

S
328.3
L13rp
1978

SUBCOMMITTEE ON EDUCATION

STAT

VOCATIONAL EDUCATION GOVERNANCE

November 1978

Published by

MONTANA LEGISLATIVE COUNCIL

State Capitol

Helena, Montana 59601

MONTANA STATE LIBRARY



3 0864 0014 6186 5

POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION GOVERNANCE

A REPORT TO THE
FORTY-SIXTH LEGISLATURE

SUBCOMMITTEE ON EDUCATION

November 1978

ERRATUM: Table I, Page 19, between items (5) and (6) should read: "Total \$5,265,091."

2

Membership

Subcommittee on Education

Sen. George McCallum
Vice-Chairman

Rep. Ann Mary Dussault
Chairman

Sen. Chet Blaylock

Rep. Fred Barrett

Sen. Larry Fasbender

Rep. Peter Gilligan

Sen. William Mathers

Rep. Darryl Meyer

Montana Legislative Council

STAFF RESEARCHER, R. James Oppedahl

Director, Division of Research and Reference
Services, Robert B. Person

Executive Director, Diana S. Dowling
Chairman, Senator Carroll Graham

TABLE OF CONTENTS

	<u>Page</u>
LIST OF TABLES	iii
SUMMARY OF RECOMMENDATIONS	1
SUMMARY	2
HJR 100 -- 1977	4
1. INTRODUCTION	5
2. HISTORY OF VOCATIONAL EDUCATION IN MONTANA.	9
3. BASIC DATA.	17
4. VOCATIONAL EDUCATION GOVERNANCE	27
5. MODEL DEVELOPMENT	33
6. COMMITTEE DELIBERATIONS AND RECOMMENDED LEGISLATION	47
7. NOTES	50
8. SELECTED BIBLIOGRAPHY	53
9. APPENDICES	
A. Federal "Sole Agency" Requirement	56
B. Discussion Model One: Board of Public Education	57
C. Discussion Model Two: Superintendent of Public Instruction.	58
D. Discussion Model Three: Board of Regents	59
E. Administrative Contributions From Local Districts.	60
F. FY 1977 Percentage of Students Attending Centers From Outside County Where Center Located.	62
G. FY 1978 Salary Information	63
H. Division of Governance Responsibilities Under Vocational-Technical District Act.	75

	<u>Page</u>
I. Legislative Fiscal Analyst Report on 1979 Biennium Funding	76
J. Reply to Legislative Fiscal Analyst Report by OPI	88
K. State Vocational-Technical Center Act and Attached Amendments	
L. Vocational-Technical District Act	

LIST OF TABLES

<u>ITEM</u>	<u>TOPIC</u>	<u>Page</u>
I	1978 Center Budget Calculations	19
II	1978 Individual Center Budgets	19
III	Local Administrative Contributions	20
IV	Principal, Interest, & SID Payments	21
V	Historical Funding Sources for Postsecondary Center Construction	21
VI	Summary of Funding Sources for Postsecondary Center Construction	23
VII	Student Contact Hours & Student FTE - 1974-1978	25
VIII	Current Governance Model for Vocational Education	30
IX	Student Revenues Under District System	38
X	1977-78 Taxable Value of One Mill in Vocational-Technical District	39
XI	1978 Center Budget Comparison: Percent of Center Budget Raised by One Mill on Vocational-Technical Districts	40
XII	State/Local Ratio: 90%/10%	40
XIII	State/Local Ratio: 80%/20%	41
XIV	State/Local Ratio: 70%/30%	41
XV	State Local Ratio: 65%/35%	41
XVI	Ratio for Centers Excluding Principal, Interest, and SID's: 70%/30%	43
XVII	Ratio for Centers Excluding Principal, Interest, and SID's: 65%/35%	43
XVIII	Ratio for Centers Including Principal, Interest, and SID's: 70%/30%	44
XIX	Ratio for Centers Including Principal, Interest, and SID's: 65%/35%	44

SUMMARY OF RECOMMENDATIONS

The Interim Subcommittee on Education recommends that the 1979 Montana Legislature:

(1) Enact a bill that will synchronize both governance and financial support for Postsecondary Vocational-Technical Centers. This can be accomplished by either of the following actions:

(a) Enact a bill to create a State Postsecondary Vocational-Technical Center System; or

(b) Enact a bill to create a Postsecondary Vocational-Technical District System.

SUMMARY

House Joint Resolution 100, passed by the 1977 Montana Legislature, called for an interim study of vocational education in Montana. The Committee on Priorities assigned the study to the Interim Subcommittee on Education.

The Interim Subcommittee on Education met six times during 1977-1978. The Subcommittee conducted two public hearings, gathered relevant governance information, and developed several governance models that it used to stimulate discussion and understanding of governance problems and alternatives. Because of time and staff limitations, the Subcommittee restricted its basic study and final recommendations to Postsecondary Vocational-Technical Center governance.

The Subcommittee identified three fundamental governance issues during its study:

(1) There does not exist a solid consensus among legislators, educators, and the public as to whether the Postsecondary Vocational-Technical Center system constitutes a state or a local system.

(2) State level vocational education governance is fragmented between the Board of Public Education and the Superintendent of Public Instruction.

(3) Financial support for Postsecondary Vocational-Technical Centers is fragmented when juxtaposed against the governance system. While Center financing comes almost completely from state sources, the governance system allows substantial local control.

Two alternative bills are recommended by the Interim Subcommittee on Education for consideration by the Forty-Sixth Legislature:

I. *State Vocational-Technical Center System*

The first *bill* -- *Appendix X* -- creates a state governed and state financed Vocational-Technical Center System under the Board of Regents. Governance of the Centers rests with the Board of Regents; the Commissioner of Higher Education acts as the Board's chief administrative officer for implementing the Board's postsecondary vocational-technical education policies. The Commissioner hires the necessary staff for state supervision and administration of the Centers.

Local school district boards of trustees in the areas in which Centers are located act in an *advisory* capacity to the Centers and the Board of Regents.

Center financing is a combination of a one-mill mandatory county levy in the counties that have Centers, available federal funds, fees established by the Board of Regents, and state funds appropriated by the legislature. *Two amendments attached to the bill* provide the following financial options:

(1) the first amendment eliminates entirely the one-mill county levy;

(2) the second amendment places a one-mill statewide levy on all counties in the state.

The Board of Public Education retains the designation as the "sole agency" for vocational education. The Superintendent of Public Instruction is designated executive officer to the Board of Public Education for *elementary and secondary* vocational education.

II. *Vocational-Technical District System*

The second *bill -- Appendix L --* creates five postsecondary vocational-technical districts that parallel the shared state/local governance and financing system of Montana's community colleges.

The Board of Regents and elected vocational-technical district boards of trustees share governance authority for the Centers. A vocational-technical district coordinator, appointed by the Board of Regents, exercises coordinating authority established by the Regents.

The bill creates five vocational-technical districts with exactly the same boundaries as local high school districts currently operating the five Centers. The buildings, lands, and equipment currently held by local school districts for Postsecondary Vocational-Technical Centers are transferred to elected vocational-technical district boards of trustees.

The Board of Public Education retains the "sole agency" designation for vocational education and the Superintendent of Public Instruction is designated the Board's executive officer for *elementary and secondary* vocational education.

Financing for Vocational-Technical Districts is based on a state/local ratio of 65/35%. The state contribution consists of available federal money and state general fund. The local district contribution consists of student fees and a mandatory mill levy on the district.

HOUSE JOINT RESOLUTION NO. 100
INTRODUCED BY DUSSAULT, SOUTH, MARKS, MOORE, MELOY
KVAALLEN, BRADLEY, DRISCOLL

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COMMITTEE ON PRIORITIES TO APPOINT THE APPROPRIATE STANDING COMMITTEE TO CONDUCT AN INTERIM STUDY OF THE GOVERNANCE OF MONTANA'S VOCATIONAL EDUCATION PROGRAM.

WHEREAS, under current statute, Montana's vocational education programs are governed and administered by the Board of Public Education, the Superintendent of Public Instruction, and local school boards; and

WHEREAS, the statutes delineating each body's authority contain many ambiguities; and

WHEREAS, statutes governing the control of vocational education moneys seem to conflict, allowing, variously, the Board of Public Education and the Superintendent of Public Instruction full control over these funds; and

WHEREAS, these several layers of authority governing vocational education and the ambiguities do not promote an efficient vocational education program; and

WHEREAS, a law designed to clarify the governance of Montana's vocational education system, passed by the 1975 legislature, has been declared unconstitutional; and

WHEREAS, attempts to define the governance of vocational education introduced in the current legislative session have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Committee on Priorities is requested to appoint the appropriate standing committee to conduct an interim study and present recommendations and proposed legislation to the 46th Legislature concerning the governance of Montana's vocational educational programs in elementary schools, high schools, postsecondary vocational centers, and colleges and the changes in present statutes that would promote efficiency and effectiveness in the vocational programs. The study should determine what roles, if any, should be played by the Board of Public Education, Superintendent of Public Instruction, and local school boards.

-End-

1. INTRODUCTION

I

During the past several legislative sessions, vocational education governance in Montana has been vigorously debated. The basic issues in the debate have been who should govern vocational education, what should be the relationship between the governing board and its administrative staff, and who should pay the bills.

HB 566, introduced during the 1975 session, attempted to resolve governance issues by designating the State Board of Education as the State Board of Vocational Education. The bill created an administrative Committee composed of members from the Board of Public Education and the Board of Regents with delegated responsibilities for vocational education administration. The Committee was to hire an executive officer for vocational education. The Superintendent of Public Instruction, formerly the executive officer for vocational education, was relieved of vocational education responsibilities.

HB 566 became law in April, 1975. However, the Montana Supreme Court declared it unconstitutional on July 3, arguing that the 1972 Montana Constitution did not allow administrative functions to be performed by the State Board of Education.

In 1977 the Legislature again wrestled with vocational education governance. This time the principal battles raged around HB 69's attempt to place all vocational education governance under the Board of Public Education - which in turn would appoint its own administrative officer for vocational education. Neither HB 69, nor any other major vocational education governance changes were successful during the 1977 session.

The inability of the Legislature to settle vocational education governance issues led to the introduction of HJR 100 in the final days of the 1977 session. The resolution asked the Legislative Committee on Priorities to appoint a committee to conduct an interim study of vocational education governance. The Committee on Priorities assigned the study to the Subcommittee on Education.

II

HJR 100 directed that the interim vocational education governance study conducted by the Subcommittee on Education present:

recommendations and proposed legislation to the 46th Legislature concerning the governance of Montana's vocational educational programs in elementary schools, high schools, postsecondary vocational centers, and colleges and the changes in present statutes that would promote efficiency and effectiveness in the vocational programs. The study should determine what roles, if any, should be played by the Board of Public Education, Superintendent of Public Instruction, and local school boards.

From the beginning, the Subcommittee recognized that the resolution's mandate was enormous. A somewhat narrower focus was felt to be necessary. The Subcommittee therefore decided to concentrate on postsecondary vocational education governance. The Subcommittee recognized that even in so doing the entire structure of education in Montana would need study and examination because vocational education takes place across the entire spectrum of Montana's educational system. Problem solving in one area must take account of other areas too.

III

The following chapters describe the information gathered and analyzed in six meetings by the Subcommittee. The first chapter is meant to be a guide for understanding the historical evolution and development of vocational education in Montana. Chapter two represents the link between the past and present by describing relevant data collected by the Subcommittee; it represents a framework for understanding Montana's current Postsecondary Vocational-Technical Centers. Only in relationship to this data base can one judge the accomplishments, failures and possibilities of future postsecondary vocational education programs. Chapter three deals directly with the issue of governance for postsecondary vocational education Centers. Chapter four describes the Subcommittee's attempts to develop alternative governance structures. The final chapter presents the Subcommittee's recommendations.

A final note and caveat is in order. Public policy should be built on solid factual information. Many of the tables in the following chapters present information gathered by the Subcommittee during its study. Ideally, the data collected and presented here should withstand tests of accuracy, consistency, and cross examination. When information does

not meet such tests, it becomes a matter of considerable legislative concern and a problem ultimately reflecting upon governance. Yet it should be noted that even the best information systems will not answer all possible questions.

In some instances during the Subcommittee's study questions were asked of postsecondary Centers whose answers either were not available or had to be translated to achieve consistency with present informational storage systems. In other instances analysis demanded a flexible approach to statistical information in order to estimate the results of changing the present governance system. Where this occurs, it is clearly identified. It is important to keep in mind that the purpose of the information contained in the charts and narrative that follow is to paint a picture of the present postsecondary vocational education Center system so that realistic alternatives can be analyzed.

2. HISTORY OF VOCATIONAL EDUCATION IN MONTANA

I

Vocational education undoubtedly traces its roots back to the very beginnings of organized human activity. An apocryphal story in Xenophon's Memorabilia of Socrates illustrates an ancient concern for occupational education. The Greek philosopher Socrates asked a prospective student, "Can you cook your own meals?" The student replied, "No, we have servants for doing that." Unsatisfied, Socrates continued: "Can you make your own sandals?" "No," the student replied, "we have servants for that." Socrates persisted. "Can you make your own toga?" he asked. The student again replied, "No, we have servants for that also." "Isn't it a shame," Socrates sighed, "that we teach our servants better than we teach our own children."

II

American public policy has attempted to address vocational education concerns for more than a century. The 1862 Morrill Act, which established land grant colleges to prepare students for the "agricultural and mechanical arts," provided the foundation for an enduring federal interest in vocational and technical education.

In the 20th Century, a number of significant federal legislative actions have been aimed at encouraging state involvement in vocational education below the baccalaureate degree. The most significant acts are summarized below:

- 1917 The Smith-Hughes Act provided a continuing appropriation for vocational education in agriculture, trades and industry, home-making, and for teacher training in each of these fields. This act established much of the basis for future enactments and amendments.
- 1929 The George-Reed Act authorized additional funds for vocational home economics and vocational agricultural education.
- 1934 The George-Ellzey Act extended the provisions of the Smith-Hughes and George-Reed Acts.
- 1937 The George-Deen Act extended the earlier acts to include distributive education.
- 1946 The George-Barden Act authorized increased appropriations for programs specified in earlier acts and provided more flexibility in the use of these funds.

1963 The Vocational Education Act of 1963 was enacted (1) to extend programs previously authorized and to develop new programs, (2) to encourage research and experimentation, and (3) to provide workstudy programs to encourage youth to continue in vocational programs. The act also authorized funds for the construction of area vocational facilities.

1968 The Vocational Education Amendments of 1968 authorized federal grants to the states to assist them to maintain, extend, and improve existing programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State -- those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools -- will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

1972 The Education Amendments of 1972 created a Bureau of Occupational and Adult Education in the U. S. Office of Education, which includes a community college unit.¹

1976 The Education Amendments of 1976 emphasized equal opportunities for women and services to the disadvantaged and handicapped but eliminated specific allocations to programs like work study, research, and cooperative vocational education in an attempt to give states more flexibility and options in allocating federal dollars.

Federal vocational education legislation continually tended to broaden the scope of occupations included for federal reimbursements. But the process was painfully slow. Distributive education was not recognized until 1937; business and office occupations education waited another 25 years to be reimbursable. The shifts in federal policy generally lagged two or more decades behind the country's population shifts from rural to urban centers. Industrialization and technological changes further added to problems of synchronizing federal policy with vocational training needs.²

III

Montana embraced vocational education in 1919 by accepting the terms and provisions of the Smith-Hughes Act. The Smith-Hughes Act meant the state had to (1) create or designate a board of not less than three members for vocational education, (2) prepare a state plan, describing programs which would be conducted, (3) make an annual report to the Federal Board of Vocational Education, (4) provide a program only in public schools for students fourteen years of age or older and of lesser than baccalaureate grade, (5) provide plant and equipment with state or local funds, and (6) gear programs to occupational entry.³

Montana's entry into vocational education was accompanied by the establishment of a governance system for vocational education that has remained principally unchanged. Chapter 192, Laws of 1919, authorized the State Board of Education to "co-operate with school district and county school boards in the establishment and maintenance in the public elementary schools and public high schools...[of] courses for vocational training in agriculture, trades and industries, and home economics."⁴ The 1919 statute also authorized the State Board of Education to "adopt rules and regulations governing such vocational courses, including the right to fix the qualifications of instructors and the courses of study to be followed in such schools."⁵

The Superintendent of Public Instruction served as executive officer to the State Board of Education in administering federal and state acts for vocational education. With the advise and consent of the State Board, the Superintendent employed assistants to aid in "carry[ing] into effect such rules and regulations as the State Board of Education may adopt concerning the promotion of vocational education, and ... prepar[ing] such reports concerning the conditions of vocational education in the state as the State Board of Education" required.⁶ Montana 1919 entry into elementary and secondary vocational education firmly established a governance system that has changed only slightly in the past 60 years.

Two significant modifications in the vocational education structure since 1919 are worthy of attention. The first occurred in 1939. At that time, the Legislature authorized the State Board of Education to designate applicant high schools as vocational training centers.⁷ Students between the ages of 16 and 21 were eligible to attend the centers on a non-tuition basis; however, counties without centers paid for attendance of their students at vocational training centers.⁸ This was the beginning of *postsecondary* vocational education training centers in Montana.

The statute authorizing center designations was approved on March 11, 1939; the State Board of Education swiftly moved to designate Glasgow, Custer County, and Helena High School as vocational training centers.⁹ Havre High School became a designated center in July, 1940, and Cut Bank High School received approval in April, 1942.¹⁰

Helena High School District was the only designated center that fully implemented a vocational training program under the provisions of the 1939 act.

Anticipating changes in federal legislation and criteria for selecting area vocational schools, the State Board of Education rescinded center designation for Glasgow, Custer County, Havre, and Cut Bank High Schools on December 16, 1963.¹¹ Having thus withdrawn designation from all but one school district, the State Board of Education had, in the words of State Superintendent Harriet Miller, a "clean slate" for future educational planning.¹² But Superintendent Miller's *tabula rasa* lasted only a short four years.

The 1967 Legislature modified slightly the language of 1939 for vocational center designation. The 1967 statute broadened the category of districts and institutions that could apply for designation as an *area vocational technical school* but financing for area vocational technical schools remained unchanged. Students under 21 paid no tuition¹³ and were counted in the average number belonging (ANB) formula. State aid was fixed on a per student basis.

With legislative reemphasis of vocational education programs, federal encouragement in the form of increased support, especially for capital construction projects, and school district enthusiasm for renewed opportunities, the State Board of Education designated four Area Vocational-Technical Schools in addition to Helena's: Butte, Billings, Great Falls, and Missoula.¹⁴ With these actions, the basic configurations of the present Center system were in place. One additional - and enormously significant - change remained.

The winter of 1969 was unusually stormy in Montana. In many ways the debate on vocational education in the Legislature that winter - much to the surprise of many - evaled Nature's fury. The major battles raged around two issues: (1) the *size* of the postsecondary vocational-technical system, and (2) how to *finance* it.

The debate on the number of centers that should be designated lead to a donnybrock. The State Board of Education had designated five already. The legislature had to deal with this reality plus heavy lobbying from cities like Kalispell,

Glendive, Bozeman - and numerous smaller towns desiring designation. Some legislators argued for only one center - preferably in Helena - where the state could keep a close watch. This met stiff resistance from the four cities with designated vocational-technical schools. An EDA grant announced during the legislative debate for nearly \$500,000 to Butte for postsecondary vocational-technical center construction was an illustration of the forces working against the single center idea.

Several attempts were made to limit center proliferation. HB 481 originally would have restricted center designation to counties having a tax base of \$75 million. This was consistent with a feeling in the Office of Public Instruction that the Vocational-Technical Center system should begin with three centers only and grow into more centers as needed. But, in order to garner an adequate political base for a system, support from five cities apparently was necessary. Thus, the \$75 million minimum tax base was reduced to \$45 million; all five previously designated centers thereby qualified.

Along with the question of how many centers to support came the issue of financial support. The financial support system prior to 1969 was felt to be unsatisfactory for a number of reasons. Rural counties without centers felt that paying tuition for their students attending centers was a financial burden. In addition, there apparently was dissatisfaction on the part of some school districts because they felt that postsecondary vocational students should not be allowed to be counted in the ANB formula.

Even districts with centers felt that ANB, state, and federal aid did not meet their financial needs - especially since students over 21 years old could not be counted in the ANB. Districts with centers were concerned further that the pre-1969 financing system would cause student tuition to soar, thus driving away students and further restricting postsecondary vocational education opportunities.

HB 28 was introduced in 1969 in response to some of these concerns. Under its provisions, a two-mill statewide property levy would have been instituted upon approval by Montana voters. The two-mill levy idea met stiff opposition both from opponents of increased property taxes and from rural legislators. The bill failed to receive legislative approval.

HB 481's provision for a one-mill levy in counties with centers offered a compromise on the mill levy issue. It also meant that the primary source of support for centers would be state general funds. Under this compromise, and with center designation limited, HB 481 passed with solid bipartisan support - particularly from legislators in the five cities with designated centers.¹⁵

SUMMARY

History seldom provides clear public policy guidelines for the future; it is important nonetheless. History is the handmaiden of analysis and highlights important milestones and watersheds in public policy.

Historically, Montana's involvement in vocational education has experienced three major phases. The first, beginning in 1919, emphasized secondary vocational education and teacher training. The governance system established in 1919 was meant to encourage local school districts in offering vocational education programs. In 1939 the second stage was implemented; local school districts were authorized to establish *postsecondary* vocational education offerings. This stage lasted until 1969.

These first two stages were characterized by a governance system of shared responsibilities between local school districts, the Superintendent of Public Instruction, and the State Board of Education. Financing for both stages was also shared and closely paralleled by school district financing methods for other educational endeavors. Prior to 1969 state general fund contributions were generally well under \$50,000.

1969 marked the beginning of the third stage and a major watershed in state policy for postsecondary vocational-technical education.

The 1969 legislature did modify the governance structure for Postsecondary Vocational-Technical Centers. The State Board of Education (and after 1972, the Board of Public Education) received from the legislature substantial governance responsibility vis-a-vis the Centers. The Superintendent of Public Instruction was charged with carrying out State Board policies for vocational education. Local boards of trustees were to exercise their administrative control of the Centers in accordance with State Board policies and the rules of the Superintendent of Public Instruction. (See section 20-7-312, MCA.) On the surface, the 1969 laws established a State Board governed Center system.

In actual practice, however, the State Board's role as the sole governing agency of the Centers has not been achieved. While the legislature gave the State Board extensive legal responsibility for governing the Centers, control of the administrative structures that implement policy was left with the Superintendent of Public Instruction and local school districts.

While the governance structure essentially remained unchanged, the source of financial support for Postsecondary Vocational-Technical Centers was altered radically. After 1969, the lion's share of financing came from the state.

1969 marked a turning point for the postsecondary Centers because under state financing the Centers burgeoned into full fledged institutions serving the vocational education needs of postsecondary students. But 1969 was important for another reason too. After 1969 the governance system was no longer synchronized with the financial support system.

3. BASIC DATA

I

The Subcommittee on Education began its work on governance by gathering basic data regarding Postsecondary Vocational-Technical Center operations. Subcommittee members felt such data would serve to outline the current postsecondary Center system, provide a basis against which to evaluate governance options, and establish a foundation upon which to construct legislative policy.

Several difficulties were identified during this phase of the Subcommittee's work. First, there was the problem of gathering accurate information in a timely manner. Letters requesting information were sent initially by the Subcommittee's staff researcher directly to the five Centers with a requested return date of December 5, 1977. Then, in the first week of December, the Board of Public Education expressed the desire that all requests for information from the five Centers be channeled through the Office of Public Instruction. This led to some confusion and delay -- especially regarding follow-up questions to the Centers. Responses from OPI were delayed also. Dr. Larry Key, Administrator and Director of the Postsecondary Vocational Education Department, reported that his office was "critically understaffed" and expressed the need for a "postsecondary state staff large enough and qualified to monitor the [vocational education] systems."¹⁶

In addition to possible staffing problems, there was occasional difficulty in retrieving data. The Subcommittee found that as the postsecondary vocational education system evolved, its record system also changed. At times this made comparisons between the present and the past difficult, enormously time-consuming, and sometimes meaningless. Comparisons among Centers suffered from the same problems.

A second area of difficulty involved the issue of basic definitions. "Local contributions," for example, seemed to be an elusive concept. While some Centers considered the 1-mill county levy or student fees as "local", other Centers characterized these as "state" contributions. Other examples of definitional complexity and uncertainty included such areas as counting F.T.E.'s and building ownership. Even the question of establishing total costs for Vocational-Technical Center operations revealed basic definitional differences. These problems will be explored in relevant sections below.

II

The information that follows was gathered by the Subcommittee during late 1977 and early 1978. The material presents an outline of the postsecondary vocational Centers that was felt to be relevant to governance issues. It deals with issues of budgets and sources of financial support, historical funding sources for buildings and lands, and teacher and student F.T.E.'s.

Budgetary Information

HB 145, passed during the 1977 Legislature, allocated the following funds to secondary and postsecondary vocational education programs:

	<u>1978</u>	<u>1979</u>
Secondary and other General Fund	\$ 494,943	\$ 247,472
Postsecondary Centers General Fund	\$3,435,682	\$3,607,039

The legislature also allocated the following federal and other funds to the Centers:

	<u>1978</u>	<u>1979</u>
Federal and Other	\$1,700,256	\$1,772,147

The 1978 total Center budgets are presented in Table I. It is important to note that the table contains two items not generally identified in budget calculations. The first is item (6), "Local Administration." This figure was obtained by the Subcommittee from the five superintendents with Vocational-Technical Centers in their school district. The Superintendents were asked to "provide a budget breakdown of all services which [their] district provides without charge to the vocational-technical center." The total reported contribution was \$149,189. (See Appendix E)

Item (7) represents the total 1978 payments for principal, interest, and S.I.D.'s made by local districts for facilities and lands.

