. Designation of holidays in  
 3 lieu of state holidays. (1) The board of trustees may  
 4 substitute an equal number of days set forth in subsection  
 5 (2) for legal holidays set forth in 1-1-216. The  
 6 substitution must specify which legal holidays are  
 7 substituted for days set forth in subsection (2).

8 (2) The following business days may be substituted for  
 9 legal holidays as provided in subsection (1):

- 10 (a) the Friday following Thanksgiving;
- 11 (b) the Monday before Christmas day or New Year's Day
- 12 if either holiday falls on a Tuesday; and
- 13 (c) the Friday after Christmas Day or New Year's Day
- 14 if either holiday falls on a Thursday.

15 NEW SECTION. Section 10. Traffic citations --  
 16 agreements with city or county. The board of trustees of a  
 17 center may enter into an agreement with the municipality or  
 18 county in which the center is located to authorize  
 19 designated employees of the center to issue citations for  
 20 parking or moving traffic violations, as defined by state or  
 21 municipal laws, which occur within the boundaries of the  
 22 center campus or on streets or alleys contiguous to the  
 23 boundaries of the center. All such citations must be  
 24 considered within the jurisdiction of the appropriate local  
 25 authority and must be handled in the same manner as

1 citations issued by peace officers of such local authority.

2 NEW SECTION. Section 11. Legal representation. Upon  
 3 request of the board of trustees, the county attorney of the  
 4 county in which a center is located must act as legal  
 5 counsel to the center for all matters requested by the  
 6 trustees. At its own expense, the board may secure counsel  
 7 in addition to the county attorney or may secure counsel  
 8 instead of the county attorney.

9 NEW SECTION. Section 12. Center school year calendar.  
 10 The board of trustees shall establish a center calendar of  
 11 four school quarters that comprises the total school year.  
 12 School quarters must consist of a minimum of 55  
 13 instructional days or their equivalent, exclusive of  
 14 holidays, teacher inservice days, and administrative days.  
 15 The calendar for the ensuing school year must be submitted  
 16 to the superintendent annually before May 16.

17 Section 13. Section 20-7-324, MCA, is amended to read:  
 18 "20-7-324. Sources of financing for ~~postsecondary~~  
 19 ~~vocational-technical~~ center budgets -- superintendent of  
 20 public instruction administration. (1) The total of the  
 21 ~~center~~ budgets approved by the superintendent of ~~public~~  
 22 ~~instruction,--together-with-the-budget-for-the-cost-of-state~~  
 23 ~~administration--of--the--postsecondary--vocational-technical~~  
 24 ~~centers,--shall--constitute~~ constitutes the total maximum  
 25 approved statewide budget, which The budget shall be

1 financed as follows:

2 (a) The primary source of financing is to be those  
3 funds specifically designated by legislative enactment or  
4 referendum by the people for financing postsecondary  
5 vocational-technical education in Montana. These funds  
6 include but are not limited to:

7 (i) the postsecondary vocational-technical center fund  
8 and all money appropriated to it;

9 (ii) tuition and matriculation fees; and

10 (iii) all contributions derived from public or private  
11 sources.

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

20 (c) ~~Designated--postsecondary--vocational-technical~~  
21 ~~centers--shall-be~~ Centers are eligible to receive such funds  
22 from the federal government as the superintendent of ~~public~~  
23 instruction may provide pursuant to applicable acts of  
24 congress.

25 ~~(d)--The-board-of-trustees-of-any-designated-high~~

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

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

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

17 (iii) ~~the--reasonable--value--of--land,--buildings,~~  
18 ~~fixtures,--or--equipment--furnished-by-that--district,--subject~~  
19 ~~to-the-approval-of-the-superintendent-of-public-instruction;~~

20 (2) ~~The--superintendent--of--public--instruction--shall~~  
21 ~~direct--the--distribution--of--the--funds--specified--in~~  
22 ~~subsections--(1)(a)--and--(1)(c)--on-the-basis-of-the-budgets~~  
23 ~~approved-by-the-superintendent-of--public--instruction;--The~~  
24 ~~funds-earned-by-the-mill-levy-specified-in-subsection-(1)(b)~~  
25 ~~shall--be--credited--by--the--county--treasurer--to--the~~

1 ~~postsecondary-vocational-technical-center-fund-~~

2 (2) Except as provided in subsection (3), all funds  
 3 set forth in (1)(a)(i), (1)(a)(iii), and (1)(c) shall be  
 4 remitted to the superintendent and may be used only for the  
 5 support of the centers.

6 (3) All funds derived under the provisions of [section  
 7 18] from other public or private sources, if received  
 8 subject to specific conditions, must be used exclusively for  
 9 the specific objects or purposes designated by the donor or  
 10 grantor.

11 ~~{3}(4)~~ The superintendent ~~of-public-instruction~~ shall  
 12 determine the amount of financing available from these ~~four~~  
 13 sources of revenue and may approve or disapprove budgets for  
 14 ~~maintenance--and the operation, construction, and ancillary~~  
 15 ~~services operations of centers.~~ The aggregate amount of the  
 16 budgets so approved by the superintendent ~~of--public~~  
 17 ~~instruction~~ for ~~postsecondary--vocational-technical~~ centers  
 18 shall not exceed the ~~moneys~~ money determined to be  
 19 available.

20 (5) The board of trustees may propose and subsequently  
 21 adopt a budget in excess of the amount of the center's  
 22 legislative appropriation if:

23 (a) the board determines that an additional amount is  
 24 necessary for equipment, salaries, benefits, and operations;  
 25 and

1 (b) the qualified electors of the district approve the  
 2 imposition of an additional levy to fund the increase  
 3 pursuant to 20-20-301 in the manner prescribed in 20-9-353."

