

SENATE BILL NO. 344

INTRODUCED BY B. BROWN, BLAYLOCK, E. SMITH

IN THE SENATE

FEBRUARY 14, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 21, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1987 PRINTING REPORT.

FEBRUARY 24, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 25, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 24, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 96; NOES, 2.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1987 RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 3, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 Senate BILL NO. 344
2 INTRODUCED BY Bob Brown Blaylock

3 E. Smith
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A
5 CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL
6 ALLOCATED TO THE BOARD OF PUBLIC EDUCATION; TO PROVIDE A
7 SPECIAL REVENUE FUND FOR THE DISPOSITION OF CERTIFICATION
8 FEES TO COVER THE EXPENSES OF THE COUNCIL AND THE COST OF
9 ISSUING CERTIFICATES; AMENDING SECTION 20-4-109, MCA; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11

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

13 NEW SECTION. Section 1. Definitions. As used in
14 [sections 1 through 4], unless the context clearly indicates
15 otherwise, the following definitions apply:

- 16 (1) "Approved teacher education program" means a
17 program that is offered by an accredited teacher education
18 institution and approved by the board of public education.
- 19 (2) "Council" means the certification standards and
20 practices advisory council created in [section 2].
- 21 (3) "Specialist" means a person employed by a school
22 district in a special educational capacity, including but
23 not limited to a school psychologist, occupational
24 therapist, physical therapist, audiologist, or speech
25 therapist.

1 NEW SECTION. Section 2. Certification standards and
2 practices advisory council. (1) There is a certification
3 standards and practices advisory council allocated to the
4 board of public education.

5 (2) The council consists of seven members appointed by
6 majority vote of the board of public education. The
7 membership of the council must include:

- 8 (a) four teachers engaged in classroom teaching,
9 including:
10 (i) one who teaches within kindergarten through grade
11 8;
12 (ii) one who teaches within grades 9 through 12 or at a
13 designated postsecondary vocational-technical center;
14 (iii) one who is employed as a specialist; and
15 (iv) one additional teacher from any category set forth
16 in this subsection (2)(a);
17 (b) one faculty member from an approved teacher
18 education program offered by an accredited teacher education
19 institution;
20 (c) one person employed as an administrator, with the
21 certification required in 20-4-106(1)(c); and
22 (d) one school district trustee.
- 23 (3) The board of public education shall appoint the
24 members listed in subsection (2) from persons who are
25 nominated and certified as eligible by each of the following



1 organizations:

2 (a) six nominees from the Montana education
3 association;

4 (b) two nominees from the Montana federation of
5 teachers;

6 (c) two nominees from the Montana school boards
7 association;

8 (d) two nominees from the Montana association of
9 colleges of teacher education; and

10 (e) two nominees from school administrators of
11 Montana.

12 (4) The nominations required in subsection (3) must be
13 submitted to the board of public education by May 1. The
14 board of public education shall select and appoint the
15 members by June 1. If a vacancy occurs on the council, the
16 board of public education shall request new nominees from
17 the category of membership in which the vacancy has
18 occurred, in the manner provided in subsection (3).

19 (5) The term of office of an appointed member is 2
20 years.

21 NEW SECTION. Section 3. Officers -- quorum --
22 expenses -- meetings. (1) The council shall select a
23 chairman and a vice-chairman from its appointed members.

24 (2) A quorum for a meeting is not less than four
25 council members.

1 (3) Council members are entitled to travel expenses
2 incurred for each day of attendance at council meetings or
3 in the performance of any duty or service as a council
4 member in accordance with 2-18-501 through 2-18-503.

5 (4) The council shall meet quarterly and at other
6 times as may be required for the proper conduct of the
7 business of the council at the call of the chairman.

8 (5) The council may adopt rules for the conduct of its
9 business.

10 (6) The council shall keep a record of its
11 proceedings.

12 (7) The council may request research, administrative,
13 and clerical staff assistance from the board of public
14 education.

