HOUSE BILL NO. 507

INTRODUCED BY COBB

IN THE HOUSE

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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.

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2	INTRODUCED BY	C. h	

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

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

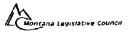
Section 1. Section 20-3-210, MCA, is amended to read:

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

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- 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 <u>in</u> the
- 13 following instances:
- 14 (a) a state agency has been granted primary
- 15 jurisdiction over the matter;
 - (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



INTRODUCED BILL *HG 50つ*

LC 0398/01

1 such hearing.

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f37(4) The decision of the county superintendent may be appealed to the superintendent of public instruction, and if it is appealed, the county superintendent shall supply a transcript of the hearing and any other documents entered as testimony at the hearing to the superintendent of public instruction.

8 (4)(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."

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APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

House BILL NO. 507 1 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT EXHAUSTION OF ADMINISTRATIVE REMEDIES IS A PREREQUISITE TO 5 FILING AN ACTION IN DISTRICT COURT CONCERNING A SCHOOL BOARD 6 OF TRUSTEES' DECISION; AND AMENDING SECTION 20-3-210, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 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 county as a result of decisions of the trustees of a 14 district in the county. Except as provided in subsection 15 (2), exhaustion of administrative remedies under this 16 17 chapter is required prior to filing an action in district 18 court concerning a decision of the trustees. When appeals

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 - SECOND READING

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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12	as provided under 20-3-211, the county superintendent shall
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18	court concerning a decision of the trustees. When appeals
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20	services of a tenure teacher or under 20-4-207 relating to
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13	following instances:
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THIRD READING



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HOUSE BILL NO. 507

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