4 NEW SECTION. Section 14. Proposed budget. The board  
 5 of trustees of each center shall submit a proposed budget  
 6 for the next biennium to the superintendent of public  
 7 instruction by August 15 immediately preceding each regular  
 8 legislative session. The proposed budget must be in a form  
 9 approved by the state budget director and the  
 10 superintendent. The superintendent shall review the proposed  
 11 budget and all its components and make changes determined  
 12 necessary. Not later than the following September 1, the  
 13 superintendent shall submit a proposal for funding centers  
 14 to the budget director and the legislative fiscal analyst.

15 NEW SECTION. Section 15. Annual budgets for centers.  
 16 The superintendent has the sole authority for the approval  
 17 of the annual center budgets. Such budgets must be in  
 18 compliance with generally accepted accounting principles and  
 19 organized consistent with the college and university  
 20 business accounting fund structure.

21 NEW SECTION. Section 16. State treasurer custodian of  
 22 center money. (1) The state treasurer is the treasurer of  
 23 all centers, and all money received by centers from any  
 24 source must be deposited in the state treasury pursuant to  
 25 17-6-105, unless the source of the money specifies deposit

1 somewhere other than in the state treasury.

2 (2) The board of trustees of each center shall request  
3 the establishment of the appropriate accounts in the state  
4 treasury. These accounts must be established in the  
5 appropriate state treasury funds as determined by the  
6 department of administration. All money prescribed and  
7 received under the provisions of this chapter must be  
8 credited to these accounts. The expenditure of the money  
9 deposited in the state treasury must be made under the  
10 budget and for the programs approved by the superintendent  
11 under the provisions of this chapter and pursuant to the  
12 financial administration provisions of this chapter.

13 NEW SECTION. Section 17. Grants and contracts. A  
14 board of trustees may take such action as it considers  
15 necessary with public and private entities to qualify for  
16 and receive grants and to enter into negotiations on  
17 contracts or other agreements that may be advantageous to  
18 the operation of the center. No such grant may be received,  
19 nor may a contract or agreement be entered into, without the  
20 approval of the superintendent.

21 NEW SECTION. Section 18. Authority to accept gifts  
22 and donations. (1) (a) The superintendent, on behalf of the  
23 state, may accept any gift or grant of any kind for the use  
24 of any center.

25 (b) The board of trustees, on behalf of the center,

1 may accept any gift of any kind for the use of the center.

2 (2) A gift or grant subject to specific conditions may  
3 be accepted and, if accepted, must be used subject to the  
4 terms and conditions of the gift or grant.

5 (3) As used in this section, "gift" includes a legacy,  
6 bequest, devise, and any other form of property transfer  
7 without consideration except one denominated by the grantor  
8 as a grant.

9 NEW SECTION. Section 19. Authority to invest. The  
10 board of trustees of a center may direct its administrative  
11 officers to remit to the state treasurer any funds not  
12 otherwise required to be remitted to him for investment  
13 under the board of investments as part of the pooled  
14 investment fund of the state as authorized in 17-6-203(1)  
15 and 17-6-204.

16 NEW SECTION. Section 20. Letting contracts. (1) The  
17 board of trustees shall let contracts for building,  
18 furnishing, repairing, or other work or supplies for the  
19 benefit of the district according to the following:

20 (a) The board of trustees is not required to advertise  
21 or solicit bids if a proposed contract for building,  
22 furnishing, repairing, or other work or supplies does not  
23 exceed \$7,500.

24 (b) If proposed contract costs are for more than  
25 \$7,500 but less than \$25,000, the board of trustees must

1 procure at least three informal bids, if reasonably  
 2 available, and if the proposed contract is for building or  
 3 repairing, bids may be procured only from contractors  
 4 licensed in Montana.

5 (c) If proposed contract costs are for \$25,000 or  
 6 more, the board of trustees must solicit formal bids and  
 7 advertise once each week for at least 2 weeks in a newspaper  
 8 published in the county where the center is located, calling  
 9 for bids to perform such work or furnish such supplies.

10 (2) If bids are required, the board shall award the  
 11 contract to the lowest responsible bidder, but the board has  
 12 the right to reject any and all bids.

13 NEW SECTION. Section 21. Pecuniary interest --  
 14 officers not to act as agents. (1) The superintendent,  
 15 members of his staff, or board of trustee members may not:

16 (a) have any pecuniary interest, either directly or  
 17 indirectly:

18 (i) in the erection of a center building or in  
 19 furnishing or repairing a center building; or

20 (ii) in connection with the furnishing of supplies or  
 21 for the maintenance of a center.

22 (b) act as an agent or solicitor or receive any  
 23 compensation for services in the sale or supply of goods or  
 24 services to a center.

25 (2) Any such person violating this section is guilty

1 of a misdemeanor and if convicted shall be fined not less  
 2 than \$50 or more than \$200. Such conviction is grounds for  
 3 the removal of the offender from office or employment, as  
 4 the case may be.

5 NEW SECTION. Section 22. Nongeneral fund money  
 6 expended first. A center shall apply expenditures against  
 7 nongeneral fund money whenever possible before using state  
 8 general fund appropriations. All state general fund money  
 9 appropriated or disbursed to a center that is unexpended at  
 10 the end of the fiscal year shall revert to the state general  
 11 fund.

12 NEW SECTION. Section 23. Exemption from state  
 13 payroll. The board of trustees for a center is authorized to  
 14 maintain its own payroll system and is exempted from the  
 15 state central payroll system.

16 NEW SECTION. Section 24. Property management and  
 17 accounting. Centers shall manage and account for property in  
 18 the manner determined by the department of administration.

19 NEW SECTION. Section 25. Auditing. For purposes of  
 20 auditing, the centers are considered a state agency and must  
 21 be audited by OR AT THE DIRECTION OF the legislative  
 22 auditor.

23 NEW SECTION. Section 26. Center educator  
 24 qualifications. In order to establish a uniform system of  
 25 quality education and to ensure the maintenance of

1 professional standards, certification must be established  
 2 and maintained under the provisions of this title and no  
 3 person may be permitted to act in a center educator capacity  
 4 at a center until the person meets applicable certification  
 5 requirements or obtains an emergency authorization of  
 6 employment from the superintendent.

