

1 *Senator* BILL NO. *68*
 2 INTRODUCED BY *Blaylock* *Thomas Lee*
 3 *Fubender, R. Smith*

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO
 5 CERTIFICATION OF TEACHERS IN THE PUBLIC SCHOOLS OF MONTANA
 6 AND TEACHER EDUCATION INSTITUTIONS AND PROGRAMS; CREATING A
 7 BOARD OF PROFESSIONAL STANDARDS AND LICENSURE; AND RAISING
 8 TEACHER CERTIFICATION FEES; AMENDING SECTIONS 75-5607,
 9 75-6002 THROUGH 75-6004, 75-6006 THROUGH 75-6010, 75-6101,
 10 AND 75-6102, R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. There is a new R.C.M. section numbered
 14 75-6000 that reads as follows:

15 75-6000. Definitions. As used in this chapter, unless
 16 the context clearly indicates otherwise, the following
 17 definitions apply:

18 (1) "Approved teacher education institution" means an
 19 institution that meets the standards of the board of
 20 professional standards and licensure for preparation of
 21 teachers for grades preprimary through 12.

22 (2) "Approved teacher education program" means a
 23 program approved by the board of professional standards and
 24 licensure that is offered by an approved teacher education
 25 institution.

1 (3) "Board" means the board of professional standards
 2 and licensure.

3 (4) "Teacher" means any person holding a valid Montana
 4 teaching certificate.

5 (5) "Teaching certificate" means a certificate issued
 6 under 75-6006.

7 Section 2. There is a new R.C.M. section numbered
 8 75-6001.1 that reads as follows:

9 75-6001.1. Board of professional standards and
 10 licensure -- allocation. (1) There is a board of
 11 professional standards and licensure. The board consists of
 12 11 members appointed by the governor as follows:

- 13 (a) six classroom teachers;
- 14 (b) one school administrator;
- 15 (c) one lay member;
- 16 (d) one member of a local school board;
- 17 (e) the superintendent of public instruction or his
 18 designee as an ex officio member; and
- 19 (f) the commissioner of higher education or his
 20 designee as an ex officio member.

21 (2) If the title or position of an individual in
 22 subsection (1)(a) or (1)(b) should change after an
 23 appointment is made, the individual shall resign immediately
 24 and the governor shall fill the vacancy.

25 (3) The board is allocated to the board of public

1 education for administrative purposes only as prescribed in
2 82A-108. However, the board may hire its own personnel, and
3 82A-108 (2)(d) does not apply.

4 Section 3. There is a new R.C.M. section numbered
5 75-6001.2 that reads as follows:

6 75-6001.2. Qualifications of members. (1) To be
7 eligible to be one of the appointed board members listed in
8 75-6001.1(1)(a) or (1)(b), a person must:

9 (a) have been actively engaged in teaching or
10 providing related educational, administrative, or
11 supervisory services in a public school or an approved
12 institution of higher education with approved teacher
13 education programs for at least 5 of the 8 years immediately
14 preceding his appointment; and

15 (b) be a Montana resident.

16 (2) All board members are voting members of the board.

17 (3) Should a person leave the state to be domiciled in
18 another state, his position on the board becomes vacant at
19 that time.

20 Section 4. There is a new R.C.M. section numbered
21 75-6001.3 that reads as follows:

22 75-6001.3. Term of office and removal. (1) The term of
23 office of an appointed member is 3 years. Before the
24 expiration of the term of a member, the governor shall
25 appoint his successor to assume his duties on the next

1 following July 1. A member is eligible for reappointment but
2 only for one additional term. In case of a vacancy for any
3 cause, the governor shall make an appointment to become
4 immediately effective for the unexpired term.

5 (2) Original appointments shall be made for staggered
6 terms of 1, 2, and 3 years as determined by the governor.

7 (3) An appointed member of the board may be removed by
8 the governor for cause after a hearing.

9 Section 5. There is a new R.C.M. section numbered
10 75-6001.4 that reads as follows:

11 75-6001.4. Officers -- quorum -- expenses. (1) The
12 board shall select a chairman and vice-chairman from among
13 its appointed members.

14 (2) A quorum for meeting is not less than seven board
15 members.

16 (3) Appointed board members are entitled to travel
17 expenses incurred for each day in attendance at board
18 meetings or in the performance of any duty or service as a
19 board member in accordance with 59-538, 59-539, and 59-801,
20 as amended.

21 Section 6. There is a new R.C.M. section numbered
22 75-6001.5 that reads as follows:

23 75-6001.5. Meetings of the board. The board shall meet
24 quarterly and at such other times as may be required for the
25 proper conduct of the business of the board at the call of

1 the chairman.

2 Section 7. There is a new R.C.M. section numbered
3 75-6001.6 that reads as follows:

4 75-6001.6. Adoption of rules -- seal -- record of
5 proceedings. (1) The board may adopt rules for the conduct
6 of board business.

7 (2) The board shall use an official seal to
8 authenticate its official acts.

9 (3) The board shall keep a record of proceedings.

10 Section 8. Section 75-6002, R.C.M. 1947, is amended to
11 read as follows:

12 "75-6002. ~~Board---of---education---policies~~ Powers and
13 duties of board. To effect an orderly and uniform system of
14 teacher certification, the board of education shall, upon
15 ~~the recommendation of the superintendent of public~~
16 ~~instruction--and~~ in accordance with the provisions of this
17 ~~title title~~, prescribe and adopt policies for the issuance
18 of teacher certificates. Such policies shall provide for:

19 (1) reasonable training and experience requirements
20 for teacher, supervisor, and administrative certificates and
21 endorsements thereon as provided by the certification
22 classification in section 75-6006;

23 (2) the renewal of teacher certificates based on the
24 same conditions prescribed for the initial issuance of
25 certificates;

1 (3) the conduct of hearings on teacher certification,
2 revocation, suspension, or denial;

3 (4) the issuance of emergency authorization to a
4 district to employ a person who is not the holder of a
5 valid teacher certificate as an instructor of pupils; and

6 (5) any other policy not inconsistent with the ~~law~~
7 ~~laws~~ which ~~that~~ is necessary for the proper operation of a
8 system of teacher certification."

9 Section 9. Section 75-6003, R.C.M. 1947, is amended to
10 read as follows:

11 "75-6003. Issuance of teacher certificates. The
12 superintendent of public instruction shall issue all teacher
13 certificates in the state of Montana. In issuing teacher
14 certificates, the superintendent of public instruction shall
15 comply with the provisions of this ~~title title~~ and the
16 teacher certification policies adopted by the board of
17 education. The superintendent of public instruction ~~shall~~
18 ~~may~~ not issue a teacher certificate to any person who does
19 not satisfy the qualifications or other requirements of this
20 ~~title title~~ and of the board of education policies for
21 teacher certification."

22 Section 10. Section 75-6004, R.C.M. 1947, is amended
23 to read as follows:

24 "75-6004. Qualifications. Any A person may be
25 certified as a teacher when he satisfies the following

1 qualifications:

2 (1) He is eighteen-~~(18)~~ years of age or older but ~~is~~
3 ~~not more than seventy-(70)-years-of-age~~.

