

HOUSE BILL NO. 218

INTRODUCED BY S. VINTON, F. ANDERSON, D. ANKNEY, J. BACHMEIER, J. BAHR, K. DUDIK, D. FERN, M. FUNK, J. GROSS, B. GRUBBS, K. KELKER, E. KERR-CARPENTER, D. LOGE, M. MACDONALD, D. MORTENSEN, V. RICCI, T. RICHMOND, P. WEBB, T. WELCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO K-12 CAREER AND TECHNICAL EDUCATION; UPDATING TERMINOLOGY RELATED TO CAREER AND TECHNICAL EDUCATION; PROVIDING FOR FUNDING DISTRIBUTIONS FOR MIDDLE SCHOOL CAREER AND TECHNICAL EDUCATION PROGRAMS; INCLUDING K-12 CAREER AND TECHNICAL EDUCATION FUNDING WITH OTHER SCHOOL FUNDING COMPONENTS RECEIVING INFLATIONARY ADJUSTMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-1-101, 20-3-104, 20-3-106, 20-3-324, 20-7-301, 20-7-303, 20-7-305, 20-7-306, 20-7-308, 20-9-326, AND 41-2-109, MCA; AND PROVIDING AN EFFECTIVE 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) "Accreditation standards" means the body of administrative rules governing standards such as:

- (a) school leadership;
- (b) educational opportunity;
- (c) academic requirements;
- (d) program area standards;
- (e) content and performance standards;
- (f) school facilities and records;
- (g) student assessment; and
- (h) general provisions.

(2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

(3) "Agricultural experiment station" means the agricultural experiment station established at Montana

1 state university-Bozeman.

2 (4) "At-risk student" means any student who is affected by environmental conditions that negatively
3 impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

4 (5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time
5 pupils physically attending or receiving educational services at an offsite instructional setting from the public
6 schools of a district.

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

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

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

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

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

18 (11) (a) "Educational program" means a set of educational offerings designed to meet the program area
19 standards contained in the accreditation standards.

20 (b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

21 (12) "K-12 career and ~~vocational/technical~~ technical education" means organized educational activities
22 that have been approved by the office of public instruction and that:

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

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

29 (13) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be
30 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between classes.

1 (b) The term does not include lunch time and periods of unstructured recess.

2 (14) "Offsite instructional setting" means an instructional setting at a location, separate from a main
3 school site, where a school district provides for the delivery of instruction to a student who is enrolled in the
4 district.

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

9 (16) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which
10 the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but
11 who has not yet reached 19 years of age and who is enrolled in a school established and maintained under the
12 laws of the state at public expense. For purposes of calculating the average number belonging pursuant to
13 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of
14 the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state
15 at public expense.

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

18 (18) "Qualified and effective teacher or administrator" means an educator who is licensed and endorsed
19 in the areas in which the educator teaches, specializes, or serves in an administrative capacity as established
20 by the board of public education.

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

22 (20) "Regular school election" or "trustee election" means the election for school board members held
23 on the day established in 20-20-105(1).

24 (21) "School election" means a regular school election or any election conducted by a district or
25 community college district for authorizing taxation, authorizing the issuance of bonds by an elementary, high
26 school, or K-12 district, or accepting or rejecting any proposition that may be presented to the electorate for
27 decision in accordance with the provisions of this title.

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

1 (23) "Special school election" means an election held on a day other than the day of the regular school
2 election, primary election, or general election.

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

5 (25) "State university" means Montana state university-Bozeman.

6 (26) "Student with limited English proficiency" means any student:

7 (a) (i) who was not born in the United States or whose native language is a language other than English;

8 (ii) who is an American Indian and who comes from an environment in which a language other than
9 English has had a significant impact on the individual's level of English proficiency; or

10 (iii) who is migratory, whose native language is a language other than English, and who comes from an
11 environment in which a language other than English is dominant; and

12 (b) whose difficulties in speaking, reading, writing, or understanding the English language may be
13 sufficient to deny the student:

14 (i) the ability to meet the state's proficiency assessments;

15 (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

16 (iii) the opportunity to participate fully in society.

