

CHAPTER NO. 240

SENATE BILL NO. 59

INTRODUCED BY B. BROWN

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

IN THE SENATE

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| January 4, 1979 | Introduced and referred to Committee on Education. On motion, Senator B. Brown was added as author to the prefiled bill. |
| January 12, 1979 | Committee recommend bill do pass as amended. Report adopted. |
| January 15, 1979 | Printed and placed on members' desks. |
| January 16, 1979 | Second reading, do pass. |
| January 17, 1979 | Considered correctly engrossed. |
| January 18, 1979 | Third reading, passed. Transmitted to second house. |

IN THE HOUSE

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| January 19, 1979 | Introduced and referred to Committee on Education and Cultural Resources. |
| March 7, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 8, 1979 | Second reading, concurred in. |
| March 12, 1979 | Third reading, concurred in as amended. |

IN THE SENATE

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| March 13, 1979 | Returned from second house. Concurred in as amended. |
| March 14, 1979 | Second reading, pass con- sideration. |
| March 15, 1979 | Second reading, amendments adopted. |
| March 16, 1979 | Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled. |

1 SENATE BILL NO. 59

2 INTRODUCTION BY _____

3 BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION

6 20-4-110, MCA, RELATING TO SUSPENSION OR REVOCATION OF

7 TEACHER CERTIFICATES BY THE BOARD OF PUBLIC EDUCATION."

8

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

10 Section 1. Section 20-4-110, MCA, is amended to read:

11 "20-4-110. Suspension, revocation, and denial --

12 appeals. (1) The board of public education shall have the

13 power and authority to suspend or revoke the teacher

14 certificate of any person for any of the following reasons:

15 (a) making any statement of material fact in the

16 application for a certificate which the applicant knows to

17 be false;

18 ~~(b)~~ (b) any reason that would have required or

19 authorized the denial of the teacher certificate to such

20 person if it had been known at the time such certificate was

21 issued;

22 ~~(b)(c)~~ (c) by ~~reason of~~ incompetency, immorality,

23 intemperance, physical inability, or conviction of a felony

24 under state law; or

25 ~~(c)~~ (c) by reason of the failure of the certificate holder

1 ~~to comply with the terms of any contract between such holder~~

2 ~~and the trustees of a district without the consent of the~~

3 ~~trustees in writing or without good cause. Such breach of~~

4 ~~contract shall constitute unprofessional conduct.~~

5 (d) gross neglect of duty;

6 (e) conviction in this state or any other state or

7 country of a criminal offense involving moral turpitude;

8 (f) breach of the employment contract between the

9 teacher and the trustees of a district without good cause or

10 the written consent of the trustees; or

11 (g) denial, revocation, suspension, or surrender of a

12 teacher certificate in another state for any reason

13 constituting grounds for such action in this state.

14 (2) ~~Whenever a substantial reason~~ The board shall

15 initiate proceedings under this section if, and only if, a

16 request for the suspension or revocation of the teacher

17 certificate of any person is brought made to the attention

18 ~~of the board of public education, it shall afford the person~~

19 ~~an opportunity to defend himself and his qualifications~~

20 ~~against the charge before the board. It by:~~

21 (a) the trustees of a district as to a teacher

22 employed by that district within the 12 months immediately

23 preceding receipt of the request by the board of public

24 education; or

25 (b) the superintendent of public instruction as to a

1 ~~teacher not employed by any district within the 12 months~~
 2 ~~immediately preceding receipt of the request by the board.~~

3 ~~(3) The superintendent of public instruction board~~
 4 ~~shall give a 30-day written notification to any person when~~
 5 ~~the board of public education intends to consider the~~
 6 ~~suspension or revocation of his certificate. The board of~~
 7 ~~public education shall implement conduct an investigation of~~
 8 ~~the reasons for the suspension or revocation charge and~~
 9 ~~then, if the investigation warrants further action, conduct~~
 10 ~~a hearing in the manner provided by board of public~~
 11 ~~education policies. At the hearing the board shall afford~~
 12 ~~the person an opportunity to defend himself and his~~
 13 ~~qualifications against the charge.~~

14 ~~(3)(4) After a full investigation and proper hearing,~~
 15 ~~the board of public education may suspend or revoke the~~
 16 ~~person's teacher certificate, except that in cases the case~~
 17 ~~of a first violation under subsection (1)(c)(f) above, the~~
 18 ~~maximum penalty shall not be more than a 2-year suspension~~
 19 ~~of the person's certificate for the current school fiscal~~
 20 ~~year and the ensuing school fiscal year.~~

21 ~~(4)(5) Whenever the superintendent of public~~
 22 ~~instruction denies the issuance or the renewal of a teacher~~
 23 ~~certificate to a person, he may appeal the denial to the~~
 24 ~~board of public education. The appeal shall be heard in the~~
 25 ~~same manner provided for in this section for suspension or~~

1 revocation and in accordance with the policies of the board
 2 of public education. The decision of the board of public
 3 education shall be final."

-End-

Approved by Committee on Education

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

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

(d) ~~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;~~

(d) gross neglect of duty;

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

(f) breach SUBSTANTIAL OR MATERIAL NONPERFORMANCE of the employment contract between the teacher and the trustees of a district without good cause or the written consent of the trustees; or

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

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

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

1 ~~(b) the superintendent of public instruction as to a~~
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4 (d) The superintendent--of--public--instruction board
5 shall give a 30-day written notification to any person when
6 the board of--public--education intends to consider the
7 suspension or revocation of his certificate. The board of
8 public-education shall implement conduct an investigation of
9 the reasons for the suspension or revocation charge and
10 then, if the investigation warrants further action, conduct
11 a hearing in the manner provided by board of--public
12 education policies. At the hearing the board shall afford
13 the person an opportunity to defend himself and his
14 qualifications against the charge.

15 (3)(4) After a full investigation and proper hearing,
16 the board of--public--education may suspend or revoke the
17 person's teacher certificate, except that in cases the case
18 of a first violation under subsection (1)(e)(f) above, the
19 maximum penalty shall not be more than a 2-year suspension
20 of the person's certificate ~~for the current school fiscal~~
21 ~~year and the ensuing school fiscal year.~~

22 (4)(5) Whenever the superintendent of public
23 instruction denies the issuance or the renewal of a teacher
24 certificate to a person, he may appeal the denial to the
25 board of public education. The appeal shall be heard in the

1 same manner provided for in this section for suspension or
2 revocation and in accordance with the policies of the board
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 21 year-and-the-ensuing-school-fiscat-year.

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-End-

HOUSE OF REPRESENTATIVES
MARCH 7, 1979

Education Committee amendments to Senate Bill 59, third reading
copy, as follows:

1. Page 2, line 8.
Following "SUBSTANTIAL"
Strike: "OR"
Insert: "and"

AND AS AMENDED,
BE CONCURRED IN