4 (2) He has a certificate of a licensed physician
5 attesting to his satisfactory health.

6 (3) He is a citizen of the United States except as
7 provided in section 75-6005.

8 (4) He is of good moral and professional character.

9 (5) He has completed the an approved teacher education
10 program of a unit of the Montana university system or an
11 essentially equivalent program at an accredited institution
12 ~~in the United States~~ of equal rank and standing as that of
13 any ~~unit of the Montana university system~~ approved teacher
14 education institution in the state and such training shall
15 be evidenced by at least a bachelor's degree and a
16 certification of the completion of the approved teacher
17 education program, except as provided for in ~~subsection (4)~~
18 ~~section 75-6006~~ and.

19 ~~(6) He has subscribed to the following oath or~~
20 ~~affirmation before an officer authorized by law to~~
21 ~~administer oaths~~

22 ~~"I solemnly swear (or affirm) that I will support the~~
23 ~~constitution of the United States of America, the~~
24 ~~constitution of the state of Montana, and the laws of the~~
25 ~~United States and the state of Montana, and will by precept~~

1 ~~and exemplify promote respect for the flag and the~~
2 ~~institutions of the United States and the state of Montana~~
3 ~~reverence for law and order and undivided allegiance to the~~
4 ~~government of the United States of America."~~

5 Section 11. Section 75-6006, R.C.M. 1947, is amended
6 to read as follows:

7 "75-6006. Classifications of teacher certificates. (1)
8 The superintendent of public instruction shall issue teacher
9 certificates and the board of ~~education~~ shall adopt teacher
10 certification policies on the basis of the following
11 classifications of teacher certificates:

12 ~~(1)(a)~~ Class 1. Professional certificate. The
13 professional certificate may be issued to an otherwise
14 qualified applicant who has completed a an approved teacher
15 education program which ~~that~~ includes a bachelor's degree
16 and a minimum of one 1 year of study beyond such degree in a
17 unit of the Montana university system or an equivalent
18 institution. The professional certificate may be endorsed
19 for elementary instruction, secondary instruction, or both
20 and for specified subject fields on the basis of the
21 applicant's academic and professional training and according
22 to the board of ~~education~~ policy for teacher certification
23 endorsement.

24 ~~(2)(b)~~ Class 2. Standard certificate. The standard
25 certificate may be issued to an otherwise qualified

1 applicant who has completed ~~a four-year~~ an approved teacher
 2 education program and who has been awarded a bachelor's
 3 degree by a unit of the Montana university system or an
 4 equivalent institution. The standard certificate may be
 5 endorsed for elementary instruction, secondary instruction,
 6 or both and for specified subject fields on the basis of
 7 the applicant's academic and professional training and
 8 according to the board ~~of--education~~ policy for teacher
 9 certification endorsement.

10 ~~(3)(c)~~ Class 3. Administrative and supervisory
 11 certificate. The administrative and supervisory certificate
 12 may be issued to an otherwise qualified applicant who is the
 13 holder of a teacher certificate endorsed for teaching in the
 14 school or schools in which he would be an administrator or
 15 he would supervise. The applicant also shall possess the
 16 training and experience required by ~~the--policies--of--the~~
 17 ~~board--of--education~~ board policy for an endorsement as
 18 superintendent, principal, or supervisor.

19 ~~(4)(d)~~ Class 4. Vocational, recreational, or adult
 20 education certificate. The vocational, recreational, or
 21 adult education certificate may be issued to an otherwise
 22 qualified applicant who has the qualifications of training
 23 and experience ~~required--by--the--United--States--office--of~~
 24 ~~education--or--the--qualifications~~ required by the special
 25 needs of the several vocational, recreational, or adult

1 education fields, and who can qualify under the board policy
 2 ~~of--the--board--of--education~~ for the issuance of this
 3 classification of teacher certification.

4 ~~(5)(a)~~ Class 5. Provisional certificate. The
 5 provisional certificate may be issued to an otherwise
 6 qualified applicant who can provide satisfactory evidence of
 7 his intent to qualify in the future for a class 1 or a class
 8 2 certificate and who has completed a ~~four-year~~ 4-year
 9 college program or its equivalent and holds a bachelor's
 10 degree from a unit of the Montana university system or its
 11 equivalent. The provisional certificate may be endorsed for
 12 elementary instruction, secondary instruction, or both and
 13 for special subject fields on the basis of the applicant's
 14 academic and professional training and according to the
 15 ~~board--of--education~~ board policy for teacher certification
 16 endorsement.

17 ~~(2)~~ For purposes of evaluating the qualifications of
 18 applicants for teacher certificates, a year means the
 19 instructional period consisting of three quarters or two
 20 semesters or other terms which are recognized as an academic
 21 year by any unit of the Montana university system or
 22 equivalent institution."

23 Section 12. Section 75-6007, R.C.M. 1947, is amended
 24 to read as follows:

25 "75-6007. Outstanding teacher certificates. ~~(1)~~ No

1 provisions of this title ~~shall~~ affect or impair the validity
 2 of any certificate that is in force on ~~the effective date of~~
 3 ~~this act January 26, 1971,~~ or the rights and privileges of
 4 the holders by virtue thereof, except that any certificates
 5 may be suspended or revoked for any of the causes and by the
 6 procedures provided by law.

7 ~~(2)~~ Any holder of an elementary school standard
 8 certificate issued prior to July 1, 1959, under the previous
 9 statute and in force on July 1, 1959, shall be eligible for
 10 renewal of such certificate in accordance with ~~the policies~~
 11 ~~of the board of education~~ board policy until the holder
 12 qualifies for the class 2 standard certificate, ~~as provided~~
 13 ~~in section 75-6006.~~

14 ~~(3)~~ Any holder of a class 5 certificate in force on
 15 June 30, 1966, or issued between July 1, 1966, and December
 16 31, 1966, shall be eligible for renewal of such certificate
 17 in accordance with ~~the policies of the board of education~~
 18 board policy until the holder qualifies for the class 2
 19 standard certificate ~~as provided in section 75-6006.~~

20 Section 13. Section 75-6008, R.C.M. 1947, is amended
 21 to read as follows:

22 "75-6008. Term of teacher certificates. Any teacher
 23 certificate issued by the superintendent of public
 24 instruction shall bear the dates of issue and validity and
 25 shall be valid for a term of ~~five (5)~~ school fiscal years,

1 ~~except that class 5 provisional certificates shall be valid~~
 2 ~~for two (2) school fiscal years.~~ The period of validity for
 3 any certificate shall begin on ~~the first day of~~ July 1
 4 immediately preceding the date of issue. Teacher
 5 certificates shall be renewed for similar periods of time on
 6 the basis of ~~the board of education policies~~ board policy
 7 for teacher certification renewal."

8 Section 14. Section 75-6009, R.C.M. 1947, is amended
 9 to read as follows:

10 "75-6009. Fees for teacher certificates. Each person
 11 applying for the issuance or renewal of a teacher
 12 certificate shall pay a fee of ~~two dollars (\$2)~~ not to
 13 exceed \$10 for each school fiscal year that the certificate
 14 will be valid. In addition to this fee, each person who has
 15 never held any class of Montana teacher certificate or for
 16 whom an emergency authorization of employment has never been
 17 issued, shall pay a filing fee of ~~two dollars (\$2)~~ \$5. Such
 18 ~~the~~ fees shall be paid to the superintendent of public
 19 instruction, who shall ~~deposit the fees with the state~~
 20 ~~treasurer to the credit of the general fund~~ board account in
 21 the earmarked revenue fund."

