

HOUSE BILL NO. 134
INTRODUCED BY T. FACEY
BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PROVISIONS RELATED TO K-12 VOCATIONAL EDUCATION; SUBSTITUTING "K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION" FOR REFERENCES TO K-12 VOCATIONAL EDUCATION; REVISING THE DEFINITION OF "VOCATIONAL-TECHNICAL EDUCATION" TO INCLUDE A TRIBALLY CONTROLLED COMMUNITY COLLEGE; REVISING THE K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION FUNDING FORMULA; ELIMINATING THE PROPRIETARY POSTSECONDARY EDUCATIONAL ADVISORY COUNCIL; AMENDING SECTIONS 20-1-101, 20-3-103, 20-3-104, 20-3-106, 20-3-324, 20-7-301, 20-7-302.1, 20-7-303, 20-7-305, 20-7-306, 20-7-329, 20-7-702, AND 41-2-109, MCA; REPEALING SECTION 2-15-1804, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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

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

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

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

(3) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.

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

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

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

(7) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with

a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(8) "~~K-12 vocational~~ career and vocational/technical education" means ~~vocational education in public school kindergarten through grade 12~~ organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

(9) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

(10) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but has not yet reached 19 years of age and who is enrolled in a school established and maintained under the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

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

(12) "Regents" means the board of regents of higher education.

(13) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

(14) "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

(15) "State university" means Montana state university-Bozeman.

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

(17) "System" means the Montana university system.

(18) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

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

(20) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

(21) "Trustees" means the governing board of a district.

(22) "University" means the university of Montana-Missoula.

~~(23) "Vocational education" means the instruction to prepare or improve the pupil for gainful employment that does not require a baccalaureate or higher degree. This definition of vocational education includes guidance and prevocational, related, or technical instruction necessary to prepare the pupil for further vocational education or for entry into employment.~~

~~(24)~~(23) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system ~~or~~ a community college, OR A TRIBALLY CONTROLLED COMMUNITY COLLEGE, as designated by the board of regents."

Section 2. Section 20-3-103, MCA, is amended to read:

"20-3-103. Deputy superintendent -- staff. (1) The state superintendent of public instruction shall appoint a deputy who, in the absence of the superintendent or in the case of vacancy in ~~his~~ that office, shall perform all the duties of office until the disability is removed or the vacancy is filled. The deputy shall subscribe, take, and file the oath of office provided by law for other state officers before entering upon the performance of ~~his~~ the deputy's duties.

(2) The superintendent of public instruction has the power to employ, organize, and administer a staff of personnel to assist ~~him~~ in the administration of the duties and services of the office. In organizing ~~his~~ the staff,

the superintendent of public instruction may employ:

(a) a supervisor of physical education who is a graduate of an accredited institution of higher education with a master's degree in physical education;

(b) a professional staff ~~for the state supervision and administration of K-12 vocational education~~ consisting of individuals prepared in agriculture education, business and marketing education, family and consumer sciences education, and industrial technology education; and

(c) a special education supervisor who is a graduate of an accredited institution of higher education with a master's degree in a field related to special education for persons with disabilities and who has not less than 2 years' experience in special education."

Section 3. Section 20-3-104, MCA, is amended to read:

"20-3-104. Discretionary staff. In addition to the positions of employment listed in 20-3-103, the superintendent of public instruction may employ:

(1) one or more assistant superintendents, one of whom may be designated as assistant superintendent for ~~vocational~~ K-12 career and vocational/technical education;

(2) a high school supervisor who is the holder of a class 3 teacher certificate with a district superintendent endorsement;

(3) an elementary supervisor who is the holder of a valid teacher certificate;

(4) a competent person to develop economy and efficiency in school transportation and to otherwise supervise the transportation program;

(5) a music supervisor who is a graduate of an accredited institution of higher education in music education and who has not less than 5 years of teaching experience;

(6) an educational media supervisor who is a graduate of an accredited institution of higher education and who has experience in the field of educational media; and

(7) any other supervisors or assistants ~~as~~ that may be required to carry out the duties of ~~his~~ the office."