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

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

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

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

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

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

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

1 (34) "Vocational-technical education" means vocational-technical education of vocational-technical
2 students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled
3 community college, as designated by the board of regents."
4

5 **Section 2.** Section 20-3-104, MCA, is amended to read:

6 **"20-3-104. Discretionary staff.** In addition to the positions of employment listed in 20-3-103, the
7 superintendent of public instruction may employ:

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

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

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

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

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

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

19 (7) any other supervisors or assistants that may be required to carry out the duties of the office."
20

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

22 **"20-3-106. Supervision of schools -- powers and duties.** The superintendent of public instruction has
23 the general supervision of the public schools and districts of the state and shall perform the following duties or
24 acts in implementing and enforcing the provisions of this title:

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

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

28 (3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of
29 20-5-314;

30 (4) approve or disapprove the opening or reopening of a school in accordance with the provisions of

1 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

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

3 (6) generally supervise the school budgeting procedures prescribed by law in accordance with the
4 provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and
5 20-9-506;

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

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

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

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

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

17 (12) distribute BASE aid and special education allowable cost payments in support of the BASE funding
18 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
19 through 20-9-369;

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

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

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

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

27 (17) recommend standards of accreditation for all schools to the board of public education in accordance
28 with the provisions of 20-7-101;

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

- 1 (19) collect and maintain a file of curriculum guides and assist schools with instructional programs in
2 accordance with the provisions of 20-7-113 and 20-7-114;
- 3 (20) establish and maintain a library of visual, aural, and other educational media in accordance with the
4 provisions of 20-7-201;
- 5 (21) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance
6 with the provisions of the textbooks part of this title;
- 7 (22) as the governing agent and executive officer of the state of Montana for K-12 career and
8 ~~vocational/technical~~ technical education, adopt the policies prescribed by and in accordance with the provisions
9 of 20-7-301;
- 10 (23) supervise and coordinate the conduct of special education in the state in accordance with the
11 provisions of 20-7-403;
- 12 (24) administer the traffic education program in accordance with the provisions of 20-7-502;
- 13 (25) administer the school food services program in accordance with the provisions of 20-10-201 through
14 20-10-203;
- 15 (26) review school building plans and specifications in accordance with the provisions of 20-6-622;
- 16 (27) provide schools with information and technical assistance for compliance with the student
17 assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for
18 the board of public education and the legislature;
- 19 (28) upon request and in compliance with confidentiality requirements of state and federal law, disclose
20 to interested parties all school district student assessment data for a test required by the board of public
21 education;
- 22 (29) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369;
23 and
- 24 (30) perform any other duty prescribed from time to time by this title, any other act of the legislature, or
25 the policies of the board of public education."
26

27 **Section 4.** Section 20-3-324, MCA, is amended to read:

28 **"20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of each district shall:

- 29 (1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district
30 superintendent, the county high school principal, or other principal as the board considers necessary, accepting

1 or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the
2 provisions of Title 20, chapter 4;

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

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

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

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

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

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

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

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

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

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

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

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

1 with the provisions of the other school funds parts of this title;

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

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

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

8 (17) set the length of the school term, school day, and school week in accordance with 20-1-302;

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

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

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

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

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

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

24 (24) provide that an American flag manufactured in the United States that measures approximately 3 feet
25 by 5 feet be prominently displayed in each classroom in each school of the district no later than the beginning
26 of the school year starting after July 1, 2014, except in a classroom in which the flag may get soiled. Districts are
27 encouraged to work with civic groups to acquire flags through donation, and this requirement is waived if the flags
28 are not provided by a civic group.

29 (25) for grades 7 through 12, provide that legible copies of the United States constitution, the United
30 States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily

1 available in every classroom no later than the beginning of the school year starting after July 1, 2014. Districts
 2 are encouraged to work with civic groups to acquire the documents through donation, and this requirement is
 3 waived if the documents are not provided by a civic group.

4 (26) adopt and administer a district policy on assessment for placement of any child who enrolls in a
 5 school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

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

9 (28) consider and may enter into an interlocal agreement with a postsecondary institution, as defined in
 10 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a
 11 postsecondary institution;

12 (29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of
 13 20-1-303;

14 (30) consider and, if advisable for a high school or K-12 district, establish a student financial institution,
 15 as defined in 32-1-115; and

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

19

20 **Section 5.** Section 20-7-301, MCA, is amended to read:

21 **"20-7-301. Duties of superintendent of public instruction.** The superintendent of public instruction
 22 is the governing agent and executive officer of the state of Montana for K-12 career and ~~vocational/technical~~
 23 technical education. The superintendent of public instruction shall adopt and administer policies to effect the
 24 orderly development of a system of K-12 career and ~~vocational/technical~~ technical education that is adaptable
 25 to changing needs, controlled to prevent unnecessary duplication, coordinated with federal guidelines and
 26 requirements for K-12 career and ~~vocational/technical~~ technical education, and funded to ensure growth and
 27 quality programming. In order to accomplish the orderly development of a system of K-12 career and
 28 ~~vocational/technical~~ technical education, the policies adopted by the superintendent of public instruction must
 29 include:

30 (1) a state plan for development of the system;

