

HOUSE BILL NO. 556

1/29 Introduced
1/29 Referred to Education & Cultural Resources
2/13 Hearing
2/19 Adverse Committee Report
2/19 Fiscal Note Requested
2/19 Fiscal Note Received
2/20 Bill Killed

1 HOUSE BILL NO. 556,
 2 INTRODUCED BY Bradley Nelson - International Nisbet
 3 PLMMS Harden
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO
 5 CERTIFICATION OF TEACHERS IN THE PUBLIC SCHOOLS OF MONTANA
 6 AND TO TEACHER EDUCATION INSTITUTIONS AND PROGRAMS; CREATING
 7 A BOARD OF TEACHING AND A TEACHER ETHICS PANEL; RAISING
 8 TEACHER CERTIFICATION FEES; AMENDING SECTIONS 20-1-101,
 9 20-2-121, 20-4-102 THROUGH 20-4-104, AND 20-4-106 THROUGH
 10 20-4-111, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Board of teaching. (1) There
14 is a board of teaching.

15 (2) The board consists of 15 members appointed by the
16 governor. The membership of the board includes:

- 17 (a) four elementary classroom teachers;
- 18 (b) four secondary classroom teachers, one of whom may
19 be a postsecondary vocational-technical teacher;
- 20 (c) one faculty member from an accredited institution
21 of higher education;
- 22 (d) one school district administrator;
- 23 (e) one member from a school district board of
24 trustees;
- 25 (f) one member from the board of public education;

1 (g) the commissioner of higher education or his
2 designee as an ex officio member;

3 (h) the superintendent of public instruction or his
4 designee as an ex officio member; and

5 (i) one member from the general public.

6 (3) The board is allocated to the board of public
7 education for administrative purposes only as prescribed in
8 2-15-121. However, the board may hire its own personnel and
9 the provisions of 2-15-121(2)(d) do not apply.

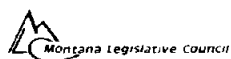
10 (4) All board members are voting members of the board.

11 (5) (a) The term of office of an appointed member is 3
12 years. Before the expiration of the term of a member, the
13 governor shall appoint a successor to assume the duties on
14 the next following July 1. A member is eligible for
15 reappointment, but only for one additional term. In case of
16 a vacancy for any cause, the governor shall make an
17 appointment to become immediately effective for the
18 unexpired term. If a member's employment status changes from
19 the status that qualified him for appointment on the board,
20 the member's position becomes vacant at that time.

21 (b) An appointed member of the board may be removed
22 from the board by the governor for cause, after a hearing.

23 (c) Original appointments must be made for staggered
24 terms of 1, 2, and 3 years as determined by the governor.

25 (6) The governor shall appoint the members of the



-2- INTRODUCED BILL
HB 556

1 board listed in subsections (1)(a) through (1)(d) from
 2 nominees submitted by statewide organizations of
 3 professional educators. Each organization that submits a
 4 nominee shall certify that the nominee is qualified for the
 5 board position for which he is nominated.

6 (7) Each member of the board, except those members
 7 listed in subsections (1)(e) through (1)(i), must:

8 (a) have been actively engaged in teaching or
 9 providing related educational, administrative, or
 10 supervisory service in a public school or an accredited
 11 institution of higher education with an approved teacher
 12 education program for at least 5 years, including 3 years in
 13 Montana, immediately preceding nomination and appointment;
 14 and

15 (b) be a Montana resident.

16 NEW SECTION. Section 2. Officers -- quorum --
 17 expenses. (1) The board of teaching shall select a chairman
 18 and a vice-chairman from among its appointed members.

19 (2) A quorum for meeting is not less than nine board
 20 members.

21 (3) Board members are entitled to travel expenses
 22 incurred for each day of attendance at board meetings or in
 23 the performance of any duty or service as a board member in
 24 accordance with 2-18-501 through 2-18-503.

25 NEW SECTION. Section 3. Meetings of the board.

1 (1) The board of teaching shall meet quarterly and at such
 2 other times as may be required for the proper conduct of the
 3 business of the board at the call of the chairman.

4 (2) The principal office of the board must be in
 5 Helena, Montana, but the board may act and exercise all of
 6 its powers at any other location.

7 NEW SECTION. Section 4. Adoption of rules -- seal --
 8 record of proceedings. (1) The board of teaching may adopt
 9 rules for the conduct of board business.

10 (2) The board shall use an official seal to
 11 authenticate its official acts.