15 NEW SECTION. Section 4. Duties of the council. (1)
16 The council shall study and make recommendations to the
17 board of public education in the following areas:

18 (a) teacher certification standards, including but not
19 limited to precertification training and education
20 requirements and certification renewal requirements and
21 procedures;

22 (b) administrator certification standards, including
23 but not limited to precertification training and education
24 requirements and certification renewal requirements and
25 procedures;

1 (c) specialist certification standards, including but
2 not limited to precertification training and education
3 requirements and certification renewal requirements and
4 procedures;

5 (d) certification requirements for temporary or
6 substitute teachers or persons certified under emergency or
7 waiver conditions;

8 (e) feasibility of establishing standards of
9 professional practices and ethical conduct;

10 (f) review of accreditation standards, including the
11 accreditation process and enforcement procedures;

12 (g) the status and efficacy of approved teacher
13 education programs in Montana;

14 (h) certification fees and the disposition of the fees
15 to the credit of the fund provided in 20-4-109; and

16 (i) policies related to the denial, suspension, and
17 revocation of teaching certification and the appeals
18 process. For the purpose of preparing recommendations in
19 this area, the council is authorized to review the
20 individual cases and files that have been submitted to the
21 board of public education.

22 (2) The council shall submit a written report annually
23 to the board of public education with its recommendations
24 for the above areas. The council may submit recommendations
25 to the board of public education at other times that the

1 council considers appropriate.

2 (3) The board of public education shall:

3 (a) at a regularly scheduled meeting, consider any
4 recommendations and reports of the council;

5 (b) approve, disapprove, or modify each recommendation
6 of the council by majority vote of the board; and

7 (c) if the board disapproves or modifies a
8 recommendation, submit to the council in writing the
9 specific reasons for such action.

10 Section 5. Section 20-4-109, MCA, is amended to read:

11 "20-4-109. Fees for teacher and specialist
12 certificates. (1) Each person applying for the issuance or
13 renewal of a teacher or specialist certificate shall pay a
14 fee of not to exceed \$2 for each school fiscal year that the
15 certificate will be valid. In addition to this fee, each
16 person who has never held any class of Montana teacher or
17 specialist certificate or for whom an emergency
18 authorization of employment has never been issued shall pay
19 a filing fee of \$2 \$5. Such fees shall be paid to the
20 superintendent of public instruction, who shall deposit the
21 fees with the state treasurer to the credit of the general
22 state special revenue fund created in subsection (2).

23 (2) There is an account in the state special revenue
24 fund. Money from fees for teacher or specialist certificates
25 required in subsection (1) must be deposited in the account.

1 The money in the account is appropriated to the board of
2 public education for expenses for the certification
3 standards and practices advisory council created in [section
4 2]. Any money remaining in the account is appropriated to
5 the superintendent of public instruction to fund the cost of
6 issuing teacher and specialist certificates."

7 NEW SECTION. Section 6. Codification instruction.
8 Sections 1 through 4 are intended to be codified as an
9 integral part of Title 20, and the provisions of Title 20
10 apply to sections 1 through 4.

11 NEW SECTION. Section 7. Effective date. This act is
12 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB344, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Creating a certification standards and practices advisory council allocated to the Board of Public Education; to provide a special revenue fund for the disposition of certification fees to cover the expenses of the council and the cost of issuing certificates.

ASSUMPTIONS:

1. The revenue generated from the certification fees under current law is deposited into the general fund. It is assumed that half of this revenue is generated between April and June in each fiscal year.
2. The number of teachers applying for certification will remain at the 1986 level.

FISCAL IMPACT:

	FY87			FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>									
General Fund	\$70,000	\$35,000	(\$ 35,000)	\$70,000	\$ 0	(\$ 70,000)	\$70,000	\$ 0	(\$ 70,000)
State Special Revenue	0	64,875	64,875	0	119,500	119,500	0	119,500	119,500
TOTAL	\$70,000	\$99,875	\$ 29,875	\$70,000	\$119,500	\$ 49,500	\$70,000	\$119,500	\$ 49,500
<u>Expenditures:</u>									
Per Diem				\$ 0	\$ 36,546	\$ 36,546	\$ 0	\$ 36,546	\$ 36,546
Travel				0	46,540	46,540	0	46,540	46,540
TOTAL				\$ 0	\$ 83,086	\$ 83,086	\$ 0	\$ 83,086	\$ 83,086
<u>Funding:</u>									
General Fund				\$ 0	\$ 33,586	\$ 33,586	\$ 0	\$ 33,586	\$ 33,586
State Special Revenue				0	49,500	49,500	0	49,500	49,500
TOTAL				\$ 0	\$ 83,086	\$ 83,086	\$ 0	\$ 83,086	\$ 83,086

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

If the state special revenues are to be statutorily appropriated in MCA 20-9-104, Section 17-7-502 must also be amended to make a valid statutory appropriation.

