

HOUSE BILL NO. 470

INTRODUCED BY MCCARTHY, LYNCH, MENAHAN, NISBET, REAM

IN THE HOUSE

JANUARY 30, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

JANUARY 31, 1991 FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 97; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 21, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 22, 1991 SECOND READING, CONCURRED IN.

MARCH 23, 1991 THIRD READING, CONCURRED IN.
AYES, 45; NOES, 2.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 470
 2 INTRODUCED BY J. McCreedy Support Merrahan
 3 Walden Rearn

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
 5 PROTECTION OF EMPLOYEE CONTRACTS AND TEACHER TENURE RIGHTS
 6 WHENEVER DISTRICTS CONSOLIDATE OR JOIN THROUGH ANNEXATION;
 7 AND PROVIDING AN EFFECTIVE DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Contracts protected. Whenever
 11 two or more school districts consolidate or join through
 12 annexation to organize into a single district in the manner
 13 provided for in Title 20, chapter 6, a principal, teacher,
 14 or other employee of the school districts who has a
 15 continuing contract or right of tenure under Montana law is
 16 protected and the board of trustees of the consolidated or
 17 enlarged school district in which the person will perform
 18 duties shall recognize and give effect to the contract or
 19 right of tenure.

20 NEW SECTION. Section 2. Codification instruction.
 21 [Section 1] is intended to be codified as an integral part
 22 of Title 20, chapter 6, and the provisions of Title 20,
 23 chapter 6, apply to [section 1].

24 NEW SECTION. Section 3. Effective date. [This act] is
 25 effective July 1, 1991.

-End-



INTRODUCED BILL
 HB 470

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 470

INTRODUCED BY MCCARTHY, LYNCH, MENAHAN, NISBET, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
PROTECTION OF ~~EMPLOYEE-CONTRACTS-AND~~ TEACHER TENURE RIGHTS
AND FOR A HIRING PREFERENCE FOR NONCERTIFIED EMPLOYEES
WHENEVER DISTRICTS CONSOLIDATE OR JOIN THROUGH ANNEXATION;
AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. ~~Contracts Tenure protected: --~~
HIRING PREFERENCE FOR NONCERTIFIED EMPLOYEES. (1) Whenever
two or more school districts consolidate or join through
annexation to organize into a single district in the manner
provided for in Title 20, chapter 6, a principal, teacher,
or other CERTIFIED employee of the school districts who has
a ~~continuing--contract-or~~ right of tenure under Montana law
~~is-protected~~ CONTINUES TO HAVE TENURE IN THE CONSOLIDATED OR
ENLARGED DISTRICT and the board of trustees of the
consolidated or enlarged school district in which the person
will perform duties shall recognize and give effect to the
~~contract-or~~ right of tenure.

(2) A NONCERTIFIED, NONPROBATIONARY EMPLOYEE OF A
SCHOOL DISTRICT THAT CONSOLIDATES OR JOINS ANOTHER DISTRICT
THROUGH ANNEXATION MUST BE GIVEN PREFERENCE IN HIRING FOR

ANY POSITION WITH THE CONSOLIDATED OR ENLARGED DISTRICT FOR
WHICH THE EMPLOYEE HAS SUBSTANTIALLY EQUAL QUALIFICATIONS
AND, UPON ACCEPTANCE OF A POSITION, MAY NOT BE GIVEN
PROBATIONARY STATUS.

NEW SECTION. Section 2. Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 20, chapter 6, and the provisions of Title 20,
chapter 6, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is
effective July 1, 1991.

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17 a ~~continuing--contract-or~~ right of tenure under Montana law
18 ~~is-protected~~ CONTINUES TO HAVE TENURE IN THE CONSOLIDATED OR
19 ENLARGED DISTRICT and the board of trustees of the
20 consolidated or enlarged school district in which the person
21 will perform duties shall recognize and give effect to the
22 ~~contract-or~~ right of tenure.

23 (2) A NONCERTIFIED, NONPROBATIONARY EMPLOYEE OF A
24 SCHOOL DISTRICT THAT CONSOLIDATES OR JOINS ANOTHER DISTRICT
25 THROUGH ANNEXATION MUST BE GIVEN PREFERENCE IN HIRING FOR

1 ANY POSITION WITH THE CONSOLIDATED OR ENLARGED DISTRICT FOR
2 WHICH THE EMPLOYEE HAS SUBSTANTIALLY EQUAL QUALIFICATIONS
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7 of Title 20, chapter 6, and the provisions of Title 20,
8 chapter 6, apply to [section 1].

9 NEW SECTION. Section 3. Effective date. [This act] is
10 effective July 1, 1991.

-End-

THIRD READING

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 21, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 470 (third reading copy -- blue), respectfully report that House Bill No. 470 be amended and as so amended be concurred in:

1. Title, line 6.

Strike: "NONCERTIFIED"

2. Page 1, line 12.

Strike: "NONCERTIFIED"

3. Page 1, line 18.

Following: "protected"

Insert: "must be given absolute preference in hiring for the first school fiscal year for any vacant position with the consolidated or enlarged district for which the employee is qualified with the required certification endorsements. Upon acceptance of a position, the certified employee"

4. Page 1, line 25.

Following: "HIRING"

Insert: "for the first school fiscal year"

5. Page 2, line 1.

Following: "ANY"

Insert: "vacant"

Signed:



Chet Blaylock, Chairman

JA 3-21-91
Ad. Coord.

SB 3-21 1:25
Sec. of Senate

SENATE
HB 470

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15 provided for in Title 20, chapter 6, a principal, teacher,
16 or other CERTIFIED employee of the school districts who has
17 a ~~continuing--contract-or~~ right of tenure under Montana law
18 ~~is-protected~~ MUST BE GIVEN ABSOLUTE PREFERENCE IN HIRING FOR
19 THE FIRST SCHOOL FISCAL YEAR FOR ANY VACANT POSITION WITH
20 THE CONSOLIDATED OR ENLARGED DISTRICT FOR WHICH THE EMPLOYEE
21 IS QUALIFIED WITH THE REQUIRED CERTIFICATION ENDORSEMENTS.
22 UPON ACCEPTANCE OF A POSITION, THE CERTIFIED EMPLOYEE
23 CONTINUES TO HAVE TENURE IN THE CONSOLIDATED OR ENLARGED
24 DISTRICT and the board or trustees of the consolidated or
25 enlarged school district in which the person will perform

1 duties shall recognize and give effect to the ~~contract-or~~
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7 THE CONSOLIDATED OR ENLARGED DISTRICT FOR WHICH THE EMPLOYEE
8 HAS SUBSTANTIALLY EQUAL QUALIFICATIONS AND, UPON ACCEPTANCE
9 OF A POSITION, MAY NOT BE GIVEN PROBATIONARY STATUS.

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