

Senate Bill 197

In The Senate

January 20, 1981	Introduced and referred to Committee on Education.
January 31, 1981	Committee recommend bill do not pass.
February 2, 1981	On motion Senate reconsider its action taken on Adverse Committee Report and order printed and placed on second reading. Motion failed.

1 *Senate* BILL NO. *197*
 2 INTRODUCED BY *Berg* *Black*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A TEACHER THAT
 5 IS A SPECIALIST THE SAME OPPORTUNITY FOR TENURE THAT OTHER
 6 TEACHERS ARE OFFERED; TO REMOVE THE AGE DISCRIMINATION
 7 PROVISION FROM THE LAW GOVERNING TENURE; AMENDING SECTIONS
 8 20-4-203 AND 20-4-204, MCA."

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

11 Section 1. Section 20-4-203, MCA, is amended to read:

12 "20-4-203. Teacher tenure. Whenever a teacher has been
 13 elected by the offer and acceptance of a contract for the
 14 fourth consecutive year of employment by a district in a
 15 position requiring teacher certification except as a
 16 district superintendent ~~or specialist~~, the teacher shall be
 17 deemed to be reelected from year to year thereafter as a
 18 tenure teacher at the same salary and in the same or a
 19 comparable position of employment as that provided by the
 20 last executed contract with such teacher, unless*

21 (1) the trustees resolve by majority vote of their
 22 membership to terminate the services of the teacher in
 23 accordance with the provisions of 20-4-204~~1~~, or

24 ~~(2) the teacher will attain the age of 65 years before~~
 25 ~~the ensuing September 1 and the trustees have notified the~~

1 ~~teacher in writing by April 1 that his services will not be~~
 2 ~~needed in the ensuing school fiscal year, except that the~~
 3 ~~trustees may continue to employ such a teacher from year to~~
 4 ~~year until the school fiscal year following his 70th~~
 5 ~~birthdays."~~

6 Section 2. Section 20-4-204, MCA, is amended to read:

7 "20-4-204. Termination of tenure teacher services. (1)
 8 Whenever the trustees of any district resolve to terminate
 9 the services of a tenure teacher under the provisions of
 10 20-4-203~~(1)~~, they shall, before April 1, notify such teacher
 11 of such termination in writing by certified or registered
 12 letter or by personal notification for which a signed
 13 receipt is returned. Such notification shall include a
 14 printed copy of this section for the teacher's information.

15 (2) Any tenure teacher who receives a notice of
 16 termination may request, in writing 10 days after the
 17 receipt of such notice, a written statement declaring
 18 clearly and explicitly the specific reason or reasons for
 19 the termination of his services, and the trustees shall
 20 supply such statement within 10 days after the request.

21 (3) Within 10 days after the tenure teacher receives
 22 the statement of reasons for termination, he may request in
 23 writing a hearing before the trustees to reconsider their
 24 termination action. When a hearing is requested, the
 25 trustees shall conduct such a hearing and reconsider their

1 termination action within 10 days after the receipt of the
2 request for a hearing. If the trustees affirm their decision
3 to terminate the teacher's employment, the tenure teacher
4 may appeal their decision to the county superintendent who
5 may appoint a qualified attorney at law as legal adviser who
6 shall assist the superintendent in preparing findings of
7 fact and conclusions of law.

8 (4) Subsequently, either the teacher or the trustees
9 may appeal to the superintendent of public instruction under
10 the provision for the appeal of controversies in this
11 title."

-End-