## HOUSE BILL NO. 591

# INTRODUCED BY NISBET, REAM, BERG, DARKO

## IN THE HOUSE

February 1, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.
IN THE S	ENATE
March 1, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 23, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 25, 1983	Second reading, concurred in as amended.
March 28, 1983	Third reading, concurred in. Ayes, 35; Noes, 12.

#### IN THE HOUSE

March 28, 1983

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Returned to House. Sent to enrolling.

April 4, 1983

Reported correctly enrolled.

LC 2219/01

INTRODUCED BY Mislet Ream Berg Darko 1 z 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A TEACHER WHO 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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MUNTANA: 10 11 Section 1. Section 20-4-203, MCA, is amended to read: 12 #20-4-203. Teacher tenure. Whenever a teacher has been elected by the offer and acceptance of a contract for the 13 14 fourth consecutive year of employment by a district in a position requiring teacher certification except as a 15 16 district superintendent or-specialist, the teacher shall be deemed to be reelected from year to year thereafter as a 17 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 teachery 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  $20-4-204_{\pm}+-or$ 

 24
 <del>(2)--the-teacher-will-attain-the-age of-65-years-before</del>

 25
 the-ensuing-September-1-and-the-trustees-have--notified--the

Section 2. Section 20-4-204, NCA, is amended to read: 6 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 20-4-203(1), they shall, before April 1. notify such teacher 10 of such termination in writing by certified or registered 11 letter or by personal notification for which a signed 12 receipt is returned. Such notification shall include a 13 printed copy of this section for the teacher's information. 14 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.

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

-2- INTRODUCED BILL

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

-3-

#### 48th Legislature

HB 0591/02

App. by comm. on education and cultural resources

 1
 HOUSE BILL NO. 591

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 INTRODUCED BY NISBET, REAM, BERG, DARKO

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 A BILL FOR AN ACT ENTITLED: "AN ACT TO-ALLOW-A-TEACHER--WHO

 5
 15--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

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 2C-4-203 AND 20-4-204; MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 20-4-203, MCA, is amended to read: 11 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 OR\_\_SPECIALIST, the 17 teacher shall be deemed to be reelected from year to year 18 thereafter as a tenure teacher at the same salary and in the 19 same or a comparable position of employment as that provided 20 by the last executed contract with such teachery unless+ 21 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\_+-or

24 f2j--the-teacher-will-attain-the-age-af-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-yeary--except--that--the 3 trustees--may-continue-to-employ-such-s-teacher-from-year-to 4 year--until--the--school--fiscal--year--following-his--lath 5 birthday="

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 q 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 the termination of his services, and the trustees shall 19 supply such statement within 10 days after the request. 20

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

> -2- HB 591 SECOND READING

HB 591

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

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HB 0591/02

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 HOUSE BILL NO. 591

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 20-4-203, MCA, is amended to read: 11 #20-4-203. Teacher tenure. Whenever a teacher has been 12 elected by the offer and acceptance of a contract for the 13 fourth consecutive year of employment by a district in a 14 position requiring teacher certification except as a 15 16 district superintendent or--specialist OR\_SPECIALIST, the teacher shall be deemed to be reelected from year to year 17 thereafter as a tenure teacher at the same salary and in the 18 19 same or a comparable position of employment as that provided by the last executed contract with such teachery unless\* 20

21 ( $\pm$ ) the trustees resolve by majority vote of their 22 membership to terminate the services of the teacher in 23 accordance with the provisions of  $20-4-204_{\pm}+-6r$ 

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HB 0591/02

1	teacherin-writing-by-April-t-that-his-services-will-not-be
2	needed-in-the-ensuing-school-fiscal-yearyexceptthatthe
3	trusteesmay-continue-to-employ-such-a-teacher-from-year-to
4	<del>yearuntiltheschoolfiscalyearfollowinghis78th</del>
5	birthday."
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 <del>11),</del> 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

-2-

HB 591

HB 591

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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-

-3-

SENATE STANDING COMMITTEE REPORT (Education & Cultural Resources)

That House Bill No. 591 be amended as follows:

2. Page 1, line 15.
Following: "certification"
Insert: "or professional licensure,"

3. Page 1, line 16. Strike: "OR SPECIALIST"

#### SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 591 be amended as follows:

1. Title, line 6.
Following: "OFFERED;"
Strike: "TO ALLOW A TEACHER WHO IS A SPECIALIST IN A
POSITION REQUIRING PROFESSIONAL LICENSURE THE SAME
OFFORTUNITY FOR TENURE THAT OTHER TEACHERS ARE OFFERED;"

2. Page 1, line 15.
Following: "certification"
Strike: "or professional licensure"

3. Page 1, line 16. Following: "superintendent" Insert: "OR SPECIALIST"

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HB 0591/03

1	HOUSE BILL ND. 591
2	INTRODUCED BY NISBET, REAM, BERG, DARKO
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5	±S <del>A-</del> -SPE <del>CIALIST-THE</del> -SAME-8PPBRTUNITY-F <del>BR</del> -TENURE-THAT-BTHER
6	ŦEACHER5-ARE-8FFERE8† <u>18_ALLOH_A-TEAGHER-WH8-15-A-SQEGIAL1SI</u>
7	<u>IN-A-</u> 285III <u>RNREQUIRING2288E55IRNALLIEENSUREIUESAME</u>
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9	REMOVE THE AGE DISCRIMINATION PROVISION FROM THE LAW
10	GOVERNING TENURE; AMENDING SECTIONS 20-4-203 AND 20-4-204.
11	MCA
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 20-4-203, MCA; is amended to read:
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24	contract with such teachery unless+

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2	accordance with the provisions of 20-4-204 <sub>4</sub> t-or
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-2-

HB 591

HB 591

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13 may appeal to the superintendent of public instruction under
14 the provision for the appeal of controversies in this
15 title.\*

-End-