

HOUSE BILL 855

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 19, 1979	Committee recommend bill, do pass.
February 22, 1979	Passed consideration until the 46th Legislative day.
February 27, 1979	On motion, taken from second reading and referred to Committee on Education and Cultural Resources.

1 House BILL NO. 855
 2 INTRODUCED BY AZZURRA Kessler
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO
 5 CERTIFICATION OF TEACHERS IN THE PUBLIC SCHOOLS OF MONTANA
 6 AND TO TEACHER EDUCATION INSTITUTIONS AND PROGRAMS; CREATING
 7 A TEACHER STANDARDS AND PRACTICES BOARD; AND RAISING TEACHER
 8 CERTIFICATION FEES; AMENDING SECTIONS 20-1-101, 20-2-121,
 9 20-4-102 THROUGH 20-4-104, 20-4-106 THROUGH 20-4-111, AND
 10 20-4-201, MCA."

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

13 NEW SECTION. Section 1. Teacher standards and
 14 practices board -- allocation. (1) There is a teacher
 15 standards and practices board. The board consists of 15
 16 members appointed by the governor as follows:

- 17 (a) four elementary classroom teachers;
- 18 (b) four high school classroom teachers, one of which
- 19 may be a postsecondary vocational-technical teacher;
- 20 (c) one faculty member from an accredited institution
- 21 of higher education;
- 22 (d) one school administrator;
- 23 (e) one member from a local school board;
- 24 (f) two members from the general public;
- 25 (g) the commissioner of higher education, or designee,

1 as an ex officio member; and

2 (h) the superintendent of public instruction, or
 3 designee, as an ex officio member.

4 (2) The board is allocated to the board of public
 5 education for administrative purposes only as prescribed in
 6 2-15-121. However, the board may hire its own personnel and
 7 2-15-121(2)(d) does not apply.

8 (3) All board members are voting members of the board.
 9 NEW SECTION. Section 2. Definitions. As used in this
 10 part, unless the context clearly indicates otherwise, the
 11 following definitions apply:

12 (1) "Approved teacher education program" means a
 13 program approved by the teacher standards and practices
 14 board that is offered by an accredited teacher education
 15 institution.

16 (2) "Board" means the teacher standards and practices
 17 board.

18 (3) "Teaching certificate" means a certificate issued
 19 under 20-4-106.

20 NEW SECTION. Section 3. Appointments and
 21 qualifications of members. (1) The governor shall appoint
 22 members to the board from a panel of nominees submitted as
 23 follows:

24 (a) nominees for board members listed in subsections
 25 (1)(a) through (1)(d) of [section 1], shall be submitted by

1 statewide organizations of professional educators which
2 certify that the panel of nominees are qualified for the
3 position in which their names are being submitted; and

4 (b) nominees for the board members listed in
5 [subsection (1)(f) of section 1] shall be submitted by an
6 association of school boards.

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

9 (3) All members of the board, except those members
10 listed in subsections (1)(e) through (1)(h) of [section 1],
11 shall have been actively engaged in teaching or providing
12 related educational, administrative, or supervisory service
13 in a public school or an accredited institution of higher
14 education with an approved teacher education program for at
15 least 5 years, including 3 years in Montana, immediately
16 preceding their nomination and appointment.

17 (4) All board members must be Montana residents.

18 (5) If a member leaves the state to be domiciled in
19 another state or if his employment status changes to a
20 category different from when appointed, his position on the
21 board becomes vacant at that time.

22 NEW SECTION. Section 4. Term of office and removal.

23 (1) The term of office of an appointed member is 3 years.
24 Before the expiration of the term of a member, the governor
25 shall appoint a successor to assume the duties on the next

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

5 (2) An appointed member of the board may be removed by
6 the governor for cause after a hearing.

7 NEW SECTION. Section 5. Officers -- quorum --
8 expenses. (1) The board shall select a chairman and
9 vice-chairman from among its appointed members.

10 (2) A quorum for meeting is not less than nine board
11 members.