- 1 (2) standards for K-12 career and ~~vocational/technical~~ technical education courses and programs;
- 2 (3) a review process for the establishment and deletion of programs;
- 3 (4) instructor qualifications for K-12 career and ~~vocational/technical~~ technical education courses and
4 programs;
- 5 (5) criteria for approval of high school K-12 career and ~~vocational/technical~~ technical education courses
6 and programs;
- 7 (6) a basis for apportionment of all money appropriated by the legislature for K-12 career and
8 ~~vocational/technical~~ technical education in accordance with the intent of the legislature as reflected in the terms
9 of the appropriation;
- 10 (7) a basis for apportionment of all money received by the state of Montana for K-12 career and
11 ~~vocational/technical~~ technical education from the federal government in accordance with the acts of congress;
- 12 (8) a system of evaluation of K-12 career and ~~vocational/technical~~ technical education that allows for
13 consideration of the current and projected workforce needs and job opportunities; and
- 14 (9) any other policy that is consistent with public law and that is necessary for the proper operation of
15 a system of K-12 career and ~~vocational/technical~~ technical education."

16

17 **Section 6.** Section 20-7-303, MCA, is amended to read:

18 **"20-7-303. Authorization to establish and maintain K-12 career and ~~vocational/technical~~ technical**
19 **education courses and programs.** The trustees of an elementary, ~~or high school, or K-12~~ district may establish
20 and maintain a K-12 career and ~~vocational/technical~~ technical education course or program that complies with
21 the K-12 career and ~~vocational/technical~~ technical education standards adopted by the superintendent of public
22 instruction. In order for a high school course or program to be eligible for state or federal funding, it must be
23 approved by the superintendent of public instruction for compliance with K-12 career and ~~vocational/technical~~
24 technical education standards."

25

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

27 **"20-7-305. Funding for secondary high school K-12 career and ~~vocational/technical~~ technical**
28 **education programs -- application -- rules.** (1) The superintendent of public instruction shall annually distribute
29 money from the biennial appropriation for ~~secondary~~ high school K-12 career and ~~vocational/technical~~ technical
30 education. The money must be allocated to high school districts providing approved ~~secondary~~ high school K-12

1 career and ~~vocational/technical~~ technical education programs in accordance with ~~this section and 20-7-306 and~~
2 this section.

3 (2) A ~~high school~~ secondary high school K-12 career and ~~vocational/technical~~ technical
4 education programs shall apply to the superintendent of public instruction for funds available under ~~this section~~
5 ~~and 20-7-306 and this section~~. The superintendent of public instruction shall by rule prescribe the method for
6 distribution, the form of the application, budget procedures, and accounting rules for the funds. The
7 superintendent of public instruction may prescribe other requirements for the receipt of funding consistent with
8 Title 20, chapter 7, part 3.

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

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

14
15 **Section 8.** Section 20-7-306, MCA, is amended to read:

16 **"20-7-306. Distribution of ~~secondary high school~~ secondary high school K-12 career and ~~vocational/technical~~ technical**
17 **education funds.** (1) The superintendent of public instruction shall categorize ~~secondary~~ K-12 career and
18 ~~vocational/technical~~ technical education programs offered in grades 9 through 12 based on weighted factors,
19 including but not limited to:

- 20 (a) K-12 career and ~~vocational/technical~~ technical education enrollment;
- 21 (b) approved career and technical student organizations;
- 22 (c) field supervision of students beyond the school year for K-12 career and ~~vocational/technical~~
23 technical education;
- 24 (d) district expenditures related to the K-12 career and ~~vocational/technical~~ technical education
25 programs; and
- 26 (e) student participation in workforce development activities, including but not limited to:
- 27 (i) attainment of industry-recognized professional certifications; and
- 28 (ii) work-based learning programs, such as internships and registered apprenticeships.

29 (2) The superintendent of public instruction shall adjust the weighted factors outlined in subsection (1)
30 as necessary to ensure that the allocations do not exceed the amount appropriated.

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

8 ~~(4) For secondary career and vocational/technical education programs, the total funding must be~~
 9 ~~distributed to eligible programs based on the four factors listed in subsections (1)(a) through (1)(d).~~

10 ~~(5)(4) (a)~~ The superintendent of public instruction shall annually distribute the funds allocated in this
 11 section by November 1. The money received by ~~the high~~ a school district must be deposited into the subfund of
 12 the miscellaneous programs fund established by 20-9-507 and, except as provided in subsection (4)(b), may be
 13 expended only for approved ~~secondary~~ high school K-12 career and ~~vocational/technical~~ technical education
 14 programs. The expenditure of the money must be reported in the annual trustees' report as required by 20-9-213.

15 (b) A K-12 school district that receives funding for both a middle school program pursuant to [section 9]
 16 and a high school program pursuant to this section may deposit the money in the same subfund and the money
 17 may be expended for either of the programs.

18 ~~(6)(5)~~ Any increase in the amount distributed to a school district from the biennial state appropriation for
 19 ~~secondary~~ high school K-12 career and ~~vocational/technical~~ technical education must be used for the expansion
 20 and enhancement of career and ~~vocational/technical~~ technical education programs and may not be used to
 21 reduce previous district spending on K-12 career and ~~vocational/technical~~ technical education programs."