12 (3) The board shall keep a record of its proceedings.
 13 Section 5. Section 20-1-101, MCA, is amended to read:
 14 "20-1-101. Definitions. As used in this title, unless
 15 the context clearly indicates otherwise, the following
 16 definitions apply:

17 (1) "Agricultural experiment station" means the
 18 agricultural experiment station established at Montana state
 19 university.

20 (2) "Approved teacher education program" means a
 21 program approved by the board of teaching that is offered by
 22 an accredited teacher education institution.

23 ~~(2)~~(3) "Average number belonging" or "ANB" shall mean
 24 the average number of regularly enrolled, full-time pupils
 25 attending the public schools of a district.

1 †3†(4) "The board of public education" is the board
2 created by Article X, section 9, subsection (3), of the 1972
3 Montana constitution and 2-15-1507.

4 †4†(5) "Board of regents" means the board of regents
5 of higher education created by Article X, section 9,
6 subsection (2), of the 1972 Montana constitution and
7 2-15-1505.

8 (6) "Board of teaching" means the board created in
9 [section 1].

10 †5†(7) "Commissioner" means the commissioner of higher
11 education created by Article X, section 9, subsection (2),
12 of the 1972 Montana constitution and 2-15-1506.

13 †6†(8) "County superintendent" means the county
14 government official who is the school officer of the county.

15 †7†(9) "District superintendent" means any person who
16 holds a valid class 3 Montana teacher certificate with a
17 superintendent's endorsement that has been issued by the
18 superintendent of public instruction under the provisions of
19 this title and the policies adopted by the board of public
20 education and who has been employed by a district as a
21 district superintendent.

22 †8†(10) "Postsecondary vocational-technical center"
23 means a school used principally for the provision of
24 postsecondary vocational-technical education to persons who
25 qualify as postsecondary vocational-technical pupils. These

1 centers are designated by the superintendent of public
2 instruction upon direction by the legislature. All other
3 public or private schools are hereby prohibited from using
4 this title.

5 †9†(11) "Postsecondary vocational-technical education"
6 means vocational-technical education of postsecondary
7 vocational-technical pupils which is conducted by a
8 postsecondary vocational-technical center or other programs
9 as designated by the superintendent of public instruction.
10 Postsecondary vocational-technical education shall include
11 the 13th and 14th year and beyond but will not include work
12 toward a baccalaureate degree.

13 †10†(12) "Postsecondary vocational-technical pupil"
14 means a person who has completed or left school, is at least
15 16 years of age, and is available for study in preparation
16 for entering the labor market, for reentering the labor
17 market, or for employment stability or advancement in
18 employment.

19 †11†(13) "Principal" means any person who holds a valid
20 class 3 Montana teacher certificate with an applicable
21 principal's endorsement that has been issued by the
22 superintendent of public instruction under the provisions of
23 this title and the policies adopted by the board of public
24 education and who has been employed by a district as a
25 principal. For the purposes of this title, any reference to

1 a teacher shall be construed as including a principal, as
2 herein defined.

3 ~~12~~(14) "Pupil" means any child who is 6 years of age
4 or older on or before September 10 of the year in which the
5 child is to enroll or has been enrolled by special
6 permission of the board of trustees under 20-5-101(3) but
7 has not yet reached his 19th birthday and who is enrolled in
8 a school established and maintained under the laws of the
9 state of Montana at public expense.

10 ~~13~~(15) "Pupil instruction" means the conduct of
11 organized instruction of pupils enrolled in public schools
12 while under the supervision of a teacher.

13 ~~14~~(16) "Regents" means the board of regents of higher
14 education.

15 ~~15~~(17) "School food services" means a service of
16 providing food for the pupils of a district on a nonprofit
17 basis and shall include any food service financially
18 assisted through funds or commodities provided by the United
19 States government.

20 ~~16~~(18) "The state board of education" is the board
21 composed of the board of public education and the board of
22 regents as specified in Article X, section 9, subsection
23 (1), of the 1972 Montana constitution.

24 ~~17~~(19) "State university" means the Montana state
25 university, located at Bozeman.

1 ~~18~~(20) "Superintendent of public instruction" means
2 that state government official designated as a member of the
3 executive branch by the constitution of Montana.

4 ~~19~~(21) "System" means the Montana university system.

5 ~~20~~(22) "Teacher" means any person, except a district
6 superintendent, who holds a valid Montana teacher
7 certificate that has been issued by the superintendent of
8 public instruction under the provisions of this title and
9 the policies adopted by the board of public education and
10 who is employed by a district as a member of its
11 instructional, supervisory, or administrative staff. This
12 definition of a teacher shall also include any person for
13 whom an emergency authorization of employment of such person
14 has been issued under the provisions of 20-4-111.