12 (3) Board members are entitled to travel expenses
13 incurred for each day in attendance at board meetings or in
14 the performance of any duty or service as a board member in
15 accordance with 2-18-501 through 2-18-503.

16 NEW SECTION. Section 6. Meetings of the board. (1)
17 The board shall meet quarterly and at such other times as
18 may be required for the proper conduct of the business of
19 the board at the call of the chairman.

20 (2) The principal office of the board shall be in
21 Helena, but the board may act and exercise all of its powers
22 at any other location.

23 NEW SECTION. Section 7. Adoption of rules -- seal --
24 record of proceedings. (1) The board may adopt rules for the
25 conduct of board business.

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

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

4 Section 8. Section 20-4-102, MCA, is amended to read:

5 "20-4-102. ~~Board of public education policies, Powers~~
6 ~~and duties of board.~~ To effect an orderly and uniform system
7 of teacher certification, the board of ~~public education~~
8 shall, ~~upon the recommendation~~ after considering
9 recommendations of the board of public education,
10 superintendent of public instruction, board of regents, and
11 other interested parties, in accordance with the provisions
12 of this title, prescribe and adopt policies for the issuance
13 of teacher certificates. Such policies shall provide for:

14 (1) reasonable training and experience requirements
15 for teacher, supervisor, and administrative certificates and
16 endorsements thereon as provided by the certification
17 classification in 20-4-106;

18 (2) the renewal of teacher certificates based on the
19 same conditions prescribed for the initial issuance of
20 certificates;

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

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

1 (5) any other policy, not inconsistent with the law,
2 which that is necessary for the proper operation of a system
3 of teacher certification."

4 Section 9. Section 20-4-103, MCA, is amended to read:

5 "20-4-103. Issuance of teacher certificates. The
6 superintendent of public instruction shall issue all teacher
7 certificates in the state of Montana. In issuing teacher
8 certificates, the superintendent of public instruction shall
9 comply with the provisions of this title and the teacher
10 certification policies adopted by the board of ~~public~~
11 ~~education.~~ The superintendent of public instruction ~~shall~~
12 ~~may~~ not issue a teacher certificate to any person who does
13 not satisfy the qualifications or other requirements of this
14 title and of the board of ~~public education policies~~ for
15 teacher certification."

16 Section 10. Section 20-4-104, MCA, is amended to read:

17 "20-4-104. Qualifications. Any ~~A~~ person may be
18 certified as a teacher when he ~~satisfies the following~~
19 ~~qualifications that person:~~

20 (1) He is 18 years of age or older ~~but is not more~~
21 ~~than 70 years of age;~~

22 (2) He has a certificate of a licensed physician
23 attesting to his satisfactory health;

24 (3) He is a citizen of the United States, except as
25 provided in 20-4-105;

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1 (4) He is of good moral and professional character;

2 (5) He has completed the an approved teacher education
3 program of a unit of the Montana university system or an
4 essentially equivalent program at an accredited institution
5 ~~in the United States~~ of equal rank and standing ~~as that of~~
6 ~~any unit of the Montana university system~~, and such training
7 shall be evidenced by at least a bachelor's degree and a
8 certification of the completion of the approved teacher
9 education program, except as provided for in 20-4-106(1)(d).

10 ~~(6) He has subscribed to the following oath or~~
11 ~~affirmation before an officer authorized by law to~~
12 ~~administer oaths:~~

13 ~~"I solemnly swear (or affirm) that I will support the~~
14 ~~Constitution of the United States of America, the~~
15 ~~Constitution of the State of Montana, and the laws of the~~
16 ~~United States and the state of Montana and will by precept~~
17 ~~and example, promote respect for the flag and the~~
18 ~~institutions of the United States and the state of Montana,~~
19 ~~reverence for law and order, and undivided allegiance to the~~
20 ~~government of the United States of America."~~

21 Section 11. Section 20-4-106, MCA, is amended to read:

22 *20-4-106. Classifications of teacher certificates.