7 NEW SECTION. Section 27. Board of public education  
 8 policies -- certification. To establish instructor,  
 9 administrator, supervisory, student services personnel, and  
 10 specialist certification, the superintendent shall, in  
 11 accordance with the provisions of this title, recommend  
 12 policies to the board of public education for the  
 13 certification of the qualifications for instructor,  
 14 administrator, supervisor, student services personnel, and  
 15 specialist. Such policies adopted by the board of public  
 16 education must include:

17 (1) reasonable training and experience requirements  
 18 for instructor, administrator, supervisor, student services  
 19 personnel, and specialist certifications and endorsements;

20 (2) the updating of instructor, administrator,  
 21 supervisor, student services personnel, and specialist  
 22 qualifications based on the same conditions prescribed for  
 23 meeting the initial qualifications;

24 (3) the issuance of emergency authorization to a board  
 25 of trustees to employ a person who is not certified.

1 NEW SECTION. Section 28. Emergency authorization of  
 2 employment. (1) A board of trustees may request from the  
 3 superintendent an emergency authorization of employment for  
 4 a person who is not a certified center educator when the  
 5 board cannot secure the services of a certified person. The  
 6 person must meet the requirements for emergency  
 7 authorization of employment prescribed by the policies of  
 8 the board of public education for the emergency. An  
 9 emergency authorization of employment must contain the  
 10 following information:

11 (a) the center to which such authorization is issued;

12 (b) the person whom the center is authorized to  
 13 employ;

14 (c) the capacity in which the person is employed; and

15 (d) the school fiscal year for which such emergency  
 16 authorization of employment is given.

17 (2) The emergency authorization of employment of a  
 18 person is valid for the school fiscal year for which it is  
 19 granted. An emergency authorization of employment may be  
 20 renewed in accordance with board of public education  
 21 policies.

22 (3) An emergency authorization of employment may be  
 23 revoked by the superintendent for good cause in accordance  
 24 with the provisions of this chapter.

25 NEW SECTION. Section 29. Employment and termination

1 of center educators -- contract. (1) The board of trustees  
 2 may employ as a center educator any person who has the  
 3 appropriate certification or for whom an emergency  
 4 authorization of employment has been issued and may  
 5 terminate the employment of any person subject to the  
 6 provisions of this chapter.

7 (2) All center educators must be employed under  
 8 written contract. Each contract of employment must be  
 9 authorized by a resolution of the board and executed, in  
 10 triplicate, by the chairman of the board and the person  
 11 employed as a center educator.

12 NEW SECTION. Section 30. Tenure. If a center  
 13 educator, other than a specialist, has been elected by the  
 14 offer and acceptance of a contract for the fourth  
 15 consecutive year of employment by the board of trustees, the  
 16 person is considered to be reelected from year to year  
 17 thereafter as a tenured center educator at the same salary  
 18 and in the same or comparable position of employment as that  
 19 provided by the last executed contract with such person,  
 20 unless the board of trustees resolves by majority vote of  
 21 its membership to terminate the services of the person in  
 22 accordance with the provisions of this chapter.

23 NEW SECTION. Section 31. Termination of tenured  
 24 personnel. (1) If the board of trustees of a center resolves  
 25 to terminate the services of a tenured center educator under

1 the provisions of this chapter, it shall, before April 1,  
 2 notify the person of the termination, in writing, by  
 3 certified letter or by personal notification for which a  
 4 signed receipt is returned. The notification must include a  
 5 printed copy of this section for the terminated person's  
 6 information.

7 (2) Any tenured center educator who has received a  
 8 notice of termination may request, in writing, within 10  
 9 days of the receipt of such notice, a written statement  
 10 declaring clearly and explicitly the specific reason or  
 11 reasons for the termination of the person's services. The  
 12 board must reply with a statement of such reasons to the  
 13 person within 10 days after the request.

14 (3) Within 10 days after the tenured center educator  
 15 receives the notice of termination or statement of reasons  
 16 for termination, the person may request, in writing, a  
 17 hearing before the board of trustees to reconsider its  
 18 termination action. When a hearing is requested, the board  
 19 shall conduct the hearing and reconsider its termination  
 20 action within 10 days after the receipt of the request for a  
 21 hearing. If the board affirms its decision to terminate the  
 22 person's employment, the person may appeal the decision to  
 23 the superintendent of public instruction. The superintendent  
 24 may appoint a qualified attorney as legal adviser to assist  
 25 the superintendent in preparing findings of fact and



1 conclusions of law.

2 NEW SECTION. Section 32. Notification of tenured  
 3 center educator reelection -- acceptance. (1) The board of  
 4 trustees shall provide written notice by April 1 to all  
 5 tenured center educators who have been reelected to  
 6 employment. Any tenured center educator who does not receive  
 7 notice of reelection or notice of termination is  
 8 automatically reelected for employment for the ensuing  
 9 school fiscal year.

10 (2) A tenured center educator who receives  
 11 notification of his reelection of employment for the ensuing  
 12 school fiscal year must provide the board of trustees with  
 13 his written acceptance of the conditions of such reelection  
 14 within 20 days after the receipt of the notice of  
 15 reelection. Failure to notify the board of acceptance of  
 16 the reelection of employment within 20 days constitutes  
 17 conclusive evidence of nonacceptance of the employment  
 18 position tendered in the notice of reelection.

19 NEW SECTION. Section 33. Notification of nontenured  
 20 personnel reelection -- acceptance -- termination. (1) The  
 21 board of trustees shall provide written notice by April 15  
 22 to all nontenured center educators who have been reelected  
 23 for employment. Any nontenured center educator who does not  
 24 receive notice of reelection of employment or notice of  
 25 termination shall be automatically reelected for employment

1 for the ensuing school fiscal year.

2 (2) Any nontenured center educator who receives  
 3 notification of his reelection for the ensuing school fiscal  
 4 year must provide the board with his written acceptance of  
 5 the conditions of such reelection within 20 days after the  
 6 receipt of the notice of reelection. Failure to so notify  
 7 the board within 20 days constitutes nonacceptance of the  
 8 position tendered in the notice of reelection of employment.