Section 4. Section 20-3-106, MCA, is amended to read:

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

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the

provisions of 20-3-362;

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

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

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

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

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

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

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

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

(10) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

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

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

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

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

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

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

(17) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of 20-1-303;

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

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

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

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

(22) as the governing agent and executive officer of the state of Montana for K-12 ~~vocational~~ vocational career and vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

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

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

(25) administer the school food services program in accordance with the provisions of 20-10-201 through 20-10-203;

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

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

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

(29) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties all school district student assessment data for a test required by the board of public education;

(30) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369; and

(31) perform any other duty prescribed from time to time by this title, any other act of the legislature, or

the policies of the board of public education."

Section 5. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

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

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

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

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

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

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

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

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

(10) subject to 15-10-420, establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

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

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions

of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative agreement fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

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

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

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, ~~vocational~~ K-12 career and vocational/technical education, and special education parts of this title;

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

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

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

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

(22) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(23) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

(24) adopt and administer a district policy on assessment for placement of any child who enrolls in a

school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(25) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education; and

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

Section 6. Section 20-7-301, MCA, is amended to read:

"20-7-301. Duties of the superintendent of public instruction. The superintendent of public instruction ~~shall be~~ is the governing agent and executive officer of the state of Montana for K-12 ~~vocational~~ career and vocational/technical education. The superintendent of public instruction shall adopt and administer policies to effect the orderly development of a system of K-12 ~~vocational~~ career and vocational/technical education that is adaptable to changing needs, controlled to prevent unnecessary duplication, coordinated with federal guidelines and requirements for ~~vocational~~ K-12 career and vocational/technical education, and funded to ensure growth and quality programming. In order to accomplish the orderly development of a system of K-12 ~~vocational~~ career and vocational/technical education, the policies adopted by the superintendent of public instruction ~~policies shall~~ must include:

- (1) a state plan for ~~such~~ development of the system;
- (2) standards for K-12 ~~vocational~~ career and vocational/technical education courses and programs;
- (3) a review process for the establishment and deletion of programs;
- (4) instructor qualifications for K-12 ~~vocational~~ career and vocational/technical education courses and programs;
- (5) criteria for approval of K-12 ~~vocational~~ career and vocational/technical education courses and programs;
- (6) a basis for apportionment of all ~~moneys~~ money appropriated by the legislature for K-12 ~~vocational~~ career and vocational/technical education in accordance with the intent of the legislature as reflected in the terms of the appropriation;
- (7) a basis for apportionment of all ~~moneys~~ money received by the state of Montana for K-12 ~~vocational~~ career and vocational/technical education from the federal government in accordance with the acts of congress;
- (8) a system of evaluation of K-12 ~~vocational~~ career and vocational/technical education ~~which~~ that allows

for consideration of the current and projected ~~manpower~~ workforce needs and job opportunities; and

(9) any other policy ~~not inconsistent~~ that is consistent with public law and ~~which that~~ is necessary for the proper operation of a system of K-12 ~~vocational~~ career and vocational/technical education."

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

"20-7-302.1. State director of K-12 ~~vocational~~ career and vocational/technical education -- duties.

There is a state director of K-12 ~~vocational~~ career and vocational/technical education appointed by the superintendent of public instruction. ~~He must~~ The director shall:

(1) administer the K-12 ~~vocational~~ career and vocational/technical education policies adopted by the superintendent of public instruction;

(2) prepare curriculum guides for adoption by the superintendent of public instruction ~~adoption~~;

(3) employ, with the confirmation of the superintendent of public instruction, ~~the~~ professional staff necessary for the state supervision and administration of K-12 vocational education consisting of individuals prepared in agriculture education, business and marketing education, family and consumer sciences education, and industrial technology education;

(4) report the status of K-12 ~~vocational~~ career and vocational/technical education in the state of Montana when requested by the superintendent of public instruction;