23 (1) The superintendent of public instruction shall issue
24 teacher certificates and the board of ~~public education~~ shall
25 adopt teacher certification policies on the basis of the

1 following classifications of teacher certificates:

2 (a) The class 1 professional certificate may be issued
3 to an otherwise qualified applicant who has completed ~~a~~ an
4 approved teacher education program which ~~that~~ includes a
5 bachelor's degree and a minimum of 1 year of study beyond
6 such degree in a unit of the Montana university system or an
7 equivalent institution. The professional certificate may be
8 endorsed for elementary instruction, secondary instruction,
9 or both and for specified subject fields on the basis of the
10 applicant's academic and professional training and according
11 to the board of ~~public education~~ policy for teacher
12 certification endorsement.

13 (b) The class 2 standard certificate may be issued to
14 an otherwise qualified applicant who has completed a 4-year
15 an approved teacher education program and who has been
16 awarded a bachelor's degree by a unit of the Montana
17 university system or an equivalent institution. The standard
18 certificate may be endorsed for elementary instruction,
19 secondary instruction, or both and for specified subject
20 fields on the basis of the applicant's academic and
21 professional training and according to the board of ~~public~~
22 ~~education~~ policy for teacher certification endorsement.

23 (c) The class 3 administrative and supervisory
24 certificate may be issued to an otherwise qualified
25 applicant who is the holder of a teacher certificate

1 endorsed for teaching in the school or schools in which he
 2 the applicant would be an administrator or he would
 3 supervise. The applicant also shall possess the training
 4 and experience required by ~~the policies of the~~ board of
 5 public education policy for an endorsement as
 6 superintendent, principal, or supervisor.

7 (d) The class 4 vocational, recreational, or adult
 8 education certificate may be issued to an otherwise
 9 qualified applicant who has the qualifications of training
 10 and experience ~~required by the United States office of~~
 11 ~~education or the qualifications~~ required by the special
 12 needs of the several vocational, recreational, or adult
 13 education fields and who can qualify under the board policy
 14 ~~of the board of public education~~ for the issuance of
 15 this classification of teacher certification.

16 (e) The class 5 provisional certificate may be issued
 17 to an otherwise qualified applicant who can provide
 18 satisfactory evidence of his intent to qualify in the future
 19 for a class 1 or a class 2 certificate and who has completed
 20 a 4-year college program or its equivalent and holds a
 21 bachelor's degree from a unit of the Montana university
 22 system or its equivalent. The provisional certificate may be
 23 endorsed for elementary instruction, secondary instruction,
 24 or both and for special subject fields on the basis of the
 25 applicant's academic and professional training and according

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

3 (2) For purposes of evaluating the qualifications of
 4 applicants for teacher certificates, a year means the
 5 instructional period consisting of three quarters or two
 6 semesters or other terms which are recognized as an academic
 7 year by any unit of the Montana university system or
 8 equivalent institution."

9 Section 12. Section 20-4-107, MCA, is amended to read:
 10 "20-4-107. Outstanding teacher certificates. (1) No
 11 provisions of this title shall affect or impair the validity
 12 of any certificate that is in force on January 26, 1971, or
 13 the rights and privileges of the holders by virtue thereof,
 14 except that any certificates may be suspended or revoked for
 15 any of the causes and by the procedures provided by law.

16 (2) Any holder of an elementary school standard
 17 certificate issued prior to July 1, 1959, under the previous
 18 statute and in force on July 1, 1959, shall be eligible for
 19 renewal of such certificate in accordance with ~~the policies~~
 20 ~~of the board of public education policy~~ until the holder
 21 qualifies for the class 2 standard certificate as provided
 22 in 20-4-106.

23 (3) Any holder of a class 5 certificate in force on
 24 June 30, 1966, or issued between July 1, 1966, and December
 25 31, 1966, shall be eligible for renewal of such certificate

1 in accordance with the ~~policy~~ of the board of public
2 education policy until the holder qualifies for the class 2
3 standard certificate ~~as provided in 20-4-106.~~"

4 Section 13. Section 20-4-108, MCA, is amended to read:
5 "20-4-108. Term of teacher certificates -- renewal.

6 (1) Any teacher certificate issued by the superintendent of
7 public instruction shall bear the dates of issue and
8 validity and shall be valid for a term of 5 school fiscal
9 years, except that class 5 provisional certificates shall be
10 valid for the number of years, up to a maximum of 5 years,
11 provided by the ~~policy~~ of the board of public education
12 policy. The period of validity for any certificate shall
13 begin on July 1 immediately preceding the date of issue.

