CHAPTER NO. 511

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HOUSE BILL NO. 864

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INTRODUCED BY DAILY, MANUEL

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 22, 1979	Second reading, do pass.
February 23, 1979	Considered correctly engrossed.
	Third reading, passed. Transmitted to second house.
IN THE	SENATE
February 23, 1979	Introduced and referred to Committee on Education.
March 17, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 20, 1979	In accordance with Joint Rule 11-5-2 Statement of Intent was adopted.
	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.
IN THE	HOUSE
March 24, 1979	Returned from second house. Concurred in as amended with Intent Statement.
March 26, 1979	On motion consideration passed until the 71st Legislative Day.

March 30, 1979

March 31, 1979

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Second reading, amendments adopted.

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

20 1553/11

House BILL NO. 864 1 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLON 4 THE

SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE BOARD OF PUBLIC 5 EDUCATION TO ADOPT A SPECIALIST CERTIFICATE; AMENDING -6 7 SECTIONS 20-2-121, 20-3-205, 20-3-362, 20-4-101 THROUGH 20-4-106, 20-4-108 THROUGH 20-4-111, AND 20-4-201 THROUGH 8 20-4-203. MCA." 9

10

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

12 Section 1. Section 20-2-121, MCA, is amended to read: 13 #20-2-121. Board of public education -- powers and 14 duties. The board of public education shall:

15 (1) effect an orderly and uniform system for teacher certification, specialist certification, and for the 16 17 issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111; 18 19 (2) consider the suspension or revocation of teacher 20 or specialist certificates and appeals from the denial of 21 teacher or specialist certification in accordance with the

22 provisions of 20-4-110;

23 (3) administer and order the distribution of state 24 equalization aid in accordance with the provisions of 25 20-9-344;

1 (4) adopt and enforce policies to provide uniform 2 standards and regulations for the design, construction, and 3 operation of school buses in accordance with the provisions of 20-10-111: 4

5 (5) approve or disapprove a reduction of the number of 6 hours in a district's school day in accordance with the 7 provisions of 20-1-302;

3 (6) adopt policies prescribing the conditions when 9 school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for 10 11 such days in accordance with the provisions of 20-1-303 and 12 20-1-304;

13 (7) adopt standards of accreditation and establish the 14 accreditation status of every school in accordance with the 15 provisions of 20-7-101 and 20-7-102;

16 (8) approve or disapprove educational media selected 17 by the superintendent of public instruction for the educational media library in accordance with the provisions 18 of 20-7-201; 19

20 (9) as the governing board of the state of Montana for vocational education, adopt the policies prescribed by and 21 22 in accordance with the provisions of 20-7-301;

23 (10) consider applications for postsecondary vocational-technical center designation in accordance with 24 25 the provisions of 20-7-311; HEE64

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INTRODUCED BILL

1 (11) for the purposes of postsecondary 2 vocational-technical centers, approve or disapprove programs 3 and budgets, direct the distribution of moneys in support of such budgets, determine tuition rates and fees, and enter 4 -5 into lease agreements or real property purchases in - 6 accordance with the postsecondary vocational-technical 7 center provisions of the vocational education part of this title: 8

9 (12) adopt policies for the conduct of special
10 education in accordance with the provisions of 20-7-402;
11 (13) perform any other duty prescribed from time to
12 time by this title or any other act of the legislature."

13 Section 2. Section 20-3-205. MCA, is amended to read: 14 "20-3-205. Powers and duties. The county 15 superintendent has general supervision of the schools of the 16 county within the limitations prescribed by this title and 17 shall perform the following duties or acts:

18 (1) determine, establish, and reestablish trustee
19 nominating districts and fill additional trustee position
20 vacancies in accordance with the provisions of 20-3-352,
21 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the
boards of trustees of the districts in his county in
accordance with the provisions of 20-3-307;

25 (3) fill by appointment any trustee position vacancies

Ł when required under the provisions of 20-3-309; (4) register the teacher or specialist certificate 2 certificates or emergency authorization of employment of any ъ person employed in the county as a teachery specialists 4 5 principal, or district superintendent in accordance with the provisions of 20-4-202: 6 7 (5) act on each tuition application submitted to him in accordance with the provisions of 20-5-301, 20-5-302, R 9 20-5-304, and 20-5-311 and transmit the tuition information 10 required by 20-5-312; (6) file a copy of the audit report for a district in 11 12 accordance with the provisions of 20-9-203; 13 (7) classify districts in accordance with the 14 provisions of 20-6-201 and 20-6-301; 15 (8) keep a transcript and reconcile the district 16 boundaries of the county in accordance with the provisions 17 of 20-6-103; 18 (9) fulfill all responsibilities assigned to him und.r 19 the provisions of this title regulating the organization. 20 alteration, or abandonment of districts;

21 (10) act on any unification proposition and, if 22 approved, establish additional trustee nominating districts 23 in accordance with 20-6-312 and 20-6-313;

(11) estimate the average number belonging (ANB) of anopening school in accordance with the provisions of

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1 20-6-502, 20-6-503, 20-6-504; or 20-6-506;
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2 (12) process and, when required, act on school
3 isolation applications in accordance with the provisions of
4 20-9-302;

5 (13) complete the budgets, compute the hudgeted 6 revenues and tax levies, give notices of the budget 7 meetings, file final and emergency budgets, and fulfill such a other responsibilities assigned to him under the provisions 9 of this title regulating school budgeting systems;

10 (14) submit an annual financial report to the 11 superintendent of public instruction in accordance with the 12 provisions of 20-9-211;

13 (15) quarterly, unless otherwise provided by law, order 14 the county treasurer to apportion state moneys, county 15 school moneys, and any other school moneys subject to 16 apportionment in accordance with the provisions of 20-9-212, 17 20-9-334, 20-9-347, 20-9-351, 20-10-145, or 20-10-146;

18 (16) act on any request to transfer average number
19 belonging (ANE) in accordance with the provisions of
20 20-9-313(3);

(17) calculate the estimated budgeted general fund
sources of revenue in accordance with the provisions of
20-9-348 and the other general fund revenue provisions of
the general fund part of this title;

25 (18) compute the revenues and the district and county

levy requirements for each fund included on each district's
 final budget and report such computations to the board of
 county commissioners in accordance with the provisions of
 the general fund, transportation, bonds, and other school
 funds parts of this title;

6 (19) file and forward bus driver certifications.
7 transportation contracts, and state transportation
8 reisbursement claims in accordance with the provisions of
9 20-10-103, 20-10-143, or 20-10-145;

10 (20) for districts which do not employ a district 11 superintendent or principal, recommend library book and 12 textbook selections in accordance with the provisions of 13 20-7-204 or 20-7-602;

(21) notify the superintendent of public instruction of
a textbook dealer's activities when required under the
provisions of 20-7-605 and otherwise comply with the
textbook dealer provisions of this title;

18 (22) act on district requests to allocate federal
19 moneys for indigent children for school food services in
20 accordance with the provisions of 20-10-205;

21 (23) perform any other duty prescribed from time to 22 time by this title, any other act of the legislature, the 23 policies of the board of public education, or the rules of 24 the superintendent of public instruction;

25 (24) administor the oath of office to trustees without

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1 the receipt of pay for administering the oath; 1 "20-3-36". Powers of joint board of trustees. (1) When (25) keep a record of his official acts, preserve all 2 a joint board of trustees is formed as provided by 20-3-361, 2 3 reports submitted to him under the provisions of this title, it shall have the power to: 3 preserve all books and instructional equipment or supplies, 4 (a) jointly employ a district superintendent under the 4 5 keep all documents applicable to the adpinistration of the provisions of 20-4-401; 5 office, and surrender such records, books, supplies, and (a) jointly employ teachers and specialists under the 6 6 equipment to his successor: 7 7 provisions of 20-4-201; (26) within 90 days after the close of the school 8 (c) open a junior high school under the provisions of 8 fiscal year, publish an annual report in the county 9 9 20-6-505; newspaper stating the following financial information for 10 (d) prescribe and administer joint administrative 10 the school fiscal year just ended for each district of the 11 11 policy; and 12 COUNTRY (e) prorate all items of joint expense between the 12 13 (a) the total of the cash balances of all funds 13 elementary and high school districts, provided that a maintained by the district at the beginning of the year; 14 controversy over any decision by the joint board to prorate 14 15 (b) the total receipts that were realized in each fund joint costs may, within 30 days, be appealed by the trustees 15 maintained by the district; 16 either district to the superintendent of public 16 of 17 (c) the total expenditures that were made from each instruction for a final decision as to what constitutes a 17 18 fund maintained by the district; and 18 fair and just proration of the cost. 19 (d) the total of the cash balances of all funds (2) The joint board of trustees shall not have the 19 maintained by the district at the end of the school fiscal 20 20 power to transact business that is not specifically related year; and 21 21 to the joint administration of the two districts." (27) hold meetings for the members of the trustees from 22 Section 4. Section 20-4-101, MCA, is amended to read: 22 23 time to time at which matters for the good of the districts #20-4-101. System of 23 shall be discussed." 24 certification -- student teacher exception. (1) In order to 24

Section 3. Section 20-3+362, HCA, is amended to read: 25

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establish a uniform system of quality education and to

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teacher

and specialist

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ensure the maintenance of professional standards, a system of teacher and specialist certification shall be established and maintained under the provisions of this title and no person shall be permitted to teach in the public schools of the state until he has obtained a teacher certificate or <u>specialist certificate</u> or the district has obtained an emergency authorization of employment from the state.

