

House Bill 732

In The House

February 12, 1981	Introduced and referred to Committee on Eudcation.
February 23, 1981	Committee recommend bill do pass.  Bill printed and placed on members' desks.
February 24, 1981	Second reading do pass.
February 25, 1981	On motion rules suspended and bill placed on third reading this day.  Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Eudcation and Cultural Resources.
March 12, 1981	Committee recommend bill concurred.
March 14, 1981	Motion pass consideration.
March 16, 1981	Second reading indefinitely postponed.

In The House

March 17, 1981	Returned from Senate indefinitely postponed.
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In The Senate

March 17, 1981	On motion Senate reconsider its action taken on second reading. Motion adopted.  On motion Senate requests return of H.B. 732 from House for further consideration. Motion adopted.
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1                   HOUSE     BILL NO. 732  
 2   INTRODUCED BY *Eidaily*  
 3                 BY REQUEST OF THE HOUSE EDUCATION COMMITTEE  
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5   A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE  
 6   REQUIREMENT THAT A SCHOOL TEACHER OR SPECIALIST MUST  
 7   SUBSCRIBE TO AN OATH AS A QUALIFICATION FOR CERTIFICATION;  
 8   AMENDING SECTIONS 20-4-104 AND 20-4-201, MCA."

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

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

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

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

21       (d) He is of good moral and professional character.

22       (e) He has completed the teacher education program of  
 23 a unit of the Montana university system or an essentially  
 24 equivalent program at an accredited institution in the  
 25 United States of equal rank and standing as that of any unit

1 of the Montana university system, and such training shall be  
 2 evidenced by at least a bachelor's degree and a  
 3 certification of the completion of the teacher education  
 4 program, except as provided for in 20-4-106(1)(d).

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

8       ~~"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 ~~and example promote respect for the flag and the~~  
 13 ~~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       (2) Any person may be certified as a specialist when  
 17 he satisfies the requirements of subsections (1)(a) through  
 18 (1)(d) and the requirement for a specialist certificate  
 19 provided in subsection (2) of 20-4-106."

20       Section 2. Section 20-4-201, MCA, is amended to read:

21       "20-4-201. Employment of teachers and specialists by  
 22 contract. (1) The trustees of any district shall have the  
 23 authority to employ any person as a teacher or specialist,  
 24 but only a person who holds a valid Montana teacher or  
 25 specialist certificate or for whom an emergency

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1 authorization of employment has been issued that qualifies  
 2 such person to perform the duties prescribed by the trustees  
 3 for the position of employment. Each teacher or specialist  
 4 shall be employed under written contract, and each contract  
 5 of employment shall be authorized by a proper resolution of  
 6 the trustees and shall be executed in duplicate by the  
 7 chairman of the trustees and the clerk of the district in  
 8 the name of the district and by the teacher or specialist.

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

18 (3) Whenever the trustees of a county high school and  
 19 the trustees of the elementary district where the county  
 20 high school is located form a joint board of trustees under  
 21 the provisions of 20-3-361, such joint board of trustees may  
 22 execute a contract of employment with a teacher or  
 23 specialist who shall serve both districts. When such a  
 24 contract is executed, the two districts shall prorate the  
 25 compensation provided by such contract on the basis of the

1 total number of instructional hours expended by such teacher  
 2 or specialist within each district.

3 ~~(4) Any contract executed under the provisions of this~~  
 4 ~~section may contain the oath or affirmation prescribed in~~  
 5 ~~20-4-104, and the teacher or specialist shall subscribe to~~  
 6 ~~such oath or affirmation before an officer authorized by law~~  
 7 ~~to administer oaths."~~

-End-

Approved by Committee  
on Education

HOUSE BILL NO. 732

INTRODUCED BY Edaily  
BY REQUEST OF THE HOUSE EDUCATION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE REQUIREMENT THAT A SCHOOL TEACHER OR SPECIALIST MUST SUBSCRIBE TO AN OATH AS A QUALIFICATION FOR CERTIFICATION; AMENDING SECTIONS 20-4-104 AND 20-4-201, MCA."

