

HOUSE BILL 106

Introduced by Peck, et al.

1/05	Introduced
1/05	Referred to Education & Cultural Resources
1/05	First Reading
1/06	Fiscal Note Requested
1/13	Hearing
1/14	Fiscal Note Received
1/14	Fiscal Note Printed
1/22	Tabled in Committee

1 *House* BILL NO. *106*
 2 INTRODUCED BY *Rep. Babin* *NATH*
 3 *John* BY REQUEST OF THE SUPERINTENDENT *Julian*
 4 OF PUBLIC INSTRUCTION

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE
 7 CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL FROM
 8 THE BOARD OF PUBLIC EDUCATION TO THE SUPERINTENDENT OF
 9 PUBLIC INSTRUCTION; INCREASING THE TEACHER AND SPECIALIST
 10 CERTIFICATION FEES TO FUND THE CERTIFICATION FUNCTIONS OF
 11 THE OFFICE OF PUBLIC INSTRUCTION; AMENDING SECTIONS
 12 2-15-1522, 20-3-106, 20-4-109, 20-4-132, AND 20-4-133, MCA;
 13 AND PROVIDING AN EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 2-15-1522, MCA, is amended to read:

17 "2-15-1522. Certification standards and practices
 18 advisory council. (1) There is a certification standards and
 19 practices advisory council allocated to the board-of-public
 20 education superintendent of public instruction.

21 (2) The council consists of seven members appointed by
 22 majority-vote-of-the-board-of-public-education the
 23 superintendent of public instruction. The membership of the
 24 council must include:

25 (a) three teachers engaged in classroom teaching,

1 including:

2 (i) one who teaches within kindergarten through grade
 3 8;

4 (ii) one who teaches within grades 9 through 12; and

5 (iii) one additional teacher from any category in
 6 subsection (2)(a) or (2)(b);

7 (b) one person employed as a specialist or K-12
 8 specialist;

9 (c) one faculty member from an approved teacher
 10 education program offered by an accredited teacher education
 11 institution;

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

14 (e) one school district trustee.

15 (3) The board--of--public--education superintendent of
 16 public instruction shall select and appoint the members by
 17 June 1. If a vacancy occurs on the council, the board-of
 18 public-education superintendent of public instruction shall
 19 appoint a person from the category of membership, as
 20 provided in subsection (2), in which the vacancy has
 21 occurred to serve the unexpired term.

22 (4) Members shall serve staggered 3-year terms and must
 23 be appointed so that no more than three appointments expire
 24 in any 1 year."

25 **Section 2.** Section 20-3-106, MCA, is amended to read:

1 **"20-3-106. Supervision of schools -- powers and duties.**

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

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

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

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

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

15 (5) approve or disapprove the orders of a high school
16 boundary commission in accordance with the provisions of
17 20-6-311;

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

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

23 (8) generally supervise the school budgeting procedures
24 prescribed by law in accordance with the provisions of
25 20-9-102 and prescribe the school budget format in

1 accordance with the provisions of 20-9-103 and 20-9-506;

2 (9) establish a system of communication for calculating
3 joint district revenues in accordance with the provisions of
4 20-9-151;

5 (10) approve or disapprove the adoption of a district's
6 budget amendment resolution under the conditions prescribed
7 in 20-9-163 and adopt rules for an application for
8 additional state aid for a budget amendment in accordance
9 with the approval and disbursement provisions of 20-9-166;

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

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

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

21 (14) distribute state equalization aid in support of the
22 foundation program and guaranteed tax base aid, in
23 accordance with the provisions of 20-9-331, 20-9-333,
24 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

25 (15) distribute state impact aid in accordance with the

1 provisions of 20-9-304;

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

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

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

10 (19) authorize the use of federal money for the support
11 of an interlocal cooperative agreement in accordance with
12 the provisions of 20-9-703 and 20-9-704;

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

16 (21) approve or disapprove the conduct of school on a
17 Saturday or on pupil-instruction-related days in accordance
18 with the provisions of 20-1-303 and 20-1-304;

19 (22) recommend standards of accreditation for all
20 schools to the board of public education and evaluate
21 compliance with the standards and recommend accreditation
22 status of every school to the board of public education in
23 accordance with the provisions of 20-7-101 and 20-7-102;

24 (23) collect and maintain a file of curriculum guides
25 and assist schools with instructional programs in accordance

1 with the provisions of 20-7-113 and 20-7-114;

2 (24) establish and maintain a library of visual, aural,
3 and other educational media in accordance with the
4 provisions of 20-7-201;

5 (25) license textbook dealers and initiate prosecution
6 of textbook dealers violating the law in accordance with the
7 provisions of the textbooks part of this title;