14 (2) Teacher certificates shall be renewed for similar
15 periods of time on the basis of the board of public
16 education policies for teacher certification renewal."

17 Section 14. Section 20-4-109, MCA, is amended to read:

18 "20-4-109. Fees for teacher certificates. Each person
19 applying for the issuance or renewal of a teacher
20 certificate shall pay a fee of ~~\$2~~ not to exceed \$10 for each
21 school fiscal year that the certificate will be valid. In
22 addition to this fee, each person who has never held any
23 class of Montana teacher certificate or for whom an
24 emergency authorization of employment has never been issued
25 shall pay a filing fee of ~~\$2~~ \$5. Such the fees shall be paid

1 to the superintendent of public instruction who shall
2 ~~deposit the fees with the state treasurer to the credit of~~
3 ~~the general~~ board account in the earmarked revenue fund."

4 Section 15. Section 20-4-110, MCA, is amended to read:

5 "20-4-110. Suspension, revocation, and denial --
6 appeals. (1) The board of public education shall have the
7 power and authority to suspend or revoke the teacher
8 certificate of any person for any of the following reasons:

9 (a) a statement of material fact in the application
10 for a certificate which the applicant knows to be false;

11 ~~(b)~~ any reason that would have required or
12 authorized the denial of the teacher certificate to such
13 person if it had been known at the time such certificate was
14 issued;

15 ~~(b)(c)~~ by reason of incompetency, immorality,
16 intemperance, physical inability, or conviction of a felony
17 under state law; or

18 ~~(c)~~ by reason of the failure of the certificate holder
19 to comply with the terms of any contract between such holder
20 and the trustees of a district without the consent of the
21 trustees in writing or without good cause. Such breach of
22 contract shall constitute unprofessional conduct;

23 (d) gross neglect of duty;

24 (e) conviction in this state or any other state or
25 country of a criminal offense involving moral turpitude;

1 (f) substantial or material nonperformance of the
2 employment contract between the teacher and the trustees of
3 a district without good cause or written consent of the
4 trustees; or

5 (g) denial, revocation, suspension, or surrender of a
6 teacher certificate in another state for any reason
7 constituting grounds for such action in this state.

8 (2) ~~Whenever a substantial reason~~ The board shall
9 initiate proceedings under this section only if a request
10 for the suspension or revocation of the teacher certificate
11 of any person is brought made to the attention of the board
12 of public education; it shall afford the person an
13 opportunity to defend himself and his qualifications against
14 the charge before the board; it by:

15 (a) the trustees of a district as to a teacher
16 employed by that district within the 12 months immediately
17 preceding receipt of the request by the board; or

18 (b) the superintendent of public instruction as to a
19 teacher not employed by any district within the 12 months
20 immediately preceding receipt of the request by the board.

21 (3) ~~The superintendent of public instruction board~~
22 shall give a 30-day written notification to any person when
23 the board of public education intends to consider the
24 suspension or revocation of his certificate. The board of
25 public education shall implement conduct an investigation of

1 the reasons for the suspension or revocation charge and
2 then, if the investigation warrants further action, conduct
3 a hearing in the manner provided by board of public
4 education policies. At the hearing the board shall afford
5 the person an opportunity to defend himself and his
6 qualifications against the charge.

7 (3)(4) After a full investigation and proper hearing,
8 the board of public education may suspend or revoke the
9 person's teacher certificate, except that in cases the case
10 of a first violation under subsection (1)(c)(f) above, the
11 maximum penalty shall not be more than a 2-year suspension
12 of the person's certificate ~~for the current school fiscal~~
13 ~~year and the ensuing school fiscal year.~~

14 (4)(5) Whenever the superintendent of public
15 instruction denies the issuance or the renewal of a teacher
16 certificate to a person, he may appeal the denial to the
17 board of public education. The appeal shall be heard in the
18 same manner provided for in this section for suspension or
19 revocation and in accordance with the policies of the board
20 of public education. The decision of the board of public
21 education shall be final."