9 (3) When the board notifies a nontenured center  
 10 educator of termination, the person may, within 10 days  
 11 after receipt of such notice, make a written request to the  
 12 board for a written statement of the reasons for termination  
 13 of employment. Within 10 days after receipt of the request,  
 14 the board shall furnish such a statement to the person.

15 (4) The provisions of this section do not apply to  
 16 cases in which a nontenured center educator is terminated  
 17 when the financial condition of the center requires a  
 18 reduction in the number of persons employed and the reason  
 19 for the termination is to reduce the number of persons  
 20 employed.

21 NEW SECTION. Section 34. Dismissal of personnel under  
 22 contract. (1) The board of trustees of any center may  
 23 dismiss a person before the expiration of his employment  
 24 contract for immorality, unfitness, or incompetence related  
 25 to the performance of his employment, or for violation of

1 the adopted policies of such board.

2 (2) Any person who has been dismissed may appeal  
3 following the rules of controversy established by the  
4 superintendent under the provisions of [section 8].

5 NEW SECTION. Section 35. Retirement systems. (1)  
6 Personnel employed by a center who are center educators or  
7 who are employed under the provisions of an emergency  
8 authorization of employment are subject to and eligible for  
9 the benefits of the teachers' retirement system.

10 (2) All employees of a center who are not subject to  
11 the provisions of subsection (1) are subject to and eligible  
12 for the benefits of the public employees' retirement system.

13 Section 36. Section 20-7-331, MCA, is amended to read:

14 "20-7-331. Admission of ~~pupils~~ students with priority  
15 to Montana residents. Any person who qualifies as a  
16 postsecondary vocational-technical ~~pupil~~ student as defined  
17 in this ~~title~~ chapter shall be admitted to the postsecondary  
18 ~~vocational-technical~~ center of his choice, except that  
19 pupils who qualify as residents ~~of-the-state-of-Montana~~ as  
20 ~~hereafter~~ defined in [section 37] shall be given priority in  
21 case enrollment limitations are caused by resource  
22 limitation."

23 NEW SECTION. Section 37. Definitions. (1) Terms used  
24 in [sections 37 through 40] are defined as follows:

25 (a) "Domicile" means a person's true, fixed, and

1 permanent home and place of habitation.

2 (b) "Minor" means a male or female person who has not  
3 attained the age of 18 years.

4 (c) "Resident" means:

5 (i) a person who has been domiciled in Montana for 1  
6 year immediately preceding registration at any center for  
7 any term or session for which resident classification is  
8 claimed. Attendance as a full-time student at any center,  
9 college, university, or other institution of higher  
10 education is not alone sufficient to qualify for residence  
11 in Montana.

12 (ii) a member of the armed forces of the United States  
13 assigned to and residing in Montana, his spouse, or his  
14 dependent children; or

15 (iii) a person meeting the requirements of [section  
16 39].

17 (2) If this definition of residency or any portion  
18 thereof is declared unconstitutional as it is applied to  
19 payment of nonresident fees and tuition, the superintendent  
20 may make rules on what constitutes adequate evidence of  
21 residency status not inconsistent with such court decisions.

22 NEW SECTION. Section 38. System open to all people.  
23 The postsecondary vocational-technical system is open to all  
24 people, subject to such uniform rules as the board of  
25 trustees considers proper.

1        NEW SECTION. Section 39. Presumptions and rules as to  
2 domicile. (1) Unless the contrary appears to the center  
3 registering authority, it is presumed the domicile of a  
4 minor is that:

5        (a) of the parents or, if one of them is deceased or  
6 they do not share the same domicile, of the parent having  
7 legal custody or, if neither parent has legal custody, the  
8 parent with whom the minor customarily resides; or

9        (b) of his guardian when the court appointing the  
10 guardian certifies that the primary purpose of the  
11 appointment is not to qualify the minor as a resident of  
12 this state.

13        (2) A resident student who marries a nonresident does  
14 not by that fact alone lose resident status for tuition and  
15 fee purposes for a period of 4 years after marriage.

16        (3) Residence is not lost because of relocation as a  
17 member of the armed forces of the United States.

18        (4) A new domicile is established by a qualified  
19 person if he is physically present in Montana with no  
20 intention to acquire a domicile outside of Montana.

21        (5) Domicile is not lost by absence from Montana with  
22 no intention to establish a new domicile.

23        (6) Montana high school graduates are resident  
24 students of the system for 2 consecutive years of attendance  
25 if:

1        (a) they apply for admittance to the system within 1  
2 year after graduation; or

3        (b) their parents or the parent having legal custody  
4 or, if neither parent has legal custody, the parent with  
5 whom they customarily reside has resided in Montana in one  
6 of the 2 years immediately preceding the graduation.

7        (7) Upon moving to Montana, an adult employed within  
8 the state may apply for in-state tuition classification for  
9 the employee's spouse and dependent minor children, such  
10 classification being effective at the next registration and  
11 continuing as long as a Montana domicile is maintained, if  
12 the employed adult:

13        (a) is employed on a full-time basis in the state;

14        (b) files for payment of estimates of or is subject to  
15 withholding of Montana state income taxes;

16        (c) is not in the state primarily as a student; and

17        (d) did not come to Montana primarily for the purpose  
18 of education or for the education of the employee's spouse.

19        NEW SECTION. Section 40. Evidence as to domiciliary  
20 intent -- changes in status. (1) To determine the domicile  
21 of a person, the centers of the system shall apply the  
22 following rules:

23        (a) Nonpayment of Montana income tax by a person whose  
24 income is sufficient to be taxed is highly persuasive  
25 evidence of non-Montana domicile.

1 (b) A person must intend to establish a domicile in  
2 Montana.