TABLE I

1978 Center Budget Calculations

<u>Funding Sources</u>	<u>Amount</u>	<u>% of Grand Total</u>
(1) General Fund	\$3,435,682	60.1
(2) Federal Fund	1,115,773	19.5
(3) Legislative Fee	140,518	2.5
(4) Board of Pub. Educa. Fee	140,518	2.5
(5) 1-Mill County Levy	<u>432,600</u>	7.6
GRAND TOTAL	\$5,711,463	
(6) Local Administration	149,189	2.6
(7) Principal, Interest, SID's	<u>297,183</u>	5.2
GRAND TOTAL	\$5,711,463	

Individual Centers were allocated the following budgets for 1978 by the Board of Public Education.*

TABLE II

<u>Center</u>	<u>Budget</u>	<u>% of Total Budget</u>
Billings	\$ 938,186	18.0
Butte	755,761	14.5
Great Falls	860,004	16.5
Helena	1,276,976	24.5
Missoula	<u>1,381,219</u>	26.5
	\$5,212,146**	

Table III provides a breakdown by Center of 1978 local administration contributions to Centers (item 6 in Table I).

* Does not include "local administration" or principal, interest or SID payments made by local school districts.

** This figure is less than the total budget since the Board of Public Education directly allocated \$52,945 to Billings for building rental.

TABLE III

Local Administration Contributions

<u>Center</u>	<u>Contribution by School District</u>
Billings	\$ 39,547
Butte	25,171
Great Falls	15,349
Helena	17,558
Missoula	<u>51,564</u>
TOTAL	\$149,189

The Subcommittee identified this administrative contribution by local school districts for several reasons. First, during testimony before the Subcommittee several individuals stated that to establish a state operated system the Subcommittee would have to consider the cost of replacing services provided to Centers by local school districts. One witness estimated that Missoula County High School District's contribution alone might be \$200,000, or more. Obviously, if the Subcommittee were to examine any governance option that excluded local school districts, the importance of understanding the financial role exercised in the present system by local districts became extremely important.

Responses to the Subcommittee's questions regarding local school district financial contributions to the Centers were surprising. Since local districts do not routinely account for the services that they provide to Centers, their answers to the Subcommittee's question were based generally on estimates. The \$149,189 figure arrived at was smaller than anticipated and was open to differences of opinion. Some school district officials continued to maintain that the actual contribution was much higher than reported.

Principal, interest and S.I.D. payments by local school districts represent a local contribution. MCA 20-7-324 (1)(d) states that a local school district "may be required, as a condition for the construction in that district of a postsecondary vocational-technical center, or any part thereof, to furnish up to 50% of the amount of funds required for any such construction."

Although the statute does not so state, there seems to be a "gentleman's agreement" that the local contribution for construction is limited to *initial* construction projects only. If this is actually what is happening, the state's

contribution to Center construction projects (including new construction, maintenance, and renovations) can be expected to increase eventually to 100% and local contributions will stop.

Table IV indicates the 1978 principal, interest and S.I.D. payments made by local districts for Center facilities and lands:

TABLE IV

Principal, Interest, and S.I.D. Payments

<u>Center</u>	<u>P, I, SID</u>
Billings	\$ -0-
Butte	49,295
Great Falls	178,125
Helena	57,643
Missoula	<u>12,120</u>
	\$297,183

In addition to this 1978 data, the Subcommittee gathered the following historical information on capital outlay for land and buildings at each vocational-technical center. The table separates the contributions by federal, state, and local funding source and reflects the initial stage cited above:

TABLE V

	<u>Funding Source</u>		
	<u>Federal</u>	<u>State</u>	<u>Local</u>
<u>Billings*</u>			
Shiloh School			
Land			\$ 10,000
Building			47,000
New Vo-Tech. Center			
Land			120,000
Facility	\$1,500,000	\$1,812,000	1,812,000

* In 1974, the State of Montana appropriated \$100,000 to be used in Billings for the facility planning of the new Vo-Tech Center. The \$100,000 of state funds is not in the above funds.

Funding Source

	<u>Federal</u>	<u>State</u>	<u>Local</u>
<u>Butte**</u>			
Vo-Tech Center			
Land		\$ 90,000	\$ ***
Facility	\$ 596,000	-0-	671,000
<u>Great Falls</u>			
Vo-Tech Center			
Land			100,000
Facility	1,213,000	1,000,000	2,000,000
<u>Helena</u>			
Roberts St. Building	-0-		
Land			155,000***
Facility	158,464	8,000	750,454
Mobile Classrooms			39,700
Poplar St. Building			
Land			14,700
Facility	-0-	1,057,402	348,000
<u>Missoula</u>			
Building (A)			
Land			***
Facility	490,000	47,000	590,000
Building (B)			
Land	Fed. gift to Dist.		
Facility	218,350		
Building (C)			
Land	Fed. gift to Dist.		
Facility	-0-	200,000	-0-
Building (D)			
Land			***
Facility	1,150,000	-0-	-0-

** In 1976, the Board of Public Education allocated \$65,874 of federal funds to the Butte Vo-Tech for a new roof. The local district contributed \$32,937 to the project.

*** Represents local school district land donated to Center. Value sometimes not available.

TABLE VI

Summary of Information on Building and Land Contributions
Provided by Centers and OPI

	<u>Funding Source</u>			
	<u>Federal</u>	<u>State</u>	<u>Local</u>	<u>Total</u>
Facilities	\$5,391,688	\$4,224,402	\$6,291,091	\$15,907,181
Percent of Total	34%	26%	39%	
Land	Gifts	\$ 90,000	\$ 399,700+	\$ 489,700
Percent of Total	--	18%	82%	
Total Facilities and Land				\$16,396,881

Table VI summarizes the building and land information gathered by the Subcommittee. Several things should be noted when using this information. First, both the federal government and local school districts have donated land to Vo-Tech Centers. For the most part, the value of these donations is not available at this time. Secondly, the values presented here generally reflect the actual costs, at the time, of construction or land acquisition. Depreciation and inflation values are not reflected in the figures. Thirdly, while the federal and state contributions have been paid in full, most of the local funding sources are long-term bond obligations incurred during the past five years.

Finally, it should be noted that if local districts contribute only toward initial construction costs, the relative percentage of state contributions compared to local district contributions will begin to shift toward the state after the initial construction phase is finished. In other words, while the local districts have contributed approximately 39% of Center construction costs to date, ten or twenty years from now their percentage may only account for 15 or 20 percent of total costs; and every decade that passed would reduce their relative percentage contributed.

III

FTE's

An area of considerable legislative interest that reflects directly upon governance issues for postsecondary Vocational-Technical Center operations involves accounting for instructional contact between teachers and students. This contact

forms the basis of education and gives administrators the necessary guidelines against which to judge the overall performance of their educational programs. (See Appendix G for Instructor FTE's; and Appendices H & I for a discussion of instructional salaries and governance.)

From the legislative viewpoint, such accounting information is the sine qua non of policy; hence the intense interest by the legislature in having clear, consistent, and unified information regarding the hours of instruction students receive.

A few basic definitions are in order before proceeding further. When information arrives at the Legislature it comes in the form of "head count," "student contact hours," and F.T.E.'s (full-time equivalent). "Head count" is simply the number of students enrolled at a Center. According to Board of Public Education policies, the head count figure provides an unduplicated count of students -- regardless of the number of programs or courses in which a student is enrolled. The "student contact hours" is defined as "an hour in which a student has contact with an instructor." The student F.T.E. is calculated by dividing total "student contact hours" generated by 750: $5 \text{ contact hours a day} \times 5 \text{ days a week} \times 10 \text{ weeks in a quarter} \times 3 \text{ quarters} = 750$.¹⁷

While the above definitions seem clear, there has been considerable legislative frustration regarding them. The reasons for this are many. Basically, the above definitions were in response to legislative insistence on clear, accurate, and consistent data. In the past, the head count, student contact hours, and FTE figures coming to the Legislature varied wildly between Centers. And, just when numbers seemed to be agreed upon -- they would change suddenly. Variations in student accounting procedures among Centers meant that comparisons between Centers were meaningless. State officials charged with making policy and financial decisions based upon Center figures therefore felt unsure of projections. In addition, it was often unclear to policy makers whether the head count, student contact hours, and FTE figures coming from Centers represented only Fund 21 money (the postsecondary vocational-technical education accounting system) or whether the figures also included special project money such as C.E.T.A. In short, there was considerable room for ambiguity, uncertainty, and confusion; the governance structure did little to clarify the situation.

During 1978 the Subcommittee noted some progress in the area of reporting student accounting information. The Board of Public Education's policy manual defines the manner in which this data is to be collected and reported. The Board insists that Center directors certify that their reported figures follow Board policies. The following table represents the official 1977-1978 breakdown of student contact hours and FTE's:

Student Contact Hours (a) and Student FTE (b)

Centers	<u>FY 74</u>	<u>FY 75</u>	<u>FY 76</u>	<u>*FY 77</u>	<u>FY 78</u>	<u>FY 79</u>
Billings						
Contact Hours	229,680	300,630	349,800	459,740	453,115	
Student FTE	306	401	466	613	604	
Butte						
Contact Hours	314,358	293,325	326,382	340,092	350,865	
Student FTE	419	391	435	453	468	
Great Falls						
Contact Hours	344,083	341,994	354,490	356,714	360,320	
Student FTE	459	456	473	476	480	
Helena						
Contact Hours	450,469	556,983	589,723	604,726	615,790	
Student FTE	601	743	786	806	821	
Missoula						
Contact Hours	552,282	588,397	542,366	586,074	528,887	
Student FTE	736	785	723	781	705	
TOTAL CONTACT HOURS	1,890,872	2,081,329	2,162,761	2,347,346	2,308,977	
TOTAL STUDENT FTE	2,521	2,775	2,884	3,130	3,079	
PERCENTAGE INCREASE /DECREASE		10.1	3.9	8.5	-1.6	

(a) The above student contact hours are Fund 21 generated hours only and are counted on the 12th class day of each quarter. Centers using the open entry-exit system may count their student hours by the week.

(b) The fraction used to tabulate student FTE is the total contact hours generated divided by 750. (5 hours x 5 days x 10 weeks x 3 quarters = 750)

* The 12th class day designation for tabulating student contact hours was established in FY 77. Only the FY 77 and FY 78 contact hours were tabulated this way. [This means that comparisons between 1974-1976 and 1977-1978 should not be attempted.]

Source: Board of Public Education, June 22, 1978

While some optimism is perhaps justified, the Board of Public Education's attempt to mandate (from the postsecondary Centers) clear, accurate and unified student accounting information still must survive the tests of time. It remains to be seen whether or not Centers actually follow uniform counting and reporting procedures. And, it remains to be tested whether or not the Board or its administrator can monitor and enforce its policies.

Until the Legislature is assured that the information it receives from the Centers meets its policy needs, collecting postsecondary Vocational-Technical Center data will continue to resemble Penelope's attempts to weave a shroud for her father-in-law.¹⁸

IV

Summary of Data

The Subcommittee on Education spent a substantial amount of effort in gathering, digesting, and analyzing postsecondary Center information.

The Subcommittee strived to limit the scope of its information gathering to those areas *directly related* to governance issues.

The data presented in this chapter therefore illustrate *manifestations* of a fragmented governance structure. The ultimate usefulness of the data lies in the fact that they form the essential warp and woof upon which to weave an understanding of governance characteristics, problems, and alternatives.

4. VOCATIONAL EDUCATION GOVERNANCE

I

A novice to questions of vocational education governance in Montana must surely begin by asking, "Who's in charge here?" It is a good question -- and, at times, an almost impossible one to answer.

The word "governance" itself is ambiguous. The Oxford English Dictionary takes 68 lines to define the term and traces its origins back to the 14th Century. Not a single definition in the O.E.D. applies to educational governance! Little wonder that people take different sides on the issue.

In part, the difficulty in answering the question "Who's in charge?" stems from the kaleidoscope of laws, boards, officers, councils, and programs involved in vocational education. The difficulty also stems in part from competing desires for a balance between centralization, coordination, accountability, and control on the one hand and community involvement, flexibility, and autonomy on the other.

II

The Subcommittee on Education began its study of vocational education governance by exploring the statutory landscape of governance laws. Governance responsibilities for vocational education in Montana are divided among several authorities: (1) the federal government, (2) the Governor, (3) the Legislature, (4) the State Board of Education, (5) the Board of Regents of Higher Education, (6) the Board of Public Education, (7) the Superintendent of Public Instruction, and (8) local school district boards of trustees.

(1) The U. S. Constitution makes no provision for federal involvement in education. Since the Constitution is silent on education, it is a responsibility of the states. However, the federal government has a long history of interest in education and has attempted to encourage states in offering vocational education since 1917. Any state desiring to participate in federal funding for vocational educational programs must

designate or establish a state board or agency which shall be the sole State agency responsible for the administration, or for the supervision of the administration, of such programs.¹⁹

(2) The Governor articulates executive branch proposals and policy in regard to education. His most direct responsibility is to appoint members who serve on the State Board of Education - comprised of the Regents and the Board of Public Education.

(3) The Legislature plays a pivotal role in establishing the state's educational policies. As the "big school board," it enacts laws and sets basic fiscal policy for Montana's educational system. Regardless of the policy-making authority of a state board, that authority "always exists in the legal shadow cast by the state legislature."²⁰

A corollary to this principle is that extensive involvement by the state legislature in educational policy-making will necessarily constrict the governance role a state board may play.

(4) The State Board of Education is a coordinative body comprised of the Board of Regents of Higher Education and the Board of Public Education. As such, it is "responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems."²¹

(5) The Board of Regents of Higher Education constitutionally has "full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law." Montana's three community colleges are under the supervision of the Regents.²²

(6) The Board of Public Education is constitutionally assigned the task of "general supervision over the public school system and such other public educational institutions as may be assigned by law."²³

Statute establishes the Board of Public Education as the "governing board of the state of Montana for vocational education." 20-7-301, MCA, directs the Board to "adopt policies to effect the orderly development of a system of vocational education that is adaptable to changing needs, controlled to prevent unnecessary duplication, coordinated with federal guidelines and requirements for vocational education, and funded to insure growth and quality programming." By statutory authority, the Board of Public Education has authority to set policy, fix budgets and programs, and control expenditures at postsecondary Vocational-Technical Centers.

(7) The Office of Superintendent of Public Instruction is provided for in the Montana Constitution of 1972. The method of selection for the Superintendent is by popular election. 20-7-302, MCA, designates the Superintendent of Public Instruction as the executive officer of the Board of Public Education for the administration of laws related to vocational education. Statutes direct the Superintendent to perform various administrative and ministerial tasks for the Board of Public Education.

(8) Local school district boards of trustees are constitutionally guaranteed "supervision and control of schools in each school district" in Article X, section 8 of the 1972 Montana Constitution. Vocational education, both secondary and postsecondary, falls under the purview of local boards. 20-7-312, MCA, mandates that local trustees or governing boards of Vocational-Technical Centers administer the centers according to state law, the policies of the Board of Public Education and the regulations of the Superintendent of Public Instruction. Local boards also are charged with providing a portion of funding for Center construction projects.

Table VIII outlines the current vocational education governance system in Montana.

III

Postsecondary Vocational-Technical Center Governance

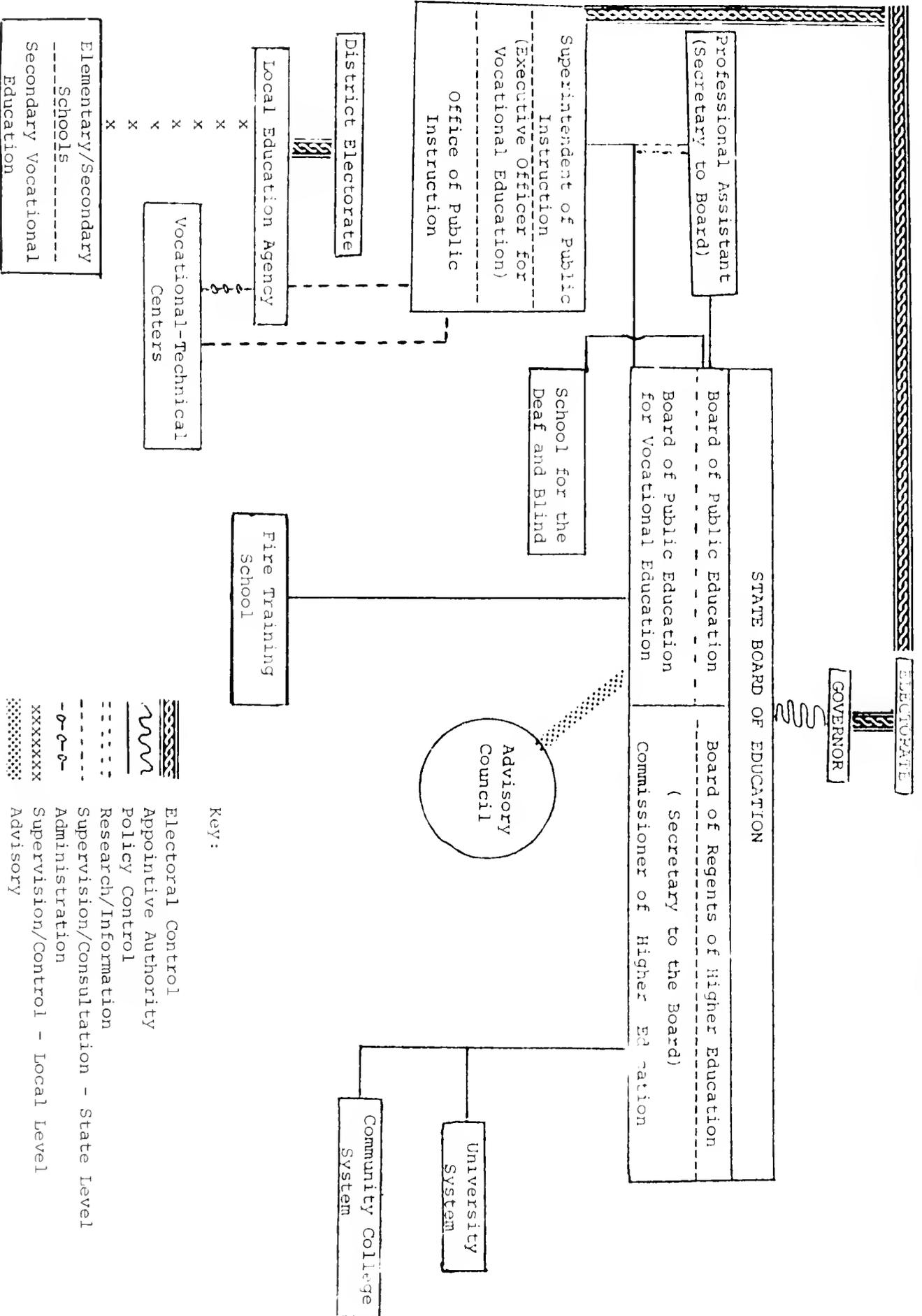
The Subcommittee on Education identified during its study three basic Postsecondary Vocational-Technical Centers governance issues needing clarification.²⁴

1. STATE SYSTEM VS. LOCAL SYSTEM. As currently organized, Postsecondary Vocational-Technical Centers constitute a state system charged with providing postsecondary vocational education on a statewide basis. The rationale for a state system approach is to concentrate limited resources, avoid the proliferation of centers, minimize program duplication among centers, and provide vocational training based upon statewide needs. However, the governance structure for the state system has built into it several features modeled more appropriately to meet local or area needs. Some of these features include:

Administrative authority for individual centers is placed in the hands of local school boards. In this capacity, the local school board hires center directors and staff, negotiates employees' salaries, and supervises the daily operations of the center. While state law seemingly limits the governing authority of the local boards, in reality they occupy a pivotal position from which to guide center directors, establish center expenditure levels (salaries), and implement center construction projects. (See Appendices I and J for a discussion of salaries.)

On the surface, the center system appears to be a state system; but its structure places considerable policy-making ability in the hands of local school boards. Thus, the governance system is neither categorically state nor categorically local. Governance is fragmented; it fits neither the state system concept nor the local service area concept.

TABLE VIII
CURRENT GOVERNANCE MODEL FOR POSTSECONDARY CENTERS



2. STATE LEVEL GOVERNANCE. The issue of state level governance involves two questions: (1) What state board should be responsible for governance of the centers, and (2) what should be the relationship between the governing board and its administrative staff?

Constitutionally, only two boards currently are authorized governance authority for public educational endeavors: the Board of Regents and the Board of Public Education. Either of these Boards legally can be the governing board for Postsecondary Vocational-Technical Centers. Also, either board legally can act as the "sole agency" for vocational education. The Subcommittee, in its recommendations, placed governing authority for the Centers under the Board of Regents and left the "sole agency" designation for vocational education with the Board of Public Education. This recommendation recognizes the conundrum of designating a "sole agency" when vocational education takes place, and will continue to take place, under the authority of both state boards.

The second question relevant to state level governance involves the relationship between the state governing board for the Centers and its staff. This question is important when the Board of Public Education is either the governing board for Postsecondary Centers or the "sole agency" for vocational education. Currently, by law, the Superintendent of Public Instruction is the Board's executive officer for vocational education. The Superintendent is to provide the Board the assistance it needs to develop governing policies for vocational education.

There is a major flaw in this system. The Superintendent of Public Instruction is an elected member of the executive branch. The political counterpressures of the office often are inconsistent with the legally mandated role of the Superintendent to carry out Board of Public Education policies. Some classic battles have been waged in the past over this issue.

While this issue is difficult, it is clear that the Board of Public Education's abilities to function efficiently and be responsible are severely constrained when its executive officer and staff can operate independently of Board control.

3. FUNDING. Funding is an issue when it does not fit the governance structure. Historically, prior to 1969 the funding mechanism for postsecondary centers matched the governance system; shared local/state financing was coupled with shared local/state governance. After 1969 the financing and governance systems split. While the state provided the major share of financing, local school districts retained

the authority to establish a substantial portion of the state funded budget. In addition, the financing system continued to assess the counties in which centers are located a one-mill tax which is perhaps more appropriate to the local or regional governance concept.

The essential question, therefore, is "should funding for postsecondary centers reflect the purposes of the governance system?" If the purpose of the system is to serve the entire state, should the funding burden be equitably distributed among all sections of the state? If the purpose of the system is to serve local or regional needs, should the governance and financial system reflect that? The Subcommittee's recommendations suggest that the purposes of the system should be clear and that financing should reflect the purpose of the system.

5. MODEL DEVELOPMENT

I

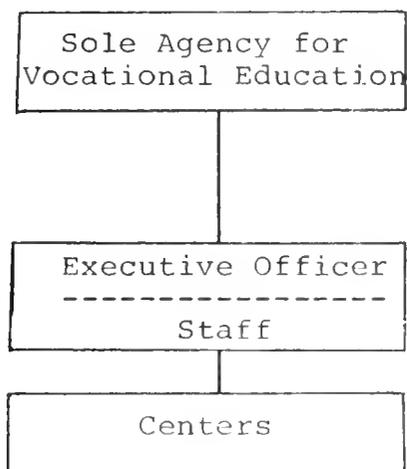
An important element in the Subcommittee on Education's study of vocational education governance was the development of governance models. The models developed by the Subcommittee were used as discussion tools for better understanding governance alternatives. The models were to be graphic outlines of various governance systems for the Postsecondary Vocational-Technical Centers only.

The Subcommittee began governance model development by instructing its staff researcher to outline three discussion models. The models were to place Center governance under unified state operation; the Subcommittee further asked that the models remove the governance role of local school districts.

In developing the discussion models several constraints were noted. Federal requirements for a "sole agency" plus the basic Montana Constitutional structure for educational governance formed the foundation upon which the models were constructed. (These constraints were discussed in Chapter 4.)

II

Governance at postsecondary Centers currently is divided between the Board of Public Education, the Superintendent of Public Instruction and five LEA's. The governance models developed by the Subcommittee outline three alternatives for establishing a framework under which the "sole agency" has direct policy and supervisory authority over the Centers. All three models have the following characteristics in common:



Options

Ex officio:

- 1) Board of Public Education
- 2) aSPI (or bOSPI)
- 3) Board of Regents

- 1) Appointed by Agency in 1 & 3
- 2) SPI (2a)
- 3) Appointed by SPI (2b)

- 1) Director appointed by Agency/
Agency Administrator
- 2) Staff appointed by Center
Director and confirmed
by Agency

Model One

Discussion model one (Appendix B) places the five Centers directly under the Board of Public Education for Vocational Education -- currently part of the Board of Public Education. Several modifications of the present system would be necessary. First, the executive officer (or state director) and staff for vocational education would be appointed by the Board and directly accountable to it. (The Superintendent of Public Instruction currently discharges this function.) The Board would be responsible for outlining the executive officer's major duties. His duties would probably include administering and assisting in the development of the State vocational education plan, recommending the distribution of funds between secondary and postsecondary programs, supervising the operation of the Centers, etc. The role of the Superintendent of Public Instruction as well as that of local school boards would be eliminated from postsecondary Center governance.

Model Two

Discussion model two (Appendix C) places the five Centers directly under the Superintendent of Public Instruction. Under this model, it would be necessary to designate the office of the Superintendent of Public Instruction as the "sole agency" for vocational education in Montana. This should be possible under the federal law. If not, the Office of Public Instruction could be designated the "sole agency" and the Superintendent the executive officer. In either case, the Superintendent of Public Instruction would be responsible for administering, or supervising the administration, of vocational education programs. Under this model the Board of Public Education and local school boards would be removed from a governing role for postsecondary Centers.