15 ~~21~~(23) "Textbook" means a book or manual used as a
16 principal source of study material for a given class or
17 group of students.

18 ~~22~~(24) "Textbook dealer" means any party, company,
19 corporation, or other organization selling, offering to
20 sell, or offering for adoption textbooks to districts in the
21 state of Montana.

22 ~~23~~(25) "Trustees" means the governing board of a
23 district.

24 ~~24~~(26) "University" means the university of Montana,
25 located at Missoula.

1 ~~{25}~~(27) "Vocational education" means the instruction
 2 to prepare or improve the pupil for gainful employment that
 3 does not require a baccalaureate or higher degree. This
 4 definition of vocational education shall include guidance
 5 and prevocational, related, or technical instruction
 6 necessary to prepare the pupil for further vocational
 7 education or for entry into employment."

8 Section 6. Section 20-2-121, MCA, is amended to read:
 9 "20-2-121. Board of public education -- powers and
 10 duties. The board of public education shall:

11 ~~{1}--effect-an-orderly-and-uniform-system--for--teacher
 12 certification--and--specialist--certification--and--for--the
 13 issuance-of-an--emergency--authorization--of--employment--by
 14 adopting--the--policies-prescribed-by-20-4-102-and-20-4-111;~~

15 ~~{2}--consider-the-suspension-or-revocation--of--teacher
 16 or--specialist--certificates--and--appeals--from--the--denial--of
 17 teacher-or-specialist-certification-in-accordance--with--the
 18 provisions-of-20-4-110;~~

19 ~~{3}~~(1) administer and order the distribution of state
 20 equalization aid in accordance with the provisions of
 21 20-9-344;

22 ~~{4}~~(2) adopt and enforce policies to provide uniform
 23 standards and regulations for the design, construction, and
 24 operation of school buses in accordance with the provisions
 25 of 20-10-111;

1 ~~{5}~~(3) approve or disapprove a reduction of the number
 2 of hours in a district's school day in accordance with the
 3 provisions of 20-1-302;

4 ~~{6}~~(4) adopt policies prescribing the conditions when
 5 school may be conducted on Saturday and the types of
 6 pupil-instruction-related days and approval procedure for
 7 such days in accordance with the provisions of 20-1-303 and
 8 20-1-304;

9 ~~{7}~~(5) adopt standards of accreditation and establish
 10 the accreditation status of every school in accordance with
 11 the provisions of 20-7-101 and 20-7-102;

12 ~~{8}~~(6) approve or disapprove educational media
 13 selected by the superintendent of public instruction for the
 14 educational media library in accordance with the provisions
 15 of 20-7-201;

16 ~~{9}~~(7) adopt policies for the conduct of special
 17 education in accordance with the provisions of 20-7-402;

18 ~~{10}~~(8) adopt rules for issuance of documents
 19 certifying equivalency of completion of secondary education
 20 in accordance with 20-7-131; and

21 ~~{11}~~(9) adopt policies for the conduct of programs for
 22 gifted and talented children in accordance with the
 23 provisions of 20-7-903 and 20-7-904; and

24 ~~{12}~~(10) perform any other duty prescribed from time to
 25 time by this title or any other act of the legislature."

1 Section 7. Section 20-4-102, MCA, is amended to read:

2 "20-4-102. Board of ~~public---education~~ teaching
3 policies. To effect an orderly and uniform system of teacher
4 and specialist certification, the board of ~~public-education~~
5 teaching shall, ~~upon-the-recommendation-of~~ after considering
6 recommendations of the board of public education, the board
7 of regents, the superintendent of public instruction, and
8 other interested parties and in accordance with the
9 provisions of this title, prescribe and adopt policies for
10 the issuance of teacher or specialist certificates. Such
11 policies shall provide for:

12 (1) reasonable training and experience requirements
13 for teacher, specialist, supervisor, and administrative
14 certificates and endorsements thereon as provided by the
15 certification classification in 20-4-106;

16 (2) the renewal of teacher or specialist certificates
17 based on the same conditions prescribed for the initial
18 issuance of certificates;

19 (3) the conduct of hearings on teacher or specialist
20 certification revocation, suspension, or denial;

21 (4) the issuance of emergency authorization to a
22 district to employ a person who is not the holder of a valid
23 teacher certificate as an instructor of pupils; and

24 (5) any other policy, not inconsistent with the law,
25 which is necessary for the proper operation of a system of

1 teacher and specialist certification."