22 Section 15. Section 75-6010, R.C.M. 1947, is amended
 23 to read as follows:

24 "75-6010. Suspension, revocation, and denial --
 25 appeals. ~~(1)~~ The board of education shall have the power and

1 authority to may suspend or revoke the teacher certificate
2 of any person for any of the following reasons:

3 ~~(1)(a)~~ Any a reason that would have required or
4 authorized the denial of the teacher certificate to such
5 person if it had been known at the time such certificate was
6 issued;

7 ~~(2)(b)~~ By---reason---of incompetency, immorality,
8 ~~intemperance,~~ physical or mental inability, or conviction of
9 a felony under state law; or

10 ~~(3)(c)~~ By--reason--of--the failure of the certificate
11 holder to comply with the terms of any contract between such
12 holder and the trustees of a district without the consent of
13 the trustees in writing or without good cause, provided the
14 failure is a material breach of the contract. ~~Such breach of~~
15 ~~contract shall constitute unprofessional conduct.~~

16 (2) Whenever a substantial reason for the suspension
17 or revocation of the teacher certificate of any person is
18 brought to the attention of the board of education, it shall
19 afford the person an opportunity to defend himself and his
20 qualifications against the charge, before--the--board--the
21 superintendent--of--public--instruction--shall--give--a--thirty
22 ~~(30)~~-day-written-notification-to-any-person-when--the--board
23 of--education--intends--to--consider--the--suspension--or
24 revocation-of-his-certificate--The board of education--shall
25 implement an investigation of the reasons for the suspension

1 or revocation charge and then if the investigation warrants
2 further--action--conduct a hearing in the manner provided by
3 board of education policies.

4 (3) Prior to considering revocation or suspension of
5 any teacher certificate, the board shall provide notice of
6 the reasons for the action and the opportunity for hearing.
7 For the purpose of such hearing, the board may appoint some
8 person to hear the evidence.

9 ~~(4)~~ After a full investigation and proper hearing, the
10 board of education may suspend or revoke the person's
11 teacher certificate except that in In cases of a first
12 violation under subsection ~~(3)~~ (1)(c) above, the maximum
13 penalty shall not be more than a suspension of the person's
14 certificate for the current school fiscal year and the
15 ensuing school fiscal year.

16 (5) Whenever the superintendent of public instruction
17 denies an application for the issuance or the renewal of a
18 teacher certificate to a person, ~~he may appeal the denial to~~
19 ~~the board of education.~~ ~~The appeal shall be heard in the~~
20 ~~same manner provided for in this section for suspension or~~
21 ~~revocation and in accordance with the policies of the board~~
22 ~~of education.~~ ~~The decision of the board of education shall~~
23 ~~be final.~~ the superintendent shall notify the person and the
24 board of the denial and the reasons therefor. The person
25 whose application is denied may request, within 30 days of

1 ~~receiving notification from the superintendent, a hearing~~
2 ~~before the board to challenge the denial."~~

3 Section 16. Section 75-6101, R.C.M. 1947, is amended
4 to read as follows:

5 "75-6101. Definitions. As used in this ~~title~~ title,
6 unless the context clearly indicates otherwise, ~~the~~
7 following definitions apply:

8 (1) "Teacher" means any person, except a district
9 superintendent, who holds a valid Montana teacher
10 certificate that has been issued by the superintendent of
11 public instruction under the provisions of this ~~title~~ title
12 ~~and the policies adopted by the board of education~~, and who
13 is employed by a district as a member of its instructional,
14 supervisory, or administrative staff. This definition of a
15 teacher ~~also shall include~~ includes any person for whom an
16 emergency authorization of employment ~~of such person~~ has
17 been issued under the provisions of section 75-6011.

18 (2) "Principal" means any person who holds a valid
19 class 3 Montana teacher certificate with an applicable
20 principal's endorsement that has been issued by the
21 superintendent of public instruction under the provisions of
22 this ~~title~~ title ~~and the policies adopted by the board of~~
23 ~~education~~ and who has been employed by a district as a
24 principal. For the purposes of this ~~title~~ title, any
25 reference to a teacher ~~shall be construed as including~~

1 includes a principal ~~as herein defined.~~

2 (3) "District superintendent" means any person who
3 holds a valid class 3 Montana teacher certificate with a
4 superintendent's endorsement that has been issued by the
5 superintendent of public instruction under the provisions of
6 this ~~title~~ title ~~and the policies adopted by the board of~~
7 ~~education~~ and who has been employed by a district as a
8 district superintendent."

9 Section 17. Section 75-6102, R.C.M. 1947, is amended
10 to read as follows:

11 "75-6102. Employment of teachers by contract. (1) The
12 trustees of any district shall have the authority to employ
13 any person as a teacher, but only a person who holds a valid
14 Montana teacher certificate or for whom an emergency
15 authorization of employment has been issued that qualifies
16 such person to perform the duties prescribed by the trustees
17 for the position of employment. Each teacher shall be
18 employed under written contract, and each contract of
19 employment shall be authorized by a proper resolution of the
20 trustees and shall be executed in duplicate by the chairman
21 of the trustees and the clerk of the district in the name of
22 the district, and by the teacher.

23 (2) No contract of employment with a teacher ~~shall~~ may
24 require ~~such~~ the teacher to teach more than five ~~(5)~~ days a
25 week or on any holiday recognized by section 75-7406. No

1 deduction ~~shall~~ may be made from a teacher's salary by
 2 ~~reason-of-the-fact-that~~ if a holiday falls on a school day.
 3 ~~Any~~ A teacher's contract made in conflict with the five
 4 ~~5-days-per-week~~ provision of this section ~~shall~~ is not be
 5 enforceable against the teacher.

6 (1) Whenever the trustees of a county high school and
 7 the trustees of the elementary district where the county
 8 high school is located form a joint board of trustees under
 9 the provisions of section 75-5928, such joint board of
 10 trustees may execute a contract of employment with a teacher
 11 who shall serve both districts. When such a contract is
 12 executed, the two districts shall prorate the compensation
 13 provided by such contract on the basis of the total number
 14 of instructional hours expended by such teacher within each
 15 district.

16 ~~Any contract executed under the provisions of this~~
 17 ~~section may contain the oath or affirmation prescribed in~~
 18 ~~section 75-6004 and the teacher shall subscribe to such oath~~
 19 ~~or affirmation before an officer authorized by law to~~
 20 ~~administer oaths."~~

21 Section 18. There is a new R.C.M. section numbered
 22 75-6002.1 that reads as follows:

23 75-6002.1. Policy standards for approval of teacher
 24 education institution and programs. (1) After considering
 25 recommendations of the board of public education and the

1 board of regents, the board of professional standards and
 2 licensure shall by policy establish standards for approval
 3 of teacher education institutions and teacher and education
 4 programs.