David L. Hunter DATE 2/18/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Bob Brown DATE 2/20/87
 ROBERT BROWN, PRIMARY SPONSOR

Fiscal Note for SB344, as introduced.

SB 344

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 SENATE BILL NO. 344
 2 INTRODUCED BY B. BROWN, BLAYLOCK, E. SMITH
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A
 5 CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL
 6 ALLOCATED TO THE BOARD OF PUBLIC EDUCATION; TO PROVIDE A
 7 SPECIAL REVENUE FUND FOR-~~THE-DISPOSITION-OF-CERTIFICATION~~
 8 ~~FEES-TO-COVER-THE-EXPENSES-OF-THE-COUNCIL-AND--THE--COST--OF~~
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 10 PROVIDING AN ~~IMMEDIATE~~ EFFECTIVE DATE."
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 18 institution and approved by the board of public education.
 19 (2) "Council" means the certification standards and
 20 practices advisory council created in [section 2].
 21 (3) "Specialist" means a person employed by a school
 22 district in a ~~special-educational-capacity,~~ ~~including~~ ~~but~~
 23 ~~not---limited---to---a---school---psychologist,~~ ~~occupational~~
 24 ~~therapist,~~ ~~physical--therapist,~~ ~~audiologist,~~ ~~or~~ ~~speech~~
 25 ~~therapist~~ PROFESSION OTHER THAN THE TEACHING PROFESSION.

1 NEW SECTION. Section 2. Certification standards and
 2 practices advisory council. (1) There is a certification
 3 standards and practices advisory council allocated to the
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11 Montana; AND

12 (F) NOMINEES FROM ANY INTERESTED INDIVIDUAL OR GROUP.

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18 the category of membership in which the vacancy has
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21 years.

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7 times as may be required for the proper conduct of the
8 business of the council at the call of the chairman.

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10 business.

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5 procedures;

6 ~~{d}--certification--requirements---for---temporary---or
7 substitute--teachers-or-persons-certified-under-emergency-or
8 waiver-conditions;~~

9 {e}{D} feasibility of establishing standards of
10 professional practices and ethical conduct;

11 ~~{f}--review--of--accreditation-standards;-including-the
12 accreditation-process-and-enforcement-procedures;~~

13 {g}{E} the status and efficacy of approved teacher
14 education programs in Montana; AND

15 ~~{h}--certification-fees-and-the-disposition-of-the-fees
16 to-the-credit-of-the-fund-provided-in-20-4-109;-and~~

17 ~~{i}{F}~~ policies related to the denial, suspension, and
18 revocation of teaching certification and the appeals
19 process. For the purpose of preparing recommendations in
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21 individual cases and files that have been submitted to the
22 board of public education.

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24 to the board of public education with its recommendations
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7 of the council by majority vote of the board; and

8 ~~{c}--if---the---board---disapproves---or---modifies---a
9 recommendation;-submit--to--the--council--in--writing--the
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11 Section 5. Section 20-4-109, MCA, is amended to read:

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13 certificates. (1) Each person applying for the issuance or
14 renewal of a teacher or specialist certificate shall pay a
15 fee of not to exceed \$2 \$5 for each school fiscal year that
16 the certificate will be valid. In addition to this fee, each
17 person who has never held any class of Montana teacher or
18 specialist certificate or for whom an emergency
19 authorization of employment has never been issued shall pay
20 a filing fee of \$2 \$5. Such fees shall be paid to the
21 superintendent of public instruction, who shall deposit the
22 fees with the state treasurer to the credit of the general
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25 fund. Money from fees for teacher or specialist certificates

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8 NEW SECTION. Section 6. Codification instruction.
9 Sections 1 through 4 are intended to be codified as an
10 integral part of Title 20, and the provisions of Title 20
11 apply to sections 1 through 4.