22 Section 16. Section 20-4-111, MCA, is amended to read:
23 "20-4-111. Emergency authorization of employment. (1)
24 Any district may request from the superintendent of public
25 instruction an emergency authorization of employment for a

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1 person who is not the holder of a valid teacher certificate
 2 as an instructor of pupils when such district cannot secure
 3 the services of a person holding a valid certificate. The
 4 person shall have previously held a valid teacher
 5 certificate or shall meet the standards of preparation
 6 prescribed by the policies of the board of ~~public education~~
 7 for and during such emergency. Such emergency authorization
 8 of employment shall indicate:

9 (a) the district to which such authorization is
 10 issued;

11 (b) the person whom the district is authorized to
 12 employ;

13 (c) the endorsement for elementary or secondary
 14 instruction and the specific subject fields for which
 15 authorization to employ such person is given; and

16 (d) the school fiscal year for which such emergency
 17 authorization of employment is given.

18 (2) Emergency authorization of employment of a person
 19 shall be valid for the school fiscal year identified on such
 20 authorization and may be renewed in accordance with the
 21 board of ~~public education~~ policies. A fee of ~~of \$2 not to~~
 22 ~~exceed \$10~~ and, if no teacher certificate or emergency
 23 authorization of employment has ever been issued for such
 24 person, a filing fee of \$2 ~~\$5~~ shall be paid for the issuance
 25 of an emergency authorization of employment. The

1 ~~superintendent of public instruction shall deposit the fees~~
 2 ~~with the state treasurer to the credit of the general fees~~
 3 ~~shall be paid to the board account in the earmarked revenue~~
 4 fund.

5 (3) Emergency authorization of employment of a person
 6 may be revoked for good cause in accordance with the
 7 provisions of 20-4-110."

8 Section 17. Section 20-1-101, MCA, is amended to read:
 9 "20-1-101. Definitions. As used in this title, unless
 10 the context clearly indicates otherwise, the following
 11 definitions apply:

12 (1) "Agricultural experiment station" means the
 13 agricultural experiment station established at Montana state
 14 university.

15 (2) "Average number belonging" or "ANB" shall mean the
 16 average number of regularly enrolled, full-time pupils
 17 attending the public schools of a district.

18 (3) "The board of public education" is the board
 19 created by Article X, section 9, subsection (3) of the 1972
 20 Montana constitution and 2-15-1507.

21 (4) "Board of regents" means the board of regents of
 22 higher education created by Article X, section 9, subsection
 23 (2) of the 1972 Montana constitution and 2-15-1505.

24 (5) "Commissioner" means the commissioner of higher
 25 education created by Article X, section 9, subsection (2) of

1 the 1972 Montana constitution and 2-15-1506.

2 (6) "County superintendent" means the county
3 government official who is the school officer of the county.

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

11 (8) "Postsecondary vocational-technical center" means
12 a school used principally for the provision of postsecondary
13 vocational-technical education to persons who qualify as
14 postsecondary vocational-technical pupils. These centers are
15 designated by the board of public education upon direction
16 by the legislature. All other public or private schools are
17 hereby prohibited from using this title.

18 (9) "Postsecondary vocational-technical education"
19 means vocational-technical education of postsecondary
20 vocational-technical pupils which is conducted by a
21 postsecondary vocational-technical center or other programs
22 as designated by the board of public education.
23 Postsecondary vocational-technical education shall include
24 the 13th and 14th year and beyond but will not include work
25 toward a baccalaureate degree.

1 (10) "Postsecondary vocational-technical pupil" means a
2 person who has completed or left school, is at least 16
3 years of age, and is available for study in preparation for
4 entering the labor market, for reentering the labor market,
5 or for employment stability or advancement in employment.