(5) keep all K-12 ~~vocational~~ career and vocational/technical education records in ~~his~~ the director's office;

(6) provide K-12 ~~vocational~~ career and vocational/technical education supervisory and consultative assistance to districts;

(7) prepare any necessary reports for the superintendent of public instruction or the legislature; and

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

Section 8. Section 20-7-303, MCA, is amended to read:

"20-7-303. Authorization to establish and maintain ~~vocational~~ K-12 career and vocational/technical education courses and programs. The trustees of an elementary or high school district may establish and maintain a ~~vocational~~ K-12 career and vocational/technical education course or program that complies with the K-12 ~~vocational~~ career and vocational/technical education standards adopted by the superintendent of public instruction. In order for a course or program to be eligible for state or federal ~~financing~~ funding, it ~~shall~~ must be approved by the superintendent of public instruction for compliance with K-12 ~~vocational~~ career and vocational/technical education standards."

Section 9. Section 20-7-305, MCA, is amended to read:

"20-7-305. Funding for secondary ~~vocational~~ K-12 career and vocational/technical education and industrial arts programs -- application -- rules. (1) The superintendent of public instruction shall annually distribute money from the biennial appropriation for secondary ~~vocational~~ K-12 career and vocational/technical education and industrial arts. The money ~~shall~~ must be allocated to high school districts providing approved secondary ~~vocational~~ K-12 career and vocational/technical education and industrial arts programs in accordance with this section and 20-7-306.

(2) A high school district providing secondary ~~vocational~~ K-12 career and vocational/technical education and industrial arts programs ~~must~~ shall apply to the superintendent of public instruction for funds available under this section and 20-7-306. The superintendent of public instruction shall by rule prescribe the method for ~~ANB determination~~ distribution, the form of the application, budget procedures, and accounting rules for the funds. The superintendent of public instruction may prescribe other requirements for the receipt of funding ~~not inconsistent~~ CONSISTENT with Title 20, chapter 7, part 3.

(3) A secondary ~~vocational~~ K-12 career and vocational/technical education ~~or industrial arts~~ program ~~or a course in such a program~~ in a high school district may not be funded until that program ~~or course~~ has been offered by the school district for 1 school year.

(4) As used in this section and 20-7-306 the term "school district" means a district organized for the purpose of providing educational services for grades 9 through 12, but the term does not include postsecondary vocational education centers."

Section 10. Section 20-7-306, MCA, is amended to read:

"20-7-306. Distribution of secondary ~~vocational~~ K-12 career and vocational/technical education and industrial arts funds. (1) The superintendent of public instruction shall categorize secondary ~~vocational~~ K-12 career and vocational/technical education programs ~~into one of five weighted categories based upon~~ according to the relative additional costs of those programs based on weighted factors, including but not limited to:

- (a) K-12 career and vocational/technical education enrollment;
- (b) approved career and technical student organizations;
- (c) FIELD SUPERVISION OF STUDENTS BEYOND THE SCHOOL YEAR FOR K-12 career and vocational/technical education ~~experience supervision~~; and
- (d) district expenditures related to the K-12 career and vocational/technical education programs.

~~(2) The superintendent of public instruction shall determine the weighted category to be assigned industrial arts programs.~~

~~(3)(2) The superintendent of public instruction shall adjust the weighted categories factors outlined in subsection (1) as necessary to assure ensure that the procedures outlined in subsection (4) do not result in entitlements that allocations do not exceed the amount appropriated.~~

~~(4)(3) Funding Except for other expenditures outlined in subsection (1)(d), funding must be based upon the average number belonging (ANB) calculation for secondary vocational K-12 career and vocational/technical education and industrial arts programs of the high school district in the ANB calculation period immediately year preceding the year for which funding is requested. Funding for the expenditures referred to in subsection (1)(d) must be based on the calculation for the secondary K-12 career and vocational/technical education programs of the high school district for the 2 years preceding the year for which funding is requested. The ANB funding must be computed for each separate secondary vocational K-12 career and vocational/technical education and industrial arts program.~~