5 (2) Whenever any teacher education institution or
 6 program is denied approved status or has such status
 7 withdrawn, such denial or withdrawal must be treated as a
 8 contested case. All appeals and hearings shall be held in
 9 accordance with the appropriate provisions of the Montana
 10 Administrative Procedure Act, as amended.

11 Section 19. There is a new R.C.M. section that reads
 12 as follows:

13 Policies of the superintendent of public instruction to
 14 remain in effect until new policies are adopted.
 15 Notwithstanding the transfer of duties, functions, and
 16 powers by this act, the lawfully adopted policies of the
 17 superintendent of public instruction and the board of public
 18 education in effect on the effective date of this act shall
 19 continue in effect until superseded by policies legally
 20 adopted by the board of professional standards and
 21 licensure. Any references in such policies of the
 22 superintendent of public instruction shall be considered to
 23 be references to the board.

24 Section 20. There is a new R.C.M. section that reads
 25 as follows:

1 Protection of prior rights. The transfer of duties,
 2 functions, and powers to the board of professional standards
 3 and licensure shall not affect any action, suit, proceeding,
 4 or prosecution involving or with respect to such duties,
 5 functions, and powers commenced prior to and pending at the
 6 time of the transfer, except that the board shall be
 7 substituted for the superintendent of public instruction or
 8 board of public education in such action, suit, proceeding,
 9 or prosecution.

10 Section 21. Section 75-5607, R.C.M. 1947, is amended
 11 to read as follows:

12 *75-5607. Powers and duties. The board of public
 13 education shall ~~have the power and it shall be its duty to:~~

14 ~~{1}--effect--an--orderly--and--uniform--system--of--teacher~~
 15 ~~certification--and--for--the--issuance--of--an--emergency~~
 16 ~~authorization--of--employment--by--adopting--the--policies~~
 17 ~~prescribed--by--sections--75-6882--and--75-6811;~~

18 ~~{2}--consider--the--suspension--or--revocation--of--teacher~~
 19 ~~certificates,--and--appeals--from--the--denial--of--teacher~~
 20 ~~certification--in--accordance--with--the--provisions--of--section~~
 21 ~~75-6818;~~

22 ~~{3}{11} administer and order the distribution of state~~
 23 ~~equalization aid in accordance with the provisions of~~
 24 ~~section 75-6917;~~

25 ~~{4}{12} adopt and enforce policies to provide uniform~~

1 standards and regulations for the design, construction, and
 2 operation of school buses in accordance with the provisions
 3 of section 75-7004;

4 ~~{5}{13} approve or disapprove a reduction of the number~~
 5 ~~of hours in a district's school day in accordance with the~~
 6 ~~provisions of section 75-7403;~~

7 ~~{6}{14} adopt policies prescribing the conditions when~~
 8 ~~school may be conducted on Saturday, and the types of~~
 9 ~~pupil-instruction-related days and approval procedure for~~
 10 ~~such days in accordance with the provisions of sections~~
 11 ~~75-7404 and 75-7405;~~

12 ~~{7}{15} adopt standards of accreditation and establish~~
 13 ~~the accreditation status of every school in accordance with~~
 14 ~~the provisions of sections 75-7501 and 75-7502;~~

15 ~~{8}{16} establish the scope of conservation education~~
 16 ~~in the schools in accordance with the provisions of section~~
 17 ~~75-7509;~~

18 ~~{9}{17} approve or disapprove educational media~~
 19 ~~selected by the superintendent of public instruction for the~~
 20 ~~educational media library in accordance with the provisions~~
 21 ~~of section 75-7511;~~

22 ~~{10}{18} as the governing board of the state of Montana~~
 23 ~~for vocational education, adopt the policies prescribed by~~
 24 ~~and in accordance with the provisions of section 75-7702;~~

25 ~~{11}{19} consider applications for post-secondary~~

1 ~~postsecondary~~ vocational-technical center designation in
2 accordance with the provisions of section 75-7707;

3 ~~(12)(10)~~ for the purposes of ~~post-secondary~~
4 ~~postsecondary~~ vocational-technical centers, approve or
5 disapprove programs and budgets, direct the distribution of
6 moneys in support of such budgets, determine tuition rates
7 and fees, and enter into lease agreements or real property
8 purchases in accordance with the ~~post-secondary~~
9 ~~postsecondary~~ vocational-technical center provisions of the
10 vocational education chapter of this ~~title~~ title;

11 ~~(13)(11)~~ adopt policies for the conduct of special
12 education in accordance with the provisions of section
13 75-7802;

14 ~~(14)(12)~~ supervise community college districts in
15 accordance with the provisions of sections 75-8103 and
16 75-8119;

17 ~~(15)(13)~~ call an election, determine the results of the
18 election, and order and implement the organization of a
19 community college district in accordance with the community
20 college districts chapter of this ~~title~~ title; and

21 ~~(16)(14)~~ perform any other duty prescribed from time to
22 time by this ~~title~~ title or any other act of the
23 legislature."

-End-

STATE OF MONTANA

REQUEST NO. 51-77

FISCAL NOTE

Form BD-13

In compliance with a written request received January 11, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 68 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a Board of Professional Standards and Licensure; and raising teacher certification fees.

ASSUMPTIONS:

1. There are approximately 2,500 new certificates issued each year.
2. There are approximately 2,500 renewals each year.
3. The commission's average fee will be \$5.00 per year.
4. The commission's registration fee will be \$5.00
5. The commission will employ one full-time professional and one full-time secretary.
6. Operational costs include rental of office space, commission travel and expenses, legal and consultant fees, etc.
7. There will be no reduction of expenditures by the Board of Public Education or the Office of the Superintendent of Public Instruction.
8. Commission expenses will be funded from the Earmarked Revenue Account established under this bill.

REVENUE AND EXPENDITURE IMPACT:

	FY 78			FY 79		
	Under Existing Law	Under Proposed Law	Increase (Decrease)	Under Existing Law	Under Proposed Law	Increase (Decrease)
Revenue from teacher certification fees:						
General Fund	\$48,000	\$ 0	(\$48,000)	\$48,000	\$ 0	(\$48,000)
Earmarked Revenue	<u>0</u>	<u>137,500</u>	<u>137,500</u>	<u>0</u>	<u>137,500</u>	<u>137,500</u>
Total Revenue	<u>\$ 48,000</u>	<u>\$137,500</u>	<u>\$ 89,500</u>	<u>\$ 48,000</u>	<u>\$137,500</u>	<u>\$ 89,500</u>
Expenditures:						
Personal Services	\$ 0	\$ 28,500	\$ 28,500	\$ 0	\$ 28,500	\$ 28,500
Other	<u>0</u>	<u>21,500</u>	<u>21,500</u>	<u>0</u>	<u>21,500</u>	<u>21,500</u>
Total Expenditures	<u>\$ 0</u>	<u>\$ 50,000</u>	<u>\$ 50,000</u>	<u>\$ 0</u>	<u>\$ 50,000</u>	<u>\$ 50,000</u>
Net Effect	<u>\$ 48,000</u>	<u>\$ 87,500</u>	<u>\$ 39,500</u>	<u>\$ 48,000</u>	<u>\$ 87,500</u>	<u>\$ 39,500</u>

Revenue of \$48,000 will be transferred from General Fund to Earmarked Revenue under proposed law.