Model Three

Discussion model three (Appendix D) places the five postsecondary Centers directly under the Board of Regents of Higher Education and designates the Regents as the "sole agency" for vocational education in Montana. State law might specify that the Regents hire an executive officer and staff for vocational education or this might be left up to the Regents' discretion. Model three would eliminate the Board of Public Education, the Superintendent of Public Instruction and local school boards from postsecondary Center governance.

CONSIDERATIONS RELATIVE TO ALL THREE MODELS

1) The fundamental characteristic of any of the three model alternatives would be in consolidating governance

authority for the postsecondary Centers directly under one board or agency. This would eliminate the present fragmentation of governance authority. While the present governance structure holds the Board of Public Education for Vocation Education responsible for Center governance, the Board does not have the independent stature necessary to carry out that duty fully. The present Board must rely upon cooperation from the Superintendent of Public Instruction and local school boards. When cooperation is forthcoming, the system works. When other authorities are recalcitrant, there is little the Board can do short of drastic and unpopular budgetary control.

Any one of the three alternatives would make the "sole agency" position more tenable by giving it direct authority to hire an independent executive officer and staff, and by making the Center directors and staff directly answerable to the "sole agency."

2) None of the models is holistic. Each of the alternatives addresses only the governance relationship between the "sole agency" and the five postsecondary Centers. The relationship between the "sole agency" and secondary and postsecondary vocational education outside the Centers would remain unchanged in each model. Vocational education governance as a whole would continue to be fragmented between the Board of Regents of Higher Education, the Board of Public Education, the Superintendent of Public Instruction and local school boards.

3) A major question in each model involves the current relationship between local school boards and the State --and how that relationship would change under a state operated system. Questions concerning (a) facilities and land, (b) services, (c) staff, and (d) financing would have to be resolved.

(a) Facilities and land. Under the current system, local districts desiring postsecondary Center designation have been required to raise 50% of the initial construction costs for the Centers. The state generally has funded 100% of costs after the initial construction period.²⁵ The question arises as to whether it will be necessary to pay back the local district's contribution under a state operated system.

The State has several options. From the historical perspective, the 50% initial local contribution for Center construction appears to have been a prerequisite required from the local district prior to Center designation by the Board of Public Education. In short, it was the price for entry into the Center system. Logically, the local contribution for land and facilities could remain a prerequisite for postsecondary Center designation.

A second option would be for the State to reimburse local district contributions for land and facilities at the Centers. This probably would involve a minimum of \$6 million. Even this path could be fraught with difficulties. Would such a reimbursement to the local district constitute a double tax? -- double because the money for the Center facilities and land would have been raised once by the local district and once by the State. In addition, if the money reimbursed to the local district is not subsequently allocated to postsecondary Vocational-Technical Center purposes, there could be a question of whether or not the voters' original intent for approving construction bond levies has been violated. These issues need attention in the context of any of the three models.

(b) Services. Services presently being provided without charge to the Centers by local districts would have to be replaced under a state operated system. But until the services that would be provided by an executive officer and staff are determined, it would be difficult to assess the exact cost of replacing these services at the Centers. Once the executive officer's role was established and defined, it is possible that Centers could contract with local school districts for needed services not provided under the executive officer.

(c) Local school boards currently employ Center directors and staff. Under discussion models one and two the directors and staffs would be employed by the executive officer with approval/confirmation from the "sole agency." Center staffs would become state employees. Under this system the Center employees would bargain with the Chief of the Labor Relations Bureau, Personnel Division, of the Department of Administration. The Chief would assemble a bargaining team and negotiate a master contract -- possibly with local addenda. The negotiated contract would then be presented in the Executive Budget to the Legislature. Under model three, Center personnel would bargain with the Board of Regents.

The most difficult part of this process would be in the transition by the Center staff from employment under the local school districts to the state system. Tenured instructors could possibly opt to remain with the local districts at the time of transition -- thereby "bumping" into the local system. Administrators, who sometimes have three-year contracts, might present an additional difficulty. However, it is possible that if the Center vocational programs under local school boards were discontinued, their contracts would no longer be valid. Ultimately, contracts could be honored on a "grandfather" basis or purchased. In addition, timing of the transition would have to be carefully planned since teacher contract reelection notifications must be sent by local school boards in April of each year.

(d) Finally, under all three discussion models some consideration would need to be given to Center financing. The most obvious question is whether or not the one-mill county levy would be continued. Would a statewide mill levy be more appropriate?

III

After Subcommittee discussion of the three state operated governance models, testimony from interested persons was taken. Strong objection to the models came from people opposed to eliminating the role of local school boards in Center governance. When asked by the Subcommittee if local school districts would be willing to share part of the responsibility for financing Center operations, those testifying answered, "No." The Subcommittee decided to explore a governance model that shared both governance authority and financial responsibility between the state and local district boards. The staff researcher was asked to modify model three so that Postsecondary Vocational-Technical Center governance and financing *paralleled* Montana's Community College system.

The Community College parallel for postsecondary Centers developed for the Subcommittee contains the following characteristics:

1) Vocational-technical districts would be legislatively created; district boundaries would be exactly the same as for the current high school districts that hold title to Vocational Center property; title to Vocational Center property would be transferred from the local school district jurisdiction to the board of trustees of the vocational-technical district.

2) Governance responsibilities would be shared between the Board of Regents and elected boards of trustees for vocational-technical districts (see Appendix H for a summary of the division of governance responsibilities.)

3) Financing for postsecondary vocational-technical district operations would be according to a shared state-to-local ratio of 65:35%.

4) The "sole agency" designation would remain with the Board of Public Education. The Board of Public Education's responsibility for supervision of the administration of federal funds for vocational education programs would remain unchanged. State funds, however, for postsecondary vocational-technical district education would be legislatively earmarked to the postsecondary vocational-technical districts.

The Subcommittee also explored a number of financial implications of the Community College parallel system for post-secondary Centers. Under the Montana Community College law, the 35% local share of the operational budget is a combination of student tuition and fees and a mandatory mill levy on the community college district. The following information was developed in order to understand how such a ratio system would work for Vocational-Technical districts.

Student revenues would increase under a districting system since out-of-district tuition would be higher than in-district tuition.

The Subcommittee estimated that about 43% of all F.T.E.'s generated at the Centers are by students from outside the counties in which Centers are located (see Appendix F). By doubling the tuition to out-of-district students, districts would realize approximately \$120,000 of additional student fee revenues.²⁶ Table IX represents what this would mean for individual centers.

TABLE IX

Student Revenue: Individual Centers

	<u>1978 Student Fees</u>	<u>Additional for Out-of-District</u>	<u>TOTAL</u>
Billings	\$ 62,050	\$ 27,800	\$ 89,850
Butte	38,000	9,400	47,400
Great Falls	36,240	10,050	46,290
Helena	65,970	42,700	108,670
Missoula	<u>78,740</u>	<u>30,600</u>	<u>109,340</u>
TOTAL	\$281,000	\$120,550	\$401,550

Another financial consideration of the districting system that the Subcommittee explored was the revenue base of vocational-technical districts.

Under a districting system the county mill levy currently assessed for center operations would be replaced by vocational-technical district levies. One mill levied on the proposed vocational-technical districts would raise approximately 90% of the revenue that is raised by a one-mill levy in the five counties that have vocational-technical centers.

TABLE X

One Mill Levied Against Total Taxable Value Would Have Raised The Following Amounts of Revenue in Fiscal Year 1977-1978:

<u>County</u>	<u>Tax</u>	<u>Vocational-Technical District Tax</u>	<u>% of County Tax</u>
Yellowstone	\$150,755	\$129,033	86%
Silver Bow	51,952	51,952	100%
Cascade	91,805	79,214	86%
Lewis & Clark	51,912	47,051	91%
Missoula	<u>87,899</u>	<u>80,323</u>	<u>91%</u>
TOTAL	\$434,323	\$387,573	89%

Also, it was noted that there is no correlation between a vocational-technical district's taxable valuations and the current size of Center budgets. Hence, some vocational-technical districts would be able to raise the local contribution easier than other districts. The Billings district, for example, would need to levy fewer mills for its local contribution than would any other district. The Helena district would have to raise the most mills since it has the second highest center budget but the lowest taxable valuation base. Table XI shows center budget comparisons and the percentage of each budget that would be raised by a one-mill vocational-technical district tax:

TABLE XI

1978 Center Budget Comparison*

<u>Center</u>	<u>Budget</u>	<u>% of All Budgets</u>	<u>% of Center Budget Raised by 1 Mill on V-T District</u>
Billings	\$ 938,186	18.0	13.75
Butte	755,761	14.5	6.8
Great Falls	860,004	16.5	9.2
Helena	1,276,976	24.5	3.6
Missoula	1,381,219	26.5	5.6

Finally, the Subcommittee analyzed various state/local formulas for the vocational-technical district system. The analysis was based upon the 1978 center budgets. Two budget bases were used: (1) the 1978 Center budgets including administrative contributions of \$149,189 currently provided by local school districts; and (2) the 1978 Center budgets including \$149,189 for administrative contributions and payments for principal, interest, and SID's currently made by local school districts on buildings and land.²⁷ In the tables that follow, it is assumed that available federal revenue will be 18%²⁸ and that the maximum student revenue will be \$401,550.

TABLE XII

State/Local Ratio:
90%/10%

	<u>Funding Source</u>	<u>Excluding P, I, SID</u>	<u>%</u>	<u>Including P, I, SID</u>	<u>%</u>
STATE:	General Fund	\$3,898,282	72	4,112,254	72
	Federal Fund	974,570	18	1,028,063	18
LOCAL:	Student Fees	401,550	7.1	273,963	4.8
	Mill Levy	139,878	2.6	-0-	
	P, I, SID			297,183	5.2
		<u>\$5,414,280</u>		<u>\$5,711,463</u>	

* These figures do not include administrative contributions or principal, interest and S.I.D. payments made by local school districts.

TABLE XIII

State/Local Ratio:
80%/20%

	<u>Funding Source</u>	<u>Excluding P, I, SID</u>	<u>%</u>	<u>Including P, I, SID</u>	<u>%</u>
STATE:	General Fund	\$3,356,854	62	\$3,541,107	62
	Federal Fund	974,570	18	1,028,063	18
LOCAL:	Student Fee	401,550	7.4	401,550	7
	Mill Levy	681,306	12.6	443,560	7.8
	P, I, SID			297,183	5.2
	TOTAL	\$5,414,280		\$5,711,463	

TABLE XIV

State/Local Ratio:
70%/30%

	<u>Funding Source</u>	<u>Excluding P, I, SID</u>	<u>%</u>	<u>Including P, I, SID</u>	<u>%</u>
STATE:	General Fund	\$2,815,426	52	\$2,969,961	52
	Federal Fund	974,570	18	1,028,063	18
LOCAL:	Student Fees	401,550	7.4	401,550	7
	Mill Levy	1,222,734	22.6	1,014,706	17.8
	P, I, SID			297,183	5.2
	TOTAL	\$5,414,280		\$5,711,463	

TABLE XV

State/Local Ratio:
65%/35%

	<u>Funding Source</u>	<u>Excluding P, I, SID</u>	<u>%</u>	<u>Including P, I, SID</u>	<u>%</u>
STATE:	General Fund	\$2,544,711	47	\$2,684,388	47
	Federal Fund	974,570	18	1,028,063	18
LOCAL:	Student Fee	401,550	7.4	401,550	7
	Mill Levy	1,493,449	27.6	1,300,279	22.8
	P, I, SID			297,183	5.2
	TOTAL	\$5,414,280		\$5,711,463	

Summary of System-wide Ratios

If one calculates the state share of the present 1978 budget as general fund and federal fund, the "state" contribution is \$4,551,455. If student fees, mill levy, and administration are grouped together as "local" contributions, the local share of the current budget is \$862,825. Principal, interest and SID, if considered local contributions, would raise the current local share to \$1,159,972. In comparing these figures with the information presented in Tables XII through XV, certain characteristics appear:

(1) A 90%/10% ratio would have a significant impact upon the general fund; an additional \$300,000 to \$600,000 -- depending on whether or not principal, interest and SID's were part of the ratio. The "local" contribution would decrease in direct proportion to the increased state share. Local mill levies could actually decrease because of additional out-of-district student fees generated.

(2) An 80%/20% funding ratio would decrease the "state" contribution by approximately \$220,000 if principal, interest and SID's are excluded from the formula. With these included, the "state" share would be only slightly more than in the current budget. The 80%/20% ratio -- if principal, interest and SID's are excluded -- would mean approximately a \$220,000 increase to local districts. More than half of this would be offset by out-of-district fees collected. With principal, interest and SID's included in the ratio formula, the "local" share is very close to the 1978 expenditures by local school districts.

(3) The ratios presented in Tables XII and XIII represent a decreasing contribution by the "state" and proportionate increases for local districts. Tables XIV and XV indicate the impact of ratios on individual districts when principal, interest and SID's are excluded from the funding ratio and when they are included in the ratio.

TABLE XVI

Individual Center Budgets - Excluding Principal,
Interest, SID

70% State/30% Local

Center	Center Budget	"State"	"Local"		
			(A) Student Fee	(B) Mill Levy	(# of Mills)
Billings	\$1,030,678	\$ 721,475	\$ 89,850	\$219,353	(1.7)
Butte	780,932	546,652	47,400	186,880	(3.6)
Great Falls	875,353	612,747	46,290	216,316	(2.7)
Helena	1,294,534	906,173	108,670	279,691	(5.9)
Missoula	1,432,783	1,002,948	109,340	320,495	(4)

TABLE XVII

65% State/35% Local

Center	Center Budget	"State"	"Local"		
			(A) Student Fee	(B) Mill Levy	(# of Mills)
Billings	\$1,030,678	\$ 669,941	\$ 89,850	\$270,887	(2.1)
Butte	780,932	507,606	47,400	225,926	(4.3)
Great Falls	875,353	568,979	46,290	260,084	(3.3)
Helena	1,294,534	841,447	108,670	344,417	(7.3)
Missoula	1,432,783	931,309	109,340	392,134	(4.9)

TABLE XVIII

Center Budgets Including Principal,
Interest, SID70% State/30% Local

Center	Center Budget	"State"	"Local"			
			(A) Student Fee	(B) Mill Levy	(# of Mills	(C) P, I, SID
Billings	\$1,030,678	\$ 721,475	\$ 89,850	\$219,353	(1.7)	\$ -0-
Butte	830,227	581,159	47,400	152,373	(2.9)	49,295
Great Falls	1,053,478	737,435	46,290	91,628	(1.2)	178,125
Helena	1,352,177	946,524	108,670	239,340	(5.1)	57,643
Missoula	1,444,903	1,011,432	109,340	312,011	(3.9)	12,120

TABLE XIX

65% State/35% Local

Center	Center Budget	"State"	"Local"			
			(A) Student Fee	(B) Mill Levy	(# of Mills	(C) P, I, SID
Billings	\$1,030,678	\$ 669,941	\$ 89,850	\$270,887	(2.1)	\$ -0-
Butte	830,227	539,648	47,400	193,884	(3.7)	49,295
Great Falls	1,053,478	684,761	46,290	144,302	(1.8)	178,125
Helena	1,352,177	878,915	108,670	306,949	(6.5)	57,643
Missoula	1,444,903	939,187	109,340	384,256	(4.8)	12,120

Budgets presented in Tables XIV through XIX include the individual center's share of the \$149,189 administrative contribution reported by centers.

Summary of Individual Center Ratios

All of the ratios presented in Tables XVI through XIX would increase the contribution of local districts above what they are now contributing. The number of mills necessary to levy for "local" contributions would vary according to the size of a center's budget, the number of out-of-district students, and the value of the assessable property in the district. Generally, Billings would need to levy the fewest mills; while Helena would have the highest mill levy. If principal, interest and SID's were considered part of the local contribution, Great Falls would receive the largest benefit with Helena and Butte next.

When P, I and SID's are excluded from the budgets, the average mill levy in the five districts would range from two mills under an 80%/20% ratio to 4.38 mills under a 65%/35% ratio. With P, I and SID's included, the average mill levy would be 2.96 mills for a 70%/30% ratio and 3.78 for a 65%/35% ratio.

6. COMMITTEE DELIBERATIONS AND RECOMMENDED LEGISLATION

The Subcommittee on Education met six times during the 1977-1978 interim to consider vocational education governance. Public hearings were held twice to elicit testimony regarding governance alternatives. In addition, the Subcommittee solicited written information from the Office of Public Instruction, directors of Postsecondary Vocational-Technical Centers, and superintendents in local school districts with Postsecondary Vocational-Technical Centers.

During the first and second meetings of the Subcommittee, members decided that time and resource limitations would make it necessary to limit the scope of the study to governance issues directly related to postsecondary Centers. The Subcommittee realized, however, that Center governance was inextricably related to the state's entire educational governance structure. This fact precluded considering Center governance in isolation from the rest of education; yet, to the extent possible, the Subcommittee concentrated only on issues as they related to Center governance.

The Subcommittee's recommendations to the Forty-sixth Legislature are contained in Appendices K and L. The Subcommittee found that the governance structure for Postsecondary Vocational-Technical Centers is fragmented and that the financial support mechanisms for the Centers are not synchronized with the governance structure. The Subcommittee recommends that the governance and financial structures for postsecondary Centers be synchronized. This can be accomplished *either* under a totally state governed and state financed system *or* under a shared state and local governance and financing system. The legislative *alternatives* for implementing the Subcommittee's recommendations are explained below.

I. *State Vocational-Technical System.*

The first *bill* -- *Appendix K* -- creates a state Vocational-Technical system operated under the Board of Regents of Higher Education. Governance authority rests with the Board of Regents; the Commissioner of Higher Education acts as the Board's chief administrative officer for *postsecondary* vocational-technical education policies. The Commissioner hires the necessary staff for state supervision and administration of the Board of Regents' postsecondary vocational-technical policies.

Local school district boards of trustees in the areas in which Centers are located act in an *advisory* capacity to Centers and the Board of Regents.

The bill authorizes the Board of Regents, with legislative approval, to lease or purchase local school district buildings and lands which were financed in whole or in part by funds made available for the purpose of supporting a state Postsecondary Vocational-Technical Center. The right to renew leases is guaranteed if the buildings and lands are utilized for state postsecondary vocational purposes.

Financing for the state system is by a one-mill mandatory county levy in the counties in which Centers are located, available federal funds, fees established by the Board of Regents, and state funds appropriated by the legislature. *Two amendments attached to the bill* provide the following financial options:

(1) the first amendment places a one-mill statewide levy on all counties in the state;

(2) the second amendment eliminates entirely the one-mill county levy.

The Board of Public Education retains its designation as the "sole agency" for vocational education. The Superintendent of Public Instruction is designated executive officer to the Board of Public Education for *high school and elementary* vocational education.

II. *Vocational-Technical District System.*

The second *bill -- Appendix L --* creates a Postsecondary Vocational-Technical District system paralleling the shared state/local governance and financing system of Montana's community colleges. The Board of Regents and elected vocational-technical district boards of trustees share governance authority for the Centers. (See Appendix H for the division of governance responsibilities.) A vocational-technical district Coordinator, appointed by the Regents, exercises coordinating authority as prescribed by the Board of Regents.

The bill creates five vocational-technical districts coterminous with the boundaries of local school districts currently operating the five Centers. The buildings, lands, and equipment of Postsecondary Vocational-Technical Centers currently held by local school districts are transferred to elected boards of trustees of the new Vocational-Technical Districts.

The Board of Public Education retains the "sole agency" designation for vocational education, and the Superintendent of Public Instruction remains the Board of Public Education's executive officer for vocational education.

Financing for the Vocational-Technical District system is based on a state/local ratio of 65:35%. The state contribution consists of available federal money and state general fund. The local district contribution consists of student fees and a mandatory mill levy on the district.

NOTES

1. Ralph C. Wenrich and J. William Wenrich, Leadership in Administration of Vocational and Technical Education, Charles E. Merrill Publishing Co., Columbus, 1974, pp. 54-55.

2. Larry J. Bailey and Ronald W. Stadt, Career Education: New Approaches to Human Development, McKnight Publishing Co., Bloomington, 1973, p. 182.

3. Ibid., p. 177.

4. Session Laws, 1919, Chapter 192, Section 2, p. 400.

5. Ibid.

6. Ibid.

7. Session Laws, 1939, Chapter 160, Section 1, p. 384.

8. Ibid., p. 385.

9. Minutes, State Board of Education, April 19, 1939, pp. 72, 73, 75.

10. Minutes, State Board of Education, July 8, 1940, p. 94; April 14, 1942, p. 130.

11. Letter, Harriet Miller, Superintendent of Public Instruction, to William L. Erickson, Vocational Education Director, OPI, dated December 27, 1963.

12. Letter, Harriet Miller, Superintendent of Public Instruction, to Forrest Anderson, Attorney General, dated December 10, 1963.

13. Student tuition for out-of-county students under 21 was paid by the county of residence.

14. The Board designated Missoula as an area Center in October, 1966, Butte in July, 1968, and Billings and Great Falls in September, 1968. Source: Rick Reese, Professional Assistant to the Board of Public Education, from Board minutes.

15. Great Falls Tribune, passim, January-March, 1969; conversations with participants of the 1969 Legislative Session.

16. Letter, Dr. Larry Key, Administrator, Post-secondary Vocational Education, OPI, to Jim Oppedahl, Legislative Researcher, dated December 29, 1977.

17. "Board of Public Education Policies and Office of Public Instruction Administrative Procedures for Vocational Education in Montana," December, 1977, pp. IV, IX.

18. In Greek mythology, Penelope was the wife of Odysseus. In Homer's Odyssey, Penelope is surrounded by suitors while Odysseus is away. The suitors try to persuade Penelope that Odysseus will never return. She agrees to choose another husband when she finishes weaving her father-in-law's raiment. But this was never done, for Penelope unraveled by night what she wove by day.

19. Public Law, 94482, Section 104(a)(1). See Appendix A.

20. Roald F. Campbell and Tim L. Mazzoni, Jr., State Policy Making for Public Schools, McCutchan Publishing Corporation, Berkeley, 1976, p. 50.

21. 1972 Montana Constitution, Article X, section 9(1). See also Board of Public Instruction v. Judge, 538 P. 2d 11, 14 (Montana, 1975).

22. Ibid., (2)(a).

23. 1972 Montana Constitution, Article X, section 9(3)(a).

24. These issues have been identified by a number of previous studies. See, for example, Staff Report 8 done for the Montana Commission on Postsecondary Education, entitled "Issues in Governance, Planning and Coordination."

25. Billings voters overwhelmingly (63%) approved a \$1.8 million bond issue to complete the Billings Vocational-Technical Center at the general election November 7th. The case of Butte is unclear. Butte's present postsecondary Center is incorporated in the same building where secondary programs occur. The local district built the facility with local and federal funds. The State and the Board of Public Education were not involved. There is some discussion of building a separate Center facility elsewhere. The State has set aside \$90,000 for the site.

26. These student revenue estimates should be considered only rough ideas of potential out-of-district fees that could be generated. Data for arriving at exact revenue potentials are either not available or are not kept in a way that would be useful for this analysis. Figures rounded.

27. Some people might argue that principal, interest and SID payments on facilities and land made by local school districts ought to be counted in the "local" contribution. Community colleges are not allowed to do this since their 65/35% funding ratio is for the operational budget only.

Nevertheless, the budgets presented include an analysis of ratios including principal, interest and SID payments so that the costs of such an option can be seen. In general, including principal, interest and SID payments under "local" contributions will result in the state paying a higher percentage of facility and land costs.

28. Conversation with William Ball, Executive Director, Montana Advisory Council for Vocational Education, August 7, 1978. Since 1970, the federal portion of Center financing has fluctuated from 16 to 21 percent. Federal funding in the 1978 Center budget accounts for 21% of all revenues if administration, principal, interest and SID's are eliminated.

SELECTED BIBLIOGRAPHY

I. General Sources

- Aufderheide, J. Alan, State Policy Making for the Public Schools of California, The Educational Governance Project, Columbus, Ohio, 1974.
- Campbell, Roald F., and Tim L. Mazzonni, Jr., State Governance Models for the Public Schools, prepared for the Educational Governance Project (Ohio State University), Columbus, Ohio, August, 1974.
- , State Policy Making for the Public Schools, McCutchan, Berkeley, 1976.
- Comptroller General of the U. S., Report to the Congress: What is the Role of Federal Assistance for Vocational Education?, Office of Education, D.H. E.W., December 31, 1974.
- Council of Chief State School Officers, State and Federal Relationships in Education: A Position Statement, Washington, D.C., 1971.
- Education Commission of the States, 1975 State Education Legislation: Research Brief, vol. 4, Denver, 1976.
- Harris, Sam P., State Departments of Education, State Board of Education, and Chief State School Officers, GPO, Washington, D.C., 1973.
- HEW, Office of Education, State Education: Structure and Organization, GPO, Washington, D.C., 1964.
- Iannaccone, Laurence, Politics in Education, The Center for Applied Research in Education, Inc., New York, 1967.
- Lecht, Leonard A., Evaluating Vocational Education -- Policies and Plans for the 1970's, with an Annotated Bibliography, New York, 1974.
- Masters, Nicholas A., Robert H. Salisbury, and Thomas H. Eliot, State Politics and the Public Schools: an Exploratory Analysis, Alfred A. Knopf, New York, 1964.
- NASBE, Six Crucial Issues in Education, NASBE, Denver, 1972.
- , "The Imperative of Leadership: A Report on Educational Governance," Denver, 1976.

