

SENATE BILL 30

Introduced by Swysgood, et al.

12/03	Introduced
12/03	Referred to Education & Cultural Resources
12/03	First Reading
12/03	Fiscal Note Requested
12/06	Hearing
12/07	Tabled in Committee
12/09	Fiscal Note Printed

22 "20-3-106. Supervision of schools -- powers and duties.
23 The superintendent of public instruction has the general
24 supervision of the public schools and districts of the state
25 and shall perform the following duties or acts in

1 implementing and enforcing the provisions of this title:

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

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

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

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

11 (5) approve or disapprove the orders of a high school
12 boundary commission in accordance with the provisions of
13 20-6-311;

14 (6) approve or disapprove the opening or reopening of a
15 school in accordance with the provisions of 20-6-502,
16 20-6-503, 20-6-504, or 20-6-505;

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

19 (8) generally supervise the school budgeting procedures
20 prescribed by law in accordance with the provisions of
21 20-9-102 and prescribe the school budget format in
22 accordance with the provisions of 20-9-103 and 20-9-506;

23 (9) establish a system of communication for calculating
24 joint district revenues revenue in accordance with the
25 provisions of 20-9-151;

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

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

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

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

18 (14) distribute BASE aid and special education allowable
19 cost payments in support of the BASE funding program, in
20 accordance with the provisions of 20-9-331, 20-9-333,
21 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

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

25 (16) approve or disapprove an adult education program

1 for which a district proposes to levy a tax in accordance
2 with the provisions of 20-7-705;

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

5 (18) authorize the use of federal money for the support
6 of an interlocal cooperative agreement in accordance with
7 the provisions of 20-9-703 and 20-9-704;

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

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

14 (21) recommend standards of accreditation for all
15 schools to the board of public education and evaluate
16 compliance with the standards and recommend accreditation
17 status of every school to the board of public education in
18 accordance with the provisions of 20-7-101 and 20-7-102;

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

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

25 (24) license textbook dealers and initiate prosecution

1 of textbook dealers violating the law in accordance with the
2 provisions of the textbooks part of this title;

3 (25) as the governing agent and executive officer of the
4 state of Montana for K-12 vocational education, adopt the
5 policies prescribed by and in accordance with the provisions
6 of 20-7-301;

7 (26) supervise and coordinate the conduct of special
8 education in the state in accordance with the provisions of
9 20-7-403;

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

12 (28) administer the school food services program in
13 accordance with the provisions of 20-10-201, 20-10-202, and
14 20-10-203;

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

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

20 (31) provide schools with information and technical
21 assistance for compliance with the student assessment rules
22 provided for in 20-2-121 and collect and summarize the
23 results of the student assessment for the board of public
24 education and the legislature;

25 (32) administer the distribution of guaranteed tax base

aid in accordance with 20-9-366 through 20-9-369; and

(33) provide assistance to the certification standards and practices advisory council as provided in 20-4-132; and

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

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

"20-4-109. Fees for teacher and specialist certificates. (1) A person applying for the issuance or renewal of a teacher or specialist certificate shall pay a fee not to exceed \$6 \$20 for each school fiscal year that the certificate is valid. In addition to this fee, a person who has never held any class of Montana teacher or specialist certificate or for whom an emergency authorization of employment has never been issued shall pay a filing fee of \$6 \$10. The fees must be paid to the superintendent of public instruction who shall deposit the fees with the state treasurer to the credit of the state special revenue fund account, created in subsection (2), to be used in the following manner:

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

(b) 15% to the superintendent of public instruction to be used by the certification standards and practices advisory council for research in accordance with the duties

of the council provided for in 20-4-133;

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

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

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

"20-4-132. Meetings -- assistance. (1) The council shall meet quarterly and at other times as may be required for the proper conduct of the business of the council at the call of the chairman presiding officer.

(2) The council may adopt rules for the conduct of its

1 business.

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

3 (4) The council ~~may request~~ must be provided research,
4 administrative, and clerical staff assistance ~~from by~~ the
5 ~~board--of--public---education~~ superintendent of public
6 instruction.