8 (26) as the governing agent and executive officer of the
9 state of Montana for K-12 vocational education, adopt the
10 policies prescribed by and in accordance with the provisions
11 of 20-7-301;

12 (27) supervise and coordinate the conduct of special
13 education in the state in accordance with the provisions of
14 20-7-403;

15 (28) administer the traffic education program in
16 accordance with the provisions of 20-7-502;

17 (29) administer the school food services program in
18 accordance with the provisions of 20-10-201, 20-10-202, and
19 20-10-203;

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

22 (31) prescribe the method of identification and signals
23 to be used by school safety patrols in accordance with the
24 provisions of 20-1-408;

25 (32) provide schools with information and technical

1 assistance for compliance with the student assessment rules
2 provided for in 20-2-121 and collect and summarize the
3 results of the student assessment for the board of public
4 education and the legislature;

5 (33) administer the distribution of guaranteed tax base
6 aid for county retirement levy obligations in accordance
7 with 20-9-366 through 20-9-369; and

8 (34) appoint the members of the certification standards
9 and practices advisory council provided for in 2-15-1522 and
10 provide assistance to the council as provided in 20-4-132;
11 and

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

15 **Section 3.** Section 20-4-109, MCA, is amended to read:

16 "20-4-109. Fees for teacher and specialist
17 certificates. (1) A person applying for the issuance or
18 renewal of a teacher or specialist certificate shall pay a
19 fee not to exceed \$6 \$20 for each school fiscal year that
20 the certificate is valid. In addition to this fee, a person
21 who has never held any class of Montana teacher or
22 specialist certificate or for whom an emergency
23 authorization of employment has never been issued shall pay
24 a filing fee of \$6 \$10. The fees must be paid to the
25 superintendent of public instruction who shall deposit the

1 fees with the state treasurer to the credit of the state
2 special revenue fund account, created in subsection (2), to
3 be used in the following manner:

4 (a) \$3 30% for expenses of the certification standards
5 and practices advisory council created in 2-15-1522;

6 (b) \$3 70% to the ~~board of public education to be used~~
7 ~~by the certification standards and practices advisory~~
8 ~~council for research in accordance with the duties of the~~
9 ~~council provided for in 20-4-133~~ superintendent of public
10 instruction to fund the teacher and specialist certification
11 functions of the office of public instruction.

12 (2) There is an account in the state special revenue
13 fund. Money from fees for teacher or specialist certificates
14 required in subsection (1) must be deposited in the account.
15 The money in the account ~~to be used for the purposes of~~
16 ~~subsection (1)(b)~~ is statutorily appropriated, as provided
17 in 17-7-502, to the ~~board of public education for use by the~~
18 ~~certification standards and practices advisory council~~
19 superintendent of public instruction to be expended for the
20 purposes in subsections (1)(a) and (1)(b) in the same
21 proportion as the collections provided for in those
22 subsections."

23 **Section 4.** Section 20-4-132, MCA, is amended to read:

24 "20-4-132. Meetings -- assistance. (1) The council
25 shall meet quarterly and at other times as may be required

1 for the proper conduct of the business of the council at the
2 call of the chairman presiding officer.

3 (2) The council may adopt rules for the conduct of its
4 business.

5 (3) The council shall keep a record of its proceedings.

6 (4) The council may request research, administrative,
7 and clerical staff assistance from the board--of--public
8 education superintendent of public instruction.

9 (5) The council shall select a chairman presiding
10 officer and a vice-chairman vice presiding officer from its
11 appointed members.

12 (6) A quorum for a meeting is not less than four
13 council members.

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

18 **Section 5.** Section 20-4-133, MCA, is amended to read:

19 "20-4-133. Duties of the council. (1) The council shall
20 study and make recommendations to the board--of--public
21 education superintendent of public instruction in the
22 following areas:

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

1 procedures;

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

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

10 (d) feasibility of establishing standards of
11 professional practices and ethical conduct;

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

14 (f) policies related to the denial, suspension, and
15 revocation of teacher, administrator, and specialist
16 certification and the appeals process. For the purpose of
17 preparing recommendations in this area, the council is
18 authorized to review the individual cases and files that
19 have been submitted to the board of public education under
20 the provisions of 20-4-110.

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

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1 other times that the council considers appropriate.

2 (3) The ~~board-of--public--education~~ superintendent of
3 public instruction shall:

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

6 (b) approve, disapprove, or modify each recommendation
7 of the council ~~by-majority-vote-of-the-board."~~

8 NEW SECTION. Section 6. Effective date. [This act] is
9 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0106, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act transferring the certification standards and practices advisory council from the board of public education to the superintendent of public instruction; increasing the teacher and specialist certification fees to fund the certification functions of the Office of Public Instruction.