TECHNICAL NOTE:

The proposed legislation generates money to operate the commission but does not put any money in the OSPI operation of certification; thus, while this bill generates some surplus money, the OSPI must ask the legislature for approximately \$30,000 to \$90,000 to operate the certification service.

[Signature]
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 1-11-77

STATE OF MONTANA

REQUEST NO. 52-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 11, 1977, there is hereby submitted a Fiscal Note for Senate Bill 69 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide the use of reusable beverage containers for beer and soft drinks and providing a delayed effective date.

ASSUMPTIONS:

1. A market shift toward refillable beverage containers would tend to reduce materials and energy usage while increasing capital and labor requirements based on the fact that a refillable container system is labor and capital intensive, and the nonrefillable container system is material and energy intensive.
2. Approximately 60-80 percent of the ferrous fraction in solid waste is cans, of which 50% consist of beverage containers. Essentially all recoverable aluminum in the solid waste stream consists of beverage containers. A fully operational returnable beverage container program would result in a 40 percent decline in ferrous metals and approximately a 100 percent decline in aluminum within the solid waste stream.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79 (6 months)</u>
Salaries and benefits (two (2) field inspectors, one (1) clerk-typist, part-time attorney, and part-time clerk-steno)	\$ 0	\$23,890
Travel and supplies	0	4,450
Hearing costs	0	5,000
Equipment	<u>0</u>	<u>2,000</u>
Total cost of proposed legislation:	<u>\$ 0</u>	<u>\$35,340</u>

Offsetting the above costs should be a reduction in clean-up costs experienced by the State Department of Highways and State Department of Fish and Game, as well as similar reductions at the local level.

TECHNICAL NOTE:

The Department of Health and Environmental Services suggests that, although there would be considerable alleviation of the solid waste problem as a result of the proposed legislation, it does not appear that the act is concerned primarily with public health and safety; therefore, consideration should be given to placing management of the legislation to the Department of Business Regulation.

Richard L. ...
BUDGET DIRECTOR

Office of Budget and Program Planning

Date 1-11-77

Approved by Committee
on Education

1 SENATE BILL NO. 68
2 INTRODUCED BY BLAYLOCK, REGAN,
3 THOMAS, LEE, FASBENDER, R. SMITH
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO
6 CERTIFICATION OF TEACHERS IN THE PUBLIC SCHOOLS OF MONTANA
7 AND TEACHER EDUCATION INSTITUTIONS AND PROGRAMS; CREATING A
8 BOARD OF PROFESSIONAL STANDARDS AND LICENSURE; AND RAISING
9 TEACHER CERTIFICATION FEES; AMENDING SECTIONS 75-5607,
10 75-6002 THROUGH 75-6004, 75-6006 THROUGH 75-6010, 75-6101,
11 AND 75-6102, R.C.M. 1947."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. There is a new R.C.M. section numbered
15 75-6000 that reads as follows:
16 75-6000. Definitions. As used in this chapter, unless
17 the context clearly indicates otherwise, the following
18 definitions apply:
19 (1) "Approved teacher education institution" means an
20 institution that meets the standards of the board of
21 professional standards and licensure for preparation of
22 teachers for grades preprimary through 12.
23 (2) "Approved teacher education program" means a
24 program approved by the board of professional standards and
25 licensure that is offered by an approved teacher education

1 institution.
2 (3) "Board" means the board of professional standards
3 and licensure.
4 (4) "Teacher" means any person holding a valid Montana
5 teaching certificate.
6 (5) "Teaching certificate" means a certificate issued
7 under 75-6006.
8 Section 2. There is a new R.C.M. section numbered
9 75-6001.1 that reads as follows:
10 75-6001.1. Board of professional standards and
11 licensure -- allocation. (1) There is a board of
12 professional standards and licensure. The board consists of
13 11 members appointed by the governor as follows:
14 (a) ~~3~~ THREE ELEMENTARY classroom teachers;
15 **(B) THREE HIGH SCHOOL CLASSROOM TEACHERS;**
16 **(b)(C) one school administrator;**
17 **(c)(D) one ~~lay~~ member ONE MEMBER OF A LOCAL SCHOOL**
18 **BOARD FROM A CLASS 1 DISTRICT;**
19 **(d)(E) one member of a local school board FROM A CLASS**
20 **2 OR 3 DISTRICT;**
21 **(e)(E) the superintendent of public instruction or his**
22 designee as an ex officio member; and
23 **(f)(G) the commissioner of higher education or his**
24 designee as an ex officio member.
25 (2) If the title or position of an individual in

1 subsection (1)(a) or (1)(b) should change after an
 2 appointment is made, the individual shall resign immediately
 3 and the governor shall fill the vacancy.

4 (3) The board is allocated to the board of public
 5 education for administrative purposes only as prescribed in
 6 82A-108. However, the board may hire its own personnel, and
 7 82A-108 (2)(d) does not apply.

8 Section 3. There is a new R.C.M. section numbered
 9 75-6001.2 that reads as follows:

10 75-6001.2. Qualifications of members. (1) To be
 11 eligible to be one of the appointed board members listed in
 12 75-6001.1(1)(a) ~~or~~ (1)(b), ~~OR (1)(c)~~, a person must:

13 (a) have been actively engaged in teaching or
 14 providing related educational, administrative, or
 15 supervisory services in a public school or an approved
 16 institution of higher education with approved teacher
 17 education programs for at least 5 of the 3 years immediately
 18 preceding his appointment; and

19 (b) be a Montana resident.

20 (2) All board members are voting members of the board.

21 (3) Should a person leave the state to be domiciled in
 22 another state, his position on the board becomes vacant at
 23 that time.

24 Section 4. There is a new R.C.M. section numbered
 25 75-6001.3 that reads as follows:

1 75-6001.3. Term of office and removal. (1) The term of
 2 office of an appointed member is 3 years. Before the
 3 expiration of the term of a member, the governor shall
 4 appoint his successor to assume his duties on the next
 5 following July 1. A member is eligible for reappointment but
 6 only for one additional term. In case of a vacancy for any
 7 cause, the governor shall make an appointment to become
 8 immediately effective for the unexpired term.

9 (2) Original appointments shall be made for staggered
 10 terms of 1, 2, and 3 years as determined by the governor.

11 (3) An appointed member of the board may be removed by
 12 the governor for cause after a hearing.

13 Section 5. There is a new R.C.M. section numbered
 14 75-6001.4 that reads as follows:

15 75-6001.4. Officers -- quorum -- expenses. (1) The
 16 board shall select a chairman and vice-chairman from among
 17 its appointed members.

18 (2) A quorum for meeting is not less than seven board
 19 members.

20 (3) Appointed board members are entitled to travel
 21 expenses incurred for each day in attendance at board
 22 meetings or in the performance of any duty or service as a
 23 board member in accordance with 59-538, 59-539, and 59-301,
 24 as amended.

25 Section 6. There is a new R.C.M. section numbered

1 75-6001.5 that reads as follows:

2 75-6001.5. Meetings of the board. The board shall meet
3 quarterly and at such other times as may be required for the
4 proper conduct of the business of the board at the call of
5 the chairman.

