

CHAPTER NO. 240

SENATE BILL NO. 59

INTRODUCED BY B. BROWN

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

IN THE SENATE

January 4, 1979	Introduced and referred to Committee on Education.
	On motion, Senator B. Brown was added as author to the prefilled 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

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

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 INTRODUCED 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) 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) by reason of incompetency, immorality,
23 intemperance, physical inability, or conviction of a felony
24 under state law; or

25 (e) 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 (i) gross neglect of duty;
6 (ii) conviction in this state or any other state or
7 country of a criminal offense involving moral turpitude;
8 (iii) 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 (iv) 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 boards
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 charges.

14 (3) 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) if 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) 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

1 SENATE BILL NO. 59
2 INTRODUCED BY B. BROWN
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."

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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 1. making any statement of material fact in the

16 application for a certificate which the applicant knows to

17 be false;

18 2. for 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 3. for any reason of incompetency, immorality,

23 intemperance, physical infirmity, or conviction of a felony

24 under state law; or

25 4. for any reason of the fatigues 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 SUBSTANTIAL OR MATERIAL NONPERFORMANCE of
9 the employment contract between the teacher and the trustees
10 of a district without good cause or the written consent of
11 the trustees; or

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

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

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

1 ~~1b1~~ the superintendent of public instruction as to a
2 teacher not employed by any district within the 12 months
3 immediately preceding receipt of the request by the board.

4 ~~131~~ 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 charges.~~

15 ~~t3t141~~ 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)~~tet1f1~~ 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 ~~t4t151~~ 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
3 of-public-education. The decision of the board of--public
4 education shall be final."

-End-

SENATE BILL NO. 59
INTRODUCED BY B. BROWN
BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

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."

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

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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 ~~for~~ 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 fb7151 by----reason---of incompetency---immorality---
23 intemperance---physical-inability---or-conviction-of-a---felony

25 ~~text--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-causes--Such--breach--of
4 contract-shall-constitute-unprofessional-conduct--
5 1st gross neglect of duty;
6 1st conviction in this state or any other state or
7 country of a criminal offense involving moral turpitude;
8 if1 breach SUBSTANTIAL OR MATERIAL NONPERFORMANCE of
9 the employment contract between the teacher and the trustees
10 of a district without good cause or the written consent of
11 the trustees; or
12 1st denial, revocation, suspension, or surrender of a
13 teacher certificate in another state for any reason
14 constituting grounds for such action in this state.
15 (2) Whenever-a--substantiel--reason The board shall
16 initiate proceedings under this section if, and only if, a
17 request for the suspension or revocation of the teacher
18 certificate of any person is brought made to the attention
19 of-the-board-of-public-education; it-shall-afford-the-person
20 an-opportunity-to--defend--himself--and--his--qualifications
21 against-the-charge-before-the-boards it by;
22 1st the trustees of a district as to a teacher
23 employed by that district within the 12 months immediately
24 preceding receipt of the request by the board of public
25 education; or

1 (b) the superintendent of public instruction as to a
2 teacher not employed by any district within the 12 months
3 immediately preceding receipt of the request by the boards
4 (1) 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 charges.

15 (2) 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) above, the
19 maximum penalty shall not be more than a 2-year suspension
20 of the person's certificate for-the-current-school-fitcat
21 year-and-the-ensuing-school-fitcat-year.

22 (3) 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
3 of-public-education. The decision of the board of--public
4 education shall be final."

-End-

SENATE BILL NO. 59

INTRODUCED BY B. BROWN

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
6 20-4-119, MCA, RELATING TO SUSPENSION OR REVOCATION OF
7 TEACHER CERTIFICATES BY THE BOARD OF PUBLIC EDUCATION."

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

10 Section 1. Section 20-4-110, MCA, is amended to read:
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13 power and authority to suspend or revoke the teacher
14 certificate of any person for any of the following reasons:
15 1. making any statement of material fact in the
16 application for a certificate which the applicant knows to
17 be false;

18 **for** 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 ~~fbf1cl by----reason---of incompetencyv---immoralityv~~
23 ~~intemperancev-physical-inabilityv-or-conviction-of-a--felony~~

24 UNDER STATE 1924-5.

1 to-comply-with-the-terms-of-any-contract-between-such-holdes
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-unprofessionol-conduct
5 (1) gross neglect of duty;
6 (a) conviction in this state or any other state or
7 country of a criminal offense involving moral turpitude;
8 (b) breach SUBSTANTIAL OR AND MATERIAL NONPERFORMANCE
9 of the employment contract between the teacher and the
10 trustees of a district without good cause or the written
11 consent of the trustees; or
12 (c) denial, revocation, suspension or surrender of a
13 teacher certificate in another state for any reason
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15 (2) Whenever--a--substantiel--reason The board shall
16 initiate proceedings under this section if, and only if, a
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19 of-the-board-of-public-education, it-shall-afford-the-person
20 an--opportunity--to--defend--himself--and-his-qualifictations
21 against-the-charge-before-the-board; it-by:
22 (a) the trustees of a district as to a teacher
23 employed by that district within the 12 months immediately
24 preceding receipt of the request by the board of public
25 education; or

1 151 the superintendent of public instruction as to a
2 teacher not employed by any district within the 12 months
3 immediately preceding receipt of the request by the boards
4 151 The superintendent of public instruction board
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6 the board of --public --education intends to consider the
7 suspension or revocation of his certificate. The board of
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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 charges.

15 151 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)151 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.

22 151 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 polices of the board
3 of --public --education. The decision of the board of public
4 education shall be final."

-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