- NASBE, "The Imperative of Leadership: A Report on Developing Effective and Visible State Boards of Education," vol. II, No. 4, Denver, 1976.
- , "The Imperative of Leadership: A Report on the Planning, Improvement and Governance of Vocational and Vocational-Technical Education," Denver, 1976.
- Sandow, Stuart, and Wesley Apker, Editors, The Politics of Education: Challenges to State Board Leadership, Phi Delta Kappa, Inc., Bloomington, Indiana, 1975.
- Stroufe, Gerald R., "State School Board Members and the State Education Policy System," Planning and Changing, vol. 2, #1, April, 1971, pp. 15-23.
- Washington. Senate Select Committee on Vocational Education. "The Organization of Vocational Education in Washington State," Olympia, 1975.

II. Montana

- Berg, Lyle, L., "The Historical Role of the State Superintendent of Public Instruction of Montana with Particular Emphasis Upon the Instructional Program," Ph.D. Dissertation (unpublished), University of Montana, 1968.
- Flesher, W. R., et al., "Improving Opportunities for Vocational-Technical Education in Montana," Columbus, Ohio, 1968.
- Johnson, Kenneth, "A Survey of Present and Potential Postsecondary Vocational Education Programs in Montana," Helena, Montana, 1975.
- Montana. Advisory Council for Vocational Education. Annual Evaluation Reports: 1970-1978, Helena, Montana, 1970-1978.
- Montana. Advisory Council for Vocational Education, Governance of Montana's Vocational Education, Thurber's, Helena, Montana, April 1976.
- Montana. Commission on Postsecondary Education, Draft Report, Bozeman, Montana, 1974.
- Montana. Commission on Postsecondary Education, Review of Prior Studies of Postsecondary Education in Montana, Staff Report #1, Helena, Montana, September 1973.

- Montana. Commission on Postsecondary Education," Staff Report No. 8, "Issues in Governance, Planning and Coordination," Helena, Montana, 1974.
- Montana. Legislative Council, Vocational Education, Report No. 28, December, 1968.
- Montana. Office of Public Instruction, "Five-Year State Plan for Vocational Education in Montana: 1978-1982," Helena, Montana, 1977.
- Montana. Office of Public Instruction, "Montana Vocational Education: 1976," Helena, Montana, 1976.
- Sievers, Bruce, Montana Constitutional Convention, 1971-1972, Education, Constitutional Convention Study #17, prepared by the Montana Constitutional Convention Commission.

APPENDIX A
FEDERAL "SOLE AGENCY" REQUIREMENT

"Sec. 104. (a) (1) Any State desiring to participate in the programs authorized by this Act shall, consistent with State law, designate or establish a State board or agency (hereinafter in this Act referred to as the 'State board') which shall be the sole State agency responsible for the administration, or for the supervision of the administration, of such programs. The responsibilities of the State board shall include—

"(A) the coordination of the development of policy with respect to such programs;

"(B) the coordination of the development, and the actual submission to the Commissioner, of the five-year State plan required by section 107 and of the annual program plan and accountability report required by section 108; and

"(C) the consultation with the State advisory council on vocational education and other appropriate State agencies, councils, and individuals involved in the planning and reporting as required by sections 107 and 108.

Except with respect to those functions set forth in the preceding sentence, the State board may delegate any of its other responsibilities involving administration, operation, or supervision, in whole or in part, to one or more appropriate State agencies.

"(2) Each State board shall certify to the Commissioner, as part of its annual program plan and accountability report submitted pursuant to section 108, any delegation of its responsibilities for administration, operation, or supervision of vocational education programs under this Act to other appropriate State agencies, setting forth the specific responsibility delegated and the specific agency involved.

"(3) Each State board shall also certify to the Commissioner, as part of its five-year plan and as part of its annual program plan and accountability report, that each of the agencies, councils, and individuals required to be involved in formulating the five-year plan and the annual plan and report have been afforded the opportunity to be involved in accordance with the provisions of this Act.

"(b) (1) Any State desiring to participate in the programs authorized by this Act shall also assign such full-time personnel as may be necessary to assist the State board in fulfilling the purposes of this Act by—

"(A) taking such action as may be necessary to create awareness of programs and activities in vocational education that are designed to reduce sex stereotyping in all vocational education programs;

"(B) gathering, analyzing, and disseminating data on the status of men and women students and employees in the vocational education programs of that State;

"(C) developing and supporting actions to correct any problems brought to the attention of such personnel through activities carried out under clause (B) of this sentence;

"(D) reviewing the distribution of grants by the State board to assure that the interests and needs of women are addressed in the projects assisted under this Act;

"(E) reviewing all vocational education programs in the State for sex bias;

"(F) monitoring the implementation of law prohibiting sex discrimination in all hiring, firing, and promotion procedures within the State relating to vocational education;

"(G) reviewing and submitting recommendations with respect to the overcoming of sex stereotyping and sex bias in vocational education programs for the annual program plan and report;

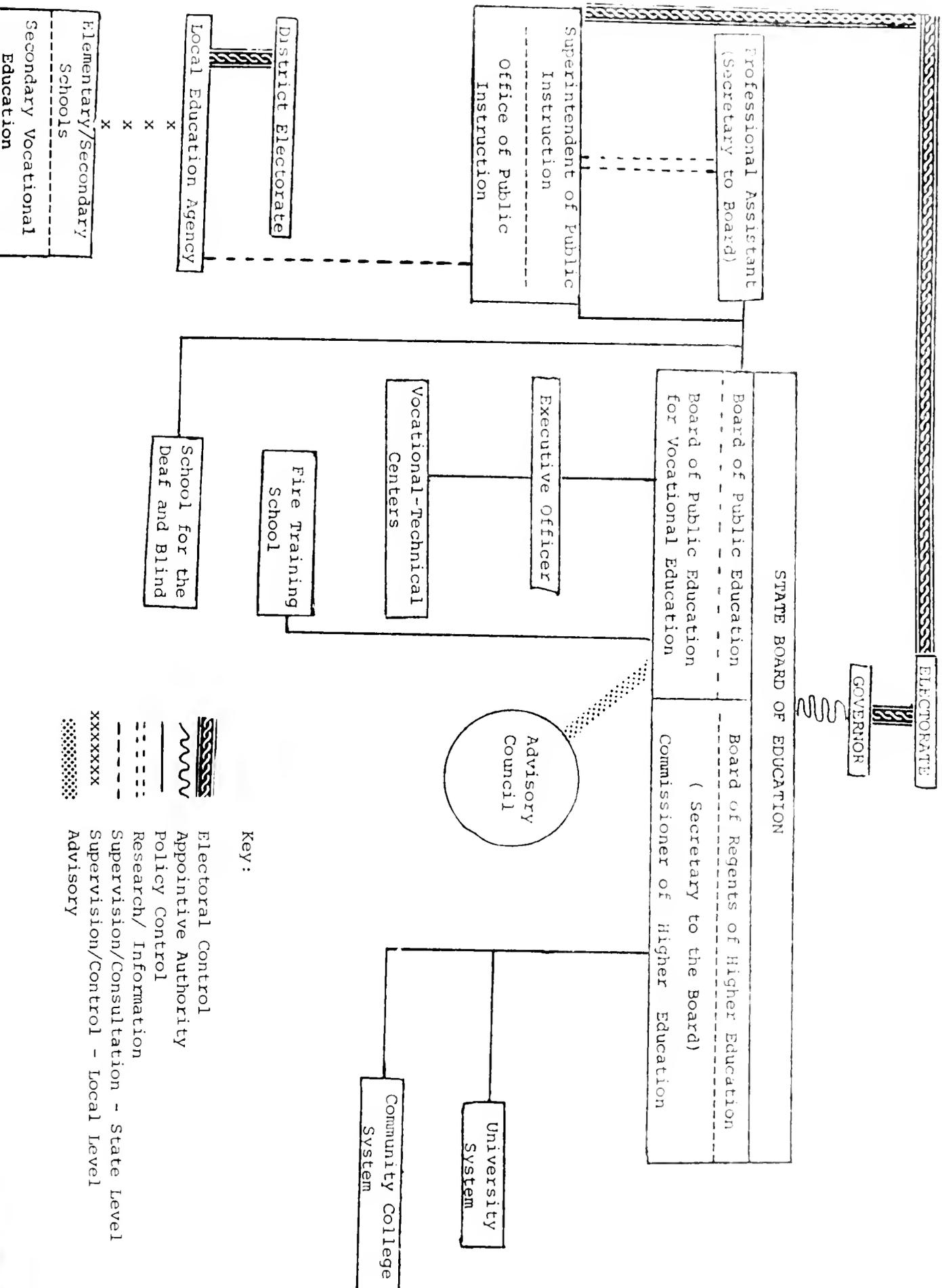
"(H) assisting local educational agencies and other interested parties in the State in improving vocational education opportunities for women; and

"(I) making readily available to the State board, the State and National Advisory Councils on Vocational Education, the State Commission on the Status of Women, the Commissioner and the general public, information developed pursuant to this subsection.

"(2) From the funds appropriated to carry out subpart 2, each State shall reserve \$50,000 in each fiscal year to carry out this subsection.

"(3) For the purpose of this subsection, the term 'State' means any one of the fifty States and the District of Columbia.

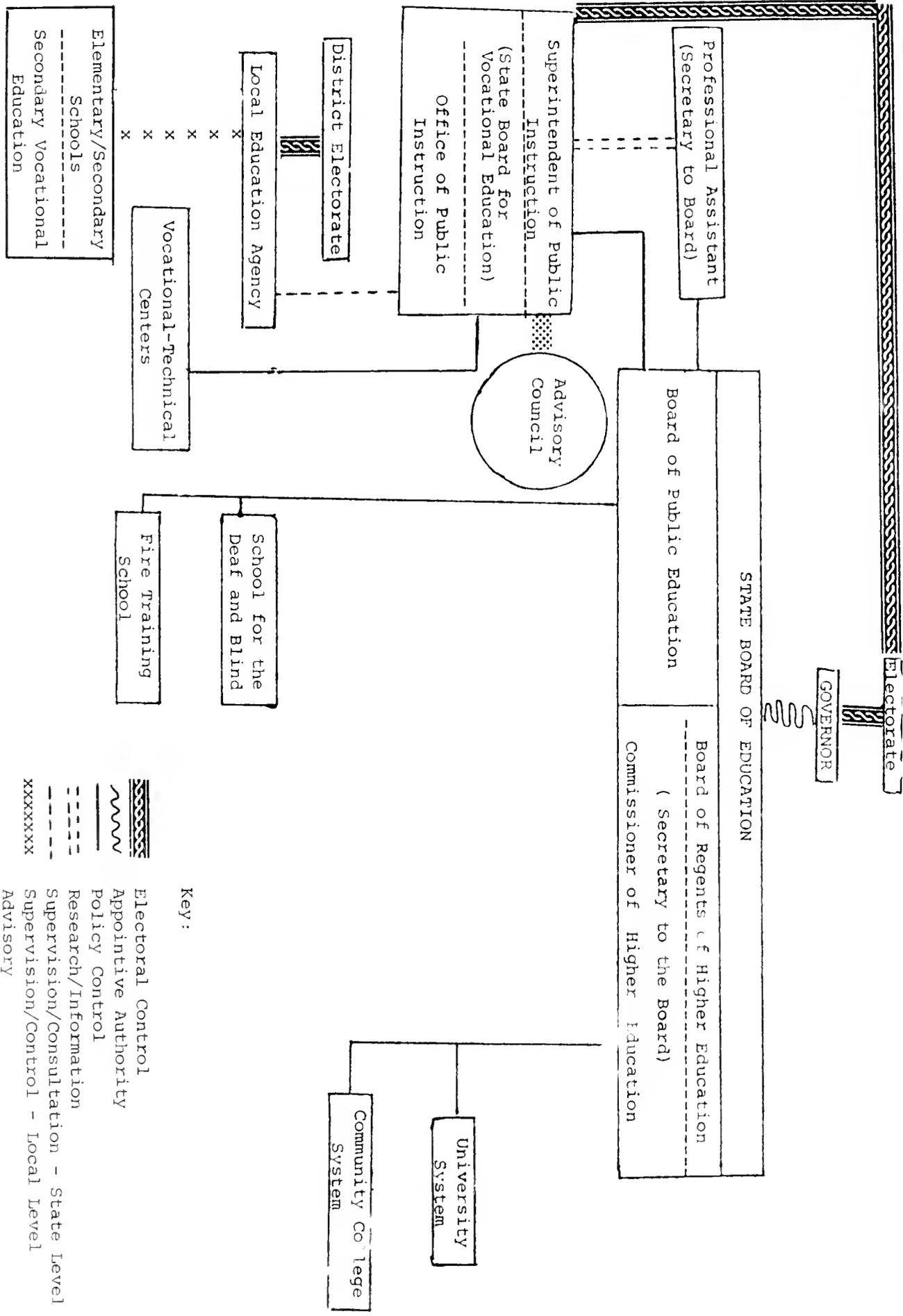
APPENDIX B
 Discussion Model One: Board of Public Education as 'Sole Agency'



Key:

- Electoral Control
- Appointive Authority
- Policy Control
- Research/ Information
- Supervision/Consultation - State Level
- Supervision/Control - Local Level
- Advisory

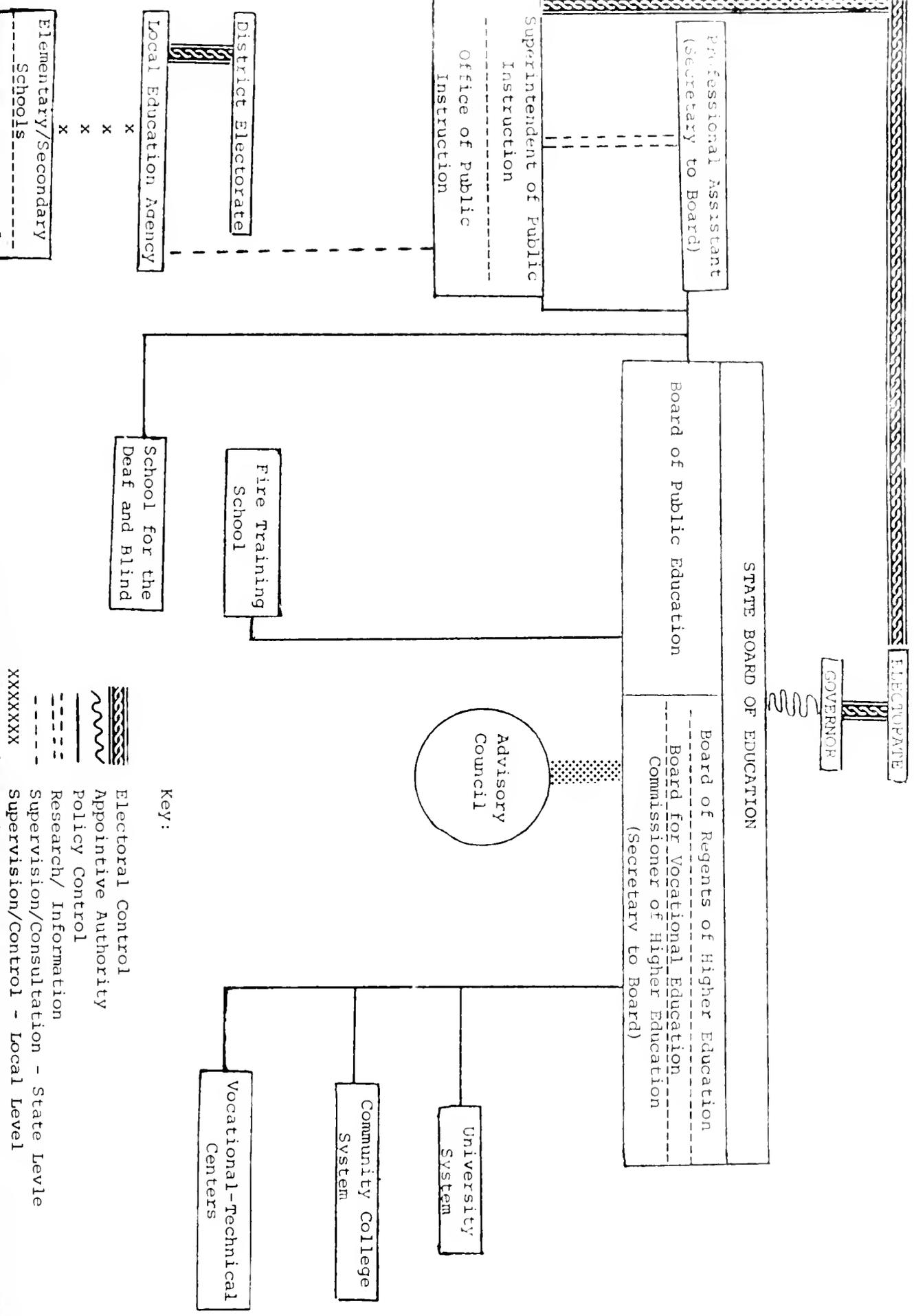
APPENDIX C
 Discussion Model Two: Superintendent of Public Instruction as 'Sole Agency'



- Key:
- Electoral Control
 - Appointive Authority
 - Policy Control
 - Research/Information
 - Supervision/Consultation - State Level
 - Supervision/Control - Local Level
 - Advisory

APPENDIX D

Discussion Model Three: Board of Regents as 'Sole Agency'



Key:

- Electoral Control
- Appointive Authority
- Policy Control
- Research/ Information
- Supervision/Consultation - State Level
- Supervision/Control - Local Level
- XXXXXXXX

APPENDIX E

ADMINISTRATIVE CONTRIBUTIONS FROM LOCAL DISTRICTSBillings

Administration, accounting, purchasing, secretarial, computer time, fringe benefits, etc.	\$ 36,586
Building and grounds maintenance	800
IMC Center for reproduction of materials, etc.	<u>2,161</u>
	\$ 39,547

Butte

Administration and computer time	\$ 23,103
Building and grounds maintenance	2,068
Principal on building	33,550
Interest on principal	<u>15,745</u>
	\$ 74,466

Great Falls

Administration and library services, 2.2% of district	\$ 15,349
Principal on building	100,000
Interest on principal	<u>78,125</u>
	\$193,474

Helena

Administration: Business Office, fringe benefits, etc.	\$ 9,601
Building and grounds maintenance	7,488
Special Improvement District	2,643
IMC Center for reproduction of materials	469
Principal & interest on buildings	<u>55,000</u>
	\$ 75,201

Missoula

Administration	\$ 28,109
IMC Center for reproduction of materials	13,814
Building and grounds maintenance	8,786
Maintenance on equipment	855
Other current charges (rental, building and land)	<u>12,120</u>
	\$ 63,684

<u>Total Contribution</u>		<u>Building, Principal, Interest, & S.I.D.</u>	
Billings	\$ 39,547	\$	-0-
Butte	74,466		49,295
Great Falls	193,474		178,125
Helena	75,201		57,643
Missoula	<u>63,684</u>		<u>12,120</u>
Total Spent	\$446,372		\$297,183

Total for
Administration \$149,189

SOURCE: Superintendents, high school
districts with Postsecondary
Vocational-Technical Centers

APPENDIX F

FY 1977 PERCENTAGE OF STUDENTS ATTENDING CENTERS
FROM OUTSIDE COUNTY WHERE CENTER LOCATED

<u>Center</u>	<u>% Out of County</u>
Billings	45
Butte	25
Great Falls	28
Helena	65
Missoula	39

SOURCE: Center Directors

APPENDIX G
BILLINGS VOCATIONAL TECHNICAL CENTER

Salary Information

FY 1978

	Length of Contract	1978 Base Salary	F.T.E.
<u>ADMINISTRATIVE</u>			
Burgess, G./ Director	12 mo.	\$29,300.00	1
Cross, E.J./Assistant Director-Operations	12 mo.	21,500.00	1
<u>INSTRUCTIONAL</u>			
Ulmer, B./Assistant Director-Instruction	12 mo.	24,500.00	1
Bummer, G./Coordinator Educ. Programming	10 mo.	18,709.00	1
Morrison, J./Guidance Counselor	11 mo.	22,272.00	1
Preas, R./Coordinator Pupil Services	11 mo.	16,060.00	1
Thorson, T./ACRT Instructor	9 mo.	17,548.00	1
Leavitt, L./ACRT Instructor	9 mo.	16,204.00	1
Bishop, R./Auto Mech. Instructor	9 mo.	17,366.00	1
Patek, W./ Auto Mech. Instructor	9 mo.	13,654.00	1
French, A./Auto Mech. Instructor	9 mo.	12,187.00	1
Broadsack, G./Bus. Ed. Instructor	9 mo.	13,385.00	1
Halvorsen, N./Bus. Ed. Instructor	9 mo.	20,565.00	1
Hedin, M./ Bus. Ed. Instructor	9 mo.	14,117.00	1
Thompson, E./Bus. Ed. Instructor	9 mo.	10,921.00	1
Putnam, W./Diesel Mech. Instructor	9 mo.	15,634.00	1
Thomas, S./Drafting Instructor	9 mo.	12,952.00	1
Rinehart, R./Farm Diesel Mech. Instructor	9 mo.	11,494.00	1
Norden, J./Farm & Ranch Man. Instructor	9 mo.	18,706.00	1
Simonsen, C./Farm & Ranch Man. Instructor	9 mo.	17,167.00	1
Sybers, G./Food Service Instructor	9 mo.	15,946.00	1
Bradshaw, F./Health Occ. Instructor	9 mo.	19,650.00	1
Wright, B./Health Occ. Instructor	9 mo.	16,104.00	1
Lippert, C./Health Occ. Instructor	9 mo.	15,896.00	1
Akre, K./Health Occ. Instructor	9 mo.	11,888.00	1
Schneider, P./Health Occ. Instructor	9 mo.	13,671.00	1
Preston, T./Mid-Management Instructor	9 mo.	15,547.00	1
Phillips, W./Refrigeration, A/C Instructor	9 mo.	13,688.00	1
Ehresman, J./Refrigeration, A/C Technician	9 mo.	10,010.00	1
Vezey, J.D./Welding Instructor	9 mo.	17,567.00	1
Tobol, D./Welding Instructor	9 mo.	12,187.00	1
Minter, J./Welding Instructor	9 mo.	13,070.00	1
Raymond, S./Bookkeeper, Administration	12 mo.	8,700.00	.75
Smith, C./Secretary, Administration	12 mo.	7,075.00	1
Roller, M./Secretary, Instructional	12 mo.	7,616.00	1
Zyph, L./Secretary, Instructional	12 mo.	6,217.00	1
Rogina, T./Receptionist, Instructional	12 mo.	5,584.00	1
Bauer, A./Custodian, Operation of Plant	12 mo.	10,572.00	1
Remington, R./Custodian, Operation of Plant	12 mo.	10,200.00	1

TEACHERS' SALARIES FY78

<u>Administration and Supervision</u>	<u>Contract</u>	<u>Salary</u>	<u>FTE</u>
H.J. Freebourn/Director	12 Mo.	\$ 27,091.	1
Mel Cottrell/Vocational Coordinator	2½ Mo.	4,900	.25
Kathy Drakos/Bookkeeper	12 Mo.	8,065	1
Harriet Binns/Secretary	12 Mo.	8,613	1
Rena Rielly/Bookkeeper	12 Mo.	7,673	1
			<u>4.25</u>
<u>Student Services</u>			
Carl Hafer/Financial Aid Officer	3 Mo.	6,836	.33
James Graham/Counselor	3 Mo.	6,836	.33
Jeremiah Martin/Counselor	3 Mo.	6,680	.33
John Allen/Placement Officer	3 Mo.	6,680	.33
Jean Thomas/Secretary	9 Mo.--6 hrs. per day	5,362	.8
Sharon Carkeek/Secretary	6 Mo.--6 hrs. per day	3,730	.534
			<u>2.654</u>
<u>Multi-Media</u>			
John Giop	3 Mo.	6,836	.33
Mayme Domme/Secretary	9 Mo.--6 hrs. per day	5,110	.8
			<u>1.13</u>
<u>Operation of Plant</u>			
Mert Riley/Engineer	9 Mo.	11,582	1
Dan Goles/Engineer	9 Mo.	11,192	1
Ann Lee/Janitress	6 Mo.	3,973	.75
Alma Laird/Janitress	6 Mo.	3,973	.75
Elsa Keranen/Janitress	6 Mo.	3,973	.75
Leonore Anderson/Janitress	6 Mo.	3,973	.75
			<u>5</u>
<u>Instruction</u>			
Dave Keltz/Assistant Director of Instruction	12 Mo.	23,145	1
Pat Barney/Business Machines	9 Mo.	19,063.59	1
Fred Daily/Accounting	9 Mo.	19,492.60	1
Tom Dunstan/Drafting	9 Mo.	17,217.60	1
John Cohlhepp/Small Engine	9 Mo.	12,302.87	1
Robert Geach/Civil Engineering	9 Mo.	17,712.30	1
Judy Holman/Secretarial	9 Mo.	16,520.28	1
Mike Johnston/Machine Shop	9 Mo.	20,237.59	1