2 Section 8. Section 20-4-103, MCA, is amended to read:

3 "20-4-103. Issuance of teacher or specialist
4 certificates. The superintendent of public instruction shall
5 issue all teacher and specialist certificates in the state
6 of Montana. In issuing teacher or specialist certificates,
7 the superintendent of public instruction shall comply with
8 the provisions of this title and the teacher and specialist
9 certification policies adopted by the board of ~~public~~
10 ~~education~~ teaching. The superintendent of public instruction
11 shall not issue a teacher or specialist certificate to any
12 person who does not satisfy the qualifications or other
13 requirements of this title and of the board of ~~public~~
14 ~~education~~ teaching policies for teacher or specialist
15 certification."

16 Section 9. Section 20-4-104, MCA, is amended to read:

17 "20-4-104. Qualifications. (1) Any person may be
18 certified as a teacher when he satisfies the following
19 qualifications:

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

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

24 (c) He is of good moral and professional character.

25 (d) He has completed ~~the~~ an approved teacher education

1 program of a unit of the Montana university system or an
 2 essentially equivalent program at an accredited institution
 3 of equal rank and standing as that of any unit of the
 4 Montana university system, and such training shall be
 5 evidenced by at least a bachelor's degree and a
 6 certification of the completion of the approved teacher
 7 education program, except as provided for in 20-4-106(1)(d).

8 (e) He has subscribed to the following oath or
 9 affirmation before an officer authorized by law to
 10 administer oaths:

11 "I solemnly swear (or affirm) that I will support The
 12 Constitution of the United States of America and The
 13 Constitution of the State of Montana."

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

18 Section 10. Section 20-4-106, MCA, is amended to read:

19 "20-4-106. Classifications of teacher and specialist
 20 certificates. (1) The superintendent of public instruction
 21 shall issue teacher certificates and the board of publi
 22 education teaching shall adopt teacher certification
 23 policies on the basis of the following classifications of
 24 teacher certificates:

25 (a) The class 1 professional certificate may be issued

1 to an otherwise qualified applicant who has completed a an
 2 approved teacher education program which includes a
 3 bachelor's degree and a minimum of 1 year of study beyond
 4 such degree in a unit of the Montana university system or an
 5 equivalent institution. The professional certificate may be
 6 endorsed for elementary instruction, secondary instruction,
 7 or both, and for specified subject fields on the basis of
 8 the applicant's academic and professional training and
 9 according to the board of publi
 10 education teaching policy for teacher certification endorsement.

11 (b) The class 2 standard certificate may be issued to
 12 an otherwise qualified applicant who has completed a 4-year
 13 an approved teacher education program and who has been
 14 awarded a bachelor's degree by a unit of the Montana
 15 university system or an equivalent institution. The standard
 16 certificate may be endorsed for elementary instruction,
 17 secondary instruction, or both, and for specified subject
 18 fields on the basis of the applicant's academic and
 19 professional training and according to the board of publi
 20 education teaching policy for teacher certification
 21 endorsement.

22 (c) The class 3 administrative and supervisory
 23 certificate may be issued to an otherwise qualified
 24 applicant who is eligible for a teacher certificate endorsed
 25 for teaching in the school or schools in which he would be

1 an administrator or he would supervise. The applicant also
 2 shall possess the training and experience required by the
 3 policies of the board of public-education teaching for an
 4 endorsement as superintendent, principal, or supervisor.

5 (d) The class 4 vocational, recreational, or adult
 6 education certificate may be issued to an otherwise
 7 qualified applicant who has the qualifications of training
 8 and experience ~~required by the United States office of~~
 9 ~~education or the qualifications~~ required by the special
 10 needs of the several vocational, recreational, or adult
 11 education fields and who can qualify under the policy of the
 12 board of public-education teaching for the issuance of this
 13 classification of teacher certification.

14 (e) The class 5 provisional certificate may be issued
 15 to an otherwise qualified applicant who can provide
 16 satisfactory evidence of his intent to qualify in the future
 17 for a class 1 or a class 2 certificate and who has completed
 18 a 4-year college program or its equivalent and holds a
 19 bachelor's degree from a unit of the Montana university
 20 system or its equivalent. The provisional certificate may be
 21 endorsed for elementary instruction, secondary instruction,
 22 or both, and for special subject fields on the basis of the
 23 applicant's academic and professional training and according
 24 to the board of public-education teaching policy for teacher
 25 or specialist certification endorsement.