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

Section 1. Section 20-4-104, MCA, is amended to read:

"20-4-104. Qualifications. (1) Any person may be certified as a teacher when he satisfies the following qualifications:

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

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

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

(d) He is of good moral and professional character.

(e) 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 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).

~~{f}--He--has--subscribed--to--the--following--oath--or affirmation--before--an--officer--authorized--by--law--to administer--oaths\*~~

~~"I--solemnly--swear--(or--affirm)--that--I--will--support--The Constitution--of--the--United--States--of--America--The Constitution--of--the--State--of--Montana--and--the--laws--of--the United--States--and--the--state--of--Montana--and--will--by--precept and--example--promote--respect--for--the--flag--and--the institutions--of--the--United--States--and--the--state--of--Montana reverence--for--law--and--order--and--undivided--allegiance--to--the government--of--the--United--States--of--America."~~

(2) Any person may be certified as a specialist when he satisfies the requirements of subsections (1)(a) through (1)(d) and the requirement for a specialist certificate provided in subsection (2) of 20-4-106."

Section 2. Section 20-4-201, MCA, is amended to read:

"20-4-201. Employment of teachers and specialists by contract. (1) The trustees of any district shall have the authority to employ any person as a teacher or specialist, but only a person who holds a valid Montana teacher or specialist certificate or for whom an emergency

1 authorization of employment has been issued that qualifies  
 2 such person to perform the duties prescribed by the trustees  
 3 for the position of employment. Each teacher or specialist  
 4 shall be employed under written contract, and each contract  
 5 of employment shall be authorized by a proper resolution of  
 6 the trustees and shall be executed in duplicate by the  
 7 chairman of the trustees and the clerk of the district in  
 8 the name of the district and by the teacher or specialist.

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

18 (3) Whenever the trustees of a county high school and  
 19 the trustees of the elementary district where the county  
 20 high school is located form a joint board of trustees under  
 21 the provisions of 20-3-361, such joint board of trustees may  
 22 execute a contract of employment with a teacher or  
 23 specialist who shall serve both districts. When such a  
 24 contract is executed, the two districts shall prorate the  
 25 compensation provided by such contract on the basis of the

1 total number of instructional hours expended by such teacher  
 2 or specialist within each district.

3 ~~{4}--Any contract executed under the provisions of this~~  
 4 ~~section may contain the oath or affirmation prescribed in~~  
 5 ~~20-4-104, and the teacher or specialist shall subscribe to~~  
 6 ~~such oath or affirmation before an officer authorized by law~~  
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19 (c) He is a citizen of the United States except as  
 20 provided in 20-4-105.

21 (d) He is of good moral and professional character.

22 (e) He has completed the teacher education program of  
 23 a unit of the Montana university system or an essentially  
 24 equivalent program at an accredited institution in the  
 25 United States of equal rank and standing as that of any unit

1 of the Montana university system, and such training shall be  
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8 ~~"I--solemnly--swear--(or--affirm)--that--I--will--support--The~~  
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 10 ~~Constitution--of--the--State--of--Montana;--and--the--laws--of--the~~  
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 13 ~~institutions--of--the--United--States--and--the--state--of--Montana;~~  
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16 (2) Any person may be certified as a specialist when  
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1 authorization of employment has been issued that qualifies  
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 4 shall be employed under written contract, and each contract  
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 6 the trustees and shall be executed in duplicate by the  
 7 chairman of the trustees and the clerk of the district in  
 8 the name of the district and by the teacher or specialist.

9 (2) No contract of employment with a teacher or  
 10 specialist shall require such teacher or specialist to teach  
 11 more than 5 days a week or on any holiday recognized by  
 12 20-1-305. No deduction shall be made from a teacher's or  
 13 specialist's salary by reason of the fact that a holiday  
 14 falls on a school day. Any teacher's or specialist's  
 15 contract made in conflict with the 5-days-per-week provision  
 16 of this section shall not be enforceable against the teacher  
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18 (3) Whenever the trustees of a county high school and  
 19 the trustees of the elementary district where the county  
 20 high school is located form a joint board of trustees under  
 21 the provisions of 20-3-361, such joint board of trustees may  
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