Ann Kelley/Health	9 Mo.	20,507.13*	1.166
Don Kinman/	9 Mo.	13,907.12	1
Ray McDonald/Electrical	9 Mo.	13,907.12	1
Sharon McGee/Health	9 Mo.	13,907.12*	1.166
Harry McManamon/Welding	9 Mo.	15,018.06	1
Diane Murray/Secretarial	9 Mo.	18,801.21	1
Dale Raylings/Welding	9 Mo.	17,712.30	1
Helen Rice/Secretarial	9 Mo.	13,907.12	1
Jack Robbins/Auto Mechanics	9 Mo.	16,583.18	1
Dan Sullivan/	9 Mo.	13,907.12	1
Sandra Tatge/Health	9 Mo.	17,832.35*	1.166
Lloyd Isola/Auto Mechanics	9 Mo.	13,907.12	1
John Giop/	6 Mo.	13,672.00	.66
Jim Graham/	6 Mo.	13,671.42	.66
Carl Hafer/	6 Mo.	13,671.42	.66
Jerry Martin/	6 Mo.	13,358.40	.66
Jack Allen/	6 Mo.	13,671.42	.66
Claire Holman/Health	3 Mo.	3,360.00	.33
Sharon Carkeek/Secretary	3 Mo.--6 hrs. per day	1,865.00	<u>.266</u>
		TOTAL	24.4

* Also two months on 77 Scale:

Ann Kelley/Health	\$ 3,485.00
Sharon McGee/Health	2,428.28
Sandra Tatge/Health	3,113.66

Great Falls Vo-Tech Center
Great Falls, Montana

August 15, 1977

Name	Budget Code	Position Title	Position Description	Estimated Budgeted Expenditures	F.T.E.
FY-1978					
ADMINISTRATIVE/SUPERVISION (12 months)					
Carey, James	0111	Center Director	Administrator	\$ 28,990	1.00
Stotts, Georgia	0113	Administrative Secretary	Administration	10,020	1.00
Wynson, Elaine	0113	Secretary	Supervision	6,540	1.00
Brunner, Toni	0113	Bookkeeper	District Cent. Office	7,020	1.00
0100 Series Total				\$ 52,570	4.00
STUDENT SERVICES (12 months)					
Frazier, Loran	0411	Assistant Director	Admissions, Couns. & Financial Aid	26,630	1.00
Carlson, Norvil	0411	Counselor	Financial Aid/Couns.	10,215	.50
Whooley, James	0411	Counselor	Admissions/Counseling	9,275	.50
Tabor, Artha	0413	Secretary	Student Services	9,420	1.00
0400 Series Total				\$ 55,540	3.00
MULTI-MEDIA (9 months)					
Rothweiler, Robert	0313	Clerk	Media Center	6,000	1.00
0300 Series Total				\$ 6,000	1.00
PLANT OPERATION (12 months)					
Throckmorton, Jack	0610	1st Engineer	Engineer	13,176	1.00
Kenselin, Don	0610	2nd Engineer	Engineer	11,818	1.00
Dorr, Vern	0610	Custodian	Custodian	11,596	1.00
Finneman, Les	0610	Custodian	Custodian	11,596	1.00
0600 Series Total				\$ 48,186	4.00

Preestimated

Name	Budget Code	Position Title	Position Description	FY-1978		F.T.E.
				Estimated	Budgeted	
				Expenditures		
INSTRUCTION: (9 months)						
Spinti, Carl	0212	Assistant Director	Instruct/Research & Development	\$ 26,630		1.00
Reeves, Al	0212	Instructor	Academic Related	13,724		1.00
Hanick, Linda	0212	Instructor	Academic Related	15,860		1.00
Roll, Duane	0212	Instructor	Academic Related	7,433		.50
Roll, Duane	0212	Inst. Media Specialist	Instructional Media	7,433		.50
Euer, Aida	0212	Instructor	Dental Assistant	16,762		1.00
McAllister, Jane	0212	Instructor	Dental Assistant	14,154		1.00
Nelson, Marion	0212	Instructor	Practical Nurses	17,633		1.00
Kaul, Joyce	0212	Instructor	Practical Nurses	16,233		1.00
Sorum, Celia	0212	Instructor	Practical Nurses	15,196		1.00
Nitschke, Jon	0212	Instructor	Bookkeeping/Accounting	13,561		1.00
MaGruder, Gordon	0212	Instructor	Bookkeeping/Accounting	15,817		1.00
Nobbs, Floyd	0212	Instructor	Bookkeeping/Accounting	18,794		1.00
Whooley, James	0212	Instructor	Academic Related	8,960		.50
Peterson, Nancy	0212	Instructor	Business	13,385		1.00
Larson, Floy	0212	Instructor	Business	15,727		1.00
Juergens, Sandy	0212	Instructor	Business	15,563		1.00
Walker, Roberta	0212	Instructor	Business	9,562		.50
Carlson, Norvil	0212	Instructor	Academic Related	9,900		.50
Burdette, James	0212	Instructor	Watchmaking	17,154		1.00
Thomas, William	0212	Instructor	Multi-Occupations	13,341		1.00
Peretti, James	0212	Instructor	Multi-Occupations	16,958		1.00
Eowlen, Barbara	0212	Instructor	Multi-Occupations	15,342		1.00
Reinken, Donnis	0212	Instructor	Multi-Occupations	13,430		1.00
Leue, Bernie	0212	Instructor	Multi-Occupations	12,612		1.00
Auto Body	0212	Instructor	Auto Body	22,863		1.50
Waring, Suzanne	0212	Instructor	Multi-Occupations	6,750		.25
Shibley, Marie	0212	Instructor	Multi-Occupations	6,750		.25
Lerner, Marilyn	0212	Instructor	Practical Nurses	9,000		.50
Neff, Betty	0212	Instructor	Nurse Attendant	10,400		.85

Name	Budget Code	Position Title	Position Description	FY-1978		F.T.E.
				Estimated Budgeted Expenditures		
INSTRUCTION - Continued (9 months)						
Summer Replacements	0212	Instructor	Nursing	\$ 1,440		.10
Dailey, Wilma	0212	Instructor	Business	9,000		.50
Foley, Mary	0212	Instructor	Business	5,000		.20
Duncan, Alicia	0212	Instructor	Academic Related	1,350		.10
Fritz, Kathy	0213	Secretary	Instructional	6,240		1.00
Hawken, Connie	0213	Instr. Med. Spec. Aide	Resource	6,480		1.00
Thames, Kay	0213	Secretary	Multi-Occupations	6,000		1.00
Substitutes	0212	Instructors	All Areas	2,270		.00
0200 Series Total				\$ 451,707		29.75
Grand Total				\$ 614,003		41.75

HELENA VOCATIONAL TECHNICAL CENTER

ACADEMIC YEAR SALARIES

FY 1976-1977-1978

	CONTRACT		CONTRACT		CONTRACT	
	INSTRUCTOR(9 month contract)	FTE	SALARY 1976	FTE	SALARY 1977	SALARY 1978
Anderson, Howard	1.32		17,181.00			13,121.50
Armstrong, Elnor	1.32		12,960.00			
Bogut, Don	1.32		11,937.00	1.32	12,960.00	15,284.00
Burggraf, Judy	1.32		17,181.00	1.32	18,044.00	19,769.00
Chambers, William	1.32		9,935.00	1.32	10,822.00	12,271.00
Cloud, Terry	1.32		12,880.00	1.32	16,169.00	18,228.00
Cramer, C. Henry	1.32		15,778.00	1.32	17,055.00	20,033.00
Cromrich, John	1.32		13,432.00	1.32	14,594.00	16,526.00
Dusenberry, James	.59		5,452.00	1.32	13,616.00	15,445.00
Fife, William	1.32		11,040.00	1.32	11,983.00	14,663.00
Fox, Thomas	1.32		14,835.00	1.32	16,077.00	18,147.00
Funk, David	1.32		11,040.00	1.32	17,790.00	20,192.00
Gustin, Delbert	1.32		16,721.00	1.32	18,044.00	20,608.00
Haab, Kenneth	1.32		13,432.00	1.32	14,954.00	17,181.00
Harding, S. Jay	1.32		12,880.00	1.32	15,318.00	
Harvey, Russell	1.32		14,835.00	1.32	16,077.00	
Herold, Edmund	1.32		12,960.00	1.32	14,099.00	
House, Leslie	1.32		14,375.00	1.32	15,583.00	
Jenkins, Gary	1.32		18,650.00	1.32	19,790.00	
* Johnson, Glenn	1.32		17,181.00	1.32	18,044.00	
Justice, Paul	1.32		17,181.00	1.32	18,044.00	
Keilman, Harold	1.32		12,029.00	1.32	13,122.00	
Kruse, Verna	1.32		15,019.00	1.32	19,284.00	
** Larish, Marie	1.32		17,181.00	1.32	18,044.00	
Lewis, James	1.32		17,181.00	1.32	18,044.00	
Liles, Donald	1.32		17,181.00	1.32	18,044.00	
Mathews, Perry	1.32		17,181.00	1.32	18,044.00	
McCurdy, Edward	1.32		17,181.00	1.32	18,044.00	
McDonald, Robert	1.32		15,307.00	1.32	16,572.00	
*** Miller, Carolyn	1.32		13,432.00	1.32	17,026.00	
Phillips, James	1.32		17,423.00	1.32	18,814.00	
Robertson, Vern	1.32		14,157.00	1.32	16,077.00	
Robinson, Jean				.60	6,727.00	
Sheldon, Larry				1.32	15,077.00	
* Glenn Johnson				1.32	15,077.00	

for 12 months; for FY 78 his full contract is \$20,600.00. He works for School District #1 37.5% of the time.

** Marie Larish is on contract for 11 months.

*** Carolyn Miller and Delbert Gustin are on contract 10.5 months for FY 77 and FY 78

H.V.C./9/19/77

HELENA VOCATIONAL TECHNICAL CENTER
ACADEMIC YEAR SALARIES
FY 1976, 1977, 1978

INSTRUCTOR	CONTRACT		CONTRACT		CONTRACT	
	FTE	SALARY 1976	FTE	SALARY 1977	FTE	SALARY 1978
Stalaker, Charles	1.32	14,565.00	1.32	16,505.00	1.32	20,743.00
Sternberg, Alfred	1.32	11,776.00	1.32	12,574.00	1.32	14,387.00
Stonebeck, Allen	1.32	9,920.00	1.32	12,363.00		
Virostko, Anthony	1.32	17,181.00	1.32	18,044.00	1.32	19,769.00
Walker, William	1.32	15,307.00	1.32	16,572.00	1.32	18,688.00
Waymire, Jesse	1.32	12,880.00	1.32	15,698.00	1.32	17,710.00
Wetherell, Mike	.60	6,412.00	1.32	15,666.00	1.32	17,066.00
Wilczynski, Shirley	.73	6,961.00	.60	6,709.00	1.32	15,284.00
Willson, Judson	1.32	15,778.00	1.32	17,055.00	1.32	19,228.00

PART TIME INSTRUCTOR

* Anderson, Pat	.73	5,962.00	.73	7,189.00	.73	8,639.00
* Holmquist, Sharon	.73	5,962.00	.73	7,189.00	.73	8,639.00
* Reeves, Fern	.73	7,714.00	.73	8,377.00	.60	8,238.00

ADMINISTRATION (12 month contract)

Korizek, William - Director	100%	26,500.00	75%	21,465.00	100%	29,350.00
Brosten, Linar	100%	21,247.00	100%	23,247.00	100%	25,300.00
Johnson, Dale	100%	21,793.00	100%	24,300.00	100%	25,300.00

* Pat Anderson is under contract at 11 months for 3 days each week of the month
 * Sharon Holmquist is under contract 11 months for 3 days each week of the month
 ** Fern Reeves was under contract for 99 months; 3 days each week for FY 76 and FY 77 and is under contract for 9 months; 3 days each week for FY 78

HELENA VOCATIONAL TECHNICAL CENTER
ACADEMIC YEAR SALARIES
FY 1976-1977-1978

<u>EMPLOYEE</u>	<u>SALARY 1976</u>	<u>FTE</u>	<u>SALARY 1977</u>	<u>FTE</u>	<u>SALARY 1978</u>
<u>SECRETARIAL STAFF</u>					
Eggen, Francine		1.5 months	738.20	(1.5 months)	6,480.00 (10 mo)
Larsen, Cheryl	5,950.00	(12 mo.)	6,690.95	(12 mo.)	6,540.00 (12 mo.)
Miller, Irene		5 months	2,247.65	(5 months)	6,540.00 (12 mo)
Mooney, Gail	5,664.00	(12 mo.)	6,027.21	(12 mo.)	6,252.00 (12 mo)
Nieben, Kay	5,232.00	(12 mo)	4,914.74	(7 mo.)	10,464.00 (12 mo)
Winslow, Paulette			3,999.99	(6.5 month)	4,020.00 (10 mo, 60%)
Morgan, Norma			5,664.00	(10 mo.)	8,520.00 (12 mo)
Claussen, Vicki			642.86	(1.25 month)	3,330.00 (10 mo, 50%)
Ellis, Charlotte			2,096.25	(6 months)	
Steen, Laura	8,856.00	(12 months)	9,600.00	(12 months)	
Meurer, Irene	5,740.00	(10 mo.)	3,962.50	(10 months) 60%	
Tillo, Millie	6,948.00	(12 mo.)	7,784.00	(12 months)	
Towol, Pat					
James Godward					
<u>CUSTODIAL STAFF</u>					
Draper, Harry			9,372.00	(12 mo)	9,858.84 (12 mo)
FOX			4,519.83	(7 mo)	
Mlekush, Don	8,556.00	(12 mo)	9,372.00	(12 mo)	9,858.84 (12 mo)
Northey, Larry	8,346.00	(12 mo)	3,493.77	(6 mo)	
Peterson, Kirby			9,306.00	(12 mo)	841.07 (1 mo)
Tobol, Stanley	9,376.00	(12 mo)	9,894.00	(12 mo)	10,380.84 (12 mo)
Webison, William			7,204.50	(7 mo)	10,022.84 (12 mo)

MISSOULA TECHNICAL CENTER
COUNSELLOR SALARY FY 1978

Name	Schedule Placement		Salary	FTE
	Column	Row		
Martin, George	MA+15	6	13,440	1

(9 months)

MISSOULA TECHNICAL CENTER
OTHER SALARY FY 1978

Name	Schedule Placement		Salary	FTE
	Column	Row		
Lassila, Barbara	MA	15	17,180	1

(9 months)

MISSOULA TECHNICAL CENTER
ADMINISTRATOR SALARY FY 1978

Name	Schedule Placement		Salary	FTE
	Column	Row		
Couture, Charles			22,750	1
Downey, Thomas			9,500	1
Leum, Dennis			25,400	1
Moyer, Bruce			11,375	.5
Pozega, Jon			22,750	1
Stelton, William			19,050	.75
Taylor, James			22,750	1

(12 months)

MISSOULA TECHNICAL CENTER
CLASSIFIED SALARY FY 1978

Name	Schedule Placement		Salary	(12 months)
	Column	Row		FTE
Boomer, Jackie	1	2	7,785	1
Boxleitner, Marlene	2	5	8,196	1
Bray, Bev	2	5	8,196	1
Farmer, Ruby	1	4	8,486	1
Keyser, Dionne	3	4	10,005	1
Koepplin, Sharon	2	4	8,793	1
Lockridge, Valerie	3	5	10,603	1
Melendez, Merta	2	2	7,592	1
Mirer, Kayleen	2	2	7,891	1
Tabish, Rhonda	2	2	7,592	1

MISSOULA TECHNICAL CENTER
CUSTODIAL SALARY FY 1978

Name	Schedule Placement		Salary	(12 months)
	Column	Row		FTE
Norby, Wallace			15,800	1
Potter, Robert	C	4	9,755	1
Feun, Richard	E	2	6,900	.75
Rodda, William	E	3	9,755	1
Strombo, Marvin	E	3	9,755	1

MISSOULA TECHNICAL CENTER
FACULTY SALARY FY 1978

Name	Schedule Placement		Salary	(9 months)
	Column	Row		FTE
Alley, Jack	BA+50	10	13,970	1
Alston, John	MA	12	16,610	1
Altenbrun, Larry	BA+45	8	13,280	1
Ammerman, Robert	WE+45	11	14,430	1
Beavers, Jack	BA	8	12,610	1
Boisvert, Francis	MA+45	15	18,940	1
Burger, Robert	MA+45	13	17,810	1
Burlingame, William	WE+60	12	15,100	1
Chase, Alfred	MS+15	10	16,110	1
Chumrau, Helen	BA+15	10	13,760	1
Frangos, Mona	BA+15	10	13,760	1
Geer, Janice	BA+45	6	12,360	1
Hunter, William	WE+50	10	13,760	1
Ibsen, Norma	BA+50	9	17,520	1
Jakes, Penny	BA	4	5,150	.5
Kiner, Patricia	WE+45	11	14,430	1
Krumsick, Roma	BA+45	12	13,100	1
Lizotte, James	MS+15	11	16,260	1
MacDonald, William	MA+15	14	17,950	1
MacPherson, Thea	BA+15	9	13,730	1
McGill, Priscilla	MA	6	13,230	1
Morger, Ann	MA+50	15	18,730	1
Morris, Carol	WE+60	12	15,100	1
Pagel, Ronald	MA+15	4	12,310	1
Pattee, Bobette	WE	4	10,820	1
Pease, Marilyn	MA+15	6	13,440	1
Pederson, Dune	MA	11	16,050	1
Schultze, Lois	BA+45	12	15,100	1
Schweitzer, Winifred	BA+45	10	14,180	1
Sims, Arlyn	WE+30	10	13,760	1
Sullivan, Carol	BA	5	5,369	1
Surratt, Ellis	MA+45	12	17,240	1
Tiensvold, Lyle	MA	13	17,180	1
Toomey, Robert	MA+45	15	18,940	1
Thornton, Mary	BA+50	7	6,002	.5
Wold, Grace	BA+15	6	8,524	.75
Woodard, Malcolm	MA+45	11	16,680	1
Woodbury, Carolyn	BA+45	12	15,100	1

APPENDIX H

DIVISION OF GOVERNANCE RESPONSIBILITIES
UNDER VOCATIONAL-TECHNICAL DISTRICT ACT

Board of Regents

1. General supervision in accordance with section 5.
2. Appoint and define the duties of the coordinator of Vocational-Technical Districts.
3. Formulate and implement uniform policies for budgeting, record-keeping, student accounting.
4. Establish minimum entrance standards and approve curricular offerings.
5. Establish minimum qualifications for directors, faculty and staff.
6. Direct Vocational-Technical Centers to seek accreditation.
7. Call district elections and supervise their conduct.
8. Approve fee schedules requested by boards of trustees.
9. Approve the general fund budgets submitted by boards of trustees.

Board of Trustees

1. General control and supervision of districts in accordance with regent policy and section 25.
2. Prescribe fees.
3. Appoint employees, fix salaries, define and assign duties.
4. Accept gifts, devise and legacies.
5. Adopt rules not inconsistent with constitution and laws for the government and administration of districts.
6. Grant certificates to pupils.
7. Keep records of its proceedings.
8. Control books, records, buildings, properties, grounds, etc., of district.
9. Receive all funds.
10. Have general control of receipts and disbursements.
11. Govern student activities.
12. Conduct district elections.
13. Participate in teachers' retirement system.
14. Participate in district boundary changes.

STATE OF MONTANA



Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59601
406/449-2986

JOHN D. LAFAVER
LEGISLATIVE FISCAL ANALYST

March 1, 1978

TO: Legislative Finance Committee
FROM: Judy Rippingale, Senior Fiscal Analyst
SUBJECT: Vocational Technical Centers' 1979 Biennium Funding

Purpose

This report examines why the vocational education centers reduced or eliminated certain program offerings in fiscal 1978 and why further cuts are contemplated in fiscal 1979 after the state funded the vo-tech centers under "status quo" guidelines applied to state agencies.

Background

A comparison of the executive recommendation and the legislative appropriation for the five vocational-technical centers shows that the legislature appropriated \$188,659 more general fund and \$44,313 more in other funds than the executive budget contained.

<u>General Fund</u>	<u>Fiscal 1978</u>	<u>Fiscal 1979</u>	<u>Total 1979 Biennium</u>
Executive	\$3,416,585	\$3,437,477	\$6,854,062
Legislative	<u>3,435,682</u>	<u>3,607,039</u>	<u>7,042,721</u>
Legislature over Executive	\$19,097	\$169,562	\$188,659
<u>Student Fees</u>			
Executive	\$115,161	\$119,767	\$234,928
Legislative	<u>136,883</u>	<u>142,358</u>	<u>279,241</u>
Legislature over Executive	\$21,722	\$22,591	\$44,313
Total Appropriations over Executive Recommendation	<u>\$40,819</u>	<u>\$192,153</u>	<u>\$232,972</u>

The higher legislative general fund appropriation provides a pay increase for center employees not included in the executive budget. The higher legislative appropriation of student fees recognizes a fee increase approved by the board of public education which was not included in the executive budget.

Vocational education center appropriations for the 1979 biennium were calculated under guidelines used for other state agencies. The guidelines resulted in the fiscal 1977 budget being larger than provided for in fiscal 1978 because:

1. Fiscal 1976 actual expenditures rather than fiscal 1977 budget estimates were used by the legislature to calculate base expenditure levels. This was the general policy used in determining state budgets and recognized that fiscal 1976 and 1977 appropriations generally had been based on higher inflation estimates than were realized. Of

course, inflation factors covering both fiscal 1977 and fiscal 1978 were used to bring the fiscal 1976 expenditure base forward.

2. Substantial enrollment increases anticipated to occur in fiscal 1976 and 1977 did not materialize. This left the centers considerably over-budgeted for actual enrollments during that period.

Major program changes made by the board of public education in fiscal 1978 eliminated the aviation program in Missoula, summer school in Butte and added an auto body program in Great Falls.

Analysis

As shown in table 1, appropriations for the vocational education centers in fiscal 1978 were 10.4 percent above fiscal 1976 actual expenditures.

Table 1
Vo-Tech Budget Increases Between Fiscal 1976 and Fiscal 1978

	Fiscal 1976 Expenditures ¹	Fiscal 1978 Bd. of Public Education Distribution to Centers	% Increase
Billings	\$ 808,292	\$ 991,131	22.6
Butte	703,053	755,761	7.5
Great Falls	724,260	860,004	18.7
Helena	1,155,262	1,276,976	10.5
Missoula	<u>1,263,089</u>	<u>1,381,219</u>	<u>9.4</u>
Actual FY-76 expenditures compared to FY-78 budget	\$4,653,956	\$5,265,091	13.1
Fees above appropriation ²	_____	<u>129,153</u>	_____
FY-76 actual expenditures compared to FY-78 appropriations	<u>\$4,653,956</u>	<u>\$5,135,938</u>	<u>10.4</u>

1. Excludes the fire service training academy so that the Great Falls figures are comparable both years.

2. Students pay a "board of public education fee" over which the board did not previously exercise budget control.

Table 2 shows the increase in expenditures by object between actual fiscal 1976 and budgeted fiscal 1978 expenses. Salary costs increased 16 percent, health insurances increased 67 percent, operating expenses increased 8 percent and capital decreased 80 percent.

Table 2
Expenditure Object Changes Between Fiscal 1976 Expenses
and Fiscal 1978 Budget for Vocational Centers

	<u>Fiscal 1976</u>	<u>Fiscal 1978</u>	<u>% Change</u>
Salaries & Retirement	\$3,428,806	\$3,987,088	16.3
Health Insurance	93,457	156,250	67.2
Operating Expense	1,013,977	1,098,015	8.3
Capital	<u>117,716</u>	<u>23,738</u>	<u>(79.8)</u>
Total	\$4,653,956	\$5,265,091	13.1

Personal Services

Salary costs increased 16.3 percent between fiscal 1976 and fiscal 1978. The average salary increase per FTE was larger than 16.3 percent because fewer dollars were allocated for substitutes and summer school salaries. Professional staff increased by 1.4 FTE. Clerical and plant staff decreased by 6.2 FTE. Table 3 shows the FTE and average salary changes for each category of employee.

Full-time equivalents are defined as 12 months' employment for administrators, support staff, clerical and plant. One teacher full-time equivalent is related to the academic school year. Support staff include financial aid officers, placement advisors, librarians, multi-media staff and counselors.

Table 3
Average Salary Increase Between FY-76 and FY-78
For the Vo-Tech Centers

	Fiscal 1976 F.T.E.*	Fiscal 1978 F.T.E.*	FTE Change	Fiscal 1976 Average Salary*	Fiscal 1978 Average Salary*	% Change
Administrators	15.50	17.46	1.96	\$22,223	\$25,556	15.0
Support Staff	13.75	9.06	(4.69)	17,465	23,104	32.3
Teachers	144.36	148.53	4.17	12,994	15,838	21.9
Clerical Staff	37.00	34.30	(2.70)	6,050	7,900	30.6
Plant Staff	21.35	17.85	(3.50)	8,608	11,175	29.8
	231.96	227.20	4.76			

* Includes all Fund 21 and CETA employees for Billings as staff salaries are mingled.

Since appropriations were based on salary increases commensurate with those provided in the state pay plan, it is important to compare actual salary increases of the vo-tech centers with salary increases provided state employees. Table 4 illustrates the extent to which vo-tech salary hikes have exceeded those of other classified state employees.

Table 4
Percent Salary Increase Received by Vo-Tech Employees
Above Percent Appropriated Under the State Pay Plan

	Actual Average Vo-Tech Salary Fiscal 1976	State Pay Plan Salary Fiscal 1978	Pay Plan Increase FY-76 - FY-78	Vo-Tech Salary Increase FY-76 - FY-78	Fiscal 1978 Vo-Tech Salary Above State Pay Plan
Administrator	\$22,233	\$24,440	9.9%	15.0%	4.6%
Support Staff	17,465	19,360	10.9%	32.3%	19.3%
Teachers	12,994	14,476	11.4%	21.9%	9.4%
Clerical	6,050	7,025	16.1%	30.6%	12.5%
Plant	8,608	9,811	14.0%	29.8%	13.9%

State pay plan figures are calculated by finding the closest salary on the state pay plan which corresponds to the particular vo-tech salary. The percentage pay increase for the corresponding state employee is then applied to the vo-tech salary for 1976 to arrive at "state pay plan" amounts. Teachers' pay increases were adjusted due to working less than a full year.