(2) The above certification requirement shall not 8 apply to a student teacher who is hereby defined as a q student enrolled in an institution of higher learning 10 approved by the board of regents of higher education for 11 teacher training and who is jointly assigned by such 12 13 institution of higher learning and the governing board of a district or a public institution to perform practice 14 15 teaching in a nonsalaried status under the direction of a 16 regularly employed and certificated teacher.

17 (3) A student teacher, while serving such nonsalaried 18 internship under the supervision of a certificated teacher. 19 shall be accorded the same protection of the laws as that accorded a certificated teacher and shall+ while acting as 20 21 such student teacher, comply with all rules of the poverning 22 board of the district or public institution and the applicable provisions of 20-4-301 relating to the duties of 23 24 teachers.*

25 Section 5. Section 20-4-102; MCA; is amended to read:

#20-4-102. Board of public education policies. To 1 effect an orderly and uniform system of teacher and 2 3 specialist certification, the board of public education shall, upon the recommendation of the superintendent of 4 5 public instruction and in accordance with the provisions of this title, prescribe and adopt policies for the issuance of 6 7 teacher or specialist certificates. Such policies shall provide for: R

9 (1) reasonable training and experience requirements 10 for teacher, <u>specialist</u>; supervisor, and administrative 11 certificates and endorsements thereon as provided by the 12 certification classification in 20-4-106;

13 (2) the renewal of teacher or specialist certificates
14 based on the same conditions prescribed for the initial
15 issuance of certificates;

16 (3) the conduct of hearings on teacher or specialist
17 certification revocation, suspension, or denial;
18 (4) the issuance of emergency authorization to a
19 district to employ a person who is not the holder of a valid
20 teacher certificate as an instructor of pupils; and
21 (5) any other policy, not inconsistent with the law,
22 which is necessary for the proper operation of a system of

23 teacher and specialist certification.*

24 Section 6. Section 20-4-103, MCA, is amended to read:
25 #20-4-103. Issuance of teacher or specialist

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1 certificates. The superintendent of public instruction shall 2 issue all teacher and specialist certificates in the state of Montana. In issuing teacher or <u>specialist</u> certificates. 3 the superintendent of public instruction shall comply with 4 the provisions of this title and the teacher and specialist 5 certification policies adopted by the board of public 6 7 education. The superintendent of public instruction shall not issue a teacher or specialist certificate to any person 8 who does not satisfy the qualifications or other 9 requirements of this title and of the board of public 10 11 education policies for teacher or specialist certification." Section 7. Section 20-4-104, MCA, is amended to read: 12 #20-4-104. Qualifications. (1) Any person may be 13 certified as a teacher when he satisfies the following 14 qualifications: 15

16 <u>tty[a]</u> He is 18 years of age or older but is not more 17 than 70 years of age.

18 (2)(b) He has a certificate of a licensed physician
 19 attesting to his satisfactory health.

20 (3)(c) He is a citizen of the United States except as
21 provided in 20-4-105.

22 (44)(d) He is of good moral and professional character.
23 (57)(c) He has completed the teacher education program
24 of a unit of the Montana university system or an essentially
25 equivalent program at an accredited institution in the

1 United States of equal rank and standing as that of any unit 2 of the Montana university system, and such training shall be 3 evidenced by at least a bachelor*s degree and a 4 certification of the completion of the teacher education 5 program, except as provided for in 20-4-106(1)(d).

6 (6)(f) He has subscribed to the following oath or
7 affirmation before an officer authorized by law to
8 administer oaths:

"I solemnly swear (or affirm) that I will support The 9 Constitution of the United States of America, The 10 Constitution of the State of Montana, and the laws of the 11 United States and the state of Montana and will, by precept 12 13 and example, promote respect for the flag and the 14 institutions of the United States and the state of Montana, 15 reverence for law and order, and undivided allegiance to the 16 government of the United States of America."

17 (2) Any person may be certified as a specialist when

18 he satisfies the requirements of subsections (1)(a) through

19 <u>(1)(e) and the requirement for a specialist certificate</u>

20 provided in [subsection (2) of section 9]**

21 Section 8. Section 20-4-105, MCA, is amended to read:

22 "20-4-105. Noncitizen teacher or specialist

23 certification. (1) The superintendent of public instruction

24 may issue a class 5 provisional certificate to a person who

25 is not a citizen of the United States when:

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(a) the crustees of a district request certification
 of such person; and

3 (b) he otherwise qualifies for at least a class 5
4 provisional certificate.

5 (2) The superintendent of public instruction also may 6 issue an annual teacher <u>or specialist</u> certificate to a 7 person who is not a citizen of the United States and who is 8 an exchange teacher <u>or specialist</u> from a foreign country 9 intending to return to that country."

10 Section 9. Section 20-4-106. MCA, is amended to read: 11 "20-4-106. Classifications of teacher and specialist 12 certificates. (1) The superintendent of public instruction 13 shall issue teacher certificates and the board of public 14 education shall adopt teacher certification policies on the 15 basis of the following classifications of teacher 16 certificates:

(a) The class 1 professional certificate may be issued 17 13 to an otherwise qualified applicant who has completed a teacher education program which includes a bachelor's degree 19 and a minimum of 1 year of study beyond such dearee in a 20 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 public education policy for teacher
2 certification endorsement.

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

(c) The class 3 administrative and supervisory 13 14 certificate may be issued to an otherwise qualified 15 applicant who is the holder of a teacher certificate endorsed for teaching in the school or schools in which he 16 would be an administrator or he would supervise. The 17 18 applicant also shall possess the training and experience 19 required by the policies of the board of public education for an endorsement as superintendent, principal, or 20 21 supervisor.

22 (d) The class 4 vocational+ recreational+ or adult
23 education certificate may be issued to an otherwise
24 qualified applicant who has the qualifications of training
25 and experience required by the United States office of

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education or the qualifications required by the special
 needs of the several vocational. recreational. or adult
 education fields and who can qualify under the policy of the
 board of public education for the issuance of this
 classification of teacher certification.

6 (e) The class 5 provisional certificate may be issued 7 to an otherwise qualified applicant who can provide 8 satisfactory evidence of his intent to qualify in the future 9 for a class 1 or a class 2 certificate and who has completed 10 a 4-year college program or its equivalent and holds a 11 bachelor's degree from a unit of the Montana university 12 system or its equivalent. The provisional certificate may be endorsed for elementary instruction, secondary instruction, 13 14 or both and for special subject fields on the basis of the 15 applicant's academic and professional training and according 16 to the board of public education policy for teacher or 17 specialist certification endorsement.

18 [2] The superintendent of public instruction shall 19 issue specialist certificates and the board of public 20 education shall adopt specialist certification policies. The 21 specialist certificate may be issued to an otherwise 22 qualified applicant who has the training, experience, and license required under the standards of the board of public 23 24 education for the certification of a profession other than 25 the teaching profession.

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

Section 10. Section 20-4-108. MCA, is amended to read: 7 #20-4-108. Term of teacher and specialist certificates R --- renewal. (1) Any teacher or specialist certificate issued • by the superintendent of public instruction shall bear the 10 dates of issue and validity and shall be valid for a term of 11 5 school fiscal years, except that class 5 provisional 12 certificates shall be valid for the number of years, up to a 13 maximum of 5 years, provided by the policies of the board of 14 public education. The period of validity for any certificate 15 shall begin on July 1 immediately preceding the date of 16 17 issue.

18 (2) Teacher and specialist certificates shall
19 renewed for similar periods of time on the basis of the
20 board of public education policies for teacher and
21 specialist certification renewal."

22 Section 11. Section 20-4-109, MCA, is amended to read: 23 ***20-4-109. Fees for teacher <u>and specialist</u>** 24 certificates. Each person applying for the issuance of

25 renewal of a teacher or specialist certificate shall pay a

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fee of \$2 for each school fiscal year that the certains ste 1 will be valid. In addition to this fee, each person who has 2 never held any class of Montana teacher or specialist 3 certificate or for whom an emergency authorization of 4 5 employment has never been issued shall pay a filing fee of \$2. Such fees shall be paid to the superintendent of public 6 instruction, who shall deposit the fees with the state 7 treasurer to the credit of the general fund." з

9 Section 12. Section 20-4-110, MCA, is amended to read: 10 *20-4-110. Suspension, revocation, and denial --11 appeals. (1) The board of public education shall have the 12 power and authority to suspend or revoke the teacher or 13 specialist certificate of any person for any of the 14 following reasons:

(a) any reason that would have required or authorized
the denial of the teacher <u>or specialist</u> certificate to such
person if it had been known at the time such certificate was
issued;

19 (b) by reason of incompetency, immorality.
20 intemperance, physical inability, or conviction of a felony
21 under state law; or

(c) by reason of the failure of the certificate holder
to comply with the terms of any contract between such holder
and the trustees of a district without the consent of the
trustees in writing or without good cause+ Such breach of

contract shall constitute unprofessional conduct.