6 (11) "Principal" means any person who holds a valid
7 class 3 Montana teacher certificate with an applicable
8 principal's endorsement that has been issued by the
9 superintendent of public instruction under the provisions of
10 this title ~~and the policies adopted by the board of public~~
11 ~~education~~ and who has been employed by a district as a
12 principal. For the purposes of this title, any reference to
13 a teacher ~~shall be construed as including~~ includes a
14 principal ~~as herein defined~~.

15 (12) "Pupil" means any child who is 6 years of age or
16 older but has not yet reached his 21st birthday and who is
17 enrolled in a school established and maintained under the
18 laws of the state of Montana at public expense.

19 (13) "Pupil instruction" means the conduct of organized
20 instruction of pupils enrolled in public schools while under
21 the supervision of a teacher.

22 (14) "Regents" means the board of regents of higher
23 education.

24 (15) "School food services" means a service of
25 providing food for the pupils of a district on a nonprofit

1 basis and shall include any food service financially
2 assisted through funds or commodities provided by the United
3 States government.

4 (16) "The state board of education" is the board
5 composed of the board of public education and the board of
6 regents as specified in Article X, section 9, subsection (1)
7 of the 1972 Montana constitution.

8 (17) "State university" means the Montana state
9 university, located at Bozeman.

10 (18) "Superintendent of public instruction" means that
11 state government official designated as a member of the
12 executive branch by the constitution of Montana.

13 (19) "System" means the Montana university system.

14 (20) "Teacher" means any person, except a district
15 superintendent, who holds a valid Montana teacher
16 certificate that has been issued by the superintendent of
17 public instruction under the provisions of this title and
18 ~~the policies adopted by the board of public education~~ and
19 who is employed by a district as a member of its
20 instructional, supervisory, or administrative staff. This
21 definition of a teacher ~~shall also include~~ includes any
22 person for whom an emergency authorization of employment of
23 such person has been issued under the provisions of
24 20-4-111.

25 (21) "Textbook" means a book or manual used as a

1 principal source of study material for a given class or
2 group of students.

3 (22) "Textbook dealer" means any party, company,
4 corporation, or other organization selling, offering to
5 sell, or offering for adoption textbooks to districts in the
6 state of Montana.

7 (23) "Trustees" means the governing board of a
8 district.

9 (24) "University" means the university of Montana,
10 located at Missoula.

11 (25) "Vocational education" means the instruction to
12 prepare or improve the pupil for gainful employment that
13 does not require a baccalaureate or higher degree. This
14 definition of vocational education shall include guidance
15 and prevocational, related, or technical instruction
16 necessary to prepare the pupil for further vocational
17 education or for entry into employment."

18 Section 18. Section 20-4-201, MCA, is amended to read:
19 "20-4-201. Employment of teachers by contract. (1) The
20 trustees of any district shall have the authority to employ
21 any person as a teacher, but only a person who holds a valid
22 Montana teacher certificate or for whom an emergency
23 authorization of employment has been issued that qualifies
24 such person to perform the duties prescribed by the trustees
25 for the position of employment. Each teacher shall be

1 employed under written contract, and each contract of
2 employment shall be authorized by a proper resolution of the
3 trustees and shall be executed in duplicate by the chairman
4 of the trustees and the clerk of the district in the name of
5 the district and by the teacher.

6 (2) No contract of employment with a teacher shall may
7 require such teacher to teach more than 5 days a week or on
8 any holiday recognized by 20-1-305. No deduction shall may
9 be made from a teacher's salary by reason of the fact that
10 if a holiday falls on a school day. Any & teacher's contract
11 made in conflict with the 5-days-per-week provision of this
12 section shall not be enforceable against the teacher.

13 (3) Whenever the trustees of a county high school and
14 the trustees of the elementary district where the county
15 high school is located form a joint board of trustees under
16 the provisions of 20-3-361, such joint board of trustees may
17 execute a contract of employment with a teacher who shall
18 serve both districts. When such a contract is executed, the
19 two districts shall prorate the compensation provided by
20 such contract on the basis of the total number of
21 instructional hours expended by such teacher within each
22 district.