Health Insurance

Average health insurance contributions per employee increased 58 percent.¹ The lowest employee contribution in fiscal 1978 is \$34 per month and the highest is \$120 per month. Table 5 shows the health insurance cost by center. Butte is the only center with significant contribution variations by employee class.¹ No increase in the health insurance contribution was appropriated because each center's health payments per individual were found to be above the state's \$20 per month contribution.

1. The following table shows the health insurance contributions by employee classification for the Butte Center for fiscal 1978.

<u>Center</u>	<u>Fiscal 1976</u>	<u>Fiscal 1977</u>	<u>Fiscal 1978</u>	<u>% Inc. FY-76 - FY-78</u>
Administrator	\$66	\$94	\$120	82
Clerical & Faculty	45	59	84	87
Janitor	61	74	79	30
Janitoress	<u>45</u>	<u>57</u>	<u>60</u>	<u>33</u>
Weighted Average	\$47	\$60	\$90	94

Table 5
Monthly Health Insurance Contributions Per Vo-Tech Employee

<u>Center</u>	<u>Fiscal 1976</u>	<u>Fiscal 1977</u>	<u>Fiscal 1978</u>	<u>% Inc. FY-76 - FY-78</u>
Billings	\$34	\$49	\$45	32
Butte	47	60	90	94
Great Falls	44	54	60	36
Helena	25	25	34	36
Missoula	<u>37</u>	<u>50</u>	<u>64</u>	<u>72</u>
Weighted Average	\$36	\$46	\$57	58

Operating Expenses

Appropriations were based on state agency guidelines. Post-secondary education institutions received an eight percent operating expense increase between fiscal 1976 and fiscal 1978. On the surface, it appears that the board of public education allowed an eight percent increase. However, as table 8 shows, budgeted operating expenses decreased 1.3 percent due to changes in reporting and budgeting the "board fee".

Board Fee

For the 1979 biennium the board of public education changed procedures on the board fee charged. In fiscal 1976 each center expended the board fee at its discretion. In fiscal 1978 the board fee was included within the "fund 21" budget. Table 6 shows the expenditure objects for which the centers used the board fee in fiscal 1976.

Table 6
Vo-ed Center Expenditures of the Board of Public Education
Fee in Fiscal 1976

<u>Center</u>	<u>Personal Services</u>	<u>Operating Expense</u>
Billings	-0-	\$36,488
Butte	-0-	2,834
Great Falls	-0-	13,827
Helena	-0-	31,442
Missoula	<u>\$479</u>	<u>13,813</u>
Total	\$479	\$98,404

As shown in table 7, when the fiscal 1976 expenditure base is made comparable to fiscal 1978, operating expenses decreased 1.3 percent.

Table 7
Comparison of Comparable Fiscal 1976 and Fiscal 1978
Operating Expenditures

	<u>Fiscal 1976</u>	<u>Fiscal 1978</u>	<u>% Change</u>
Operating Expense			
"Fund 21"	\$1,013,977	\$1,098,015	8.3
Base Adjustment	<u>98,404</u>	<u>-0-</u>	<u>0.0</u>
Comparable Figures	\$1,112,381	\$1,098,015	(1.3)

Revenue Outside "Fund 21" :

In fiscal 1979 Billings anticipates a 3.5 percent budget decrease due to a substantial reduction in CETA funds as shown in Table 8. "Fund 21" increased 4.4 percent which was offset by a 52.0 percent reduction in CETA support.

Table 8
Billings Vo-Tech Center "Fund 21" and CETA Budgets

	<u>Fiscal 1976</u>	<u>Fiscal 1977</u>	<u>Fiscal 1978</u>	<u>Fiscal 1979</u>	<u>% Change 1978-79</u>
"Fund 21"	\$808,292	\$ 989,625	\$ 991,131	\$1,034,536	4.4
CETA	<u>148,393</u>	<u>148,618</u>	<u>160,438</u>	<u>77,060*</u>	<u>(52.0)</u>
Total	\$956,685	\$1,138,243	\$1,151,569	\$1,111,536	(3.5)

* Estimated by Billings Vo-Tech Center.

Capital

Capital costs were decreased 80 percent. The legislative calculation included a ten percent increase for these items.

Fiscal 1979

Increased funds available for the vo-tech centers in fiscal 1979 have been split equally among the five centers by the board of public education. This results in Butte receiving the largest percentage increase and Missoula the smallest. Each center's budget is shown in table 9.

Table 9
Vo-Tech Center Budgets for Fiscal 1979

	<u>Fiscal 1978</u>	<u>Fiscal 1979</u>	<u>% Change</u>
Billings	\$ 991,131	\$1,034,536	4.4
Butte	755,761	805,273	6.6
Great Falls	860,004	909,516	5.8
Helena	1,276,976	1,326,488	3.9
Missoula	<u>1,381,219</u>	<u>1,430,731</u>	<u>3.6</u>
Total	\$5,265,091	\$5,506,544	4.6
Fees Above Appropriation	<u>129,153</u>	<u>127,358</u>	<u>(1.4)</u>
H.B. 145	\$5,135,938	\$5,379,186	4.7

Overall the appropriation increased 4.7 percent between fiscal 1978 and fiscal 1979 under "status quo" guidelines for all state post-secondary institutions. "Status quo" guidelines provide for the professional employees who compose 78 percent of the staff to receive an average salary increase of 4.7 percent; clerical and plant employees to receive an average salary increase of 8.3 percent; operating expenses to increase 4 percent; and capital which is 2 percent of the total budget to increase 6 percent.

Salary and Health Insurance Fiscal Impact

In fiscal 1978 costs of exceeding the state pay plan average salary amounted to \$347,310. Excess health insurance costs above state guidelines were \$57,254. Total personal services exceeded state guidelines by \$404,564. Table 10 shows the details. Operating expenses and capital were reduced to meet the salary and health insurance increases.

Table 10
Salary and Health Insurance Costs at the Vo-ed Centers
In Excess of State Guidelines

	-----Fiscal 1978-----			Cost Increases
	Vo-Tech	Salaries		Above Pay
	Actual	Based on	1978	Plan
	<u>Salaries</u>	<u>State Pay Plan</u>	<u>FTE</u>	<u>Plan</u>
Administrators	\$25,556	\$24,440	17.46	\$ 19,485
Support Staff	23,104	19,360	9.06	33,921
Teachers	15,838	14,476	148.53	202,298
Clerical Staff	7,900	7,024	34.30	30,047
Plant Staff	11,175	9,811	17.85	<u>24,347</u>
Salary Cost				\$310,098
Retirement at 12%				<u>37,212</u>
Salary and Retirement Costs				\$347,310
Health Insurance Costs (227.20 employee) (\$21 per month) (12 months) =				<u>57,254</u>
Total Personal Services Cost Above State Guidelines				\$404,564

Fiscal 1978 personal service costs clearly impact the fiscal 1979 operating level. Following are two examples of ways the fiscal 1979 budget may be impacted.

As shown in table 11, if operating expenses and capital expenditure levels are to be restored, personal service costs cannot increase if staff members are maintained.

Table 11
 Personal Service Changes Possible in Fiscal 1979 if
 State Post-Secondary Appropriation Guidelines
 Are Maintained for Operating Expense and Capital

	<u>Adjusted Base 1976</u>	<u>Appropriation Guidelines</u>	<u>1979 Guideline Budget</u>	<u>Fiscal 1978 Vo-ed Budget</u>	<u>Percentage Increase FY-78 - FY-79</u>
Personal Svcs.	\$3,522,263		\$4,119,862	\$4,143,338	(.6)
Operating Exp.	1,112,381	(1.08) (1.04)	1,249,426	1,098,015	13.8
Capital	<u>117,716</u>	(1.10) (1.06)	<u>137,256</u>	<u>23,738</u>	<u>478.2</u>
	\$4,752,360		\$5,506,544	\$5,265,091	4.6
Operating Expense Adjustment	<u>98,404</u>		<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
"Fund 21"	\$4,653,956		\$5,506,544	\$5,265,091	4.6

As shown in table 12, if operating expenses and capital expenditure levels are increased between fiscal 1978 and 1979 by state guidelines, personal service costs can increase 4.7 percent.

Table 12
 Personal Service Increases Possible if Fiscal 1978
 Operating Expenses and Capital are Increased for Fiscal 1979
 Under the State Post-Secondary Appropriation Guidelines

	<u>Board of Public Education Budget Fiscal 1978</u>	<u>Appropriation Guidelines</u>	<u>Possible Budget Fiscal 1979</u>	<u>Percent Increase</u>
Personal Services	\$4,143,338		\$4,338,446	4.7
Operating Expense	1,098,015	1.04	1,141,936	4.0
Capital	<u>22,738</u>	1.06	<u>25,162</u>	<u>6.0</u>
	\$5,265,091		\$5,506,544	4.6

Summary

Program reductions made and anticipated to be made in the vo-tech centers are due primarily to greater salary and health insurance expenditures per individual than the appropriation guidelines allowed. Another factor contributing to the tight fiscal situation is an anticipated reduction in unbudgeted funds. The CETA funding cutback at Billings is the major example.

The funding situation at the vo-tech centers is a rather obvious manifestation of a confused governance structure. The state sets spending levels based on state spending guidelines. However, local boards of education have the responsibility of setting salaries in the vo-tech centers. In these instances the salaries approved by local boards could not fit within the dollars available. The result was program reductions.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59601
(406) 449-3095

Georgia Rice
Superintendent

March 9, 1978

TO: Legislative Finance Committee

FROM: Larry C. Key *L.C. Key*
State Administrator for Vocational Education

RE: Legislative Analyst's Report to Finance Committee

I appreciate this opportunity to react to some areas of the Legislative Analyst's Report. I make the following comments not for the sake or argument, but simply for the purpose of clarification.

1. Page 1, paragraph 1, "the state funded the vo-tech centers under 'status quo' guidelines applied to state agencies."

Comments: The laws of the State of Montana are not clear on this matter. Are the centers in fact a state agency or are they, under the present laws of Montana, considered a local agency? This question must be answered clearly before the Board of Public Education and the Office of Public Instruction can properly understand and carry out their responsibilities.

2. Page 3, paragraph and number 2, "Substantial enrollment increases anticipated to occur in fiscal 1976 and 1977 did not materialize." Also, from the Appropriations Report 1979 Biennium, page 54, "The major reason for the decrease in the general fund appropriation is because enrollment increased much more slowly during the 1977 biennium than was anticipated by the 1975 Legislature. A 16 percent enrollment hike was anticipated for fiscal 1976, but only a 4 percent increase was realized."

Comments: The question of an anticipated 16 percent enrollment increase and a realization of only 4 percent actual enrollment increase has bothered me since it was first mentioned by the Legislative Analyst during the last session of the legislature. I have reviewed the files for FY 75 and have discovered conflicting information to the findings made by your analyst. Please note the attached pages from the Office of Public Instruction, January 15, 1975.

On attached page (a), you will find the Vo-Tech Centers budget request made by Superintendent Colburg for FY 76 and 77. The total center budget request for FY 76 and 77 was \$11,806,566 and the state's share of that request was \$9,062,109. On attached page (b) which was submitted along with the budget request, you will find an anticipated 16 percent enrollment increase if the state legislature approved the total \$11,806,566 for the Vo-Tech Centers' budgets.

The actual center budget for FY 76 and 77 was \$10,781,265 and the state's share of the actual center budget was \$7,862,109. Please note the following tables:

Table 1.

	<u>OPI REQUEST</u>	<u>LEGISLATIVE APPROPRIATION</u>	<u>DIFFERENCE</u>
State Funds	\$9,062,109	\$7,862,109	-\$1,200,000

Table 2.

	<u>OPI REQUEST</u>	<u>ACTUAL BUDGET</u>	<u>DIFFERENCE</u>
Total Budget	\$11,806,566	\$10,781,265	-\$1,025,301

I have discussed this matter with the past State Vocational Education Director, Ben Ulmer, and the Executive Director of the Montana Advisory Council for Vocational Education, Bill Ball, and they both agree that the 16 percent anticipated enrollment increase was totally dependent upon the legislature's approval of the \$11,806,566 request. As indicated in the above tables, the total request was not approved by the 44th Legislature. My question is, how can the centers be held to a projected 16 percent enrollment increase if the total requested budget increase is not approved?

3. Page 9, Table 9.

Comments: Table 9 shows a 4.6 percent budget increase from FY 78-79. The actual cost of living increase as reported by the centers is 9.2 percent. This again gets back to my earlier question, are the centers a state agency or are they, under the present laws of Montana, considered a local agency?

I again thank you for this opportunity to react to the Legislative Analyst's Report.

LCK:jw

State of Montana
 Office of the Superintendent
 of Public Instruction
 Dolores Colburg, Superintendent
 Helena 59601

January 15, 1975

BIENNIAL BUDGET COMPARISONS
 FOR THE
 POST-SECONDARY VOCATIONAL-TECHNICAL CENTERS

The following is a comparison of operational budgets for fiscal years 1974 and 1975 and requested operational budgets for fiscal years 1976 and 1977 for the post-secondary vocational-technical centers.

	Operational Budget Fiscal Years 1974 and 1975			Requested Operational Budget Fiscal Years 1976 and 1977		
	<u>FY 1974</u>	<u>FY 1975</u>	<u>Biennium Total</u>	<u>FY 1976</u>	<u>FY 1977</u>	<u>Biennium Total</u>
Billings	\$ 636,053	\$ 696,785	\$ 1,332,838	\$ 901,341	\$ 1,040,845	\$ 1,942,186
Butte	633,112	695,000	1,328,112	931,059	1,108,062	2,039,121
Great Falls	695,347	752,770	1,448,117	963,284	1,305,608	2,268,892
Helena	813,449	917,052	1,770,501	1,218,440	1,206,842	2,425,282
Missoula	966,222	1,036,227	2,002,759	1,479,182	1,651,903	3,131,085
<u>Total</u>	\$ 3,784,493	\$ 4,097,834	\$ 7,882,327	\$ 5,493,306	\$ 6,313,260	\$ 11,806,566

REVENUE SOURCES

<u>State</u>	\$ 2,566,000	\$ 2,623,500	\$ 5,189,500	\$ 4,191,091	\$ 4,871,018	\$ 9,062,109
Local	358,759	360,554	719,313	378,630	397,508	776,138
Student Fee	93,475	120,500	213,975	123,585	144,734	268,319
Federal	766,259	993,280	1,759,539	800,000	900,000	1,700,000
<u>Total</u>	\$ 3,784,493	\$ 4,097,834	\$ 7,882,327	\$ 5,493,306	\$ 6,313,260	\$ 11,806,566

State of Montana

Office of the Superintendent
of Public Instruction
Dolores Colburg, Superintendent
Helena 59601

January 15, 1975

COMPARISON OF ACCUMULATIVE ENROLLMENTS*
FOR FISCAL YEARS 1971 THROUGH 1974 AND ANTICIPATED
ENROLLMENTS FOR FISCAL YEARS 1975 THROUGH 1977 FOR THE
POST-SECONDARY VOCATIONAL-TECHNICAL CENTERS

Center	Actual FY 1971 School Year 1970-71	Actual FY 1972 School Year 1971-72	Actual FY 1973 School Year 1972-73	Actual FY 1974 School Year 1973-74	Anticipated FY 1975 School Year 1974-75	Anticipated FY 1976 School Year 1975-76	Anticipated FY 1977 School Year 1976-77
Billings	280	299	385	405	465	601	692
Butte	460	483	573	579	640	730	760
Great Falls	394	436	542	543	595	775	940
Helena	365	464	477	509	672	784	869
Missoula	654	747	791	893	902	960	1,018
Total	2,153	2,429	2,768	2,929	3,274	3,850	4,279

Anticipated 16% enrollment increase.

* Accumulative Enrollments - are enrollments that combine full- and part-time students who are enrolled in the regular daytime post-secondary vocational-technical programs. This enrollment figure represents the total enrollees in a program during the year.

Full-time Students - are those students enrolled in regular daytime post-secondary vocational-technical programs who are in attendance twenty or more hours per week. Classroom, laboratory and field work are taken into account when arriving at the figure of twenty hours.

Part-time Students - are those students enrolled in regular daytime post-secondary vocational-technical programs who are in attendance less than twenty hours per week. Classroom, laboratory and field work are taken into account when determining part-time student status.

1 NEW SECTION. Section 2. Powers and duties of the
2 board. The board shall:

3 (1) supervise and administer centers;

4 (2) establish student fee charges prior to September 1
5 immediately preceding the biennium;

6 (3) establish uniform policies as to budgeting,
7 recordkeeping, and student accounting;

8 (4) establish minimum entrance requirements and
9 approve curricular offerings for all centers;

10 (5) establish minimum qualifications of directors,
11 faculty, and staff;

12 (6) establish employment policies;

13 (7) approve salaries and wage contracts of all center
14 employees;

15 (8) approve center programs and budgets;

16 (9) establish policies for the orderly development of
17 a state postsecondary vocational-technical system. Such
18 policies shall include:

19 (a) criteria for approval of courses and programs
20 which are to receive financial assistance;

21 (b) a system of evaluation of all state postsecondary
22 vocational-technical system programs administered by the
23 board. Evaluation shall occur at least once every 3 years
24 and consider current and projected manpower needs and job
25 opportunities; and

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

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

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

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

12 NEW SECTION. Section 3. Duties of the commissioner.

13 The commissioner shall, under board policy:

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

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

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

24 NEW SECTION. Section 4. Appointment and powers and

25 duties of directors. (1) A director for each center shall be

1 appointed by the board. He serves at the pleasure of the
2 board.

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

5 (a) has general control and supervision of the center;

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

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

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

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

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

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

25 (c) receive or accept any compensation or reward for

1 services rendered, except as provided in [section 2].

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

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

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

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

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

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

23 (3) "The board of public education" is the board
24 created by Article X, section 9, subsection (3) of the
25 1972 Montana constitution and 2-15-1507.

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

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

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

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

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

23 (9) "Postsecondary vocational-technical education"
24 means vocational-technical education of postsecondary
25 vocational-technical pupils which is conducted by a

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

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

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

20 (12) "Pupil" means any child who is 5 years of age or
 21 older but has not yet reached his 21st birthday and who is
 22 enrolled in a school established and maintained under the
 23 laws of the state of Montana at public expense.

24 (13) "Pupil instruction" means the conduct of organized
 25 instruction of pupils enrolled in public schools while under

1 the supervision of a teacher.

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

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

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

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

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

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

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

1 definition of "teacher" shall also include any person for
2 whom an emergency authorization of employment of such person
3 has been issued under the provisions of 20-4-111.

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

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

11 (23) "trustees" means the governing board of a
12 district.

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

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

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

25 (1) effect an orderly and uniform system for teacher

1 certification and for the issuance of an emergency
2 authorization of employment by adopting the policies
3 prescribed by 20-4-102 and 20-4-111;

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

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

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

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

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

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

25 (8) approve or disapprove educational media selected

1 by the superintendent of public instruction for the
 2 educational media library in accordance with the provisions
 3 of 20-7-201;

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

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

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

18 ~~(12)(10)~~ adopt policies for the conduct of special
 19 education in accordance with the provisions of 20-7-402;

20 ~~(13)(11)~~ perform any other duty prescribed from time to
 21 time by this title or any other act of the legislature."

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

23 "20-3-106. Supervision of schools -- powers and
 24 duties. The superintendent of public instruction has the
 25 general supervision of the public schools and districts of

1 the state, and he shall perform the following duties or acts
2 in implementing and enforcing the provisions of this title:

3 (1) resolve any controversy resulting from the
4 prororation of joint costs by a joint board of trustees under
5 the provisions of 20-5-362;

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

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

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

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

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

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

24 (8) approve or disapprove school isolation within the
25 limitations prescribed by 20-9-502;

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

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

9 (11) approve or disapprove the adoption of a district's
10 emergency budget resolution under the conditions prescribed
11 in 20-9-163 and publish rules for an application for
12 additional state aid for an emergency budget in accordance
13 with the approval and disbursement provisions of 20-9-164;

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

16 (13) prescribe and furnish the annual report forms to
17 enable the districts to report to the county superintendent
18 in accordance with the provisions of 20-9-212(5) and the
19 annual report forms to enable the county superintendents to
20 report to the superintendent of public instruction in
21 accordance with the provisions of 20-5-207;

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

25 (15) distribute state equalization aid in support of

1 the foundation program in accordance with the provisions of
2 20-9-342, 20-9-346, and 20-9-347;

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

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

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

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

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

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

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

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

25 (24) recommend standards of accreditation for all

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

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

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

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

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

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

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

23 ~~(31)~~ (29) supervise and coordinate the conduct of
 24 special education in the state in accordance with the
 25 provisions of 20-7-403;

1 ~~(32)~~(30) administer the traffic education program in
2 accordance with the provisions of 20-7-502;

3 ~~(33)~~(31) administer the school food services program in
4 accordance with the provisions of 20-10-201, 20-10-202, and
5 20-10-203;

6 ~~(34)~~(32) review school building plans and
7 specifications in accordance with the provisions of
8 20-0-622;

9 ~~(35)~~(33) prescribe the method of identification and
10 signals to be used by school safety patrols in accordance
11 with the provisions of 20-1-408; and

12 ~~(36)~~(34) perform any other duty prescribed from time to
13 time by this title, any other act of the legislature, or the
14 policies of the board of public education."

15 Section 15. Section 20-3-324, MCA, is amended to read:

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

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

1 of the school personnel part of this title;

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

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

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

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

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

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

23 (8) adopt and administer the annual budget or an
24 emergency budget of the district in accordance with the
25 provisions of the school budget system part of this title;

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

4 (10) establish the ANB, foundation program, permissive
5 levy, additional levy, cash reserve, and state impact aid
6 amount for the general fund of the district in accordance
7 with the provisions of the general fund part of this title;

8 (11) establish, maintain, budget, and finance the
9 transportation program of the district in accordance with
10 the provisions of the transportation parts of this title;

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

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

23 (14) when applicable, administer any interlocal
24 cooperative agreement, gifts, bequests, or devises in
25 accordance with the provisions of the miscellaneous

1 financial parts of this title;

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

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

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

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

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

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

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

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

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

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

12 "20-6-501. Definition of various schools. As used in
13 this title, unless the context clearly indicates otherwise,
14 the term "school" means an institution for the teaching of
15 children that is established and maintained under the laws
16 of the state of Montana at public expense. The trustees of
17 any district shall designate the grade assignments for the
18 schools of the district, but for the purposes of this title
19 each school shall be known as:

20 (1) an elementary school when it comprises the work of
21 any combination of kindergarten, other preschool programs,
22 or the first eight grades or their equivalents. A middle
23 school is a school comprising the work of grades 4 through 8
24 or any combination thereof that has been accredited as a
25 middle school under the provisions of 20-7-102. When an

1 accredited junior high school or an accredited 6-year high
2 school is operated by the district, grades 7 and 8 or their
3 equivalents shall not be considered as elementary grades.

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

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

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

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

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

22 (c) a county high school is a 4-year high school
23 operated as an agency of county government and established
24 under the provisions of the acts of March 3, 1896, March 14,
25 1901, and any subsequent amendments thereto.

1 ~~(f) a postsecondary vocational-technical center~~
 2 ~~established under the provisions of 20-7-311.~~"

3 Section 15. Section 20-7-302, MCA, is amended to read:

4 "20-7-302. Duties of superintendent of public
 5 instruction as executive officer of elementary and secondary
 6 vocational education. The superintendent of public
 7 instruction ~~shall be~~ is the executive officer of the board
 8 of public education for the administration of all state and
 9 federal laws related to elementary and secondary vocational
 10 education. As the executive officer, the superintendent of
 11 public instruction ~~shall~~ has the following duties relating
 12 to elementary and secondary vocational education:

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

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

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

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

24 (5) ~~keep all vocational-education~~ maintain records in
 25 his office; and

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

3 Section 16. Section 20-7-303, MCA, is amended to read:

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

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

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

18 Section 17. Section 20-7-311, MCA, is amended to read:

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

25 ~~(a) the trustees of any high school district of a~~

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

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

24 (2) The board of public-education regents shall
 25 recognize the presently designated postsecondary

1 vocational-technical centers operated by the respective
 2 board of trustees of local school district number 1 of
 3 silver bow county, high school district number 1 of Lewis
 4 and Clark county, high school district "A" of Cascade
 5 county, Missoula county high school, and high school
 6 district number 2 of Yellowstone county."

7 Section 10. Section 20-7-314, MCA, is amended to read:

8 "20-7-314. Lease or purchase of state property for
 9 postsecondary-vocational-technical center purposes. (1) The
 10 state of Montana, acting by and through the board of public
 11 education regents with ratification by the legislature, is
 12 hereby empowered and authorized to may enter into a lease
 13 agreement for a term not to exceed 40 years in order to
 14 lease ~~to~~ ~~the~~ ~~restricted~~ ~~operating~~ ~~a~~ ~~postsecondary~~
 15 ~~vocational-technical-center-any-but~~ ~~no~~ ~~or~~ ~~lands~~ ~~owned~~ ~~by~~
 16 ~~the~~ ~~state~~ ~~and~~ ~~financed~~ ~~in~~ ~~whole~~ ~~or~~ ~~in~~ ~~part~~ ~~by~~ ~~an~~
 17 ~~appropriation made by the legislature of the state of~~
 18 ~~Montana~~ ~~for~~ ~~the~~ ~~purpose~~ ~~of~~ ~~supporting~~ ~~the~~ ~~restricted~~
 19 ~~postsecondary-vocational-technical-center~~ ~~the~~ ~~consideration~~
 20 ~~necessary~~ ~~to~~ ~~support~~ ~~such~~ ~~a~~ ~~lease~~ ~~may~~ ~~be~~ ~~confined~~ local
 21 school district buildings and lands which were financed in
 22 whole or in part by funds now available for the purpose of
 23 supporting a postsecondary vocational-technical center.