Z (2) Whenever a substantial reason for the suspension 3 or revocation of the teacher or specialist certificate of any person is brought to the attention of the board of 4 oublic education, it shall afford the person an opportunity 5 to defend himself and his gualifications against the charge 6 before the board. The superintendent of public instruction 7 8 shall give a 30-day written notification to any person when Q the board of public education intends to consider the 10 suspension or revocation of his certificate. The board of 11 public education shall implement an investigation of the 12 reasons for the suspension or revocation charge and then, if 13 the investigation warrants further action, conduct a hearing in the manner provided by board of public education 14 15 policies.

16 (3) After a full investigation and proper hearing, the 17 board of public education may suspend or revoke the person's 18 teacher or specialist certificate, except that in cases of a 19 first violation under subsection (1)(c) above, the maximum 20 penalty shall not be more than a suspension of the person's 21 certificate for the current school fiscal year and the 22 ensuing school fiscal year.

23 (4) Whenever the superintendent of public instruction
24 denies the issuance or the renewal of a teacher or
25 specialist certificate to a person+ he may appeal the denial

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to the board of public education. The appeal shall be heard
 in the same manner provided for in this section for
 suspension or revocation and in accordance with the policies
 of the board of public education. The decision of the board
 of public education shall be final."

6 Section 13. Section 20-4-111. HCA, is amended to read: 7 #20-4-111. Emergency authorization of employment. (1) 8 Any district may request from the superintendent of public 9 instruction an emergency authorization of employment for a 10 person who is not the holder of a valid teacher or specialist certificate as an instructor of pupils when such 11 district cannot secure the services of a person holding a 12 13 valid certificate. The person shall have previously held a valid teacher or specialist certificate or shall meet the 14 15 standards of preparation prescribed by the policies of the 16 board of public education for and during such emergency. 17 Such emergency authorization of employment shall indicate: 18 (a) the district to which such authorization is issued: 19

20 (b) the person whom the district is authorized to 21 employ;

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

25 (d) the school fiscal year for which such emergency

1 authorization of employment is given.

2 (2) Emergency authorization of employment of a person shall be valid for the school fiscal year identified on such 3 authorization and may be renewed in accordance with the 4 board of public education policies. A fee of \$2 and, if no 5 teacher or specialist certificate or emergency authorization 6 of employment has ever been issued for such person, a filing 7 fee of \$2 shall be paid for the issuance of an emergency 6 9 authorization of employment. The superintendent of public instruction shall deposit the fees with the state treasurer 10 11 to the credit of the general fund. (3) Emergency authorization of employment of a person 12

13 may be revoked for good cause in accordance with the 14 provisions of 20-4-110.**

15 Section 14. Section 20-4-201, NCA, is amended to read: "20-4-201. Employment of teachers and specialists by 16 17 contract. (1) The trustees of any district shall have the authority to employ any person as a teacher or specialis 18 but only a person who holds a valid Montana teacher or 19 specialist certificate or for whom an emergency 20 authorization of employment has been issued that qualifies 21 22 such person to perform the duties prescribed by the trustees for the position of employment. Each teacher or specialist 23 shall be employed under written contract, and each contract 24 25 of employment shall be authorized by a proper resolution of

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the trustees and shall be executed in duplicate by the 1 chairman of the trustees and the clerk of the district in 2 the name of the district and by the teacher or specialist. 3 (2) No contract of employment with a teacher or 4 5 specialist shall require such teacher or specialist to teach more than 5 days a week or on any holiday recognized by 6 20-1-305. No deduction shall be made from a teacher's or 7 specialist's salary by reason of the fact that a holiday 9 falls on a school day. Any teacher's or specialist's 9 contract made in conflict with the 5-days-per-week provision 10 of this section shall not be enforceable against the teacher 11 12 or specialist.

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

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1 such oath or affirmation before an officer authorized by law
2 to administer paths.[#]

3 Section 15. Section 20-4-202, MCA, is amended to read: #20-4-202. Teacher and specialist certification 4 5 registration. (1) Any person employed as a teacher, specialists principal. or district superintendent shall 6 register his certificate or the district shall register its 7 emergency authorization of employment for a teacher with the 3 county superintendent of the county wherein he is employed 9 in order to validate his employment status and permit 10 payment under his employment contract. If a teacher or 11 12 specialist does not register his certificate with the county 13 superintendent within 60 calendar days after the-teacher he 14 begins to perform his services, he shall not be eligible to 15 receive any further compensation under his contract of employment until he has registered his certificate. After 16 the schools of a district have been open for 60 calendar 17 days in the current school fiscal year, the county 18 19 superintendent shall notify each district of the county of 20 each teacher or specialist who has registered his current 21 valid certificate, and the district shall not pay any 22 teacher who has not registered his certificate until the 23 county superintendent does notify the district of such 24 registration.

25 (2) A teacher or specialist employed by a joint

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Section 16. Section 20-4-203, MCA, is amended to read: 4 5 #20-4-203. Teacher tenure. Whenever a teacher has been elected by the offer and acceptance of a contract for the 6 7 fourth consecutive year of employment by a district in a 8 position requiring teacher certification except as a 9 district superintendent or specialist, the teacher shall be 10 desmed to be reelected from year to year thereafter as a tenure teacher at the same salary and in the same or a 11 12 comparable position of employment as that provided by the 13 last executed contract with such teacher, unless:

14 (1) the trustees resolve by majority vote of their 15 membership to terminate the services of the teacher in 16 accordance with the provisions of 20-4-204; or

17 (2) the teacher will attain the age of 65 years before 18 the ensuing September 1 and the trustees have notified the 19 teacher in writing by April 1 that his services will not be 20 needed in the ensuing school fiscal year, except that the 21 trustees may continue to employ such a teacher from year to 22 year until the school fiscal year following his 70th 23 birthday."

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House BILL NO. 864 1 INTRODUCED BY 2 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLON THE 5 SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE BOARD OF PUBLIC 6 EDUCATION TO ADOPT A SPECIALIST CERTIFICATE; AMENDING 7 SECTIONS 20-2-121, 20-3-205, 20-3-362, 20-4-101 THRCUGH 8 20-4-106, 20-4-108 THROUGH 20-4-111, AND 20-4-201 THROUGH 9 20-4-203, MCA."

10

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23 (3) administer and order the distribution of state
24 equalization aid in accordance with the provisions of
25 20-9-344;

1 (4) adopt and enforce policies to provide uniform 2 standards and regulations for the design+ construction, and 3 operation of school buses in accordance with the provisions 4 of 20-10-111:

5 (5) approve or disapprove a reduction of the number of 6 hours in a district's school day in accordance with the 7 provisions of 20-1-302;

8 (6) adopt policies prescribing the conditions when 9 school may be conducted on Saturday and the types of 10 pupil-instruction-related days and approval procedure for 11 such days in accordance with the provisions of 20-1-303 and 12 20-1-304;

(7) adopt standards of accreditation and establish the
 accreditation status of every school in accordance with the
 provisions of 20-7-101 and 20-7-102;

16 (8) approve or disapprove educational media selected 17 by the superintendent of public instruction for the 18 educational media library in accordance with the provisions 19 of 20-7-201;

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

23 (10) consider applications for postsecondary
24 vocational-technical center designation in accordance with
25 the provisions of 20-7-311;

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1 (11) for the purposes of postsecondary 2 vocational-technical centers, approve or disapprove programs 3 and budgets, direct the distribution of moneys in support of such budgets, determine tuition rates and fees, and enter 4 -5 into lease agreements or real property purchases in accordance with the postsecondary vocational-technical 6 7 center provisions of the vocational education part of this 8 title:

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

11 (13) perform any other duty prescribed from time to 12 time by this title or any other act of the legislature."

