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SENATE BILL NO. 304
INTRODUCED BY Lee Fackler Watt Blaylock

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT EVERY TEACHER IN MONTANA HOLD A VALID MONTANA CERTIFICATE AND TO PROVIDE THAT INDIVIDUAL CONTRACTS BE CONSISTENT WITH COLLECTIVE BARGAINING AGREEMENTS; DELETING PROCEDURES FOR EMERGENCY AUTHORIZATION OF EMPLOYMENT; AMENDING SECTIONS 75-5737 AND 75-6102, R.C.M. 1947; AND REPEALING SECTION 75-6011, R.C.M. 1947."

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

Section 1. Section 75-6102, R.C.M. 1947, is amended to read as follows:

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

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the district, and by the teacher. Each individual contract between the board and an individual teacher shall be subject to and consistent with the terms and conditions of any collective bargaining agreement involving the bargaining unit of which the teacher is a member. If an individual contract contains any language inconsistent with the collective bargaining agreement, the collective bargaining agreement, during its duration or until a new agreement is reached, is controlling.

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

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

1 district.

2 Any contract executed under the provisions of this
3 section may contain the oath or affirmation prescribed in
4 section 75-6004 and the teacher shall subscribe to such oath
5 or affirmation before an officer authorized by law to
6 administer oaths."

7 Section 2. Section 75-5707, R.C.M. 1947, is amended to
8 read as follows:

9 "75-5707. Powers and duties. The superintendent of
10 public instruction shall have the general supervision of the
11 public schools and districts of the state, and he shall have
12 the power and shall perform the following duties or acts in
13 implementing and enforcing the provisions of this Title:

14 (1) resolve any controversy resulting from the
15 prororation of joint costs by a joint board of trustees under
16 the provisions of section 75-5929;

17 (2) issue, renew or deny teacher certification and
18 ~~emergency-authorizations-of-employment~~ and give notice of
19 teacher certification suspension or revocation proceedings
20 to be conducted by the board of education in accordance with
21 the provisions of the teacher certification chapter of this
22 Title;

23 (3) negotiate reciprocal tuition agreements with other
24 states in accordance with the provisions of section 75-6318;

25 (4) pay the tuition for the residents of the Montana

1 children's center at Twin Bridges high school in accordance
2 with the provisions of section 75-6319;

3 (5) serve on the teachers' retirement board in
4 accordance with the provisions of section 75-6203;

5 (6) prescribe absentee voting forms and rules in
6 accordance with the provisions of section 75-6416;

7 (7) approve or disapprove the orders of a high school
8 boundary commission in accordance with the provisions of
9 section 75-6528;

10 (8) approve or disapprove the opening or reopening of
11 a school in accordance with the provisions of sections
12 75-6602, 75-6603, 75-6604, or 75-6605;

13 (9) approve or disapprove school isolation within the
14 limitations prescribed by section 75-6608;

15 (10) generally supervise the school budgeting
16 procedures prescribed by law in accordance with the
17 provisions of section 75-6702, and prescribe the school
18 budget format in accordance with the provisions of section
19 75-6704 and 75-7209;

20 (11) establish a system of communication for
21 calculating joint district revenues in accordance with the
22 provisions of section 75-6721;

23 (12) approve or disapprove the adoption of a district's
24 emergency budget resolution under the conditions prescribed
25 in section 75-6725, and publish rules and regulations for an

1 application for additional state aid for an emergency budget
2 in accordance with the approval and disbursement provisions
3 of section 75-6729;

4 (13) generally supervise the school financial
5 administration provisions as prescribed by section 75-6802;

6 (14) appoint the responsible county officials for the
7 performance of the budgeting duties and the financial
8 administration duties for a joint district in accordance
9 with the provisions of sections 75-6720 and 75-6803;

10 (15) prescribe and furnish the annual report forms to
11 enable the districts to report to the county superintendent
12 in accordance with the provisions of subsection (5) of
13 section 75-6806, and the annual report forms to enable the
14 county superintendents to report to the superintendent of
15 public instruction in accordance with the provisions of
16 section 75-5809;

17 (16) approve, disapprove or adjust an increase of the
18 average number belonging (ANB) in accordance with the
19 provisions of sections 75-6903 and 75-6904;

20 (17) distribute state equalization aid in support of
21 the foundation program in accordance with the provisions of
22 sections 75-6908, 75-6918, and 75-6919;

23 (18) estimate the state-wide equalization level for the
24 foundation program in accordance with the provisions of
25 section 75-6920;

1 (19) distribute state impact aid in accordance with the
2 provisions of section 75-6925;

3 (20) provide for the uniform and equal provision of
4 transportation by performing the duties prescribed by the
5 provisions of section 75-7005;

6 (21) approve or disapprove an adult education program
7 for which a district proposes to levy a tax in accordance
8 with the provisions of section 75-7207;

9 (22) request, accept, deposit and expend federal moneys
10 in accordance with the provisions of section 75-7303;

11 (23) authorize the use of federal moneys for the
12 support of an interlocal co-operative agreement in
13 accordance with the provisions of sections 75-7306 and
14 75-7307;

15 (24) prescribe the form and contents of and approve or
16 disapprove interstate contracts in accordance with the
17 provisions of section 75-7308;

18 (25) approve or disapprove the conduct of school on a
19 Saturday or on pupil-instruction-related days in accordance
20 with the provisions of sections 75-7404 and 75-7405;

21 (26) recommend standards of accreditation for all
22 schools to the board of education, and evaluate compliance
23 with such standards and recommend accreditation status of
24 every school to the board of education in accordance with
25 the provisions of sections 75-7501 and 75-7502;

1 (27) collect and maintain a file of curriculum guides
2 and assist schools with instructional programs in accordance
3 with the provisions of sections 75-7505 and 75-7506;

4 (28) recommend the scope of conservation education in
5 the schools to the board of education in accordance with the
6 provisions of section 75-7509;

7 (29) establish and maintain a library of visual, aural,
8 and other educational media in accordance with the
9 provisions of section 75-7511;

10 (30) license textbook dealers, maintain a textbook
11 library, initiate prosecution of textbook dealers violating
12 the law, and supply a textbook listing in accordance with
13 the provisions of the textbooks chapter of this Title;

14 (31) administer and perform the duties as the executive
15 officer of the board of education for vocational education
16 in accordance with the provisions of section 75-7703;

17 (32) consider applications for the designation of a
18 post-secondary vocational-technical center in accordance
19 with the provisions of section 75-7707;

20 (33) establish a fund for the handling of
21 post-secondary vocational-technical center fees in
22 accordance with the provisions of section 75-7714;

23 (34) supervise and co-ordinate the conduct of special
24 education in the state in accordance with the provisions of
25 section 75-7803;

1 (35) administer the traffic education program in
2 accordance with the provisions of section 75-7904;

3 (36) administer the school food services program in
4 accordance with the provisions of sections 75-8002, 75-8003,
5 and 75-8004;

6 (37) determine the result of an organization election
7 for a community college district and the related election of
8 trustees in accordance with the provisions of section
9 75-8112;

10 (38) review school building plans and specifications in
11 accordance with the provisions of section 75-8206;

12 (39) publish and distribute fire danger books in
13 accordance with the provisions of section 75-8309;

14 (40) prescribe the method of identification and signals
15 to be used by school safety patrols in accordance with the
16 provisions of section 75-8310; and

17 (41) perform any other duty prescribed from time to
18 time by this Title, any other act of the legislature, or the
19 policies of the board of education."

20 Section 3. Repealer. Section 75-6011, R.C.M. 1947, is
21 repealed.

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