24 (2) ~~the board of public education is hereby authorized~~
 25 ~~to transfer or direct transfer of title held by the state of~~

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

12 Section 19. Section 20-7-322, MCA, is amended to read:

13 "20-7-322. State treasurer, custodian of vocational
 14 education moneys money. (1) The state treasurer of the
 15 state of Montana is hereby designated as the custodian of
 16 all federal and state moneys money designated, appropriated,
 17 or apportioned for vocational education. All moneys received
 18 from any federal or state source for the establishment
 19 operation or furtherance of vocational education in the
 20 state shall be deposited with the state treasurer.

21 (2) At the direction of the board of public education
 22 recents, the state treasurer shall disburse all moneys
 23 money appropriated or received for postsecondary vocational
 24 education.

25 (3) At the direction of the superintendent of public

1 instruction, the state treasurer shall disburse all money
 2 appropriated for elementary and secondary vocational
 3 education."

4 Section 20. Section 20-7-324, MCA, is amended to read:

5 "20-7-324. Sources of financing for postsecondary
 6 ~~vocational-technical-center-budgets~~ centers-board-of-public
 7 education-administration. (f) The total of the center
 8 budgets approved by the board of public education
 9 appropriated by the legislature and approved by the board,
 10 together with the budget appropriation for the cost of state
 11 administration of the postsecondary-vocational-technical
 12 centers, shall constitute the total maximum approved
 13 statewide budget, which shall be financed as follows. This
 14 may be financed with the following revenue sources:

15 (e) ~~The primary source of financing is to be those~~
 16 ~~funds specifically designated by legislative enactment or~~
 17 ~~referendum by the people for financing postsecondary~~
 18 ~~vocational-technical education in Montana.~~

19 (f)(2) ~~the~~ the board of county commissioners of each
 20 county in which a designated postsecondary
 21 vocational-technical center is located is hereby authorized
 22 to shall levy a tax of not to exceed 1 mill on the dollar of
 23 all taxable property, real and personal, within the county
 24 for the support and maintenance of the postsecondary
 25 vocational-technical center located within the county.;

1 (c) Designated postsecondary vocational technical
 2 centers shall be eligible to receive such funds from the
 3 federal government as the board of public education may
 4 provide pursuant to applicable acts of congress.

5 (e) The board of trustees of any designated high
 6 school district or county high school district where a
 7 postsecondary vocational technical center is located may be
 8 required as a condition for the construction in that
 9 district of a postsecondary vocational technical center or
 10 any part thereof to furnish up to 50% of the amount of
 11 funds required for any such construction. The percentage of
 12 construction funds to be furnished by the designated
 13 district shall be derived in whole or in part from any of
 14 the following sources:

15 (i) the sale of bonds issued by that district (such
 16 bonds shall be issued in conformity with the requirements of
 17 chapter 47 part 47 of this title in the case of high school
 18 and county high school district);

19 (ii) any other funds available to that district which
 20 may be tentatively and properly applied toward such
 21 construction;

22 (iii) the reasonable value of land and buildings
 23 fixtures or equipment furnished by that district, subject
 24 to the approval of the board of public education;

25 (e) If the aggregate financing provided by sources of

1 revenue--in--(1)(a), (1)(b), and (1)(c) of this section does
 2 not provide 100% financing of the maximum approved statewide
 3 budget, the remaining deficiency shall be financed from any
 4 state---funds---appropriated---by---the---legislature---for
 5 postsecondary, vocational, technical education.

6 (2) The board of public education shall direct the
 7 distribution of the funds specified in subsections (1)(a),
 8 (1)(c), and (1)(e) of this section on the basis of the
 9 budgets approved by the board of public education. The funds
 10 earned by the mill levy specified in subsection (1)(b) of
 11 this section shall be credited by the county treasurer to
 12 the postsecondary, vocational, technical center funds.

13 (3) The board of public education shall determine the
 14 amount of financing available from these five sources of
 15 revenue and may approve budgets for maintenance and
 16 operation, construction, and ancillary services, the
 17 aggregate amount of the budgets so approved by the board of
 18 public education for postsecondary, vocational, technical
 19 centers shall not exceed the moneys determined to be
 20 available.

21 (b) federal funds available for use by centers;

22 (c) fees authorized by the board;

23 (d) any other funds appropriated by the legislature."

24 Section 21. Section 20-7-351, MCA, is amended to read:

25 "20-7-351. Admission of papers with priority to

1 Montana residents. Any person who qualifies as a
 2 postsecondary vocational-technical pupil as defined in this
 3 title shall be admitted to the postsecondary
 4 vocational-technical center of his choice, except that
 5 pupils who qualify as residents residents of the state of
 6 Montana as hereafter defined by the board shall be given
 7 priority in case enrollment limitations are caused by
 8 resource limitation."

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

10 "20-7-702. Authorization to establish adult education
 11 program. The trustees of any district, or community college
 12 district, or center may establish and operate an adult
 13 education program at any time of the day when facilities and
 14 personnel are available. An adult education program may
 15 provide both basic and secondary general education,
 16 vocational education, American citizenship education,
 17 including courses in the English language and American
 18 history and government, or any other areas of instruction
 19 approved by the trustees."

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

21 "20-7-704. Adult education tuition and fees. The
 22 trustees of a district, or community college district, or
 23 in the case of a center, the board of regents shall have the
 24 authority to charge tuition for instruction and to charge
 25 fees for the use of equipment and materials. The amount of

1 such tuition and fees shall be determined on a per-course
 2 basis or on the basis of the cost of the entire adult
 3 education program. All proceeds from tuition and fees shall
 4 be deposited in the adult education fund."

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

6 "20-7-705. Adult education fund. (1) A separate adult
 7 education fund shall be established when an adult education
 8 program is operated by a district, ~~or~~ community college
 9 district, or by a center. The financial administration of
 10 such fund shall comply with the budgeting, financing, and
 11 expenditure provisions of the laws governing the schools.

12 (2) Whenever the trustees of any district or center
 13 establish an adult education program under the provisions of
 14 20-7-702, they shall establish an adult education fund under
 15 the provisions of this section. The adult education fund
 16 shall be the depository for all federal, state, and district
 17 moneys received by the district or center in support of the
 18 adult education program.

19 (3) The trustees of any district may authorize the
 20 levy of a tax of not more than 1 mill on the district for
 21 the operation of an adult education program when the
 22 superintendent of public instruction has approved the
 23 educational program to be supported by such levy. The
 24 approval of the superintendent of public instruction shall
 25 have been acquired by the trustees before the fourth Monday

1 of June in order to include the expenditures to be financed
2 by the levy in the preliminary budget. The superintendent of
3 public instruction shall promulgate rules and forms for such
4 approval.

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

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

21 Section 25. Repealer. Sections 20-7-312, 20-7-313,
22 20-7-323, 20-7-325, 20-7-332, and 20-7-333, MCA, are
23 repealed.

-End-

Alternative Amendments to LC 73/01 "An Act To Provide for a State Vocational-Technical System..."

Three mill levy options for LC 73/01 were suggested for legislative consideration by the Subcommittee.

Option 1--continues the present one mill levy in those counties with Centers. This is incorporated in LC 73/01 - Appendix K - page 27.

Option 2--places a one mill levy on all counties within the state. The amendment to LC 73/01 that would implement this option would read:

1. Page 27, line 16 through 17,
Strike: "in which a designated center is located"

Option 3--removes entirely the mill levy component of center financing. The amendment to LC 73/01 that would implement this option would read:

1. Page 27, line 15 through 21.
Strike: line 15 through 21 in its entirety
Renumber: subsequent subsections.

1 for vocational-technical districts appointed by the board of
2 regents.

3 (4) "Director" means the administrative director of a
4 center appointed by the board.

5 (5) "District" means a vocational-technical district
6 established pursuant to [section 33].

7 (6) "Regents" means the board of regents of higher
8 education.

9 NEW SECTION. Section 2. District name. A district
10 shall be known as "The Vocational-Technical District of
11, Montana".

12 NEW SECTION. Section 3. Supervision by regents.
13 Districts are under the supervision of the regents. The
14 regents shall:

15 (1) supervise districts in accordance with the
16 provisions of this section and [section 5];

17 (2) appoint a coordinator of districts and request
18 legislative appropriations for the operation of his office;

19 (3) formulate and put into effect uniform policies as
20 to budgeting, recordkeeping, and student accounting;

21 (4) establish minimum entrance requirements and
22 approve curricular offerings for all centers;

23 (5) establish minimum qualifications of directors,
24 faculty, and staff;

25 (6) direct each district to seek accreditation from a

1 recognized accrediting association; and

2 (7) call an election, determine the results of the
3 election, and order and implement the organization of a
4 district.

5 NEW SECTION. Section 4. Pecuniary interest -- letting
6 contracts. (1) It is unlawful for any district trustee to:

7 (a) have any pecuniary interest, either directly or
8 indirectly, in the erection of any vocational-technical
9 building in his district or in furnishing or repairing it;

10 (b) be in any manner connected with the furnishing of
11 supplies for the maintenance of the center; or

12 (c) to receive or accept any compensation or reward
13 for services rendered as trustee, except as herein provided.

14 (2) Unless the amount involved is less than \$2,000, no
15 board of trustees may let any contract for building,
16 furnishing, repairing, or other work or supplies for the
17 benefit of the district without calling for bids to perform
18 the work or furnish the supplies and without first
19 advertising once each week for at least 2 weeks in a
20 newspaper published in each county wherein the area of the
21 district lies. Whenever advertising is required, the board
22 shall award the contract to the lowest responsible bidder.
23 However, the board may reject any bid.

24 NEW SECTION. Section 5. Courses of instruction --
25 tuition and fees. (1) A district shall provide instruction

1 in vocational and adult education, subject to the approval
2 of the regents. The board of a district may, in their
3 discretion and upon approval by the regents, prescribe:

4 (a) tuition rates for in-district students,
5 out-of-district students who are residents of the state of
6 Montana, and students who are not residents of the state of
7 Montana;

8 (b) matriculation charges; and

9 (c) incidental fees, including building fees, for
10 students attending the center.

11 (2) In addition, the board may prescribe such other
12 fees as it considers necessary to maintain courses, taking
13 into consideration other funds that may be available under
14 law for the support of such courses.

15 (3) Any resident of a district in the state may enroll
16 in any program or course maintained or conducted by another
17 district upon the same terms and conditions as a district
18 resident, regardless of the district of his residence.

19 NEW SECTION. Section 6. Retirement system for
20 teachers and employees. (1) The teachers of a district are
21 subject to and eligible for the benefits of the teachers'
22 retirement system provided by law.

23 (2) The employees of a district not eligible for
24 teachers' retirement system benefits are subject to and
25 eligible for the public employees' retirement system.

1 provided by law.

2 NEW SECTION. Section 7. Baccalaureate degrees not to
3 be granted. A district is prohibited from granting
4 baccalaureate degrees.

5 NEW SECTION. Section 8. Acceptance of donations. The
6 board, on behalf of the district, may accept gifts,
7 legacies, and devises, subject to any valid condition
8 imposed by the donor or testator.

9 NEW SECTION. Section 9. Requirements for organization
10 of district. The registered electors in any area of the
11 state may request an election for the organization of a
12 district if the proposed district conforms to the following
13 requirements:

14 (1) The proposed area coincides with the then-existing
15 boundaries of contiguous elementary districts of one or more
16 counties.

17 (2) The taxable value of the proposed area is at least
18 \$45 million.

19 (3) There are at least 700 pupils regularly enrolled
20 in public and private high schools located in the proposed
21 area.

22 NEW SECTION. Section 10. Petition for organization of
23 district. When the area of a proposed district satisfies the
24 specified requirements, the registered electors of the area
25 may petition the regents to call an election for the

1 organization of a district. The petition must be signed by
2 at least 20% of the registered electors within each county
3 or part of a county included in the area of the proposed
4 district.

5 NEW SECTION. Section 11. Call of district
6 organization election -- proposition statement. (1) A
7 petition for the organization of a district shall be
8 presented to the regents. The regents shall examine the
9 petition to determine if the petition satisfies the
10 petitioning and district organizational requirements.

11 (2) If the regents determine that the petition
12 satisfies such requirements, the regents shall order the
13 elementary districts encompassed by the proposed district to
14 conduct an election on the district organization
15 proposition. The election shall be held on the next
16 succeeding regular school election day, except that an
17 election required by a petition received by the regents less
18 than 60 days before the regular school election day shall be
19 held at the regular school election in the following school
20 fiscal year.

21 (3) At the election the proposition must be in
22 substantially the following form:

23 PROPOSITION

24 Shall there be organized within the area comprising the

1 school districts of (elementary districts shall be
 2 listed by county), State of Montana, a vocational-technical
 3 district for the offering of 13th- and 14th-year courses, to
 4 be known as the Vocational-Technical District of,
 5 Montana, under the provisions of the laws authorizing
 6 vocational-technical districts in Montana, as prayed in the
 7 petition filed with the Board of Regents at Helena, Montana,
 8 on the day of, 19....?

9 FOR organization

10 AGAINST organization

11 NEW SECTION. Section 12. Election of trustees --
 12 districts from which elected -- terms of office. (1) The
 13 regents shall provide for the election of trustees of the
 14 proposed district at the election held for the approval of
 15 its organization. Seven trustees shall be elected at large.
 16 However, if there is in the proposed district one or more
 17 high school districts or part of a high school district each
 18 with more than 43% and not more than 50% of the total
 19 population of the proposed district, as determined by the
 20 last census, each such district or part of district shall
 21 elect three trustees and the remaining trustees shall be
 22 elected at large from the remainder of the proposed
 23 vocational-technical district. If any high school district
 24 or part of a high school district has more than 50% of the
 25 population of the proposed district, four trustees shall be

1 elected from the high school district or part of the high
2 school district and three trustees at large from the
3 remainder of the proposed district.

4 (2) If the trustees are elected at large throughout
5 the entire proposed district, the three receiving the
6 greatest number of votes shall be elected for a term of 3
7 years; the two receiving the next greatest number of votes,
8 for a term of 2 years; and the two receiving the next
9 greatest number of votes, for a term of 1 year. If the
10 trustees are elected in any manner other than at large, the
11 trustees elected shall determine by lot the three who are to
12 serve for 3 years, the two who are to serve for 2 years, and
13 the two who are to serve for 1 year. Thereafter, all
14 trustees elected shall serve for terms of 3 years each.

15 NEW SECTION. Section 13. Call for nominations of
16 trustee candidates notice. (1) A call for nominations of
17 trustee candidates for the proposed district shall be made
18 by the regents.

19 (2) Notice of the call for nominations must be
20 published in at least one newspaper of general circulation
21 in each county or any portion of a county included in the
22 proposed district once a week for 3 consecutive weeks, the
23 last insertion to be no less than 5 weeks prior to the date
24 of the election. The notice shall describe the geographical
25 composition of the membership of the board of trustees, the

1 nomination procedure, and the proposal for the organization
2 of a district.

3 NEW SECTION. Section 14. Nomination of candidates --
4 provision of sample ballot. (1) Nominations of candidates
5 for the trustee positions must be filed with the regents at
6 least 30 days prior to the date of the election. Any five
7 qualified electors may file nominations of as many persons
8 as are to be elected to the board of the proposed district
9 from their respective trustee election areas.

10 (2) The regents shall provide the trustees of each
11 district ordered to conduct the district organization
12 election with a sample of the ballot for the election of the
13 board. The sample ballot shall be reproduced by the
14 trustees in a sufficient number to be used as the trustee
15 election ballot.

16 NEW SECTION. Section 15. Notice of organization
17 election. Notice of the district organization election and
18 the accompanying election of a board for the proposed
19 district must be given by the regents by publication in at
20 least one newspaper of general circulation in each county or
21 any portion of a county included in the proposed district,
22 once a week for 3 consecutive weeks, the last insertion to
23 be no more than 1 week prior to the date of the election.

24 NEW SECTION. Section 16. Conduct of election. The
25 election for the organization of the district and the

1 election of trustees for the district shall be conducted, in
2 accordance with the school election laws, by the trustees of
3 the elementary districts ordered to call the election. The
4 cost of conducting the election shall be borne by those
5 districts.

6 NEW SECTION. Section 17. Determination of approval or
7 disapproval of proposition -- subsequent procedures if
8 approved. (1) To carry, the proposal to organize the
9 district must receive a majority of the total number of
10 votes cast. The coordinator shall certify the results of the
11 election to the regents. Approval for the organization of a
12 new district may be given by the legislature in its
13 discretion, acting upon the recommendation of the regents.
14 If the certificate of the coordinator shows that the
15 proposition to organize the proposed district has received a
16 majority of the votes cast in each county within the
17 proposed district, the regents shall:

18 (1) order the district organized and file a copy of
19 the order in the office of the county clerk and recorder in
20 each county in which a portion of the new district is
21 located;

22 (2) determine which candidates have been elected
23 trustees. If the proposition to organize the district fails
24 to receive a majority of the votes cast, no tabulation may
25 be made to determine the candidates elected trustees; and

1 (3) Within 30 days of the date of the organization
2 order, the regents shall call and set a date for an
3 organization meeting of the board and shall notify the duly
4 elected trustees of their membership and of the organization
5 meeting. Such notification shall designate a temporary
6 chairman and secretary for the purposes of organization.

7 NEW SECTION. Section 18. Qualification and
8 organization of board. Newly elected members of the board
9 shall qualify by taking the oath of office prescribed by the
10 constitution of Montana. At the organization meeting called
11 by the regents, the board shall be organized by the election
12 of a president and vice-president and a secretary. The
13 secretary is not required to be a member of the board. The
14 treasurer of the district is the county treasurer of the
15 county in which the center is located.

16 NEW SECTION. Section 19. Election of trustees after
17 organization of district. (1) After organization, the
18 registered electors of the district shall vote for trustees
19 on the first Tuesday in April. Such elections shall be
20 conducted by the component elementary school districts
21 within the district upon the order of the board. The order
22 shall be transmitted to the appropriate trustees not less
23 than 40 days prior to the first Tuesday in April.

24 (2) Notice of the trustee election shall be given by
25 the board by publication in one or more newspapers of

1 general circulation within each county, not less than once a
2 week for 2 consecutive weeks, the last insertion to be no
3 more than 1 week prior to the date of the election. This
4 notice requirement is in addition to the election notice to
5 be given by the trustees of the component elementary
6 districts under the school election laws.

7 (3) If trustees are elected other than at large
8 throughout the entire district, only those qualified voters
9 within the area from which the trustee or trustees are to be
10 elected may cast their ballots for the trustee or trustees
11 from that area. All candidates for the office of trustee
12 shall file their declarations of candidacy with the
13 secretary of the board not less than 30 days prior to the
14 date of the election. If an electronic voting system or
15 voting machines are not used in the component elementary
16 school district or districts which conduct the election, the
17 board must cause ballots to be printed and distributed for
18 the polling places in such component districts at the
19 expense of the vocational-technical district, but in all
20 other respects the elections shall be conducted in
21 accordance with the school election laws.

22 (4) All costs incident to election of the
23 vocational-technical trustees shall be borne by the
24 district, including one-half of the compensation of the
25 judges for the school elections. However, if the election of

1 the district trustees is the only election conducted, the
 2 district shall compensate the elementary district for the
 3 total cost of the election.

4 NEW SECTION. Section 20. Tabulation, declaration, and
 5 certification of elected trustees. When the board has
 6 received all the certified results of the election from the
 7 component elementary districts, the then-qualified members
 8 of the board of the district shall:

9 (1) tabulate the results received;

10 (2) declare and certify the candidate or candidates
 11 receiving the greatest number of votes to be elected to the
 12 position or positions to be filled; and

13 (3) declare and certify to the regents the results of
 14 the votes cast on any proposition relating to the district
 15 presented at such election.

16 NEW SECTION. Section 21. Vacancy of trustee position.
 17 Any vacancy of a trustee position shall be filled by
 18 appointment by a majority vote of the remaining trustees,
 19 and the person appointed shall hold office until the next
 20 regular school election day when a trustee shall be elected
 21 for the remainder of the unexpired term.

22 NEW SECTION. Section 22. Board of trustees --
 23 meetings, quorum, travel reimbursement, and seal. (1) The
 24 board shall hold monthly meetings within the district on a
 25 day of the month set by the trustees. The president and

1 secretary of the board or a majority of the board may call
2 special meetings of the board at any time and place within
3 the district if in their judgment necessity requires it. The
4 secretary of the board must give each member a 48-hour
5 written notice of all special meetings.

6 (2) A majority of the board constitutes a quorum for
7 the transaction of business, except that no contract may be
8 let, teacher employed or dismissed, or bill approved unless
9 a majority of the total board membership votes in favor of
10 such action.

11 (3) A member of the board is entitled to receive
12 mileage as provided for in 2-18-503 for the distance
13 actually and necessarily traveled between the place of the
14 meeting and his place of residence. He may receive mileage
15 for only one such round trip per meeting day.

16 (4) The board shall keep a common seal with which to
17 attest its official acts.

18 NEW SECTION. section 23. General control. Subject to
19 supervision by the regents, the board has general control of
20 the district.

21 NEW SECTION. section 24. Powers and duties of
22 trustees. Subject to supervision by the regents, the
23 trustees of a district shall:

24 (1) adopt rules for the government and administration
25 of the district;

1 (2) grant certificates and degrees to the graduates of
2 the center;

3 (3) keep a record of its proceedings;

4 (4) when not otherwise provided by law, control all
5 books, records, buildings, grounds, and other property of
6 the district;

7 (5) (a) receive and accept from any governmental or
8 private entity or person all money and other property that
9 the district is entitled to receive or accept; and

10 (b) use the property for the specific purpose of the
11 entitlement, grant, or donation;

12 (6) generally control all receipts and disbursements
13 of the district;

14 (7) appoint and dismiss a director and faculty for the
15 center, appoint and dismiss any other necessary officers,
16 agents, and employees, fix their compensation, and set the
17 terms and conditions of their employment;

18 (8) administer the tuition provision and otherwise
19 govern the students of the district;

20 (9) call and conduct the elections of the district in
21 accordance with the school election chapter of this title;

22 (10) participate in the teachers' retirement system of
23 the state of Montana in accordance with the provisions of
24 Title 19, chapter 4;

25 (11) participate in district boundary change actions in

1 accordance with the provisions of the district organization
2 chapter of this title; and

3 (12) enter into contracts with school districts when
4 consistent with the powers and duties provided for by this
5 section.

6 NEW SECTION. Section 25. Annexation of territory to
7 district. (1) Whenever 10% of the registered electors of an
8 elementary district or districts of one county petition the
9 board for annexation of the territory encompassed in such
10 elementary school districts, the board shall order an
11 annexation election in the area defined by the petition. The
12 election shall be ordered within 60 days of the receipt of
13 the petition.

14 (2) The election shall be conducted in the proposed
15 area for annexation in accordance with the requirements of
16 the district organization election, except that the board
17 shall perform the requirements of the board of regents and
18 there may not be an election of the board.

19 (3) The proposition on the ballot shall be as follows:

20 Shall school districts be annexed to and become a
21 part of the Vocational-Technical District of, Montana?

22 FOR annexation

23 AGAINST annexation

24 (4) To carry, the proposal to annex must receive a

1 majority of the total votes cast thereon. Upon receipt of
2 the certified results of the election from the elementary
3 districts encompassed in the proposed area to be annexed,
4 the board shall canvass the vote and declare the results of
5 the election. If the annexation proposition carries, a
6 certified copy of the canvassing resolution shall be filed
7 in the office of the county clerk and recorder of the county
8 encompassing the area to be annexed, and upon such filing,
9 the area to be annexed becomes a part of the district.

10 NEW SECTION. Section 26. Sources of financing for and
11 types of capital expenditures. (1) The board of a district
12 may:

13 (a) build, enlarge, alter, repair, or acquire by
14 purchase school buildings and dormitories;

15 (b) furnish and equip such buildings;

16 (c) purchase sites for such buildings;

17 (d) issue, refund, sell, budget, and redeem the bonds
18 of the district in accordance with the provisions of the
19 bonds chapter of this title.

20 (2) The board may borrow money for the purposes of
21 this section and may repay obligations from the various
22 revenues of the district.

23 NEW SECTION. Section 27. Budget -- approval. The
24 board shall adopt an annual operating fund budget for the
25 general maintenance and operation of the district. The

1 budget shall be submitted to the regents for their approval,
2 with or without adjustment. The budget approved by the
3 regents shall be the budget of the district submitted to the
4 budget officer of the state.

5 NEW SECTION. Section 28. Financing budget. (1) The
6 annual operating budget of a district shall be financed at a
7 65:35 state-to-local ratio as defined by the regents, in the
8 order enumerated below:

9 (a) the estimated revenue to be realized from student
10 tuition and fees as approved by the board.

11 (b) a mandatory mill levy on the district that when
12 combined with subsection (1)(a) of this section will provide
13 35% of the annual budget approved by the regents;

14 (c) the total of the revenues expressed in subsections
15 (1)(a) and (1)(b) shall be subtracted from the annual
16 operating budget amount as approved by the regents. The
17 amount of the difference shall be financed by a state
18 appropriation for the purpose of financing districts in an
19 amount of 65%.