13 Section 2. Section 20-3-205, MCA, is amended to read: 14 "20-3-205. Powers and duties. The county 15 superintendent has general supervision of the schools of the 16 county within the limitations prescribed by this title and 17 shall perform the following duties or acts:

18 (1) determine, establish, and reestablish trustee
19 nominating districts and fill additional trustee position
20 vacancies in accordance with the provisions of 20-3-352,
21 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the
boards of trustees of the districts in his county in
accordance with the provisions of 20-3-307;

25 (3) fill by appointment any trustee position vacancies

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1 when required under the provisions of 20-3-309;

2 (4) register the teacher or <u>specialist certificate</u>
3 <u>certificates</u> or emergency authorization of employment of any
4 person employed in the county as a teacher, <u>specialists</u>
5 principal, or district superintendent in accordance with the
6 provisions of 20-4-202;

7 (5) act on each tuition application submitted to him
8 in accordance with the provisions of 20-5-301, 20-5-302,
9 20-5-304, and 20-5-311 and transmit the tuition information
10 required by 20-5-312;

11 (6) file a copy of the audit report for a district in 12 accordance with the provisions of 20-9-203;

13 (7) classify districts in accordance with the 14 provisions of 20-6-201 and 20-6-301;

15 (8) keep a transcript and reconcile the district 16 boundaries of the county in accordance with the provisions 17 of 20-6-103;

18 (9) fulfill all responsibilities assigned to him under
19 the provisions of this title regulating the organization.
20 alteration, or abandonment of districts;

(10) act on any unification proposition and, if
 approved, establish additional trustee nominating districts
 in accordance with 20-6-312 and 20-6-313;

24 (11) estimate the average number belonging (ANB) of an 25 opening school in accordance with the provisions of

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1 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

2 (12) process and, when required, act on school
3 isolation applications in accordance with the provisions of
4 20-9-302;

5 (13) complete the budgets, compute the budgeted 6 revenues and tax levies, give notices of the budget 7 meetings, file final and emergency budgets, and fulfill such 8 other responsibilities assigned to him under the provisions 9 of this title regulating school budgeting systems;

10 (14) submit an annual financial report to the 11 superintendent of public instruction in accordance with the 12 provisions of 20-9-211;

13 (15) quarterly. unless otherwise provided by law. order 14 the county treasurer to apportion state moneys. county 15 school moneys. and any other school moneys subject to 16 apportionment in accordance with the provisions of 20-9-212. 17 20-9-334, 20-9-347, 20-9-351, 20-10-145, or 20-10-146;

18 (16) act on any request to transfer average number 19 belonging (ANB) in accordance with the provisions of 20 20-9-313(3);

(17) calculate the estimated budgeted general fund
sources of revenue in accordance with the provisions of
20-9-348 and the other general fund revenue provisions of
the general fund part of this title;

25 (18) compute the revenues and the district and county

1 levy requirements for each fund included on each district's 2 final budget and report such computations to the board of 3 county commissioners in accordance with the provisions of 4 the general fund, transportation, bonds, and other school 5 funds parts of this title;

6 (19) file and forward bus driver certifications. 7 transportation contracts, and state transportation 8 reinbursement claims in accordance with the provisions of 9 20-10-103, 20-10-143; or 20-10-145;

10 (20) for districts which do not employ a district 11 superintendent or principal, recommend library book and 12 textbook selections in accordance with the provisions of 13 20-7-204 or 20-7-602:

14 (21) notify the superintendent of public instruction of
15 a textbook dealer's activities when required under the
16 provisions of 20-7-605 and otherwise comply with the
17 textbook dealer provisions of this title;

18 (22) act on district requests to allocate federal
19 moneys for indigent children for school food services in
20 accordance with the provisions of 20-10-205;

21 (23) perform any other duty prescribed from time to 22 time by this title, any other act of the legislature, the 23 policies of the board of public education, or the rules of 24 the superintendent of public instruction;

25 {24} administer the oath of office to trustees without

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1	the receipt of pay for administering the oath;	1	"20-3-362。 Powers of joint board of trustees。(1) When
z	(25) keep a record of his official acts, preserve all	2	a joint board of trustees is formed as provided by 20-3-361.
3	reports submitted to him under the provisions of this title.	3	it shall have the power to:
4	preserve all books and instructional equipment or supplies,	4	(a) jointly employ a district superintendent under the
5	keep all documents applicable to the administration of the	5	provisions of 20-4-401;
6	office, and surrender such records, books, supplies, and	6	(b) jointly employ teachers and specialists under the
7	equipment to his successor;	7	provisions of 20-4-201;
8	(26) within 90 days after the close of the school	8	(c) open a junior high school under the provisions of
9	fiscal years publish an annual report in the county	9	20-6-505;
10	newspaper stating the following financial information for	10	(d) prescribe and administer joint administrative
11	the school fiscal year just ended for each district of the	11	policy; and
12	county:	12	(e) prorate all items of joint expense between the
13	(a) the total of the cash balances of all funds	13	elementary and high school districts, provided that a
14	maintained by the district at the beginning of the year;	14	controversy over any decision by the joint board to prorate
15	(b) the total receipts that were realized in each fund	15	joint costs may. within 30 days. be appealed by the trustees
16	maintained by the district;	16	of either district to the superintendent of public
17	(c) the total expenditures that were made from each	17	instruction for a final decision as to what constitutes a
18	fund maintained by the district; and	18	fair and just proration of the cost.
19	(d) the total of the cash balances of all funds	19	(2) The joint board of trustees shall not have the
20	maintained by the district at the end of the school fiscal	20	power to transact business that is not specifically related
21	year; and	21	to the joint administration of the two districts."
22	[27] hold meetings for the members of the trustees from	22	Section 4. Section 20-4-101, MCA, is amended to read:
23	time to time at which matters for the good of the districts	23	•20-4-101. System of teacher and specialist
24	shall be discussed."	24	certification student teacher exception. (1) In order to
25	Section 3. Section 20-3-362, NCA, is amended to read:	25	establish a uniform system of quality education and to
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ensure the maintenance of professional standards, a system of teacher and specialist certification shall be established and maintained under the provisions of this title and no person shall be permitted to teach in the public schools of the state until he has obtained a teacher certificate or <u>specialist</u> certificate or the district has obtained an emergency authorization of employment from the state.

8 (2) The above certification requirement shall not 9 apply to a student teacher who is hereby defined as a 10 student enrolled in an institution of higher learning approved by the board of regents of higher education for 11 12 teacher training and who is jointly assigned by such institution of higher learning and the governing board of a 13 district or a public institution to perform practice 14 15 teaching in a nonsalaried status under the direction of a 16 regularly employed and certificated teacher.

17 (3) A student teacher, while serving such nonsalaried 18 internship under the supervision of a certificated teacher, 19 shall be accorded the same protection of the laws as that 20 accorded a certificated teacher and shall, while acting as 21 such student teacher, comply with all rules of the governing 22 board of the district or public institution and the 23 applicable provisions of 20-4-301 relating to the duties of 24 teachers."

25 Section 5. Section 20-4-102, MCA, is amended to read:

1 "20-4-102. Board of public education policies. To 2 effect an orderly and uniform system of teacher and 3 <u>specialist</u> certification, the board of public education 4 shall, upon the recommendation of the superintendent of 5 public instruction and in accordance with the provisions of 6 this title, prescribe and adopt policies for the issuance of 7 teacher <u>or specialist</u> certificates. Such policies shall 8 provide for:

9 (1) reasonable training and experience requirements
10 for teacher, <u>specialists</u> supervisor, and administrative
11 certificates and endorsements thereon as provided by the
12 certification classification in 20-6-106;

13 (2) the renewal of teacher or specialist certificates
14 based on the same conditions prescribed for the initial
15 issuance of certificates;

16 (3) the conduct of hearings on teacher <u>or specialist</u>
17 certification revocation, suspension, or denial;

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

(5) any other policy, not inconsistent with the law,
which is necessary for the proper operation of a system of
teacher and specialist certification.*

24Section 6. Section 20-4-103, MCA, is amended to read:25#20-4-103. Issuance of teacher or specialist

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certificates. The superintendent of public instruction shall 1 2 issue all teacher and specialist certificates in the state of Montana. In issuing teacher or specialist certificates. 3 the superintendent of public instruction shall comply with 4 the provisions of this title and the teacher and specialist 5 6 certification policies adopted by the board of public 7 education. The superintendent of public instruction shall 8 not issue a teacher or specialist certificate to any person who does not satisfy the qualifications or other 9 10 requirements of this title and of the board of public 11 education policies for teacher or specialist certification." 12 Section 7. Section 20-4-104, MCA, is amended to read: 13 "20-4-104. Qualifications. [1] Any person may be 14 certified as a teacher when he satisfies the following 15 qualifications:

16 (1)(a) He is 18 years of age or older but is not more
17 than 70 years of age.

18 (2)(b) He has a certificate of a licensed physician
 19 attesting to his satisfactory health.

20 (3)(C) He is a citizen of the United States except as
21 provided in 20-4-105.

22 (4)(d) He is of good coral and professional charactere
 23 (5)(e) He has completed the teacher education program
 24 of a unit of the Hontana university system or an essentially
 25 equivalent program at an accredited institution in the

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United States of equal rank and standing as that of any unit
 of the Montana university system. and such training shall be
 avidenced by at least a bachelor's degree and a
 certification of the completion of the teacher education
 program. except as provided for in 20-4-106(1)(d).

6 <u>f6f(f)</u> He has subscribed to the following oath or
7 affirmation before an officer authorized by law to
8 administer oaths:

9 "I solemnly swear (or affirm) that I will support The Constitution of the United States of America, The 10 11 Constitution of the State of Montana, and the laws of the 12 United States and the state of Montana and will, by precept 13 and example, promote respect for the flag and the 14 institutions of the United States and the state of Montana. reverence for law and order, and undivided allegiance to the 15 16 government of the United States of America."