23 NEW SECTION. Section 9. Funding for middle grades career and technical education --
 24 distribution. (1) For the purposes of this section, the term "middle grades" means grades 6, 7, and 8.

25 (2) The superintendent of public instruction shall annually distribute money from the biennial
 26 appropriation for middle grades career and technical education to eligible elementary and K-12 school districts.
 27 To be eligible for a distribution of funds, an elementary or K-12 school district must provide a list of career and
 28 technical education courses available to students in the middle grades to the office of public instruction.

29 (3) The superintendent of public instruction shall distribute funds based on the proportion of an eligible
 30 school district's total quality educators to the statewide total of quality educators in all eligible school districts.

1 (4) The superintendent of public instruction shall annually distribute the funds allocated in this section
 2 by November 1. The money received by the school district must be deposited into the subfund of the
 3 miscellaneous programs fund established by 20-9-507 and, except as provided by 20-7-306(4)(b), may be
 4 expended only for middle grades career and technical education programs. The expenditure of the money must
 5 be reported in the annual trustees' report as required by 20-9-213.

6

7 **Section 10.** Section 20-7-308, MCA, is amended to read:

8 **"20-7-308. State director of K-12 career and ~~vocational/technical~~ technical education -- duties.**

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

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

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

14 (3) employ, with the confirmation of the superintendent of public instruction, professional staff consisting
 15 of individuals prepared in agriculture education, business and marketing education, family and consumer sciences
 16 education, and industrial technology education;

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

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

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

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

23 (8) perform any other duty assigned by the superintendent of public instruction."
 24

25 **Section 11.** Section 20-9-326, MCA, is amended to read:

26 **"20-9-326. Annual inflation-related adjustments to basic entitlements and per-ANB entitlements.**

27 (1) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the superintendent of
 28 public instruction shall determine the inflation factor for the basic and per-ANB entitlements, for the
 29 data-for-achievement payment, ~~and~~ for the general fund payments in 20-9-327 through 20-9-330, and for K-12
 30 career and technical education funding in each fiscal year of the ensuing biennium. The inflation factor is

1 calculated as follows:

2 (a) for the first year of the biennium, divide the consumer price index for July 1 of the prior calendar year
3 by the consumer price index for July 1 of the calendar year 3 years prior to the prior calendar year and raise the
4 resulting ratio to the power of one-third; and

5 (b) for the second year of the biennium, divide the consumer price index for July 1 of the current calendar
6 year by the consumer price index for July 1 of the calendar year 3 years prior to the current calendar year and
7 raise the resulting ratio to the power of one-third.

8 (2) The present law base for the entitlements and programs referenced in subsection (1), calculated
9 under Title 17, chapter 7, part 1, must consist of any enrollment increases or decreases plus the inflation factor
10 calculated pursuant to this section, not to exceed 3% in each year, applied to both years of the biennium.

11 (3) For the purposes of this section, "consumer price index" means the consumer price index, U.S. city
12 average, all urban consumers, for all items, using the 1982-84 base of 100, as published by the bureau of labor
13 statistics of the U.S. department of labor."
14

15 **Section 12.** Section 41-2-109, MCA, is amended to read:

16 **"41-2-109. Exemptions from prohibited occupations in agriculture.** (1) The prohibitions from
17 employment in agricultural operations provided for in 41-2-106(7) do not apply to the employment of a
18 student-learner who is 14 or 15 years of age if all of the following requirements are met:

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

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

23 (i) the work is incidental to training;

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

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

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

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

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

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

9

10 **NEW SECTION. Section 13. Appropriation.** There is appropriated \$1.85 million from the general fund
11 to the office of public instruction in each year of the biennium beginning July 1, 2019, for the purpose of increasing
12 the distribution to school districts for K-12 career and technical education programs pursuant to [sections 7
13 through 9]. The legislature intends that the appropriation be considered part of the ongoing base for the next
14 legislative session. Of the \$1.85 million in each year of the biennium:

15 (1) \$1 million must be spent on eligible programs offered for grades 9 through 12; and

16 (2) up to \$850,000 must be spent on eligible programs offered for grades 6 through 8. If the office of
17 public instruction distributes less than \$850,000 to programs offered for grades 6 through 8, any remaining money
18 may be spent on eligible programs for grades 9 through 12 pursuant to subsection (1).

19

20 **NEW SECTION. Section 14. Codification instruction.** [Section 9] is intended to be codified as an
21 integral part of Title 20, chapter 7, part 3, and the provisions of Title 20, chapter 7, part 3, apply to [section 9].

22

23 **NEW SECTION. Section 15. Effective date.** [This act] is effective July 1, 2019.

24

- END -