20 (2) If the state cannot fund the districts at 65% of
21 the regents' recommended budget, the state shall permit the
22 districts to raise the additional funds under [section 30].

23 NEW SECTION. Section 29. Adult education tax levy. A
24 vocational-technical district shall be considered a district
25 for the purposes of adult education and under the provisions

1 for adult education may levy a 1-mill tax for the support of
2 its adult education program if the superintendent of public
3 instruction approves such program.

4 NEW SECTION. Section 30. Additional levy proposition
5 --submission to electors. The board may elect to adopt an
6 operating fund budget in excess of the budget funded by the
7 legislature. If the board proposes such a budget, it shall
8 submit an additional levy proposition to the electors of the
9 district. The additional levy proposition shall be submitted
10 to the electorate in accordance with general school election
11 laws.

12 NEW SECTION. Section 31. Tax levy. On the second
13 Monday of August, the board of county commissioners of any
14 county where a district is located shall fix and levy a tax
15 on all the real and personal property within the district at
16 the rate required to finance the mandatory mill levy
17 prescribed by [section 28(1)(b)] plus any approved
18 additional levy. Whenever a district has territory in more
19 than one county, the board of county commissioners of each
20 county shall fix and levy its pro rata share of the district
21 tax on all the real and personal property of the district
22 situated in its county.

23 NEW SECTION. Section 32. Deposit of money. District
24 money shall be deposited with the county treasurer of the
25 county where the center is located or with other

1 depositories approved by the regents.

2 NEW SECTION. Section 33. Districts enumerated.
3 Notwithstanding the provisions of [sections 9 through 11],
4 districts are established as follows:

5 (1) The first district is conterminous with the
6 current boundaries of high school district 2 of Yellowstone
7 County.

8 (2) The second district is conterminous with the
9 current boundaries of school district 1 of Silver Bow
10 County.

11 (3) The third district is conterminous with the
12 current boundaries of high school district "A" of Cascade
13 County.

14 (4) The fourth district is conterminous with the
15 current boundaries of high school district 1 of Lewis and
16 Clark County.

17 (5) The fifth district is conterminous with the
18 current boundaries of Missoula County high school district.

19 NEW SECTION. Section 34. District board elections.
20 The regents shall call for and conduct district trustee
21 elections in the districts enumerated in [section 33] within
22 60 days of July 1, 1979. The trustee elections shall be
23 conducted in accordance with the appropriate provisions of
24 [sections 12 through 17].

25 NEW SECTION. Section 35. When interest in assets

1 obtained for postsecondary vocational educational purposes by
2 school districts to pass -- procedure -- appeals. (1) Title
3 to and all interest in real estate and all other assets,
4 including but not limited to assignable contracts, cash,
5 deposits in county funds (including any interest or premiums
6 thereon), equipment, buildings, facilities, and
7 appurtenances thereto held as of July 1, 1979, by or for a
8 local school district and obtained identifiably with
9 federal, state, or local funds appropriated for
10 postsecondary vocational education purposes or used or
11 obtained with funds budgeted for postsecondary vocational
12 education purposes or used or obtained primarily for
13 postsecondary vocational education purposes vests, on the
14 date on which the first board of each district takes office,
15 in the respective board of the district.

16 (2) Assets used primarily for postsecondary vocational
17 education purposes include but are not limited to all assets
18 currently held by local school districts that have been used
19 for postsecondary vocational education purposes on an
20 average of at least 75% of the time during the school year
21 1977-1978 or, if acquired subsequent to July 1, 1978, since
22 its time of acquisition.

23 (3) For the purposes of this section and to facilitate
24 the process of allocating the assets, the board of trustees
25 of each local school district in which a center is located

1 and the director of each center shall each submit to the
2 governor, within 60 days after July 1, 1979, an inventory
3 listing all real estate, personal property, and other
4 assets, held by a local school district which, under the
5 criteria of this section, will become assets of the
6 district.

7 (4) The ultimate decision and approval with respect to
8 the allocation and disposition of the assets under this
9 section shall be made by the governor or an advisory
10 committee appointed by him for that purpose.

11 NEW SECTION. Section 36. Transfer of bonded
12 indebtedness. When a local school district has contracted to
13 redeem general obligation bonds used for the construction or
14 acquisition of facilities that are now to be under the
15 administration, control, and occupancy of the district
16 board, the district board is responsible for redeeming the
17 bonds in accordance with the provisions of the bonds.

18 NEW SECTION. Section 37. Transfer of funds. All cash,
19 funds, accounts, or deposits obtained or raised by a local
20 school district to pay for indebtedness, bonded or
21 otherwise, contracted on or before July 1, 1979, for
22 postsecondary vocational education purposes are transferred
23 to and constitute an asset of the respective district.

24 NEW SECTION. Section 38. Records and pending business
25 of agencies transferred. All books, papers, maps, charts,

1 plans, and records in the possession of an existing
2 department, state board, state officer, or local school
3 district board affected by this [act] or any officer or
4 member thereof and pending business in any way pertaining to
5 the previous powers and duties of such department, state
6 board, state officer, or local school district board shall
7 be delivered and transferred to the administrative and
8 executive head of the appropriate department, state board,
9 state officer, or district board described in this [act].
10 In all cases where any question arises as to the proper
11 custody of any such books, papers, maps, charts, plans,
12 records and pending business, the governor shall settle the
13 dispute.

14 NEW SECTION. Section 39. Reports required by law to
15 be performed by successor agencies. All reports required by
16 law to be made by any existing department, state board,
17 state officer, or local school district board affected by
18 this [act] shall hereafter be made by the executive and
19 administrative head of the appropriate department, state
20 board, state officer, or district board described in this
21 [act].

22 NEW SECTION. Section 40. Performance of powers and
23 duties during transitional period. Notwithstanding any other
24 provision of law, during the transitional period between
25 July 1, 1979, and the time when the respective district

1 boards have been elected and organized, the powers conferred
2 and duties imposed upon an existing department, state board,
3 state officer, or local school district board affected by
4 this [act] shall continue to be performed and the necessary
5 disbursements, allotments, and apportionments of state funds
6 in connection therewith shall continue to be made as if this
7 [act] had not been enacted.

8 NEW SECTION. Section 41. Proceedings saved --
9 completion. All petitions, hearings, and other proceedings
10 pending before any existing department, state board, state
11 officer, or local school district board affected by this
12 [act] and all prosecutions, legal or other proceedings, and
13 investigations begun by any such department, state board,
14 state officer, or local school district board and not
15 completed by July 1, 1978, shall continue and remain in
16 effect notwithstanding the passage of this [act] and may be
17 completed before or by the department, state board, state
18 officer, or district board which succeeds to any of the
19 powers and duties of such department, state board, state
20 officer, or local school district board.

21 NEW SECTION. Section 42. Regulations saved --
22 effective until revoked or modified. All orders and rules
23 relating to postsecondary vocational education made by any
24 existing department, state board, state officer, or local
25 school district board affected by this [act] shall remain in

1 full force and effect until revoked or modified in
2 accordance with law by the department, state board, state
3 officer, or district board which succeeds to any of the
4 powers and duties of such existing department, state board,
5 state officer, or local school district board.

6 NEW SECTION. Section 43. Teachers and other employees
7 to continue performing usual duties. All postsecondary
8 vocational-technical teachers and other employees of an
9 existing local school district board affected by this [act]
10 shall continue to perform their usual duties upon the same
11 terms and conditions as heretofore, until removed or
12 appointed to positions in accordance with the provisions of
13 [section 24].

14 NEW SECTION. Section 44. Contracts and obligations
15 saved. All existing contracts and obligations of an existing
16 department, state board, state officer, or local school
17 district board affected by this [act] shall remain in effect
18 and shall be performed by the respective department, state
19 board, state officer, or district board which succeeds to
20 any of the powers and duties of such department, state
21 board, state officer, or local school district board.

22 NEW SECTION. Section 45. Contracts and obligations of
23 school districts for postsecondary vocational education
24 facilities. (1) Until the district board has actually
25 assumed the duties and responsibilities of the

1 administration, management, or development of existing or
2 authorized postsecondary vocational education facilities,
3 those duties and responsibilities shall continue to be
4 discharged by the local school district board operating or
5 developing such postsecondary vocational education
6 facilities prior to July 1, 1979.

7 (2) Where contracts have been let prior to July 1,
8 1979, by a local school district board pursuant to present
9 law for the purpose of acquisition, construction, repair, or
10 modification of an existing postsecondary vocational
11 education facility, such projects shall be completed under
12 the administration of the local school district board,
13 superintendent of public instruction, and/or the board of
14 public education, and payments thereto shall be made from
15 such funds as are allocated thereto.

16 NEW SECTION. Section 46. Postsecondary vocational
17 education fund 21. All funds remaining to the credit of
18 postsecondary vocational education fund 21 shall be
19 disbursed in accordance with the provisions of 20-7-323 and
20 20-7-324 until the new district board is elected and
21 qualified. Thereafter, such funds shall be transferred to
22 the respective district board.

23 NEW SECTION. Section 47. Sharing of single facility
24 by postsecondary vocational-technical program. (1) Whenever,
25 prior to July 1, 1979, the use of a single building facility

1 is being shared between an existing postsecondary vocational
2 education program and a K-12 program, use of the facility
3 shall continue to be shared until such time as it is
4 convenient to remove one of the two programs to another
5 facility. The determination of convenience shall be based
6 solely upon the best interests of the students involved.

7 (2) Whenever a district board and a local school
8 district board are sharing the use of a single facility, the
9 program occupying the majority of the space of such
10 facility, exclusive of space utilized equally by both,
11 determines which board will be charged with the
12 administration and control of such facility. The
13 determination of occupancy shall be based upon the space
14 occupied as of January 1, 1979.

15 (3) The board that is charged with the administration
16 and control of such facility may share expenses with the
17 other board for the use of the facility.

18 (4) In the event that the two boards are unable to
19 agree upon which board is to administer and control the
20 facility or upon a fair share of expenses for the use of the
21 facility, the governor shall appoint an arbitrator to settle
22 the matter. The decisions of the arbitrator are final and
23 binding upon both boards. The expenses of the arbitration
24 shall be divided equally between the boards.

25 NEW SECTION. Section 48. Agreements for use of

1 services or facilities. The district boards and the local
2 school district boards may enter into agreements for the use
3 by either of the other's services, facilities, or equipment
4 and for the presentation of courses of either for students
5 of the other whenever such agreements are considered to be
6 in the best educational interests of the students involved.

7 NEW SECTION. Section 49. Construction of [act] when
8 part thereof in conflict with federal requirements. If any
9 part of this [act] is found to be in conflict with federal
10 requirements that are a condition precedent to the
11 allocation of federal funds to the state, such conflicting
12 part of this [act] is inoperative solely to the extent of
13 such conflict, and such finding does not affect the
14 operation of the remainder of this [act].

15 Section 50. Section 20-1-101, MCA, is amended to read:

16 "20-1-101. Definitions. As used in this title, unless
17 the context clearly indicates otherwise, the following
18 definitions apply:

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

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

25 (3) "The board of public education" is the board

1 created by Article X, section 9, subsection (3)1 of the 1972
2 Montana constitution and 2-15-1507.

3 (4) "Board of regents" means the board of regents of
4 higher education created by Article X, section 9, subsection
5 (2)1 of the 1972 Montana constitution and 2-15-1505.

6 (5) "Commissioner" means the commissioner of higher
7 education created by Article X, section 9, subsection (2)1
8 of the 1972 Montana constitution and 2-15-1506.

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

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

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

25 (9) "Postsecondary vocational-technical education"

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

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

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

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

1 (13) "Pupil instruction" means the conduct of organized
2 instruction of pupils enrolled in public schools while under
3 the supervision of a teacher.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 51. Section 20-2-121, MCA, is amended to read:
25 "20-2-121. board of public education -- powers and

1 duties. The board of public education shall:

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

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

9 (3) administer and order the distribution of state
10 equalization aid in accordance with the provisions of
11 20-9-344;

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

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

19 (6) adopt policies prescribing the conditions when
20 school may be conducted on Saturday and the types of
21 pupil-instruction-related days and approval procedure for
22 such days in accordance with the provisions of 20-1-303 and
23 20-1-304;

24 (7) adopt standards of accreditation and establish the
25 accreditation status of every school in accordance with the

1 provisions of 20-7-101 and 20-7-102;

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

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

9 ~~{10} consider --- applications --- for --- postsecondary~~
10 ~~vocational-technical--center--designation-in-accordance-with~~
11 ~~the-provisions-of-20-7-311~~

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

20 ~~{12}~~ (10) adopt policies for the conduct of special
21 education in accordance with the provisions of 20-7-402;

22 ~~{13}~~ (11) perform any other duty prescribed from time to
23 time by this title or any other act of the legislature."

24 Section 52. Section 20-3-106, MCA, is amended to read:

25 "20-3-106. Supervision of schools -- powers and

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

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

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

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

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

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

20 (6) approve or disapprove the orders of a high school
21 boundary commission in accordance with the provisions of
22 20-6-311;

23 (7) approve or disapprove the opening or reopening of
24 a school in accordance with the provisions of 20-6-502,
25 20-6-503, 20-6-504, or 20-6-505;

1 (8) approve or disapprove school isolation within the
2 limitations prescribed by 20-9-302;

3 (9) generally supervise the school budgeting
4 procedures prescribed by law in accordance with the
5 provisions of 20-9-102 and prescribe the school budget
6 format in accordance with the provisions of 20-9-103 and
7 20-9-505;

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

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

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

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

24 (14) approve, disapprove, or adjust an increase of the
25 average number belonging; (AN8) in accordance with the

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

2 (15) distribute state equalization aid in support of
3 the foundation program in accordance with the provisions of
4 20-9-342, 20-9-346, and 20-9-347;

5 (16) estimate the statewide equalization level for the
6 foundation program in accordance with the provisions of
7 20-9-348;

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

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

13 (19) approve or disapprove an adult education program
14 for which a district proposes to levy a tax in accordance
15 with the provisions of 20-1-705;

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

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

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

24 (23) approve or disapprove the conduct of school on a
25 Saturday or on pupil-instruction-related days in accordance

1 with the provisions of 20-1-303 and 20-1-304;

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

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

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

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

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

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

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

25 ~~(31)~~(22) supervise and coordinate the conduct of

1 special education in the state in accordance with the
2 provisions of 20-7-403;

3 ~~(32)~~(30) administer the traffic education program in
4 accordance with the provisions of 20-7-502;

5 ~~(33)~~(31) administer the school food services program in
6 accordance with the provisions of 20-10-201, 20-10-202, and
7 20-10-203;

8 ~~(34)~~(32) review school building plans and
9 specifications in accordance with the provisions of
10 20-6-622;

11 ~~(35)~~(33) prescribe the method of identification and
12 signals to be used by school safety patrols in accordance
13 with the provisions of 20-1-408; and

14 ~~(36)~~(34) perform any other duty prescribed from time to
15 time by this title, any other act of the legislature, or the
16 policies of the board of public education."

17 Section 53. Section 20-3-324, MCA, is amended to read:

18 "20-3-324. Powers and duties. As prescribed elsewhere
19 in this title, the trustees of each district shall ~~have the~~
20 ~~power and it shall be their duty to~~ perform the following
21 duties or acts:

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

1 rejecting such recommendation as the trustees shall in their
2 sole discretion determine, in accordance with the provisions
3 of the school personnel part of this title;

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

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

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

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

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

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

25 (8) adopt and administer the annual budget or an

1 emergency budget of the district in accordance with the
2 provisions of the school budget system part of this title;

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

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

10 (11) establish, maintain, budget, and finance the
11 transportation program of the district in accordance with
12 the provisions of the transportation parts of this title;

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

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

25 (14) when applicable, administer any interlocal

1 cooperative agreement, gifts, legacies, or devises in
2 accordance with the provisions of the miscellaneous
3 financial parts of this title;

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

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

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

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

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

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

1 medical reports or health records maintained by the district
2 pertaining to his child;

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

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

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

13 Section 54. Section 20-6-501, MCA, is amended to read:

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

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

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

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

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

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

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

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

24 (e) a county high school is a 4-year high school
25 operated as an agency of county government and established

1 under the provisions of the acts of March 3, 1899, March 14,
2 1901, and any subsequent amendments thereto.

3 ~~(f)---a---postsecondary---vocational+technical---center~~
4 ~~established-under-the-provisions-of-20-7-311."~~

5 Section 59. Section 20-7-302, MCA, is amended to read:

6 "20-7-302. Duties of superintendent of public
7 instruction as executive officer. The superintendent of
8 public instruction shall be the executive officer of the
9 board of public education for the administration of all
10 state and federal laws related to elementary and secondary
11 vocational education. As the executive officer, the
12 superintendent of public instruction shall:

13 (1) administer the elementary and secondary vocational
14 education policies adopted by the board of public education;

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

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

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

24 (5) keep all elementary and secondary vocational
25 education records in his office; and

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

4 Section 56. Section 20-7-303, MCA, is amended to read:

5 "20-7-303. District authorization to establish and
6 maintain vocational education courses and programs. The
7 trustees of any district, vocational-technical district,
8 community college district, or unit of the Montana
9 university system may establish and maintain a vocational
10 education course or program that complies with the
11 vocational education standards adopted by the board of
12 public education. In order for a course or program to be
13 eligible for state or federal financing, it shall be
14 approved by the board of public education."

15 Section 57. Section 20-7-314, MCA, is amended to read:

16 "20-7-314. Lease or purchase of state property for
17 postsecondary vocational-technical center district purposes.

18 (1) The state of Montana, acting by and through the board of
19 public-education regents, is hereby empowered and authorized
20 to enter into a lease agreement for a term not to exceed 40
21 years in order to lease to a vocational-technical district
22 operating a postsecondary vocational-technical center any
23 building or lands owned by the state and financed in whole
24 or in part by an appropriation made by the legislature of
25 the state of Montana for the purpose of supporting the

1 district's postsecondary vocational-technical center. The
2 consideration necessary to support such a lease may be
3 nominal.

4 (2) The board of public-education regents is hereby
5 authorized to transfer or direct transfer of title held by
6 the state of Montana in buildings or lands financed in whole
7 or in part by an appropriation by the state legislature to a
8 vocational-technical district operating a postsecondary
9 vocational-technical center, at any time the board of public
10 education regents deems such transfer to be in the best
11 interests of both the state and the district involved,
12 provided that this authorization extends only to buildings
13 or lands which are to be used by the district for
14 postsecondary vocational-technical education purposes."

15 Section 58. Section 20-7-322, MCA, is amended to read:

16 "20-7-322. State treasurer custodian of elementary and
17 secondary vocational education moneys money. The treasurer
18 of the state of Montana is hereby designated as the
19 custodian of all federal and state moneys money designated,
20 appropriated, or apportioned for elementary and secondary
21 vocational education. All moneys money received from any
22 federal or state source for the establishment, operation, or
23 furtherance of elementary and secondary vocational education
24 in the state shall be deposited with the state treasurer. At
25 the direction of the board of public education, he shall

1 disburse all moneys money appropriated or received for
2 elementary and secondary vocational education."

3 Section 59. Section 20-7-702, MCA, is amended to read:

4 "20-7-702. Authorization to establish adult education
5 program. The trustees of any district, ~~or~~ community college
6 district, or vocational-technical district may establish and
7 operate an adult education program at any time of the day
8 when facilities and personnel are available. An adult
9 education program may provide both basic and secondary
10 general education, vocational education, American
11 citizenship education, including courses in the English
12 language and American history and government, or any other
13 areas of instruction approved by the trustees."

14 Section 60. Section 20-7-704, MCA, is amended to read:

15 "20-7-704. Adult education tuition and fees. The
16 trustees of a district, ~~or~~ community college district, or
17 vocational-technical district shall have the authority to
18 charge tuition for instruction and to charge fees for the
19 use of equipment and materials. The amount of such tuition
20 and fees shall be determined on a per-course basis or on the
21 basis of the cost of the entire adult education program. All
22 proceeds from tuition and fees shall be deposited in the
23 adult education fund."

24 Section 61. Section 20-7-705, MCA, is amended to read:

25 "20-7-705. Adult education fund. (1) A separate adult

1 education fund shall be established when an adult education
2 program is operated by a district, or community college
3 district, or vocational-technical district. The financial
4 administration of such fund shall comply with the budgeting,
5 financing, and expenditure provisions of the laws governing
6 the schools.

7 (2) Whenever the trustees of any district establish an
8 adult education program under the provisions of 20-1-702,
9 they shall establish an adult education fund under the
10 provisions of this section. The adult education fund shall
11 be the depository for all federal, state, and district
12 ~~moneys~~ money received by the district in support of the
13 adult education program.

14 (3) The trustees of any district may authorize the
15 levy of a tax of not more than 1 mill on the district for
16 the operation of an adult education program when the
17 superintendent of public instruction has approved the
18 educational program to be supported by such levy. The
19 approval of the superintendent of public instruction shall
20 have been acquired by the trustees before the fourth Monday
21 of June in order to include the expenditures to be financed
22 by the levy in the preliminary budget. The superintendent of
23 public instruction shall promulgate rules and forms for such
24 approval.

25 (4) Whenever the trustees of any district decide to

1 offer an adult education program during the ensuing school
2 fiscal year, they shall budget for the cost of such program
3 in the adult education fund of the preliminary budget. Any
4 expenditures in support of the adult education program under
5 the final adult education budget shall be made in accordance
6 with the financial administration provisions of this title
7 for a budgeted fund.

8 (5) When a tax levy for an adult education program
9 which has been approved by the superintendent of public
10 instruction is included as a revenue item on the final adult
11 education budget, the county superintendent shall report
12 such levy requirement to the county commissioners on the
13 second Monday of August and a levy on the district shall be
14 made by the county commissioners in accordance with
15 20-9-142."

16 Section 62. Section 20-9-212, MCA, is amended to read:

17 "20-9-212. Duties of county treasurer. The county
18 treasurer of each county shall:

19 (1) receive and hold all school ~~moneys~~ ~~money~~ subject
20 to apportionment and keep a separate accounting of ~~their~~ its
21 apportionment to the several districts which are entitled to
22 a portion of such ~~moneys~~ ~~money~~ according to the
23 apportionments ordered by the county superintendent. A
24 separate accounting shall be maintained for each county fund
25 supported by a countywide levy for a specific, authorized

1 purpose, including:

2 (a) the basic county tax in support of the elementary
3 foundation programs;

4 (b) the basic special tax for high schools in support
5 of the high school foundation programs;

6 (c) the county tax in support of the county's high
7 school transportation obligation;

8 (d) the county tax in support of the high school
9 obligations to the retirement systems of the state of
10 Montana;

11 (e) any additional county tax required by law to
12 provide for deficiency financing of the elementary
13 foundation programs;

14 (f) any additional county tax required by law to
15 provide for deficiency financing of the high school
16 foundation programs; and

17 ~~(g) the county tax for a postsecondary~~
18 ~~vocational-technical-center when levied by the board of~~
19 ~~county commissioners; and~~

20 ~~(h)(g)~~ any other county tax for schools which may be
21 authorized by law and levied by the county commissioners;

22 (2) whenever requested, notify the county
23 superintendent and the superintendent of public instruction
24 of the amount of county school ~~moneys~~ money on deposit in
25 each of the funds enumerated in subsection (1) of this

1 section and the amount of any other school ~~moneys~~ money
2 subject to apportionment and apportion such county and other
3 school ~~moneys~~ money to the districts in accordance with the
4 apportionment ordered by the county superintendent;

5 (3) keep a separate accounting of the expenditures for
6 each budgeted fund included on the final budget of each
7 district;

8 (4) keep a separate accounting of the receipts,
9 expenditures, and cash balances for each budgeted fund
10 included on the final budget of each district and for each
11 nonbudgeted fund established by each district;

12 (5) except as otherwise limited by law, pay all
13 warrants properly drawn on the county or district school
14 ~~moneys~~ money and properly endorsed by their holders;

15 (6) receive all revenue collected by and for each
16 district and deposit these receipts in the fund designated
17 by law or by the district if no fund is designated by law.
18 Interest and penalties on delinquent school taxes shall be
19 credited to the same fund and district for which the
20 original taxes were levied.

21 (7) send all revenues received for a joint district,
22 part of which is situated in his county, to the county
23 treasurer designated as the custodian of such revenues, no
24 later than December 15 of each year and every 3 months
25 thereafter until the end of the school fiscal year;

1 (8) register district warrants drawn on a budgeted
2 fund in accordance with 7-6-2604 when there are is
3 insufficient moneys money available ~~in-the-sum-of-moneys--in~~
4 ~~all--funds--of-the-district~~ to make payment of such warrant.
5 Redemption of registered warrants shall be made in
6 accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

7 (9) invest the moneys money of any district as
8 directed by the trustees of the district; and

9 (10) give to the trustees of each district, at least
10 quarterly, an itemized report for each fund maintained by
11 the district showing the paid warrants, outstanding
12 warrants, registered warrants, amount and types of revenue
13 received, and the cash balance."

14 Section 63. Severability. If a part of this act is
15 invalid, all valid parts that are severable from the invalid
16 part remain in effect. If a part of this act is invalid in
17 one or more of its applications, the part remains in effect
18 in all valid applications that are severable from the
19 invalid applications.

20 Section 64. Repealer. Sections 20-7-311, 20-7-312,
21 20-7-313, 20-7-323, 20-7-324, 20-7-325, 20-7-332, and
22 20-7-333, MCA, are repealed.

-End-