3 (2) After registration, a student's classification for  
4 tuition and fee purposes remains unchanged in the absence of  
5 evidence to the contrary. A written statement of the  
6 evidence must be filed with the registering authority of the  
7 center. Changes in classification must be in writing,  
8 signed by the registering authority, and take effect at the  
9 student's next registration.

10 (3) A minor may qualify for a change in status only if  
11 his parents or the parent having legal custody or, if  
12 neither parent has legal custody, the parent with whom he  
13 customarily resides or legal guardian or person having legal  
14 custody completes the requirements for establishing domicile  
15 as set forth in [sections 37 through 40].

16 (4) It is presumed a minor or adult registered as a  
17 full-time student at any center is not qualified for a  
18 change in his or his dependent's classification for tuition  
19 and fee purposes unless he completes 12 continuous months of  
20 residence while not attending a center of the system or a  
21 public institution of higher learning within the state or  
22 while serving in the armed forces.

23 (5) Any student whose request for classification as a  
24 resident is denied has the right of appeal through the rules  
25 of procedure for resolution of controversies established

1 under [section 8]. At the request of the student, the center  
2 registering authority shall forward a copy of the decision  
3 not to grant in-state classification and the complete file  
4 on the student to the superintendent in accordance with the  
5 rules of procedure for resolution of controversies.

6 NEW SECTION. Section 41. Student's right of privacy  
7 -- legislative intent. It is the legislature's intent that  
8 an institution of the postsecondary vocational-technical  
9 center system of Montana is obligated to respect a student's  
10 right of privacy. This obligation must be observed by  
11 establishing procedures to protect the health, safety, and  
12 privacy of a person's residence and the privacy of his  
13 records. Intrusions by peace officers and other officials  
14 exercising responsibility for law enforcement must be  
15 governed by standards and procedures no less stringent than  
16 those applicable to intrusions on private quarters outside  
17 the centers. Further, a student may not be subjected to  
18 discrimination in the manner of covert records.

19 NEW SECTION. Section 42. Release of student records.  
20 A center may release a student's academic record only when  
21 requested by the student or by a subpoena issued by a court  
22 or tribunal of competent jurisdiction. A student's written  
23 permission must be obtained before the center may release  
24 any other kind of record unless such record has been  
25 subpoenaed by a court or tribunal of competent jurisdiction.

1        NEW SECTION. Section 43. Academic records to be kept  
 2 separate -- student's right to examine records. (1) Academic  
 3 records must be kept separate from disciplinary and all  
 4 other records. Academic transcripts may contain only  
 5 information of academic nature.

6        (2) A student may examine all written summaries,  
 7 descriptions, statements, or reports of academic or  
 8 disciplinary nature that are compiled concerning him.

9        NEW SECTION. Section 44. Vocational work-study  
 10 program -- definition and purpose. (1) As used in [sections  
 11 44 through 52], "student" means any Montana resident who is  
 12 a postsecondary vocational-technical student as defined in  
 13 [section 1] and who has met the qualifications for  
 14 enrollment as a full-time student or who is presently  
 15 enrolled as a full-time student in good standing.

16        (2) It is the purpose of [sections 44 through 52] to  
 17 help ensure that no resident of Montana is denied attendance  
 18 at centers because of financial barriers and further to  
 19 provide low-cost supplemental assistance for all centers  
 20 within Montana. The legislature intends that any Montana  
 21 resident wishing to gain admittance to such centers in  
 22 Montana, within necessary budgetary limitations as provided  
 23 by law, be allowed the opportunity to earn in part or in  
 24 total sufficient money to pay the costs accompanying such  
 25 attendance through employment by state and local governing

1 units and certain public interest organizations.

2        NEW SECTION. Section 45. Vocational work-study  
 3 program. There is a vocational work-study program  
 4 administered by the superintendent of public instruction as  
 5 provided by [sections 44 through 52].

6        NEW SECTION. Section 46. Limitation on use of funds.  
 7 No less than 70% of the funds allocated to the vocational  
 8 work-study program shall be used to provide job  
 9 opportunities for students with demonstrated financial need.  
 10 The remainder of the funds allocated to this program may be  
 11 used to provide job opportunities on a basis other than  
 12 financial need. Such other bases include but are not limited  
 13 to:

14        (1) laboratory, teaching, and tutorial assistantships  
 15 requiring particular skills; and

16        (2) cases in which a student's family cannot  
 17 demonstrate financial need but in which the student has a  
 18 desire to contribute toward his education through  
 19 employment.

20        NEW SECTION. Section 47. Funds supplemental to other  
 21 funds. All funds allocated through the vocational work-study  
 22 program are supplemental in nature and are not meant to  
 23 replace existing federal and state student financial  
 24 assistance funds or any other funds that would otherwise be  
 25 appropriated for student assistance.

1        NEW SECTION. Section 48. Rules for allocation of  
2 work-study funds. The superintendent shall promulgate rules  
3 for the allocation of vocational work-study funds among the  
4 centers.

5        NEW SECTION. Section 49. Eligibility to employ  
6 vocational work-study students. Any local governing body;  
7 state or local administrative agency, department, board, or  
8 commission; judicial, legislative, or other governmental  
9 unit; or nonprofit private organization is eligible to  
10 employ Montana students under the vocational work-study  
11 program as determined by the superintendent and within the  
12 funding limitations of the program. However, such  
13 eligibility:

14        (1) may not result in the displacement of employed  
15 workers or impair existing contracts for services;

16        (2) may not involve any partisan or nonpartisan  
17 political activity associated with a candidate or contending  
18 group or faction in an election for public or party office;

19        (3) may not involve the construction, operation, or  
20 maintenance of so much of any facility as is used or to be  
21 used for sectarian instruction or as a place of worship; and

22        (4) in the case of nonprofit organizations other than  
23 governmental units, must result in employment that is in the  
24 general public interest rather than in the interest of a  
25 particular group.

1        NEW SECTION. Section 50. Antidiscrimination. No  
2 employer is eligible to employ any person under the  
3 vocational work-study program if the employer practices  
4 discrimination in employment against any individual because  
5 of race, creed, religion, color, political ideas, sex, age,  
6 marital status, physical or mental handicap, ancestry, or  
7 national origin.