17 (2) Any person may be certified as a specialist when 18 he satisfies the requirements of subsections (1)(a) through 19 (1)(e) and the requirement for a specialist certificate provided in [subsection (2) of section 9]." 20 21 Section 8. Section 20-4-105. MCA. is amended to read: 22 #20-4-105. Noncitizen teacher or specialist 23 certification. (1) The superintendent of public instruction 24 may issue a class 5 provisional certificate to a person who

25 is not a citizen of the United States when:

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1 (a) the trustees of a district request certification 2 of such person; and

3 (b) he otherwise qualifies for at least a class 5
4 provisional certificate.

5 (2) The superintendent of public instruction also may 6 issue an annual teacher <u>or specialist</u> certificate to a 7 person who is not a citizen of the United States and who is 8 an exchange teacher <u>or specialist</u> from a foreign country 9 intending to return to that country."

10 Section 9. Section 20-4-106. MCA, is amended to read: 11 "20-4-106. Classifications of teacher and specialist 12 certificates. (1) The superintendent of public instruction 13 shall issue teacher certificates and the board of public 14 education shall adopt teacher certification policies on the 15 basis of the following classifications of teacher 16 certificates:

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

3 (b) The class 2 standard certificate may be issued to an otherwise qualified applicant who has completed a 4-year 4 teacher education program and who has been awarded a ٩. bachelor's degree by a unit of the Montana university system 8 or an equivalent institution. The standard certificate may 7 8 endorsed for elementary instruction. secondary ho instruction, or both and for specified subject fields on the 9 10 basis of the applicant's academic and professional training and according to the board of public education policy for 11 teacher certification endorsement. 12

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

(d) The class 4 vocational, recreational, or adult
education certificate may be issued to an otherwise
qualified applicant who has the qualifications of training
and experience required by the United States office of

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education or the qualifications required by the special
 needs of the several vocational, recreational, or adult
 education fields and who can qualify under the policy of the
 board of public education for the issuance of this
 classification of teacher certification.

(e) The class 5 provisional certificate may be issued 6 7 to an otherwise qualified applicant who can provide satisfactory evidence of his intent to qualify in the future . . for a class 1 or a class 2 certificate and who has completed 10 a 4-year college program or its equivalent and holds a 11 bachelor's degree from a unit of the Montana University system or its equivalent. The provisional certificate may be 12 endersed for elementary instruction, secondary instruction, 13 or both and for special subject fields on the basis of the 14 15 applicant's academic and professional training and according 16 to the board of public education policy for teacher or 17 specialist certification endorsement.

18 121 The superintendent of public instruction shall 19 issue specialist certificates and the board of public 20 advision shall adopt specialist certification policies. The 21 specialist certificate may be issued to an otherwise 22 ouslified applicant who has the training, experience, and 23 license required under the standards of the board of public education for the certification of a profession other than 24 25 the teaching profession.

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1 (2)(3) For purposes of evaluating the qualifications 2 of applicants for <u>either</u> teacher <u>or specialist</u> certificates, 3 a year means the instructional period consisting of three 4 quarters or two semesters or other terms which are 5 recognized as an academic year by any unit of the Montana 6 university system or equivalent institution.*

Section 10. Section 20-4-108, MCA, is amended to read: 7 #20-4-108. Term of teacher and snecialist certificates 8 - renewal. (1) Any teacher or specialist certificate issued 9 by the superintendent of public instruction shall bear the 10 dates of issue and validity and shall be valid for a term of 11 5 school fiscal years. except that class 5 provisional 12 certificates shall be valid for the number of years, up to a 13 maximum of 5 years, provided by the policies of the board of 14 public education. The period of validity for any certificate 15 shall begin on July 1 immediately preceding the date of 16 17 issue.

18 (2) Teacher and specialist certificates shall be 19 renewed for similar periods of time on the basis of the 20 board of public education policies for teacher and 21 specialist certification renewal."

Section 11. Section 20-4-109, MCA, is amended to read:
 "20-4-109. Fees for teacher and specialist
 certificates. Each person applying for the issuance or
 renewal of a teacher or specialist certificate shall pay a

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fee of \$2 for each school fiscal year that the certificate 1 will be valid. In addition to this fee, each person who has 2 never held any class of Montana teacher or specialist ٦ certificate or for whom an emergency authorization of 4 employment has never been issued shall pay a filing fee of 5 \$2. Such fees shall be paid to the superintendent of public 6 instruction, who shall deposit the fees with the state 7 treasurer to the credit of the general fund." з

Section 12. Section 20-4-110, NCA, is amended to read: 9 #20-4-110. Suspension, revocation, and denial --10 appeals. (1) The board of public education shall have the 11 power and authority to suspend or revoke the teacher or 12 specialist certificate of any person for any of the 13 following reasons: 14

15 (a) any reason that would have required or authorized the denial of the teacher or specialist certificate to such 16 person if it had been known at the time such certificate was 17 18 issued:

incompetency, immorality. of 19 (b) by reason intemperance, physical inability, or conviction of a felony 20 under state law; or 21

(c) by reason of the failure of the certificate holder 22 to comply with the terms of any contract between such holder 23 and the trustees of a district without the consent of the 24 **Z**5 trustees in writing or without good cause. Such breach of

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contract shall constitute unprofessional conduct. 3

Z (2) Whenever a substantial reason for the suspension 3 or revocation of the teacher or specialist certificate of any person is brought to the attention of the board of 4 public education, it shall afford the person an opportunity 5 to defend himself and his qualifications against the charge 6 before the board. The superintendent of public instruction 7 shall give a 30-day written notification to any person when я the board of public education intends to consider the Q suspension or revocation of his certificate. The board of 10 11 public education shall implement an investigation of the 12 reasons for the suspension or revocation charge and then, if the investigation warrants further action. conduct a hearing 13 14 in the manner provided by board of public education 15 policies.

(3) After a full investigation and proper hearing, the 16 17 board of public education may suspend or revoke the person's teacher or specialist certificate, except that in cases of a 18 19 first violation under subsection (1)(c) above, the maximum penalty shall not be more than a suspension of the person's 20 certificate for the current school fiscal year and the 21 22 ensuing school fiscal year.

(4) Whenever the superintendent of public instruction 23 24 denies the issuance or the renewal of a teacher or 25 specialist certificate to a person he may appeal the denial

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1 to the board of public education. The appeal shall be heard
2 in the same manner provided for in this section for
3 suspension or revocation and in accordance with the policies
4 of the board of public education. The decision of the board
5 of public education shall be final."

Section 13. Section 20-4-111. MCA. is amended to read: 6 7 #20-4-111. Emergency authorization of employment. (1) 8 Any district may request from the superintendent of public 9 instruction an emergency authorization of employment for a 10 person who is not the holder of a valid teacher or specialist certificate as an instructor of pupils when such 11 12 district cannot secure the services of a person holding a valid certificate. The person shall have previously held a 13 14 valid teacher or specialist certificate or shall meet the standards of preparation prescribed by the policies of the 15 board of public education for and during such emergency. 16 Such emergency authorization of employment shall indicate: 17 18 (a) the district to which such authorization is 19 issued:

20 (b) the person whom the district is authorized to 21 employ;

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

25 (d) the school fiscal year for which such emergency

1 authorization of employment is given.

(2) Emergency authorization of employment of a person 2 shall be valid for the school fiscal year identified on such 3 authorization and may be renewed in accordance with the 4 board of public education policies. A fee of \$2 and, if no 5 teacher or specialist certificate or emergency authorization 6 of employment has ever been issued for such persony a filing 7 fee of \$2 shall be paid for the issuance of an emergency ß authorization of employment. The superintendent of public 9 instruction shall deposit the fees with the state treasuref 10 to the credit of the general fund-11

Emergency authorization of employment of a person
 may be revoked for good cause in accordance with the
 provisions of 20-4-110.**

Section 14. Section 20-4-201, MCA, is amended to read! 15 *20-4-201. Employment of teachers and specialists by 16 contract. (1) The trustees of any district shall have the 17 18 authority to employ any person as a teacher or specialist+ but only a person who holds a valid Montana teacher og 19 20 specialist certificate or for whom an emergency authorization of employment has been issued that qualifies 21 such person to perform the duties prescribed by the trustees 22 for the position of employment. Each teacher or specialist 23 shall be employed under written contract. and each contract 24 of employment shall be authorized by a proper resolution of 25

the trustees and shall be executed in duplicate by the 1 chairman of the trustees and the clerk of the district in 2 the name of the district and by the teacher or specialist. 3 (2) No contract of employment with a teacher or 4 5 specialist shall require such teacher or specialist to teach more than 5 days a week or on any holiday recognized by 6 20-1-305. No deduction shall be made from a teacher's or 7 specialist's salary by reason of the fact that a holiday 8 falls on a school day. Any teacher's or specialist's 9 contract made in conflict with the 5-days-per-week provision 10 of this section shall not be enforceable against the teacher 11 12 or specialist.

