

1 SENATE BILL NO. 21
2 INTRODUCED BY WATT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A COUNTY
5 SUPERINTENDENT OF SCHOOLS TO HOLD A MASTER'S DEGREE IN
6 SCHOOL ADMINISTRATION AND AN ADMINISTRATIVE CERTIFICATE;
7 PROVIDING FOR EMERGENCY VARIANCE; AMENDING SECTION 75-5802,
8 R.C.M. 1947."

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

11 Section 1. Section 75-5802, R.C.M. 1947, is amended to
12 read as follows:

13 "75-5802. Election and qualification. ~~(1)~~ A county
14 superintendant shall be elected in each county of the state
15 unless a county manager form of government has been
16 organized in the county. The county superintendent shall be
17 elected at the general election preceding the expiration of
18 the term of office of the incumbent.

19 ~~(2)~~ Any person ~~shall--be~~ is qualified to assume the
20 office of the county superintendent who:

- 21 ~~(1)(a)~~ is a qualified elector;
22 ~~(2)(b)~~ holds a valid teacher certificate issued by the
23 superintendant of public instruction; and

24 ~~(3)(c)~~ has ~~not~~ no less than ~~three--(3)~~ years of
25 successful teaching experience;

1 ~~(c) holds a master's degree in school administration~~
2 ~~from a unit of the Montana university system or an~~
3 ~~equivalent institution; and~~

4 ~~(e) holds an appropriate class 3 administrative~~
5 ~~certificate as provided in 75-6006, except that he is not~~
6 ~~required to possess both an elementary and a secondary~~
7 ~~instruction endorsement."~~

8 Section 2. There is a new R.C.M. section that reads as
9 follows:

10 Emergency variance from certain requirements. (1) Upon
11 application of any qualified elector residing within the
12 county, the superintendent of public instruction may,
13 pursuant to guidelines adopted by the board of public
14 education, grant an emergency variance from the requirements
15 of subsections (2)(d) and (2)(e) of 75-5802 for that county
16 whenever those requirements present an unreasonable obstacle
17 to the securement of a county superintendent for that
18 county.

19 (2) The board of public education shall adopt rules in
20 the nature of guidelines to be followed by the
21 superintendent of public instruction in granting or denying
22 such emergency variances.

23 (3) An emergency variance is valid only for the term
24 of office of the county superintendent who takes office
25 pursuant to that variance.

LC 0377/01

1 Section 3. There is a new R.C.M. section that reads as
2 follows:

3 No application to existing county superintendents. The
4 requirements of subsections (2)(d) and (2)(e) of 75-5802
5 apply only to county superintendents who take office by
6 election or otherwise after July 1, 1977.

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