6 Section 7. There is a new R.C.M. section numbered
7 75-6001.6 that reads as follows:

8 75-6001.6. Adoption of rules -- seal -- record of
9 proceedings. (1) The board may adopt rules for the conduct
10 of board business.

11 (2) The board shall use an official seal to
12 authenticate its official acts.

13 (3) The board shall keep a record of proceedings.

14 Section 8. Section 75-6002, R.C.M. 1947, is amended to
15 read as follows:

16 *75-6002. ~~Board of education policies~~ Powers and
17 duties of board. To effect an orderly and uniform system of
18 teacher certification, the board of education shall, upon
19 ~~the recommendation of the superintendent of public~~
20 ~~instruction~~ and in accordance with the provisions of this
21 title title, prescribe and adopt policies for the issuance
22 of teacher certificates. Such policies shall provide for:

23 (1) reasonable training and experience requirements
24 for teacher, supervisor, and administrative certificates and
25 endorsements thereon as provided by the certification

1 classification in section 75-6006;

2 (2) the renewal of teacher certificates based on the
3 same conditions prescribed for the initial issuance of
4 certificates;

5 (3) the conduct of hearings on teacher certification,
6 revocation, suspension, or denial;

7 (4) the issuance of emergency authorization to a
8 district to employ a person who is not the holder of a
9 valid teacher certificate as an instructor of pupils; and

10 (5) any other policy not inconsistent with the ~~law~~
11 laws which ~~that~~ is necessary for the proper operation of a
12 system of teacher certification."

13 Section 9. Section 75-6003, R.C.M. 1947, is amended to
14 read as follows:

15 *75-6003. Issuance of teacher certificates. The
16 superintendent of public instruction shall issue all teacher
17 certificates in the state of Montana. In issuing teacher
18 certificates, the superintendent of public instruction shall
19 comply with the provisions of this title title and the
20 teacher certification policies adopted by the board of
21 education. The superintendent of public instruction ~~shall~~
22 may not issue a teacher certificate to any person who does
23 not satisfy the qualifications or other requirements of this
24 title title and of the board of ~~education~~ policies for
25 teacher certification."

1 Section 10. Section 75-6004, R.C.M. 1947, is amended
2 to read as follows:

3 "75-6004. Qualifications. Any A person may be
4 certified as a teacher when he satisfies the following
5 qualifications:

6 (1) He is ~~eighteen (18)~~ years of age or older but ~~is~~
7 ~~not more than seventy (70) years of age.~~

8 (2) He has a certificate of a licensed physician
9 attesting to his satisfactory health.

10 (3) He is a citizen of the United States except as
11 provided in ~~section 75-6005.~~

12 (4) He is of good moral and professional character.

13 (5) He has completed the an approved teacher education
14 program of a unit of the Montana university system or an
15 essentially equivalent program at an accredited institution
16 ~~in the United States~~ of equal rank and standing as that of
17 ~~any unit of the Montana university system~~ approved teacher
18 education institution in the state, and such training shall
19 be evidenced by at least a bachelor's degree and a
20 certification of the completion of the approved teacher
21 education program, except as provided for in ~~subsection (4)~~
22 ~~section 75-6006~~ and.

23 ~~(6) He has subscribed to the following oath or~~
24 ~~affirmation before an officer authorized by law to~~
25 ~~administer oaths~~

1 ~~"I solemnly swear (or affirm) that I will support the~~
2 ~~constitution of the United States of America, the~~
3 ~~constitution of the state of Montana and the laws of the~~
4 ~~United States and the state of Montana and will by precept~~
5 ~~and example promote respect for the flag and the~~
6 ~~institutions of the United States and the state of Montana~~
7 ~~reverence for law and order and undivided allegiance to the~~
8 ~~government of the United States of America."~~

9 Section 11. Section 75-6006, R.C.M. 1947, is amended
10 to read as follows:

11 "75-6006. Classifications of teacher certificates. (1)
12 The superintendent of public instruction shall issue teacher
13 certificates and the board of education shall adopt teacher
14 certification policies on the basis of the following
15 classifications of teacher certificates:

16 (1)(a) Class 1. Professional certificate. The
17 professional certificate may be issued to an otherwise
18 qualified applicant who has completed a an approved teacher
19 education program ~~which that~~ includes a bachelor's degree
20 and a minimum of ~~one~~ 1 year of study beyond such degree in a
21 unit of the Montana university system or an equivalent
22 institution. The professional certificate may be endorsed
23 for elementary instruction, secondary instruction, or both
24 and for specified subject fields on the basis of the
25 applicant's academic and professional training and according

1 to the board of ~~education~~ policy for teacher certification
2 endorsement.

3 ~~(2)(b)~~ Class 2. Standard certificate. The standard
4 certificate may be issued to an otherwise qualified
5 applicant who has completed ~~a four-year~~ an approved teacher
6 education program and who has been awarded a bachelor's
7 degree by a unit of the Montana university system or an
8 equivalent institution. The standard certificate may be
9 endorsed for elementary instruction, secondary instruction,
10 or both and for specified subject fields on the basis of
11 the applicant's academic and professional training and
12 according to the board of ~~education~~ policy for teacher
13 certification endorsement.

14 ~~(3)(c)~~ Class 3. Administrative and supervisory
15 certificate. The administrative and supervisory certificate
16 may be issued to an otherwise qualified applicant who is the
17 holder of a teacher certificate endorsed for teaching in the
18 school or schools in which he would be an administrator or
19 he would supervise. The applicant also shall possess the
20 training and experience required by ~~the policies of the~~
21 ~~board of education~~ board policy for an endorsement as
22 superintendent, principal, or supervisor.

23 ~~(4)(d)~~ Class 4. Vocational, recreational, or adult
24 education certificate. The vocational, recreational, or
25 adult education certificate may be issued to an otherwise

1 qualified applicant who has the qualifications of training
2 and experience ~~required by the United States office of~~
3 ~~education or the qualifications~~ required by the special
4 needs of the several vocational, recreational, or adult
5 education fields, and who can qualify under the board policy
6 of ~~the board of education~~ for the issuance of this
7 classification of teacher certification.

8 ~~(5)(e)~~ Class 5. Provisional certificate. The
9 provisional certificate may be issued to an otherwise
10 qualified applicant who can provide satisfactory evidence of
11 his intent to qualify in the future for a class 1 or a class
12 2 certificate and who has completed a ~~four-year~~ 4-year
13 college program or its equivalent and holds a bachelor's
14 degree from a unit of the Montana university system or its
15 equivalent. The provisional certificate may be endorsed for
16 elementary instruction, secondary instruction, or both and
17 for special subject fields on the basis of the applicant's
18 academic and professional training and according to ~~the~~
19 ~~board of education~~ board policy for teacher certification
20 endorsement.

21 (2) For purposes of evaluating the qualifications of
22 applicants for teacher certificates, a year means the
23 instructional period consisting of three quarters or two
24 semesters or other terms which are recognized as an academic
25 year by any unit of the Montana university system or

1 equivalent institution."