23 ~~(4) Any contract executed under the provisions of this~~
24 ~~section may contain the oath or affirmation prescribed in~~
25 ~~20-4-104, and the teacher shall subscribe to such oath or~~

1 ~~affirmation before an officer authorized by law to~~
2 ~~administer oaths"~~

3 NEW SECTION. Section 19. Policy standards for
4 approval of teacher education programs. (1) After
5 considering recommendations of the board of public
6 education, board of regents, and the superintendent of
7 public instruction, the teacher standards and practices
8 board shall by policy establish standards for approval of
9 teacher education programs.

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

16 NEW SECTION. Section 20. Protection of prior rights.
17 The transfer of duties, functions, and powers to the teacher
18 standards and practices board does not affect any action,
19 suit, proceeding, or prosecution involving or with respect
20 to such duties, functions, and powers commenced prior to and
21 pending at the time of the transfer, except that the board
22 is substituted for the superintendent of public instruction
23 or board of public education in such action, suit,
24 proceeding, or prosecution.

25 Section 21. Section 20-2-121, MCA, is amended to read:

1 "20-2-121. Board of public education -- powers and
2 duties. The board of public education shall:

3 ~~(1) effect an orderly and uniform system for teacher~~
4 ~~certification and for the issuance of an emergency~~
5 ~~authorization of employment by adopting the policies~~
6 ~~prescribed by 20-4-102 and 20-4-111~~

7 ~~(2) consider the suspension or revocation of teacher~~
8 ~~certificates and appeals from the denial of teacher~~
9 ~~certification in accordance with the provisions of 20-4-110~~

10 ~~(3)(1) administer and order the distribution of state~~
11 ~~equalization aid in accordance with the provisions of~~
12 ~~20-9-344;~~

13 ~~(4)(2) adopt and enforce policies to provide uniform~~
14 ~~standards and regulations for the design, construction, and~~
15 ~~operation of school buses in accordance with the provisions~~
16 ~~of 20-10-111;~~

17 ~~(5)(3) approve or disapprove a reduction of the number~~
18 ~~of hours in a district's school day in accordance with the~~
19 ~~provisions of 20-1-302;~~

20 ~~(6)(4) adopt policies prescribing the conditions when~~
21 ~~school may be conducted on Saturday and the types of~~
22 ~~pupil-instruction-related days and approval procedure for~~
23 ~~such days in accordance with the provisions of 20-1-303 and~~
24 ~~20-1-304;~~

25 ~~(7)(5) adopt standards of accreditation and establish~~

1 the accreditation status of every school in accordance with
2 the provisions of 20-7-101 and 20-7-102;

3 ~~(8)(6) approve or disapprove educational media~~
4 ~~selected by the superintendent of public instruction for the~~
5 ~~educational media library in accordance with the provisions~~
6 ~~of 20-7-201;~~

7 ~~(9)(7) as the governing board of the state of Montana~~
8 ~~for vocational education, adopt the policies prescribed by~~
9 ~~and in accordance with the provisions of 20-7-301;~~

10 ~~(10)(8) consider applications for postsecondary~~
11 ~~vocational-technical center designation in accordance with~~
12 ~~the provisions of 20-7-311;~~

13 ~~(11)(9) for the purposes of postsecondary~~
14 ~~vocational-technical centers, approve or disapprove programs~~
15 ~~and budgets, direct the distribution of moneys in support of~~
16 ~~such budgets, determine tuition rates and fees, and enter~~
17 ~~into lease agreements or real property purchases in~~
18 ~~accordance with the postsecondary vocational-technic,~~
19 ~~center provisions of the vocational education part of this~~
20 ~~title;~~

21 ~~(12)(10) adopt policies for the conduct of special~~
22 ~~education in accordance with the provisions of 20-7-402;~~

23 ~~(13)(11) perform any other duty prescribed from time to~~
24 ~~time by this title or any other act of the legislature."~~

25 Section 22. Codification. Sections 2 through 7 and

LC 1567/01

1 sections 19 and 20 are intended to be codified in Title 20,
2 chapter 4, part 1, and the provisions in Title 20, chapter
3 4, part 1, apply to sections 2 through 7 and sections 19 and
4 20.

-End-

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