12 NEW SECTION. Section 7. Effective date. This act is
13 effective on passage and approval JULY 1, 1987.

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SENATE BILL NO. 344

INTRODUCED BY B. BROWN, BLAYLOCK, E. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL ALLOCATED TO THE BOARD OF PUBLIC EDUCATION; TO PROVIDE A SPECIAL REVENUE FUND ~~FOR THE DISPOSITION OF CERTIFICATION FEES TO COVER THE EXPENSES OF THE COUNCIL AND THE COST OF ISSUING CERTIFICATES~~; AMENDING SECTION 20-4-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(1) "Approved teacher education program" means a program that is offered by an accredited teacher education institution and approved by the board of public education.

(2) "Council" means the certification standards and practices advisory council created in [section 2].

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(2) The council consists of seven members appointed by majority vote of the board of public education. The membership of the council must include:

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(c) one person employed as an administrator, with the certification required in 20-4-106(1)(c); and

(d) one school district trustee.

(3) The board of public education shall appoint the members listed in subsection (2) from persons who are nominated and certified as eligible by each of the following

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10 professional practices and ethical conduct;

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12 accreditation-process-and-enforcement-procedures;~~

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14 education programs in Montana; AND

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22 board of public education.

23 (2) The council shall submit a written report annually
24 to the board of public education with its recommendations
25 for the above areas. The council may submit recommendations

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2 council considers appropriate.

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8 ~~{c}--if---the---board---disapproves---or---modifies---a
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13 certificates. (1) Each person applying for the issuance or
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24 (2) There is an account in the state special revenue
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3 public--education--for--expenses--for--the--certification
4 standards--and--practices--advisory--council--created--in--section
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Creating a certification standards and practices advisory council allocated to the Board of Public Education; to provide a special revenue fund for the disposition of certification fees to cover the expenses of the council and the cost of issuing certificates.

ASSUMPTIONS:

1. The revenue generated from the certification fees under current law is deposited into the general fund.
2. The number of teachers applying for certification will remain at the 1986 level.
3. Three half-time positions will be necessary for research, clerical and administrative support; .5 FTE grade 16 and .5 FTE grade 14, and .5 grade 9 position.

FISCAL IMPACT:

	<u>FY88</u>			<u>FY89</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Revenues:</u>						
General Fund	\$70,000	\$ 0	(\$ 70,000)	\$70,000	\$ 0	(\$ 70,000)
State Special Revenue	0	171,000	171,000	0	171,000	171,000
TOTAL	\$70,000	\$171,000	\$101,000	\$70,000	\$171,000	\$101,000
<u>Expenditures:</u>						
Personal Services	\$ 0	\$ 36,546	\$ 36,546	\$ 0	\$ 36,546	\$ 36,546
Travel	0	13,359	13,359	0	13,359	13,359
TOTAL	\$ 0	\$ 49,905	\$ 49,905	\$ 0	\$ 49,905	\$ 49,905
<u>Funding:</u>						
General Fund	\$ 0	\$ 49,905	\$ 49,905	\$ 0	\$ 49,905	\$ 49,905
NET General Fund Impact		(\$119,905)		(\$119,905)		

David L. Hunter DATE 3/6/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Bob Brown DATE 3/7/87
 ROBERT BROWN, PRIMARY SPONSOR

Fiscal Note for SB344, third reading copy.

SB 344
 #2

SENATE BILL NO. 344

INTRODUCED BY B. BROWN, BLAYLOCK, E. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL ALLOCATED TO THE BOARD OF PUBLIC EDUCATION; TO PROVIDE A SPECIAL REVENUE FUND ~~FOR THE DISPOSITION OF CERTIFICATION FEES TO COVER THE EXPENSES OF THE COUNCIL AND THE COST OF ISSUING CERTIFICATES~~ FOR THE DISPOSITION OF A PORTION OF CERTIFICATION FEES TO COVER THE EXPENSES OF THE COUNCIL; AMENDING SECTION SECTIONS 17-7-502 AND 20-4-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 4], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Approved teacher education program" means a program that is offered by an accredited teacher education institution and approved by the board of public education.

(2) "Council" means the certification standards and practices advisory council created in [section 2].