8        NEW SECTION. Section 51. Approval of salaries. The  
9 salaries paid to students employed under the vocational  
10 work-study program and the number of hours each student  
11 works must be approved by center officers administering the  
12 program, subject to guidelines promulgated by the  
13 superintendent. No student employed under the program may be  
14 paid less than the minimum wage as provided by law.

15        NEW SECTION. Section 52. Contributions from  
16 employers. Each employer must contribute toward the salary  
17 of each student employed under the vocational work-study  
18 program at a level determined by the superintendent but at a  
19 level no less than 30% of the student's hourly wage.

20        NEW SECTION. Section 53. Precedence of postsecondary  
21 vocational-technical center chapter. Unless specifically set  
22 forth in any other sections of the school laws prescribed in  
23 this title, postsecondary vocational-technical centers are  
24 governed by the provisions of this chapter. If there is a  
25 conflict between other requirements of this title and the

1 provisions of this chapter regulating postsecondary  
2 vocational-technical centers, the provisions of this chapter  
3 govern.

4 NEW SECTION. Section 54. Applications and adherence  
5 to certain other laws. (1) When the term "school district"  
6 appears in the following sections outside of Title 20, the  
7 term includes postsecondary vocational-technical centers and  
8 the provisions of those sections applicable to school  
9 districts apply to postsecondary vocational-technical  
10 centers: 2-9-101, 2-9-111, 2-9-316, 2-16-602, 2-16-614,  
11 2-18-703, 7-11-103, 17-7-201, 18-1-102, 18-1-112, 18-1-201,  
12 18-2-101, 18-2-103, 18-2-113, 18-2-114, 18-2-404, 18-2-408,  
13 18-5-205, 19-1-102, 19-1-811, 25-1-402, 39-3-104, 39-4-107,  
14 39-31-103, 39-31-304, 39-71-116, 39-71-117, 39-71-2106,  
15 39-71-2206, 40-6-237, 49-3-101, 49-3-102, Title 50, and  
16 Rules 4D(2)(g) and 15(c), M.R.Civ.P., as amended.

17 (2) When the term "school district" appears in a  
18 section outside of Title 20 but the section is not listed in  
19 subsection (1), the school district provision does not apply  
20 to a postsecondary vocational-technical center.

21 (3) The term "public education" in 20-9-603 includes  
22 postsecondary vocational-technical education.

23 Section 55. Section 20-1-101, MCA, is amended to read:

24 "20-1-101. Definitions. As used in this title, unless  
25 the context clearly indicates otherwise, the following

1 definitions apply:

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

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

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

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

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

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

19 (7) "District superintendent" means any person who  
20 holds a valid class 3 Montana teacher certificate with a  
21 superintendent's endorsement that has been issued by the  
22 superintendent of public instruction under the provisions of  
23 this title and the policies adopted by the board of public  
24 education and who has been employed by a district as a  
25 district superintendent.

1       ~~{8}--"Postsecondary-vocational-technical-center"--means~~  
 2       ~~a-school-used-principally-for-the-provision-of-postsecondary~~  
 3       ~~vocational-technical-education--to--persons--who-qualify-as~~  
 4       ~~postsecondary-vocational-technical-pupils--These-centers-are~~  
 5       ~~designated-by-the-superintendent-of-public-instruction--upon~~  
 6       ~~direction--by--the--legislature--All-other-public-or-private~~  
 7       ~~schools-are-hereby-prohibited-from-using-this-title.~~

8       ~~{9}--"Postsecondary--vocational-technical--education"~~  
 9       ~~means--vocational-technical--education--of--postsecondary~~  
 10       ~~vocational-technical--pupils--which--is--conducted--by--a~~  
 11       ~~postsecondary--vocational-technical-center-or-other-programs~~  
 12       ~~as-designated-by-the-superintendent-of--public--instruction.~~  
 13       ~~Postsecondary--vocational-technical--education-shall-include~~  
 14       ~~the-13th-and-14th-year-and-beyond-but-will-not-include--work~~  
 15       ~~toward-a-baccalaureate-degree.~~

16       ~~{10}--"Postsecondary-vocational-technical-pupil"--means-a~~  
 17       ~~person--who--has--completed--or--left-school--is-at-least-16~~  
 18       ~~years-of-age--and-is-available-for-study-in-preparation--for~~  
 19       ~~entering--the-labor-market--for-reentering-the-labor-market--~~  
 20       ~~or-for-employment-stability-or-advancement-in-employment.~~

21       ~~{11}{8}~~ "Principal" means any person who holds a valid  
 22       class 3 Montana teacher certificate with an applicable  
 23       principal's endorsement that has been issued by the  
 24       superintendent of public instruction under the provisions of  
 25       this title and the policies adopted by the board of public

1       education and who has been employed by a district as a  
 2       principal. For the purposes of this title, any reference to  
 3       a teacher shall be construed as including a principal, as  
 4       herein defined.

5       ~~{12}{9}~~ "Pupil" means any child who is 6 years of age  
 6       or older on or before September 10 of the year in which the  
 7       child is to enroll or has been enrolled by special  
 8       permission of the board of trustees under 20-5-101(3) but  
 9       has not yet reached his 19th birthday and who is enrolled in  
 10       a school established and maintained under the laws of the  
 11       state of Montana at public expense.

12       ~~{13}{10}~~ "Pupil instruction" means the conduct of  
 13       organized instruction of pupils enrolled in public schools  
 14       while under the supervision of a teacher.

15       ~~{14}{11}~~ "Regents" means the board of regents of higher  
 16       education.

17       ~~{15}{12}~~ "School food services" means a service of  
 18       providing food for the pupils of a district on a nonprofit  
 19       basis and shall include any food service financially  
 20       assisted through funds or commodities provided by the United  
 21       States government.

