

HOUSE BILL NO. 507

INTRODUCED BY COBB

IN THE HOUSE

FEBRUARY 1, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

FEBRUARY 16, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 18, 1991 PRINTING REPORT.

FEBRUARY 21, 1991 POSTED ON ALTERNATE CONSENT CALENDAR.

FEBRUARY 23, 1991 THIRD READING, PASSED.
AYES, 98; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 507
2 INTRODUCED BY Cobb

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT
5 EXHAUSTION OF ADMINISTRATIVE REMEDIES IS A PREREQUISITE TO
6 FILING AN ACTION IN DISTRICT COURT CONCERNING A SCHOOL BOARD
7 OF TRUSTEES' DECISION; AND AMENDING SECTION 20-3-210, MCA."

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

10 **Section 1.** Section 20-3-210, MCA, is amended to read:

11 "20-3-210. Controversy appeals and hearings. (1) Except
12 as provided under 20-3-211, the county superintendent shall
13 hear and decide all matters of controversy arising in his
14 county as a result of decisions of the trustees of a
15 district in the county. Except as provided in subsection
16 (2), exhaustion of administrative remedies under this
17 chapter is required prior to filing an action in district
18 court concerning a decision of the trustees. When appeals
19 are made under 20-4-204 relating to the termination of
20 services of a tenure teacher or under 20-4-207 relating to
21 the dismissal of a teacher under contract, the county
22 superintendent may appoint a qualified attorney at law to
23 act as a legal adviser who shall assist the superintendent
24 in preparing findings of fact and conclusions of law.
25 Subsequently, either the teacher or trustee may appeal to

1 the superintendent of public instruction under the
2 provisions for appeal of controversies in this title.
3 Furthermore, he shall hear and decide all controversies
4 arising under:

5 (a) section 20-5-304 or 20-5-311 relating to the
6 approval of tuition applications; or

7 (b) any other provision of this title for which a
8 procedure for resolving controversies is not expressly
9 prescribed.

10 (2) Exhaustion of administrative remedies is not a
11 prerequisite to filing an action in district court
12 concerning a decision of the trustees of a district in the
13 following instances:

14 (a) a state agency has been granted primary
15 jurisdiction over the matter;

16 (b) the matter is governed by a specific statute; or

17 (c) the board of trustees has acted without
18 jurisdiction or in excess of its jurisdiction.

19 ~~(2)~~(3) The county superintendent shall hear the appeal
20 and take testimony in order to determine the facts related
21 to the controversy and may administer oaths to the witnesses
22 that testify at the hearing. He shall prepare a written
23 transcript of the hearing proceedings. The decision on the
24 matter of controversy which is made by the county
25 superintendent shall be based upon the facts established at



LC 0398/01

1 such hearing.

2 ~~f3~~(4) The decision of the county superintendent may be
3 appealed to the superintendent of public instruction, and if
4 it is appealed, the county superintendent shall supply a
5 transcript of the hearing and any other documents entered as
6 testimony at the hearing to the superintendent of public
7 instruction.

8 ~~f4~~(5) Cost incurred by the office of the county
9 superintendent shall be paid from the general fund budget of
10 the county in which the controversy is initiated."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

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LC 0398/01

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LC 0398/01

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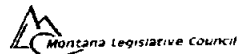
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