(3) "Specialist" means a person employed by a school district in a ~~special-educational-capacity, including but not limited to a school psychologist, occupational~~

~~therapist, physical therapist, audiologist, or speech therapist~~ PROFESSION OTHER THAN THE TEACHING PROFESSION.

NEW SECTION. Section 2. Certification standards and practices advisory council. (1) There is a certification standards and practices advisory council allocated to the board of public education.

(2) The council consists of seven members appointed by majority vote of the board of public education. The membership of the council must include:

(a) four teachers engaged in classroom teaching, including:

(i) one who teaches within kindergarten through grade 8;

(ii) one who teaches within grades 9 through 12 or at a designated postsecondary vocational-technical center;

(iii) one who is employed as a specialist; and

(iv) one additional teacher from any category set forth in this subsection (2)(a);

(b) one faculty member from an approved teacher education program offered by an accredited teacher education institution;

(c) one person employed as an administrator, with the certification required in 20-4-106(1)(c); and

(d) one school district trustee.

(3) ~~The board of public education shall appoint the~~

1 members listed in subsection (2) from persons who are
 2 nominated and certified as eligible by each of the following
 3 organizations:

4 (a) six nominees from the Montana education
 5 association;

6 (b) two nominees from the Montana federation of
 7 teachers;

8 (c) two nominees from the Montana school boards
 9 association;

10 (d) two nominees from the Montana association of
 11 colleges of teacher education; and

12 (e) two nominees from school administrators of
 13 Montana; AND

14 ~~(F) NOMINEES FROM ANY INTERESTED INDIVIDUAL OR GROUP;~~

15 ~~(4) The nominations required in subsection (3) must be~~
 16 ~~submitted to the board of public education by May 1. The~~
 17 ~~board of public education shall select and appoint the~~
 18 ~~members by June 1. If a vacancy occurs on the council, the~~
 19 ~~board of public education shall request new nominees~~ APPOINT
 20 A PERSON from the category of membership, AS PROVIDED IN
 21 SUBSECTION (2), in which the vacancy has occurred; ~~in the~~
 22 ~~manner provided in subsection (3).~~

23 ~~(5)(4) The term of office of an appointed member is 2~~
 24 ~~years.~~

25 NEW SECTION. Section 3. Officers -- quorum --

1 expenses -- meetings. (1) The council shall select a
 2 chairman and a vice-chairman from its appointed members.

3 (2) A quorum for a meeting is not less than four
 4 council members.

5 (3) Council members are entitled to travel expenses
 6 incurred for each day of attendance at council meetings or
 7 in the performance of any duty or service as a council
 8 member in accordance with 2-18-501 through 2-18-503.

9 (4) The council shall meet quarterly and at other
 10 times as may be required for the proper conduct of the
 11 business of the council at the call of the chairman.

12 (5) The council may adopt rules for the conduct of its
 13 business.

14 (6) The council shall keep a record of its
 15 proceedings.

16 (7) The council may request research, administrative,
 17 and clerical staff assistance from the board of public
 18 education.

19 NEW SECTION. Section 4. Duties of the council. (1)
 20 The council shall study and make recommendations to the
 21 board of public education in the following areas:

22 (a) teacher certification standards, including but not
 23 limited to precertification training and education
 24 requirements and certification renewal requirements and
 25 procedures;

1 (b) administrator certification standards, including
2 but not limited to precertification training and education
3 requirements and certification renewal requirements and
4 procedures;

5 (c) specialist certification standards, including but
6 not limited to precertification training and education
7 requirements and certification renewal requirements and
8 procedures;

9 ~~(d) certification requirements for temporary or
10 substitute teachers or persons certified under emergency or
11 waiver conditions;~~

12 (e) (D) feasibility of establishing standards of
13 professional practices and ethical conduct;

14 ~~(f) review of accreditation standards, including the
15 accreditation process and enforcement procedures;~~

16 (g) (E) the status and efficacy of approved teacher
17 education programs in Montana; AND

18 ~~(h) certification fees and the disposition of the fees
19 to the credit of the fund provided in 20-4-109; and~~

20 (i) (F) policies related to the denial, suspension, and
21 revocation of teaching certification and the appeals
22 process. For the purpose of preparing recommendations in
23 this area, the council is authorized to review the
24 individual cases and files that have been submitted to the
25 board of public education.