~~(5)(4) For secondary vocational career and vocational/technical education programs, the ANB generated for each category established in subsection (1) must be multiplied by the factor for that category, and the product must be multiplied by the district's direct state aid per-ANB. Industrial arts programs must be funded at 50% of the category assigned. The high school district is entitled to receive for secondary vocational education and industrial arts, the total of the computation of all secondary vocational education and industrial arts categories total funding must be distributed to eligible programs based on the four factors listed in subsections (1)(a) through (1)(d).~~

~~(6)(5) The superintendent of public instruction shall annually distribute the funds allocated in this section by November 1. The money received by the high school district must be deposited into the subfund of the miscellaneous programs fund established by 20-9-507 and may be expended only for approved secondary vocational k-12 career and vocational/technical education and industrial arts programs. The expenditure of the money must be reported in the annual trustees' report as required by 20-9-213."~~

Section 11. Section 20-7-329, MCA, is amended to read:

"20-7-329. (Temporary) Eligible agency for federal vocational education requirements. (1) The board of regents is the eligible agency for purposes of the 1984 federal Carl D. Perkins Vocational and Applied Technology Education Act, as amended, which requires a state participating in programs under that act to designate a state board as the eligible agency responsible for administration or supervision of those programs.

(2) The board of regents shall contract with the superintendent of public instruction for the administration and supervision of K-12 ~~vocational~~ career and vocational/technical education programs, services, and activities allowed by the 1984 federal Carl D. Perkins Vocational and Applied Technology Education Act, as amended, and in concert with the state plan for vocational and technical education required by the act. The board of regents may contract with other agencies for the administration and supervision of ~~postsecondary vocational~~ vocational-technical education programs, services, and activities that receive funding allowed by the 1984 federal Carl D. Perkins Vocational and Applied Technology Education Act, as amended. (Terminates June 30, 2001--sec. 6, Ch. 460, L. 1999.)"

Section 12. Section 20-7-702, MCA, is amended to read:

"20-7-702. Authorization to establish adult education program. The trustees of ~~any a~~ district or community college district may establish and operate an adult education program at any time of the day when facilities and personnel are available. An adult education program may provide both basic and secondary general education, ~~vocational~~ K-12 career and vocational/technical education, vocational-technical education, American citizenship education, including courses in the English language and American history and government, or any other areas of instruction approved by the trustees."

Section 13. Section 41-2-109, MCA, is amended to read:

"41-2-109. Exemptions from prohibited occupations in agriculture. (1) The prohibitions from employment in agricultural operations provided for in 41-2-106(7) do not apply to the employment of a student-learner who is 14 or 15 years of age if all of the following requirements are met:

(a) The student-learner is enrolled in a ~~vocational~~ K-12 career and vocational/technical education training program in agriculture under a recognized state or local educational authority or in a substantially similar program conducted by a private school.

(b) The student-learner is employed under a written agreement, providing that:

(i) the work is incidental to training;

(ii) the work is intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) safety instruction is given by the school and correlated by the employer with on-the-job training; and

(iv) a schedule of organized and progressive work processes to be performed on the job has been prepared.

(c) The written agreement contains the name of the student-learner and is signed by the employer and by a person authorized to represent the educational authority or school.

(d) Copies of each agreement are kept on file both by the educational authority or school and by the employer.

(2) The prohibitions in 41-2-106(7) do not apply to the employment of a minor who is 14 or 15 years of age in those occupations in which the minor has successfully completed a work training program, including safety instruction and training in the use of machinery, under the 4-H program of the federal extension service, a program of the United States department of education, or a similar program if the safety program has been approved by the department and if the minor is employed outside school hours on the equipment for which the minor has been trained."

NEW SECTION. **Section 14. Repealer.** Section 2-15-1804, MCA, is repealed.

NEW SECTION. **Section 15. Effective date -- applicability.** [This act] is effective July 1, 2001, and applies to school budgets for school fiscal years beginning on or after July 1, 2001.

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