

HOUSE BILL NO. 591

INTRODUCED BY NISBET, REAM, BERG, DARKO

IN THE HOUSE

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| 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 SENATE

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| 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

Returned to House. Sent to
enrolling.

April 4, 1983

Reported correctly enrolled.

1 HOUSE BILL NO. 591
 2 INTRODUCED BY Nisbet Ream Berg Danko
 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

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 teachers, 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, 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-

App. by comm. on education
and cultural resources

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

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

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

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

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

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

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

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

"20-4-204. Termination of tenure teacher services. (1)

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

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

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

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

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

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

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

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

1 termination action within 10 days after the receipt of the
2 request for a hearing. If the trustees affirm their decision
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7 fact and conclusions of law.

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9 may appeal to the superintendent of public instruction under
10 the provision for the appeal of controversies in this
11 title."

-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 591 be amended as follows:

1. Title, line 6.

Following: "~~OFFERED~~,"

Insert: "TO ALLOW A TEACHER WHO IS A SPECIALIST IN A POSITION
REQUIRING PROFESSIONAL LICENSURE THE SAME OPPORTUNITY FOR
TENURE THAT OTHER TEACHERS ARE OFFERED;"

2. Page 1, line 15.

Following: "certification"

Insert: "or professional licensure,"

3. Page 1, line 16.

Strike: "OR SPECIALIST"

March 25, 1983

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
OPPORTUNITY 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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membership to terminate the services of the teacher in accordance with the provisions of 20-4-204, or

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