22       ~~{16}{13}~~ "The state board of education" is the board  
 23       composed of the board of public education and the board of  
 24       regents as specified in Article X, section 9, subsection  
 25       (1), of the 1972 Montana constitution.



1       ~~(17)~~(14) "State university" means the Montana state  
2 university, located at Bozeman.

3       ~~(18)~~(15) "Superintendent of public instruction" means  
4 that state government official designated as a member of the  
5 executive branch by the constitution of Montana.

6       ~~(19)~~(16) "System" means the Montana university system.

7       ~~(20)~~(17) "Teacher" means any person, except a district  
8 superintendent, who holds a valid Montana teacher  
9 certificate that has been issued by the superintendent of  
10 public instruction under the provisions of this title and  
11 the policies adopted by the board of public education and  
12 who is employed by a district as a member of its  
13 instructional, supervisory, or administrative staff. This  
14 definition of a teacher shall also include any person for  
15 whom an emergency authorization of employment of such person  
16 has been issued under the provisions of 20-4-111.

17       ~~(21)~~(18) "Textbook" means a book or manual used as a  
18 principal source of study material for a given class or  
19 group of students.

20       ~~(22)~~(19) "Textbook dealer" means any party, company,  
21 corporation, or other organization selling, offering to  
22 sell, or offering for adoption textbooks to districts in the  
23 state of Montana.

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

1       ~~(24)~~(21) "University" means the university of Montana,  
2 located at Missoula.

3       ~~(25)~~(22) "Vocational education" means the instruction  
4 to prepare or improve the pupil for gainful employment that  
5 does not require a baccalaureate or higher degree. This  
6 definition of vocational education shall include guidance  
7 and prevocational, related, or technical instruction  
8 necessary to prepare the pupil for further vocational  
9 education or for entry into employment."

10       Section 56. Section 20-3-106, MCA, is amended to read:

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

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

19       (2) issue, renew, or deny teacher certification and  
20 emergency authorizations of employment;

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

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

25       (5) approve or disapprove the orders of a high school

1 boundary commission in accordance with the provisions of  
2 20-6-311;

3 (6) approve or disapprove the opening or reopening of  
4 a school in accordance with the provisions of 20-6-502,  
5 20-6-503, 20-6-504, or 20-6-505;

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

8 (8) generally supervise the school budgeting  
9 procedures prescribed by law in accordance with the  
10 provisions of 20-9-102 and prescribe the school budget  
11 format in accordance with the provisions of 20-9-103 and  
12 20-9-506;

13 (9) establish a system of communication for  
14 calculating joint district revenues in accordance with the  
15 provisions of 20-9-151;

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

21 (11) generally supervise the school financial  
22 administration provisions as prescribed by 20-9-201(2);

23 (12) prescribe and furnish the annual report forms to  
24 enable the districts to report to the county superintendent  
25 in accordance with the provisions of 20-9-213(5) and the

1 annual report forms to enable the county superintendents to  
2 report to the superintendent of public instruction in  
3 accordance with the provisions of 20-3-209;

4 (13) approve, disapprove, or adjust an increase of the  
5 average number belonging (ANB) in accordance with the  
6 provisions of 20-9-313 and 20-9-314;

7 (14) distribute state equalization aid in support of  
8 the foundation program in accordance with the provisions of  
9 20-9-342, 20-9-346, and 20-9-347;

10 (15) estimate the statewide equalization level for the  
11 foundation program in accordance with the provisions of  
12 20-9-348;

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

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

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

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

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

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

4 (22) approve or disapprove the conduct of school on a  
5 Saturday or on pupil-instruction-related days in accordance  
6 with the provisions of 20-1-303 and 20-1-304;

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

12 (24) collect and maintain a file of curriculum guides  
13 and assist schools with instructional programs in accordance  
14 with the provisions of 20-7-113 and 20-7-114;

15 (25) establish and maintain a library of visual, aural,  
16 and other educational media in accordance with the  
17 provisions of 20-7-201;

18 (26) license textbook dealers and initiate prosecution  
19 of textbook dealers violating the law in accordance with the  
20 provisions of the textbooks part of this title;

21 (27) as the governing agent and executive officer of  
22 the state of Montana for vocational education, adopt the  
23 policies prescribed by and in accordance with the provisions  
24 of 20-7-301;

25 (28) consider applications for the designation of a

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

3 (29) establish a fund for the handling of postsecondary  
4 vocational-technical center fees in accordance with the  
5 provisions of ~~20-7-333~~ [sections 13 through 25];

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

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

11 (32) 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 (33) review school building plans and specifications in  
15 accordance with the provisions of 20-6-622;

16 (34) 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 (35) 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 57. Section 20-7-322, MCA, is amended to read:

23 "20-7-322. State treasurer custodian of vocational  
24 education moneys. ~~(1)~~ The treasurer of the state of Montana  
25 is hereby designated as the custodian of all federal and

1 state moneys designated, appropriated, or apportioned for  
 2 vocational education. All moneys received from any federal  
 3 or state source for the establishment, operation, or  
 4 furtherance of vocational education in the state shall be  
 5 deposited with the state treasurer. At the direction of the  
 6 superintendent of public instruction, he shall disburse all  
 7 moneys appropriated or received for vocational education.