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

(4) Any contract executed under the provisions of this
 section may contain the oath or affirmation prescribed in
 20-4-104+ and the teacher <u>pr specialist</u> shall subscribe to

such oath or affirmation before an officer authorized by law
 to administer paths.ⁿ

٦ Section 15. Section 20-4-202, MCA, is amended to read: #20-4-202. Teacher and specialist certification registration. (1) Any person employed as a teacher. 5 specialista principal, or district superintendent shall 6 1 register his certificate or the district shall register its emergency authorization of employment for a teacher with the 3 county superintendent of the county wherein he is employed 9 in order to validate his employment status and permit 10 11 payment under his employment contract. If a teacher or 12 specialist does not register his certificate with the county 13 superintendent within 60 calendar days after the teacher he 14 begins to perform his services, he shall not be eligible to 15 receive any further compensation under his contract of 16 employment until he has registered his certificate. After 17 the schools of a district have been open for 60 calendar 18 days in the current school fiscal year, the county superintendent shall notify each district of the county of 19 each teacher or specialist who has registered his current 20 valid certificate, and the district shall not pay any 21 22 teacher who has not registered his certificate until the county superintendent does notify the district of such 23 24 registration.

(2) A teacher or specialist employed by a joint

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district shall register his certificate with the county
 superintendent of the county in which he is teaching
 working."

Section 16. Section 20-4-203. NCA. is amended to read: 4 5 #20-4-203. Teacher tenure. Whenever a teacher has been 6 elected by the offer and acceptance of a contract for the 7 fourth consecutive year of employment by a district in a position requiring teacher certification except as a 8 9 district superintendent or specialist, the teacher shall be deemed to be reelected from year to year thereafter as a 10 tenure teacher at the same salary and in the same or a 11 12 comparable position of employment as that provided by the last executed contract with such teacher, unless: 13

14 (1) the trustees resolve by majority vote of their
15 membership to terminate the services of the teacher in
16 accordance with the provisions of 20-4-204; or

17 (2) the teacher will attain the age of 65 years before 18 the ensuing September 1 and the trustees have notified the 19 teacher in writing by April 1 that his services will not be 20 needed in the ensuing school fiscal year, except that the 21 trustees may continue to employ such a teacher from year to 22 year until the school fiscal year following his 70th 23 birthday."

~End-

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STATEMENT OF INTENT RE: HB 864

1 Education requirement for specialist certification.

2 3 A statement of intent is required for House Bill No. 4 864 in that it delegates rulemaking and licensing authority 5 to the Board of Public Education in Section 9. 6 The intent of this bill is to establish a certification 7 category for non-teaching school personnel. It is not 8 9 intended to restrict or authorize the practice of any 10 profession outside of the public school system. 11 Specialist certificates may be developed in areas such 12 as school psychology or school nursing. 13 Experience requirements for certification should range from 0 to 3 years depending upon the profession involved and 14 the needs of the public schools. Education and training 15 16 equivalencies may be considered for purposes of compliance 17 with experience requirements. 18 Education and training standards should require no less 19 than a bachelor's degree with some additional specialized 20 training. Specialized training may include an appropriate 21 internship or college-based training program. 22 The standards should require some degree of training or experience that is directly related to the practice of the 23

24 profession in a school setting.

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25 A state licensing board license may be made a Board of

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HOUSE BILL NO. 864 1 2 INTRODUCED BY DAILY+ MANUEL 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE 4 SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE BOARD OF PUBLIC 5 EDUCATION TO ADOPT A SPECIALIST CERTIFICATE: AMENDING 6 SECTIONS 20-2-121, 20-3-205, 20-3-362, 20-4-101 THROUGH 7 20-4-106. 20-4-108 THROUGH 20-4-111, AND 20-4-201 THROUGH 8 9 20-4-203+ MCA.* 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 20-2-121, MCA, is amended to read: 12 13 #20-2-121. Board of public education -- powers and duties. The board of public education shall: 14 15 (1) effect an orderly and uniform system for teacher certifications specialist certifications and for the 16 17 issuance of an emergency authorization of employment by 18 adopting the policies prescribed by 20-4-102 and 20-4-111; 19 (2) consider the suspension or revocation of teacher 20 or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the 21 22 provisions of 20-4-110; (3) administer and order the distribution of state 23 equalization aid in accordance with the provisions of 24 25 20-9-344:

(4) adopt and enforce policies to provide uniform
 standards and regulations for the design+ construction+ and
 operation of school buses in accordance with the provisions
 of 20-10-111;

5 (5) approve or disapprove a reduction of the number of
6 hours in a district's school day in accordance with the
7 provisions of 20-1-302;

8 (b) adopt policies prescribing the conditions when 9 school may be conducted on Saturday and the types of 10 pupil-instruction-related days and approval procedure for 11 such days in accordance with the provisions of 20-1-303 and 12 20-1-304;

13 (7) adopt standards of accreditation and establish the
14 accreditation status of every school in accordance with the
15 provisions of 20-7-101 and 20-7-102;

16 (8) approve or disapprove educational media selected
17 by the superintendent of public instruction for the
18 educational media library in accordance with the provisions
19 of 20-7-201;

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

23 (10) consider applications for postsecondary
24 vocational-technical center designation in accordance with
25 the provisions of 20-7-311;

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t (11) for the of postsecondary purposes 2 vocational-technical centers, approve or disapprove programs 3 and budgets, direct the distribution of moneys in support of 4 such budgets, determine tuition rates and fees, and enter 5 into lease agreements or real property purchases in 6 accordance with the postsecondary vocational-technical 7 center provisions of the vocational education part of this 8 title:

9 (12) adopt policies for the conduct of special 10 education in accordance with the provisions of 20-7-402; (13) perform any other duty prescribed from time to 11 12 time by this title or any other act of the legislature." 13 Section 2. Section 20-3-205, MCA, is amended to read: #20-3-205. Powers 14 and duties. The county 15 superintendent has general supervision of the schools of the 16 county within the limitations prescribed by this title and

18 (1) determine. establish. and reestablish trustee
19 nominating districts and fill additional trustee position
20 vacancies in accordance with the provisions of 20-3-352.
21 20-3-353. and 20-3-354;

shall perform the following duties or acts:

17

(2) administer and file the oaths of members of the
boards of trustees of the districts in his county in
accordance with the provisions of 20-3-307;

25 (3) fill by appointment any trustee position vacancies

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1	when required under the provisions of 20-3-309;
2	(4) register the teacher <u>or specialist</u> certificate
3	<u>certificates</u> or emergency authorization of employment of any
4	person employed in the county as a teacher. specialists
5	principal+ or district superintendent in accordance with the
6	provisions of 20-4-202;
7	(5) act on each tuition application submitted to him
8	in accordance with the provisions of 20-5-301, 20-5-302,
9	20-5-304, and 20-5-311 and transmit the tuition information
10	required by 20-5-312;
11	(6) file a copy of the audit report for a district in
12	accordance with the provisions of 20-9-203;
13	(7) classify districts in accordance with the
14	provisions of 20-6-201 and 20-6-301;
15	(8) keep a transcript and reconcile the district
16	boundaries of the county in accordance with the provisions
17	of 20-6-103;
18	(9) fulfill all responsibilities assigned to him under
19	the provisions of this title regulating the organization.
20	alteration, or abandonment of districts;
21	(10) act on any unification proposition and, if
22	approved, establish additional trustee nominating districts
23	in accordance with 20-6-312 and 20-6-313;
24	(11) estimate the average number belonging (ANB) of an
25	opening school in accordance with the provisions of

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1 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

2 (12) process and, when required, act on school
3 isolation applications in accordance with the provisions of
4 20-9-302;

5 (13) complete the budgets, compute the budgeted 6 revenues and tax levies, give notices of the budget 7 meetings, file final and emergency budgets, and fulfill such 8 other responsibilities assigned to him under the provisions 9 of this title regulating school budgeting systems;

10 (14) submit an annual financial report to the 11 superintendent of public instruction in accordance with the 12 provisions of 20-9-211;

13 [15] quarterly, unless otherwise provided by law, order 14 the county treasurer to apportion state moneys, county 15 school moneys, and any other school moneys subject to 16 apportionment in accordance with the provisions of 20-9-212, 17 20-9-334, 20-9-347, 20-9-351, 20-10-145, or 20-10-146;

18 (16) act on any request to transfer average number 19 belonging (ANB) in accordance with the provisions of 20 20-9-313(3);

(17) calculate the estimated budgeted general fund
sources of revenue in accordance with the provisions of
20-9-348 and the other general fund revenue provisions of
the general fund part of this title;

25 (18) compute the revenues and the district and county

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levy requirements for each fund included on each district's
 final budget and report such computations to the board of
 county commissioners in accordance with the provisions of
 the general fund, transportation, bonds, and other school
 funds parts of this title;