1 (2) The council shall submit a written report annually
2 to the board of public education with its recommendations
3 for the above areas. The council may submit recommendations
4 to the board of public education at other times that the
5 council considers appropriate.

6 (3) The board of public education shall:

7 (a) at a regularly scheduled meeting, consider any
8 recommendations and reports of the council; AND

9 (b) approve, disapprove, or modify each recommendation
10 of the council by majority vote of the board; and

11 ~~(c) if the board disapproves or modifies a
12 recommendation, submit to the council in writing the
13 specific reasons for such action.~~

14 Section 5. Section 20-4-109, MCA, is amended to read:
15 "20-4-109. Fees for teacher and specialist
16 certificates. (1) Each person applying for the issuance or
17 renewal of a teacher or specialist certificate shall pay a
18 fee of not to exceed \$2 ~~\$5~~ \$6 ~~\$4~~ for each school fiscal year
19 that the certificate will be valid. In addition to this fee,
20 each person who has never held any class of Montana teacher
21 or specialist certificate or for whom an emergency
22 authorization of employment has never been issued shall pay
23 a filing fee of \$2 ~~\$5~~ \$6 ~~\$4~~. Such fees shall be paid to the
24 superintendent of public instruction, who shall deposit the
25 fees with the state treasurer IN THE FOLLOWING MANNER:

1 (A) §2 to the credit of the general state special
2 revenue fund created in subsection (2);

3 (B) §2 TO THE GENERAL FUND.

4 (2) There is an account in the state special revenue
5 fund. Money from fees for teacher or specialist certificates
6 required in subsection (1) must be deposited in the account.

7 ~~The money in the account is appropriated to the board of~~
8 ~~public education for expenses for the certification~~
9 ~~standards and practices advisory council created in section~~
10 ~~2; Any money remaining in the account is appropriated to~~
11 ~~the superintendent of public instruction to fund the cost of~~
12 ~~issuing teacher and specialist certificates. THE MONEY IN~~
13 ~~THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN~~
14 ~~17-7-502, TO THE BOARD OF PUBLIC EDUCATION FOR EXPENSES FOR~~
15 ~~THE CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL~~
16 ~~CREATED IN [SECTION 2]."~~

17 SECTION 6. SECTION 17-7-502, MCA, IS AMENDED TO READ:

18 "17-7-502. Statutory appropriations -- definition --
19 requisites for validity. (1) A statutory appropriation is an
20 appropriation made by permanent law that authorizes spending
21 by a state agency without the need for a biennial
22 legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be
24 effective, a statutory appropriation must comply with both
25 of the following provisions:

1 (a) The law containing the statutory authority must be
2 listed in subsection (3).

3 (b) The law or portion of the law making a statutory
4 appropriation must specifically state that a statutory
5 appropriation is made as provided in this section.

6 (3) The following laws are the only laws containing
7 statutory appropriations:

- 8 (a) 2-9-202;
- 9 (b) 2-17-105;
- 10 (c) 2-18-812;
- 11 (d) 10-3-203;
- 12 (e) 10-3-312;
- 13 (f) 10-3-314;
- 14 (g) 10-4-301;
- 15 (h) 13-37-304;
- 16 (i) 15-31-702;
- 17 (j) 15-36-112;
- 18 (k) 15-70-101;
- 19 (l) 16-1-404;
- 20 (m) 16-1-410;
- 21 (n) 16-1-411;
- 22 (o) 17-3-212;
- 23 (p) 17-5-404;
- 24 (q) 17-5-424;
- 25 (r) 17-5-804;

1 (s) 19-8-504;
 2 (t) 19-9-702;
 3 (u) 19-9-1007;
 4 (v) 19-10-205;
 5 (w) 19-10-305;
 6 (x) 19-10-506;
 7 (y) 19-11-512;
 8 (z) 19-11-513;
 9 (aa) 19-11-606;
 10 (bb) 19-12-301;
 11 (cc) 19-13-604;
 12 (dd) 20-6-406;
 13 (ee) 20-8-111;
 14 (ff) 23-5-612;
 15 (gg) 37-51-501;
 16 (hh) 53-24-206;
 17 (ii) 75-1-1101;
 18 (jj) 75-7-305;
 19 (kk) 80-2-103;
 20 (ll) 80-2-228;
 21 (mm) 90-3-301;
 22 (nn) 90-3-302;
 23 (oo) 90-15-103; and
 24 (pp) Sec. 13, HB 861, L. 1985; and
 25 (qq) 20-4-109.