2 Section 12. Section 75-6007, R.C.M. 1947, is amended
3 to read as follows:

4 "75-6007. Outstanding teacher certificates. (1) No
5 provisions of this title shall affect or impair the validity
6 of any certificate that is in force on ~~the effective date of~~
7 ~~this act January 26, 1971,~~ or the rights and privileges of
8 the holders by virtue thereof, except that any certificates
9 may be suspended or revoked for any of the causes and by the
10 procedures provided by law.

11 (2) Any holder of an elementary school standard
12 certificate issued prior to July 1, 1959, under the previous
13 statute and in force on July 1, 1959, shall be eligible for
14 renewal of such certificate in accordance with ~~the policies~~
15 ~~of the board of education~~ board policy until the holder
16 qualifies for the class 2 standard certificate, ~~as provided~~
17 ~~in section 75-6006.~~

18 (3) Any holder of a class 5 certificate in force on
19 June 30, 1966, or issued between July 1, 1966, and December
20 31, 1966, shall be eligible for renewal of such certificate
21 in accordance with ~~the policies of the board of education~~
22 board policy until the holder qualifies for the class 2
23 standard certificate ~~as provided in section 75-6006.~~

24 Section 13. Section 75-6008, R.C.M. 1947, is amended
25 to read as follows:

1 "75-6008. Term of teacher certificates. Any teacher
2 certificate issued by the superintendent of public
3 instruction shall bear the dates of issue and validity and
4 shall be valid for a term of ~~five (5)~~ school fiscal years
5 ~~except that class 5 provisional certificates shall be valid~~
6 ~~for two (2) school fiscal years.~~ The period of validity for
7 any certificate shall begin on ~~the first day of~~ July 1
8 immediately preceding the date of issue. Teacher
9 certificates shall be renewed for similar periods of time on
10 the basis of ~~the board of education policies~~ board policy
11 for teacher certification renewal."

12 Section 14. Section 75-6009, R.C.M. 1947, is amended
13 to read as follows:

14 "75-6009. Fees for teacher certificates. Each person
15 applying for the issuance or renewal of a teacher
16 certificate shall pay a fee of ~~two dollars (\$2)~~ not to
17 exceed \$10 for each school fiscal year that the certificate
18 will be valid. In addition to this fee, each person who has
19 never held any class of Montana teacher certificate or for
20 whom an emergency authorization of employment has never been
21 issued, shall pay a filing fee of ~~two dollars (\$2)~~ 15. Such
22 ~~the~~ fees shall be paid to the superintendent of public
23 instruction, ~~who shall deposit the fees with the state~~
24 ~~treasurer to the credit of the general fund~~ board account in
25 the earmarked revenue fund."

1 Section 15. Section 75-6010, R.C.M. 1947, is amended
2 to read as follows:

3 "75-6010. Suspension, revocation, and denial --
4 appeals. (1) The board of education shall have the power and
5 authority to may suspend or revoke the teacher certificate
6 of any person for any of the following reasons:

7 (1)(a) ~~Any~~ a reason that would have required or
8 authorized the denial of the teacher certificate to such
9 person if it had been known at the time such certificate was
10 issued;

11 (2)(b) ~~By reason of~~ incompetency, immorality,
12 ~~intemperance,~~ physical or mental inability, or conviction of
13 a felony under state law; or

14 (3)(c) ~~Any reason of the~~ failure of the certificate
15 holder to comply with the terms of any contract between such
16 holder and the trustees of a district without the consent of
17 the trustees in writing or without good cause, provided the
18 failure is a material breach of the contract. Such breach of
19 contract shall constitute unprofessional conduct.

20 (2) Whenever a substantial reason for the suspension
21 or revocation of the teacher certificate of any person is
22 brought to the attention of the board of education, it shall
23 afford the person an opportunity to defend himself and his
24 qualifications against the charge, ~~before the board, the~~
25 ~~superintendent of public instruction shall give a thirty~~

1 (30) ~~day written notification to any person when the board~~
2 ~~of education intends to consider the suspension or~~
3 ~~revocation of his certificate. The board of education shall~~
4 ~~implement an investigation of the reasons for the suspension~~
5 ~~or revocation charge and then if the investigation warrants~~
6 ~~further action, conduct a hearing in the manner provided by~~
7 ~~board of education policies.~~

8 (3) Prior to considering revocation or suspension of
9 any teacher certificate, the board shall provide notice of
10 the reasons for the action and the opportunity for hearing.
11 For the purpose of such hearing, the board may appoint some
12 person to hear the evidence.

13 (4) ~~After a full investigation and proper hearing, the~~
14 ~~board of education may suspend or revoke the person's~~
15 ~~teacher certificate, except that in~~ In cases of a first
16 violation under subsection (3) (1)(c) above, the maximum
17 penalty shall not be more than a suspension of the person's
18 certificate for the current school fiscal year and the
19 ensuing school fiscal year.

20 (5) Whenever the superintendent of public instruction
21 denies an application for the issuance or the renewal of a
22 teacher certificate to a person, ~~he may appeal the denial to~~
23 ~~the board of education. The appeal shall be heard in the~~
24 ~~same manner provided for in this section for suspension or~~
25 ~~revocation and in accordance with the policies of the board~~

1 ~~of education. The decision of the board of education shall~~
 2 ~~be--first the superintendent shall notify the person and the~~
 3 ~~board of the denial and the reasons therefor. The person~~
 4 ~~whose application is denied may request, within 30 days of~~
 5 ~~receiving notification from the superintendent, a hearing~~
 6 ~~before the board to challenge the denial."~~

7 Section 16. Section 75-6101, R.C.M. 1947, is amended
 8 to read as follows:

9 "75-6101. Definitions. As used in this ~~title~~ title,
 10 unless the context clearly indicates otherwise, ~~the~~
 11 following definitions apply:

12 (1) "Teacher" means any person, except a district
 13 superintendent, who holds a valid Montana teacher
 14 certificate that has been issued by the superintendent of
 15 public instruction under the provisions of this ~~title~~ title
 16 ~~and the policies adopted by the board of education,~~ and who
 17 is employed by a district as a member of its instructional,
 18 supervisory, or administrative staff. This definition of a
 19 teacher ~~also shall include~~ includes any person for whom an
 20 emergency authorization of employment ~~of--such--person~~ has
 21 been issued under the provisions of section 75-6011.

22 (2) "Principal" means any person who holds a valid
 23 class 3 Montana teacher certificate with an applicable
 24 principal's endorsement that has been issued by the
 25 superintendent of public instruction under the provisions of

1 this ~~title~~ title ~~and the policies adopted by the board of~~
 2 ~~education~~ and who has been employed by a district as a
 3 principal. For the purposes of this ~~title~~ title, any
 4 reference to a teacher ~~shall be construed as including~~
 5 includes a principal, ~~as herein defined.~~

6 (3) "District superintendent" means any person who
 7 holds a valid class 3 Montana teacher certificate with a
 8 superintendent's endorsement that has been issued by the
 9 superintendent of public instruction under the provisions of
 10 this ~~title~~ title ~~and the policies adopted by the board of~~
 11 ~~education~~ and who has been employed by a district as a
 12 district superintendent."