6 (19) file and forward bus driver certifications,
7 transportation contracts, and state transportation
B reimbursement claims in accordance with the provisions of
9 20-10-103, 20-10-143, or 20-10-145;

10 (20) for districts which do not employ a district 11 superintendent or principal, recommend library book and 12 textbook selections in accordance with the provisions of 13 20-7-204 or 20-7-602;

14 (21) notify the superintendent of public instruction of 15 a textbook dealer's activities when required under the 16 provisions of 20-7-605 and otherwise comply with the 17 textbook dealer provisions of this title;

18 (22) act on district requests to allocate federal
19 moneys for indigent children for school food services in
20 accordance with the provisions of 20-10-205;

21 (23) perform any other duty prescribed from time to 22 time by this title, any other act of the legislature, the 23 policies of the board of public education, or the rules of 24 the superintendent of public instruction;

25 (24) administer the oath of office to trustees without

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1 the receipt of pay for administering the oath; 1 2 (25) keep a record of his official acts, preserve all 2 3 reports submitted to him under the provisions of this title. а. 4 preserve all books and instructional equipment or supplies. 4 5 keep all documents applicable to the administration of the 5 office, and surrender such records, books, supplies, and 6 6 7 equipment to his successor; 7 (26) within 90 days after the close of the school A R 9 fiscal year, publish an annual report in the county Q 10 newspaper stating the following financial information for 10 11 the school fiscal year just ended for each district of the 11 12 county: 12 13 (a) the total of the cash balances of all funds 13 14 maintained by the district at the beginning of the year; 14 15 (b) the total receipts that were realized in each fund 15 16 maintained by the district; 16 17 (c) the total expenditures that were made from each 17 18 fund maintained by the district; and 18 19 (d) the total of the cash balances of all funds 19 maintained by the district at the end of the school fiscal 20 20 21 year; and 21 22 (27) hold meetings for the members of the trustees from 22 23 time to time at which matters for the good of the districts 23 24 shall be discussed." 24 25 Section 3. Section 20-3-362, MCA, is amended to read: 25

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"20-3-362. Powers of joint board of trustees. (1) When a joint board of trustees is formed as provided by 20-3-361. it shall have the power to: (a) jointly employ a district superintendent under the provisions of 20-4-401; (b) jointly employ teachers and specialists under the provisions of 20-4-201; (c) open a junior high school under the provisions of 20-6-505: (d) prescribe and administer joint administrative policy; and (e) prorate all items of joint expense between the elementary and high school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of either district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost. (2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the two districts." Section 4. Section 20-4-101, MCA, is amended to read: "20-4-101. System of teacher and specialist certification -- student teacher exception. (1) In order to establish a uniform system of quality education and to

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ensure the maintenance of professional standards, a system of teacher <u>and specialist</u> certification shall be established and maintained under the provisions of this title and no person shall be permitted to teach in the public schools of the state until he has obtained a teacher certificate <u>or</u> <u>specialist certificate</u> or the district has obtained an emergency authorization of employment from the state.

8 (2) The above certification requirement shall not apply to a student teacher who is hereby defined as a 9 10 student enrolled in an institution of higher learning approved by the board of regents of higher education for 11 teacher training and who is jointly assigned by such 12 institution of higher learning and the governing board of a 13 district or a public institution to perform practice 14 15 teaching in a nonsalaried status under the direction of a regularly employed and certificated teacher. 16

17 (3) A student teacher, while serving such nonsalaried internship under the supervision of a certificated teacher. 18 shall be accorded the same protection of the laws as that 19 20 accorded a certificated teacher and shall, while acting as such student teacher, comply with all rules of the governing 21 board of the district or public institution and the 22 23 applicable provisions of 20-4-301 relating to the duties of 24 teachers."

25 Section 5. Section 20-4-102, MCA, is amended to read:

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#20-4-102. Board of public education policies. To 1 effect an orderly and uniform system of teacher and 2 3 specialist certification, the board of public education 4 shall, upon the recommendation of the superintendent of ۰. public instruction and in accordance with the provisions of 6 this title, prescribe and adopt policies for the issuance of 7 teacher or specialist certificates. Such policies shall 8 provide for:

9 (1) reasonable training and experience requirements
 10 for teacher, <u>specialist</u> supervisor, and administrative
 11 certificates and endorsements thereon as provided by the
 12 certification classification in 20-4-106;

13 (2) the renewal of teacher <u>or specialist</u> certificates
14 based on the same conditions prescribed for the initial
15 issuance of certificates;

16 (3) the conduct of hearings on teacher <u>or specialist</u>
17 certification revocation, suspension, or denial;

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

21 (5) any other policy, not inconsistent with the law,

22 which is necessary for the proper operation of a system of

23 teacher and specialist certification.*

Section 6. Section 20-4-103, MCA, is amended to read:
#20-4-103. Issuance of teacher <u>or____specialist</u>

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1 certificates. The superintendent of public instruction shall 2 issue all teacher and specialist certificates in the state 3 of Montana. In issuing teacher or specialist certificates, 4 the superintendent of public instruction shall comply with 5 the provisions of this title and the teacher and specialist 6 certification policies adopted by the board of public 7 education. The superintendent of public instruction shall R not issue a teacher or specialist certificate to any person g who does not satisfy the qualifications or other 10 requirements of this title and of the board of public Ħ education policies for teacher or specialist certification." 12 Section 7. Section 20-4-104, MCA, is amended to read: 13 #20-4-104. Qualifications. (1) Any person may be 14 certified as a teacher when he satisfies the following qualifications: 15

16 <u>fit(a)</u> He is 18 years of age or older but is not more 17 than 70 years of age.

18 <u>tdt(b)</u> He has a certificate of a licensed physician
 19 attesting to his satisfactory health.

20 <u>f³f(c)</u> He is a citizen of the United States except as
21 provided in 20-4-105.

fffldl He is of good moral and professional character.
ffflel He has completed the teacher education program
of a unit of the Montana university system or an essentially
equivalent program at an accredited institution in the

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United States of equal rank and standing as that of any unit
 of the Montana university system, and such training shall be
 evidenced by at least a bachelor's degree and a
 certification of the completion of the teacher education
 program, except as provided for in 20-4-106(1)(d).

6 <u>f6f(f)</u> He has subscribed to the following oath or
7 affirmation before an officer authorized by law to
8 administer oaths:

"I solemnly swear (or affirm) that I will support The 9 10 Constitution of the United States of America, The 11 Constitution of the State of Nontana, and the laws of the 12 United States and the state of Montana and will, by precept 13 and example, promote respect for the flag and the institutions of the United States and the state of Montana, 14 reverence for law and order, and undivided allegiance to the 15 government of the United States of America." 16

17 (2)_ADV_person_may_be_certified_as_a_specialist_when 18 be_satisfies_the_requirements_of_subsections_(1)(a)_through 19 (1)tet(0)_and_the_requirement_for_a_specialist_certificate 20 provided_in_[subsection_(2)_of_section_9]*"

21 Section 8. Section 20-4-105, MCA, is amended to read:
22 "20-4-105. Noncitizen teacher or specialist
23 certification. (1) The superintendent of public instruction
24 may issue a class 5 provisional certificate to a person who
25 is not a citizen of the United States when:

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(a) the trustees of a district request certification
 of such person; and

3 (b) he otherwise qualifies for at least a class 5
4 provisional certificate.

5 (2) The superintendent of public instruction also may 6 issue an annual teacher <u>or_specialist</u> certificate to a 7 person who is not a citizen of the United States and who is 8 an exchange teacher <u>or_specialist</u> from a foreign country 9 intending to return to that country."

10 Section 9. Section 20-4-106, MCA, is amended to read: 11 "20-4-106. Classifications of teacher <u>and specialist</u> 12 certificates. (1) The superintendent of public instruction 13 shall issue teacher certificates and the board of public 14 education shall adopt teacher certification policies on the 15 basis of the following classifications of teacher 16 certificates:

17 (a) The class 1 professional certificate may be issued 18 to an otherwise qualified applicant who has completed a teacher education program which includes a bachelor's degree 19 and a minimum of 1 year of study beyond such degree in a 20 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

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

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

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

(d) The class 4 vocational, recreational, or adult
education certificate may be issued to an otherwise
qualified applicant who has the qualifications of training
and experience required by the United States office of

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education or the qualifications required by the special
 needs of the several vocational, recreational, or adult
 education fields and who can qualify under the policy of the
 board of public education for the issuance of this
 classification of teacher certification.

6 (e) The class 5 provisional certificate may be issued 7 otherwise qualified applicant who can provide to an 9 satisfactory evidence of his intent to qualify in the future 9 for a class 1 or a class 2 certificate and who has completed 10 a 4-year college program or its equivalent and holds a 11 bachelor's degree from a unit 'of the Kontana university 12 system or its equivalent. The provisional certificate may be 13 endorsed for elementary instruction, secondary instruction, 14 or both and for special subject fields on the basis of the 15 applicant's academic and professional training and according 16 to the board of public education policy for teacher or 17 specialist certification endorsement.