1 (4) There is a statutory appropriation to pay the
 2 principal, interest, premiums, and costs of issuing, paying,
 3 and securing all bonds, notes, or other obligations, as due,
 4 that have been authorized and issued pursuant to the laws of
 5 Montana. Agencies that have entered into agreements
 6 authorized by the laws of Montana to pay the state
 7 treasurer, for deposit in accordance with 17-2-101 through
 8 17-2-107, as determined by the state treasurer, an amount
 9 sufficient to pay the principal and interest as due on the
 10 bonds or notes have statutory appropriation authority for
 11 such payments."

12 NEW SECTION. Section 7. Codification instruction.
 13 Sections 1 through 4 are intended to be codified as an
 14 integral part of Title 20, and the provisions of Title 20
 15 apply to sections 1 through 4.

16 NEW SECTION. Section 8. Effective date. This act is
 17 effective on ~~passage-and-approval~~ JULY 1, 1987.

-End-

HOUSE

STANDING COMMITTEE REPORT

MARCH 23, 1987

Education and Cultural Resources Committee March 23, 1987 - SB # 344 Page 2 of 3

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES report SENATE BILL NO. 344

- do pass, do not pass, be concurred in, be not concurred in, as amended, statement of intent attached

Signature of Jack Sands, REP. JACK SANDS, Chairman

CREATE CERTIFICATION STANDARDS & PRACTICES COUNCIL TO BOARD OF PUBLIC EDUCATION

- 1. Title, line 9. Following: "CERTIFICATE" Insert: "FOR THE DISPOSITION OF A PORTION OF CERTIFICATION FEES TO COVER THE EXPENSES OF THE COUNCIL" Strike: "SECTION" Insert: "SECTIONS 17-7-502, AND"
2. Page 2, line 23 through page 3, line 14. Following: "(3)" Strike: remainder of line 23 through "May 1." on line 14, page 3
3. Page 3, line 17. Strike: "request new nominees" Insert: "appoint a person"
4. Page 3, line 18. Following: "membership" Insert: ", as provided in subsection (2),"
5. Page 3, line 19. Following: "occurred" Strike: remainder of line 19 through "subsection (3)" Renumber: subsequent subsection
6. Page 6, line 15. Strike: "\$6" Insert: "\$4"
7. Page 6, line 20. Strike: "\$6" Insert: "\$4"

- 8. Page 6, line 22. Following: "treasurer" Insert: "in the following manner: (a) \$2"
9. Page 6, line 23. Following: "(2)" Insert: "; (b) \$2 to the general fund"
10. Page 7, line 7. Following: "certificates-" Insert: "The money in the account is statutorily appropriated, as provided in 17-7-502, to the board of public education for expenses for the certification standards and practices advisory council created in [section 2]."

- 11. Page 7. Following: line 7. Insert: "Section 6. Section 17-7-502, MCA, is amended to read: "17-7-502. Statutory appropriations -- definition -- prerequisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment. (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions: (a) The law containing the statutory authority must be listed in subsection (3). (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section. (3) The following laws are the only laws containing statutory appropriations: (a) 2-9-202; (b) 2-17-105; (c) 2-18-812; (d) 10-3-203; (e) 10-3-312; (f) 10-3-314; (g) 10-4-301; (h) 13-37-304;"

REP. SANDS WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy (BLUE color)

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Education and Cultural
Resources Committee
March 23, 1987 - SB # 344
Page 3 of 3

(i) 15-31-702;
(j) 15-36-112;
(k) 15-70-101;
(l) 16-1-404;
(m) 16-1-410;
(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-424;
(r) 17-5-804;
(s) 19-8-504;
(t) 19-9-702;
(u) 19-9-1007;
(v) 19-10-205;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
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(oo) 90-15-103; and
(pp) Sec. 13, HB 861, L. 1985; and
(qq) 20-4-109.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments."

Renumber: subsequent sections