13 Section 17. Section 75-6102, R.C.M. 1947, is amended
 14 to read as follows:

15 "75-6102. Employment of teachers by contract. (1) The
 16 trustees of any district shall have the authority to employ
 17 any person as a teacher, but only a person who holds a valid
 18 Montana teacher certificate or for whom an emergency
 19 authorization of employment has been issued that qualifies
 20 such person to perform the duties prescribed by the trustees
 21 for the position of employment. Each teacher shall be
 22 employed under written contract, and each contract of
 23 employment shall be authorized by a proper resolution of the
 24 trustees and shall be executed in duplicate by the chairman
 25 of the trustees and the clerk of the district in the name of

1 the district, and by the teacher.

2 ~~(2)~~ No contract of employment with a teacher shall ~~may~~
3 require such ~~the~~ teacher to teach more than five ~~(5)~~ days a
4 week or on any holiday recognized by section 75-7406. No
5 deduction shall ~~may~~ be made from a teacher's salary by
6 ~~reason-of-the-fact-that~~ if a holiday falls on a school day.
7 ~~Any~~ A teacher's contract made in conflict with the five
8 ~~5-days-per-week~~ provision of this section shall ~~is~~ not be
9 enforceable against the teacher.

10 ~~(3)~~ Whenever the trustees of a county high school and
11 the trustees of the elementary district where the county
12 high school is located form a joint board of trustees under
13 the provisions of section 75-5928, such joint board of
14 trustees may execute a contract of employment with a teacher
15 who shall serve both districts. When such a contract is
16 executed, the two districts shall prorate the compensation
17 provided by such contract on the basis of the total number
18 of instructional hours expended by such teacher within each
19 district.

20 ~~Any contract executed under the provisions of this~~
21 ~~section may contain the oath or affirmation prescribed in~~
22 ~~section 75-6884 and the teacher shall subscribe to such oath~~
23 ~~or affirmation before an officer authorized by law to~~
24 ~~administer oaths"~~

25 ~~Section 18. There is a new R.C.M. section numbered~~

1 ~~75-6884 that reads as follows:~~

2 ~~75-6884 is Policy standards for approval of teacher~~
3 ~~education institution and programs: (1) After considering~~
4 ~~recommendations of the board of public education and the~~
5 ~~board of regents, the board of professional standards and~~
6 ~~licensure shall by policy establish standards for approval~~
7 ~~of teacher education institutions and teacher and education~~
8 ~~programs.~~

9 ~~(2) Whenever any teacher education institution or~~
10 ~~program is denied approved status or has such status~~
11 ~~withdrawn, such denial or withdrawal must be treated as a~~
12 ~~contested case. All appeals and hearings shall be held in~~
13 ~~accordance with the appropriate provisions of the Montana~~
14 ~~Administrative Procedure Act, as amended.~~

15 Section 18. There is a new R.C.M. section that reads
16 as follows:

17 Policies of the superintendent of public instruction to
18 remain in effect until new policies are adopted.
19 Notwithstanding the transfer of duties, functions, and
20 powers by this act, the lawfully adopted policies of the
21 superintendent of public instruction and the board of public
22 education in effect on the effective date of this act shall
23 continue in effect until superseded by policies legally
24 adopted by the board of professional standards and
25 licensure. Any references in such policies of the

1 superintendent of public instruction shall be considered to
2 be references to the board.

3 Section 19. There is a new R.C.M. section that reads
4 as follows:

5 Protection of prior rights. The transfer of duties,
6 functions, and powers to the board of professional standards
7 and licensure shall not affect any action, suit, proceeding,
8 or prosecution involving or with respect to such duties,
9 functions, and powers commenced prior to and pending at the
10 time of the transfer, except that the board shall be
11 substituted for the superintendent of public instruction or
12 board of public education in such action, suit, proceeding,
13 or prosecution.

14 Section 20. Section 75-5607, R.C.M. 1947, is amended
15 to read as follows:

16 "75-5607. Powers and duties. The board of public
17 education shall ~~have the power and it shall be its duty to:~~

18 ~~(1) effect an orderly and uniform system of teacher~~
19 ~~certification and for the issuance of an emergency~~
20 ~~authorization of employment by adopting the policies~~
21 ~~prescribed by sections 75-6002 and 75-6011;~~

22 ~~(2) consider the suspension or revocation of teacher~~
23 ~~certificates, and appeals from the denial of teacher~~
24 ~~certification in accordance with the provisions of section~~
25 ~~75-6010;~~

1 ~~(3)(1)~~ administer and order the distribution of state
2 equalization aid in accordance with the provisions of
3 ~~section 75-6917;~~

4 ~~(4)(2)~~ adopt and enforce policies to provide uniform
5 standards and regulations for the design, construction, and
6 operation of school buses in accordance with the provisions
7 of ~~section 75-7004;~~

8 ~~(5)(3)~~ approve or disapprove a reduction of the number
9 of hours in a district's school day in accordance with the
10 provisions of ~~section 75-7403;~~

11 ~~(6)(4)~~ adopt policies prescribing the conditions when
12 school may be conducted on Saturday and the types of
13 pupil-instruction-related days and approval procedure for
14 such days in accordance with the provisions of ~~sections~~
15 ~~75-7404 and 75-7405;~~

16 ~~(7)(5)~~ adopt standards of accreditation and establish
17 the accreditation status of every school in accordance with
18 the provisions of ~~sections 75-7501 and 75-7502;~~

19 ~~(6)(6)~~ establish the scope of conservation education
20 in the schools in accordance with the provisions of ~~section~~
21 ~~75-7509;~~

22 ~~(9)(7)~~ approve or disapprove educational media
23 selected by the superintendent of public instruction for the
24 educational media library in accordance with the provisions
25 of ~~section 75-7511;~~

1 ~~(10)~~(18) as the governing board of the state of Montana
 2 for vocational education, adopt the policies prescribed by
 3 and in accordance with the provisions of ~~section~~ 75-7702;

4 ~~(11)~~(19) consider applications for ~~post-secondary~~
 5 ~~postsecondary~~ vocational-technical center designation in
 6 accordance with the provisions of ~~section~~ 75-7707;

7 ~~(12)~~(10) for the purposes of ~~post-secondary~~
 8 ~~postsecondary~~ vocational-technical centers, approve or
 9 disapprove programs and budgets, direct the distribution of
 10 moneys in support of such budgets, determine tuition rates
 11 and fees, ~~and~~ enter into lease agreements or real property
 12 purchases in accordance with the ~~post-secondary~~
 13 ~~postsecondary~~ vocational-technical center provisions of the
 14 vocational education chapter of this ~~title~~ title;

15 ~~(13)~~(11) adopt policies for the conduct of special
 16 education in accordance with the provisions of ~~section~~
 17 75-7802;

18 ~~(14)~~(12) supervise community college districts in
 19 accordance with the provisions of ~~sections~~ 75-8103 and
 20 75-8119;

21 ~~(15)~~(13) call an election, determine the results of the
 22 election, ~~and~~ order and implement the organization of a
 23 community college district in accordance with the community
 24 college districts chapter of this ~~title~~ title; and

25 ~~(16)~~(14) perform any other duty prescribed from time to

1 time by this ~~title~~ title or any other act of the
 2 legislature."

-End-