18 121 The superintendent of public instruction shall 19 issue_specialist_certificates_and_the_board_of_public 20 education_shall_adopt_specialist_certification_policies. The 21 specialist___certificate__may__be__issued__to__an__otherwise 22 qualified_applicant_who_bas_the__trainings__experiences__and 23 license_required_under_the_standards_of_the_board_of_public 24 education for the certification of a profession other than 25 the teaching profession.

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1 (2)(3) for purposes of evaluating the qualifications 2 of applicants for <u>either</u> teacher <u>or specialist</u> certificates, 3 a year means the instructional period consisting of three 4 quarters or two semesters or other terms which are 5 recognized as an academic year by any unit of the Montana 6 university system or equivalent institution.*

1 Section 10. Section 20-4-108, MCA, is amended to read: я #20-4-108. Term of teacher and specialist certificates 9 -- renewal. (1) Any teacher or specialist certificate issued by the superintendent of public instruction shall bear the 10 dates of issue and validity and shall be valid for a term of 11 12 5 school fiscal years, except that class 5 provisional certificates shall be valid for the number of years, up to a 13 maximum of 5 years, provided by the policies of the board of 14 15 public education. The period of validity for any certificate 16 shall begin on July 1 immediately preceding the date of 17 issue.

18 (2) Teacher and specialist certificates shall be 19 renewed for similar periods of time on the basis of the 20 board of public education policies for teacher and 21 specialist certification renewal."

22 Section 11. Section 20-4-109, MCA, is amended to read: 23 **20-4-109. Fees for teacher and _____specialist 24 certificates. Each person applying for the issuance or 25 renewal of a teacher <u>or specialist</u> certificate shall pay a

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fee of \$2 for each school fiscal year that the certificate 1 will be valid. In addition to this fee, each person who has 2 a never held any class of Montana teacher or ____specialist certificate or for whom an emergency authorization of 4 5 employment has never been issued shall pay a filing fee of 6 \$2. Such fees shall be paid to the superintendent of public 7 instruction, who shall deposit the fees with the state treasurer to the credit of the general fund." 8

9 Section 12. Section 20-4-110, MCA, is amended to read: 10 "20-4-110. Suspension, revocation, and denial ---11 appeals. (1) The board of public education shall have the 12 power and authority to suspend or revoke the teacher or 13 <u>specialist</u> certificate of any person for any of the 14 following reasons:

(a) any reason that would have required or authorized
the denial of the teacher <u>or specialist</u> certificate to such
person if it had been known at the time such certificate was
issued;

19 (b) by reason of incompetency, immorality,
20 intemperance, physical inability, or conviction of a felony
21 under state law; or

(c) by reason of the failure of the certificate holder
to comply with the terms of any contract between such holder
and the trustees of a district without the consent of the
trustees in writing or without good cause. Such breach of

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contract shall constitute unprofessional conduct.

2 (2) Whenever a substantial reason for the suspension 3 or revocation of the teacher or specialist certificate of 4 any person is brought to the attention of the board of 5 public education, it shall afford the person an opportunity 6 to defend himself and his gualifications against the charge 7 before the board. The superintendent of public instruction R shall give a 30-day written notification to any person when 9 the board of public education intends to consider the 10 suspension or revocation of his certificate. The board of 11 public education shall implement an investigation of the 12 reasons for the suspension or revocation charge and then, if 13 the investigation warrants further action, conduct a hearing 14 in the manner provided by board of public education policies. 15

16 (3) After a full investigation and proper hearing, the 17 board of public education may suspend or revoke the person's 18 teacher <u>or specialist</u> certificate, except that in cases of a 19 first violation under subsection (1)(c) above, the maximum 20 penalty shall not be more than a suspension of the person's 21 certificate for the current school fiscal year and the 22 ensuing school fiscal year.

23 (4) Whenever the superintendent of public instruction
24 denies the issuance or the renewal of a teacher or
25 <u>specialist</u> certificate to a person, he may appeal the denial

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to the board of public education. The appeal shall be heard
 in the same manner provided for in this section for
 suspension or revocation and in accordance with the policies
 of the board of public education. The decision of the board
 of public education shall be final."

Section 13. Section 20-4-111. MCA. is amended to read: - 64 7 #20-4-111. Emergency authorization of employment. (1) R Any district may request from the superintendent of public 9 instruction an emergency authorization of employment for a 10 person who is not the holder of a valid teacher or 11 specialist certificate as an instructor of pupils when such 12 district cannot secure the services of a person holding a 13 valid certificate. The person shall have previously held a 14 valid teacher or specialist certificate or shall meet the 15 standards of preparation prescribed by the policies of the 16 board of public education for and during such emergency. 17 Such emergency authorization of employment shall indicate: 18 (a) the district to which such authorization is issued: 19

20 (b) the person whom the district is authorized to 21 employ;

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

25 (d) the school fiscal year for which such emergency

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1 authorization of employment is given.

2 (2) Emergency authorization of employment of a person shall be valid for the school fiscal year identified on such з 4 authorization and may be renewed in accordance with the 5 board of public education policies. A fee of \$2 and, if no teacher or specialist certificate or emergency authorization of employment has ever been issued for such person+ a filing 7 fee of \$2 shall be paid for the issuance of an emergency .8 authorization of employment. The superintendent of public 9 10 instruction shall deposit the fees with the state treasurer 11 to the credit of the general fund.

Emergency authorization of employment of a person
 may be revoked for good cause in accordance with the
 provisions of 20-4-110.**

Section 14. Section 20-4-201, MCA, is amended to read: 15 16 "20-4-201. Employment of teachers and specialists by 17 contract. (1) The trustees of any district shall have the authority to employ any person as a teacher or specialist. 18 but only a person who holds a valid Montana teacher or 19 specialist certificate or for whom an emergency 20 authorization of employment has been issued that qualifies 21 22 such person to perform the duties prescribed by the trustees for the position of employment. Each teacher or specialist 23 24 shall be employed under written contract, and each contract 25 of employment shall be authorized by a proper resolution of

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the trustees and shall be executed in duplicate by the 1 chairman of the trustees and the clerk of the district in 2 the name of the district and by the teacher or specialist. 3 (2) No contract of employment with a teacher or 4 specialist shall require such teacher or specialist to teach 5 more than 5 days a week or on any holiday recognized by 6 7 20-1-305. No deduction shall be made from a teacher's or specialist's salary by reason of the fact that a holiday 8 9 falls on a school day. Any teacher's or specialist's 10 contract made in conflict with the 5-days-per-week provision 11 of this section shall not be enforceable against the teacher 12 or specialist.

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

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such oath or affirmation before an officer authorized by law
 to administer oaths.*

Section 15. Section 20-4-202, MCA, is amended to read: 3 #20-4-202. Teacher and specialist 4 certification 5 registration. (1) Any person employed as a teacher. specialists principals or district superintendent shall 6 1 register his certificate or the district shall register its 8 emergency authorization of employment for a teacher with the 9 county superintendent of the county wherein he is employed 10 in order to validate his employment status and permit 11 payment under his employment contract. If a teacher or 12 specialist does not register his certificate with the county superintendent within 60 calendar days after the-teacher he 13 14 begins to perform his services, he shall not be eligible to 15 receive any further compensation under his contract of employment until he has registered his certificate. After 16 17 the schools of a district have been open for 60 calendar 18 days in the current school fiscal year, the county 19 superintendent shall notify each district of the county of each teacher or specialist who has registered his current 20 valid certificate, and the district shall not pay any 21 22 teacher who has not registered his certificate until the 23 county superintendent does notify the district of such 24 registration.

(2) A teacher <u>pr_specialist</u> employed by a joint

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district shall register his certificate with the county
 superintendent of the county in which he is teaching
 working."

4 Section 16. Section 20-4-203. MCA, is amended to read: #20-4-203. Teacher tenure. Whenever a teacher has been 5 elected by the offer and acceptance of a contract for the 6 7 fourth consecutive year of employment by a district in a position requiring teacher certification except as a 8 9 district superintendent or specialist, the teacher shall be 10 deemed to be reelected from year to year thereafter as a 11 tenure teacher at the same salary 'and in the same or a 12 comparable position of employment as that provided by the 13 last executed contract with such teacher, unless:

14 (1) the trustees resolve by majority vote of their
15 membership to terminate the services of the teacher in
16 accordance with the provisions of 20-4-204; or

17 (2) the teacher will attain the age of 65 years before 18 the ensuing September 1 and the trustees have notified the 19 teacher in writing by April 1 that his services will not be 20 needed in the ensuing school fiscal year, except that the 21 trustees may continue to employ such a teacher from year to 22 year until the school fiscal year following his 70th 23 birthday."

-End-

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SENATE STANDING COMMITTEE REPORT (Education)

That House Bill No. 864, third reading bill, be amended as follows:

1. Page l2, line 19.
Following: "(1)"
Strike: "(e)"
Insert: "(d)"