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

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

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

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

17 "20-4-133. Duties of the council. (1) The council shall
18 study and make recommendations to the board of public
19 education and to the superintendent of public instruction in
20 the following areas:

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

25 (b) administrator certification standards, including

1 but not limited to precertification training and education
2 requirements and certification renewal requirements and
3 procedures;

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

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

10 (e) the status and efficacy of approved teacher
11 education programs in Montana; and

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

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

1 (3) The board of public education shall:
2 (a) at a regularly scheduled meeting, consider any
3 recommendations and reports of the council; and
4 (b) approve, disapprove, or modify each recommendation
5 of the council by majority vote of the board."
6 NEW SECTION. **Section 6.** Effective date. [This act] is
7 effective July 1, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0030, 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; amending sections 2-15-1522, 20-3-106, 20-4-132, and 20-4-133, MCA; and providing an effective date.

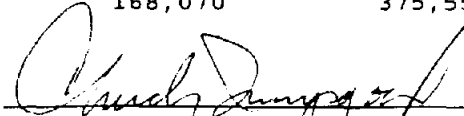
ASSUMPTIONS:

1. This legislation will result in additional revenue from the increase in teacher certification fees will increase from \$6 per year to \$20 per year.
2. Ninety percent of certificates are issued for 5 years; 10 percent of the certificates are Class 5 provisional certificates which are issued for 3 years.
3. The fee increase will reduce annual certification applications to 4,500 per year in 1996. In fiscal 1994, more teachers will renew their certificates between March 1 and June 30 in order to avoid the fee increase. In fiscal 1994, OPI will issue 5,800 teacher certificates. OPI will issue 3,700 certificates in fiscal 1995.
4. In fiscal 1994, teacher certification revenue would increase by \$34,300 if this bill passes.
5. The fees will generate \$198,940 in fiscal 1994 and \$375,550 in fiscal 1995.
6. Contingency language in HB2 reduces the general fund appropriation to the Office of Public Instruction by \$150,000 upon passage of this bill. Because this bill makes all appropriations from the certification fees statutory (whereas currently only CSPAC research funds are statutorily appropriated) the state special appropriation will increase by \$262,885. The net result will be an increased appropriation of \$112,885 for OPI certification programs in FY95.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
Teacher Certification	161,977	161,977	0	161,977	274,862	112,885
CSPAC Expenses	78,556	78,556	0	76,427	76,427	0
CSPAC Research	<u>82,320</u>	<u>99,470</u>	<u>17,150</u>	<u>84,035</u>	<u>56,332</u>	<u>(27,703)</u>
Total	322,853	340,003	17,150	322,439	407,621	85,182
Funding:						
General Fund (01)	161,977	161,977	0	161,977	11,977	(150,000)
State Special Revenue (02)	<u>160,876</u>	<u>178,026</u>	<u>17,150</u>	<u>160,462</u>	<u>395,644</u>	<u>235,182</u>
Total	322,853	340,003	17,150	322,439	407,621	85,182
Revenues:						
CSPAC Expenses	82,320	99,470	17,150	84,035	56,333	(37,702)
CSPAC Research	82,320	99,470	17,150	84,035	56,332	(37,703)
Teacher Certification	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>262,885</u>	<u>262,885</u>
Total	164,640	198,940	34,300	168,070	375,550	207,480


 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 CHUCK SWYSGOOD, PRIMARY SPONSOR DATE
 Fiscal Note for SB0030, as introduced

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Net Impact: Revenue from teacher certification fees will increase by \$241,780 in the 1995 biennium. Appropriations for research will be reduced \$10,553 while appropriations for certification will be increase \$112,885 in the biennium. General fund appropriated for certification will be reduced \$150,000 based on contingency language in HB2.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

In FY96 after the one-time effect on revenues in FY94 and FY95 revenues from certification fees will rise \$81,200. This will increase appropriations to OPI by \$56,840 for certification and \$12,180 each for the advisory council and research.