8 ~~{2}--The state treasurer is the treasurer for all~~  
 9 ~~postsecondary vocational technical centers, and all money~~  
 10 ~~received by postsecondary vocational technical centers from~~  
 11 ~~any source shall be deposited in the state treasury pursuant~~  
 12 ~~to 17-6-105, unless the source of the money specifies~~  
 13 ~~deposit somewhere other than in the state treasury."~~

14 Section 58. Section 20-7-301, MCA, is amended to read:

15 "20-7-301. Duties of the superintendent of public  
 16 instruction. The superintendent of public instruction shall  
 17 be the governing agent and executive officer of the state of  
 18 Montana for vocational education. The superintendent of  
 19 public instruction shall adopt and administer policies to  
 20 effect the orderly development of a system of vocational  
 21 education that is adaptable to changing needs, controlled to  
 22 prevent unnecessary duplication, coordinated with federal  
 23 guidelines and requirements for vocational education, and  
 24 funded to ensure growth and quality programming. In order to  
 25 accomplish the orderly development of a system of vocational

1 education, the superintendent of public instruction policies  
 2 shall include:

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

1 received by the state of Montana for vocational education  
2 from the federal government in accordance with the acts of  
3 congress;

4 ~~{11}(8)~~ a system of evaluation of vocational education  
5 which allows for consideration of the current and projected  
6 manpower needs and job opportunities; and

7 ~~{12} the tuition and fees to be charged at the~~  
8 ~~postsecondary vocational technical centers, based upon~~  
9 ~~legislative appropriations available to the superintendent~~  
10 ~~of public instruction for postsecondary vocational technical~~  
11 ~~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 ~~superintendent of public instruction to the local school~~  
16 ~~district board of trustees operating a postsecondary~~  
17 ~~vocational technical center; and~~

18 ~~{15}(9)~~ 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 59. Section 20-7-302.1, MCA, is amended to  
22 read:

23 "20-7-302.1. State director of vocational education --  
24 duties. There is a state director of vocational education  
25 appointed by the superintendent of public instruction. He

1 must:

2 (1) administer the vocational education policies  
3 adopted by the superintendent of public instruction;

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

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

10 (4) report the status of vocational education in the  
11 state of Montana when requested by the superintendent of  
12 public instruction;

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

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

17 ~~{7} provide a postsecondary vocational technical~~  
18 ~~center system policy and procedural handbook for~~  
19 ~~institutional operations that will standardize operations~~  
20 ~~among the centers;~~

21 ~~{8} identify and direct the county treasurer in those~~  
22 ~~counties where postsecondary vocational technical centers~~  
23 ~~are located to establish the necessary multifund structures~~  
24 ~~for postsecondary vocational technical center financial~~  
25 ~~operations;~~

1        ~~{9}--meet--with--the--chairman--of--the--board--of--trustees,~~  
 2        ~~district--superintendent,--and--center--director---of---each~~  
 3        ~~postsecondary--vocational--technical--center--at--least--twice~~  
 4        ~~each--year---to---discuss---recommended---changes---in---the~~  
 5        ~~superintendent---of---public---instruction's---policies--and~~  
 6        ~~procedures;~~

7        ~~{10}--formulate--and--put--into--effect--uniform--fiscal,~~  
 8        ~~student,--staff,--and--program--accounting--systems--for--the~~  
 9        ~~postsecondary--vocational--technical--centers;~~

10       ~~{11}--prepare---any---necessary---reports---for---the~~  
 11       ~~superintendent--of--public--instruction--or--the--legislature;~~

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

15       ~~{13}--recommend--a--staffing--pattern--for--the--postsecondary~~  
 16       ~~vocational--technical--centers;~~

17       ~~{14}--provide---for---the--evaluation--of--programs--and~~  
 18       ~~services--within--each--postsecondary--vocational--technical~~  
 19       ~~center;~~

20       ~~{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        {7} perform such duties as may be required under  
 24        [sections 1 through 54]; and

25        ~~{16}{8} perform any other duty assigned by the~~

1        superintendent of public instruction."

2        NEW SECTION. Section 60. Codification instruction.

3        (1) Sections 1 through 54 are intended to be codified as an  
 4        integral chapter in Title 20, and except where otherwise  
 5        provided in sections 1 through 54, the provisions of Title  
 6        20 apply to sections 1 through 54.

7        (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-324,  
 8        and 20-7-331 are intended to be renumbered and recodified as  
 9        an integral part of the chapter established in subsection  
 10       (1), and the provisions of such sections apply to the  
 11       chapter and the provisions of the chapter apply to such  
 12       sections.

13        NEW SECTION. Section 61. Repealer. Sections 20-7-304,  
 14        20-7-313, 20-7-323, 20-7-325, 20-7-326, 20-7-332, and  
 15        20-7-333, MCA, are repealed.

16        NEW SECTION. Section 62. Effective date. This act is  
 17        effective July 1, 198\_.

-End-

HOUSE BILL NO. 849

INTRODUCED BY DONALDSON, VAN VALKENBURG

BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS; PROVIDING FOR GENERAL ADMINISTRATION AND FINANCE; ESTABLISHING PROCEDURES FOR IN-STATE STUDENT TUITION CERTIFICATION; ESTABLISHING A VOCATIONAL WORK-STUDY PROGRAM; CLARIFYING CERTIFICATION REQUIREMENTS, EMPLOYMENT CONTRACTS, TENURE, AND DISMISSAL OF CENTER EDUCATORS; AMENDING SECTIONS 20-1-101, 20-3-106, 20-7-301, 20-7-302.1, 20-7-312, 20-7-322, 20-7-324, AND 20-7-331, MCA; REPEALING SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-325, 20-7-326, 20-7-332, AND 20-7-333, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Assistant superintendent of vocational education services", who is also called the "state director of vocational education", means the state official appointed by the superintendent of public instruction under the

provisions of 20-3-104 to carry out the administrative rules and policies of the superintendent of public instruction concerning vocational-technical education.

(2) "Board of trustees" means the trustees of a high school district, a county high school, a community college district, or the local-executive-board-of-any-unit BOARD OF REGENTS of the Montana university system responsible for the operation of a postsecondary vocational-technical center.

(3) "Center educator" means an instructor, administrator, supervisor, student services personnel, or specialist employed by or certified for employment by a center.

(4) "Postsecondary vocational-technical center" or "center" means an educational unit of the state postsecondary vocational-technical center system used principally for the provision of postsecondary vocational-technical education to persons who qualify as postsecondary vocational-technical students. These centers are designated by the superintendent of public instruction upon direction by the legislature. All other public or private schools are prohibited from using the title "postsecondary vocational-technical center".

(5) "Postsecondary vocational-technical education" means vocational-technical education of postsecondary vocational-technical students that is conducted by a