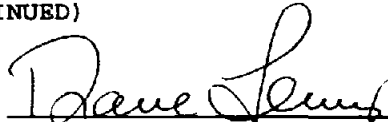
ASSUMPTIONS:**Board of Public Education**

1. There will be a 2.00 FTE and approximately \$80,000 per year decrease in operations of the Board of Public Education.
2. The administrative functions and hearings officer requirements of the board are not affected by this bill and, because these were funded from the state special revenue fee income, general fund of \$19,550 will be added each year.

Office of Public Instruction

3. This legislation will result in additional revenue from increased fees for teacher certification renewals. The assumption is that this revenue will be used to supplant general fund appropriations to the Office of Public Instruction (OPI).
4. Under current law, OPI issues 6,200 teacher certificates annually. Most certificates are issued for 5 years; about 10 percent of the certificates are Class 5 provisional certificates which are issued for 3 years.
5. The fee increase will reduce annual certification applications to 4,000 per year. In 1993, more teachers will renew their certificates between March 1 and June 30 in order to avoid the fee increase. In FY93, OPI will issue 8,060 teacher certificates. OPI will issue 3,250 certificates in FY94 and 4,000 in FY95.
6. Funding of the teacher certification function and investigations at OPI will be shifted from the state general fund to state special revenue account funded by the fee increase.
7. In FY93, teacher certification revenue would increase by \$48,600 if this bill passes.
8. The fees will generate \$329,980 in FY94 and \$406,000 in FY95 causing a like amount of general fund decrease in the OPI.
9. However, because HB106 statutorily appropriates all fees collected to OPI, the general fund savings which would be included in HB2 are shown here for purposes of this fiscal note, but the replacement state special revenue [which would not be included in HB2] is not shown in the table below.
10. Likewise, the 2.00 FTE and related expenditures for the council, teacher certification and investigations which will be supported by the statutory appropriation are removed from the proposed law column.
11. The OPI teacher certification and investigations are budgeted at \$199,051 in FY94 and \$199,513 in FY95 and included in the funding shift (No. 6 above).
12. 30% of \$329,980 will generate \$98,994 in FY94 and 30% of \$406,000 will generate \$121,800 in FY95 to operate the Advisory Council.
13. 70% of \$329,980 will generate \$230,986 in FY94 and 70% of \$406,000 will generate \$284,200 in FY95 to operate certification and investigations in the OPI.
14. The statutory appropriation will exceed current level budgeted expenditures by \$31,935 in FY94 and \$84,687 in FY95.

(CONTINUED)



DAVE LEWIS, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

1-14-93



RAY BECK, PRIMARY SPONSOR

DATE

1/14/93

Fiscal Note for HB0106, as introduced

HB 106

FISCAL IMPACT:

Board of Public Education:

Expenditures:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	4.00	2.00	(2.00)	4.00	2.00	(2.00)
Personal Services	144,051	90,276	(53,775)	144,093	90,296	(53,797)
Operating Expenses	71,107	45,529	(25,578)	70,066	44,985	(25,081)
Equipment	3,200	1,600	(1,600)	0	0	0
Total	\$218,358	\$137,405	(\$80,953)	\$214,159	\$135,281	(\$78,878)

Funding:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund (01)	117,855	137,405	19,550	115,731	135,281	19,550
State Special Revenue (02)	100,503	0	(100,503)	98,428	0	(98,428)
Total	\$218,358	\$137,405	(\$80,953)	\$214,159	\$135,281	(\$78,878)

Office of Public Instruction:

Expenditures:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	143.73	143.73	0	143.73	143.73	0
Personal Services	5,105,301	5,105,301	0	5,116,360	5,116,360	0
Operating Expenses	4,092,364	3,893,313	(199,051)	4,310,768	4,111,255	(199,513)
Equipment	160,179	160,179	0	166,429	166,429	0
Local Assistance	16,078	16,078	0	16,078	16,078	0
Grants	69,888	69,888	0	69,888	69,888	0
Transfers	583,012	583,012	0	572,167	572,167	0
Total	\$10,026,822	\$9,827,771	(\$199,051)	\$10,251,690	\$10,052,177	(\$199,513)

Funding:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund (01)	3,896,198	3,697,147	(199,051)	3,844,240	3,644,727	(199,513)
State Special Revenue (02)	594,766	594,766	0	623,793	623,793	0
Federal Special Revenue (03)	4,382,430	4,382,430	0	4,641,074	4,641,074	0
Proprietary Fund (06)	1,153,428	1,153,428	0	1,142,583	1,142,583	0
Total	\$10,026,822	\$9,827,771	(\$199,051)	\$10,251,690	\$10,052,177	(\$199,513)

Net General Fund Savings:

(\$179,501)

(\$179,963)