1 †2)†(f) The superintendent of public instruction shall
 2 issue the class 6 specialist certificates, and the board of
 3 ~~public---education~~ teaching shall adopt specialist
 4 certification policies. The specialist certificate may be
 5 issued to an otherwise qualified applicant who has the
 6 training, experience, and license required under the
 7 standards of the board of public-education teaching for the
 8 certification of a profession other than the teaching
 9 profession.

10 (g) The class 7 substitute certificate may be issued
 11 to an otherwise qualified applicant who has been awarded a
 12 bachelor's degree by a unit of the Montana university system
 13 or by an equivalent institution or who has by training,
 14 experience, or examination demonstrated competency according
 15 to board of teaching policy for substitute teacher
 16 certification. Substitute certificates may be endorsed for
 17 elementary, secondary, or postsecondary instruction and for
 18 special subject fields, on the basis of the applicant's
 19 qualifications, according to board of teaching policy.

20 †3)†(2) For purposes of evaluating the qualifications
 21 of applicants for either teacher or specialist certificates,
 22 a year means the instructional period consisting of three
 23 quarters or two semesters or other terms which are
 24 recognized as an academic year by any unit of the Montana
 25 university system or equivalent institution."

1 Section 11. Section 20-4-107, MCA, is amended to read:

2 "20-4-107. Outstanding teacher certificates. (1) No
3 provisions of this title shall affect or impair the validity
4 of any certificate that is in force on January 26, 1971, or
5 the rights and privileges of the holders by virtue thereof,
6 except that any certificates may be suspended or revoked for
7 any of the causes and by the procedures provided by law.

8 (2) Any holder of an elementary school standard
9 certificate issued prior to July 1, 1959, under the previous
10 statute and in force on July 1, 1959, shall be eligible for
11 renewal of such certificate in accordance with the policies
12 of the board of public-education teaching until the holder
13 qualifies for the class 2 standard certificate as provided
14 in 20-4-106.

15 (3) Any holder of a class 5 certificate in force on
16 June 30, 1966, or issued between July 1, 1966, and December
17 31, 1966, shall be eligible for renewal of such certificate
18 in accordance with the policies of the board of public
19 education teaching until the holder qualifies for the class
20 2 standard certificate as provided in 20-4-106."

21 Section 12. Section 20-4-108, MCA, is amended to read:

22 "20-4-108. Term of teacher and specialist certificates
23 -- renewal. (1) Any teacher or specialist certificate issued
24 by the superintendent of public instruction shall bear the
25 dates of issue and validity and shall be valid for a term of

1 5 school fiscal years, except that class 5 provisional
2 certificates shall be valid for the number of years, up to a
3 maximum of 5 years, provided by the policies of the board of
4 public-education teaching. The period of validity for any
5 certificate shall begin on July 1 immediately preceding the
6 date of issue, except that a teacher or specialist who
7 applies for certification after March 1 may, upon request,
8 have the period of validity of the certificate begin on July
9 1 following the date of application.

10 (2) Teacher and specialist certificates shall be
11 renewed for similar periods of time on the basis of the
12 board of public-education teaching policies for teacher and
13 specialist certification renewal."

14 Section 13. Section 20-4-109, MCA, is amended to read:

15 "20-4-109. Fees for teacher and specialist
16 certificates. Each person applying for the issuance or
17 renewal of a teacher or specialist certificate shall pay a
18 fee of ~~\$2~~ not to exceed \$10 for each school fiscal year that
19 the certificate will be valid. In addition to this fee, each
20 person who has never held any class of Montana teacher or
21 specialist certificate or for whom an emergency
22 authorization of employment has never been issued shall pay
23 a filing fee of \$2 \$5. Such fees ~~shall be paid to the~~
24 ~~superintendent of public instruction, who shall deposit the~~
25 ~~fees with the state treasurer to the credit of the general~~

1 must be paid to the board of teaching account in the state
 2 special revenue fund."

3 Section 14. Section 20-4-110, MCA, is amended to read:

4 "20-4-110. Suspension, revocation, and denial --
 5 appeals. (1) The board of ~~public--education~~ teaching shall
 6 have the power and authority to suspend or revoke the
 7 teacher or specialist certificate of any person for any of
 8 the following reasons:

9 (a) making any statement of material fact in the
 10 application for a certificate which the applicant knows to
 11 be false;

12 (b) any reason that would have required or authorized
 13 the denial of the teacher or specialist certificate to such
 14 person if it had been known at the time such certificate was
 15 issued;

16 (c) incompetency;

17 (d) gross neglect of duty;

18 (e) conviction in this state or any other state or
 19 country of a criminal offense involving moral turpitude;

20 (f) substantial and material nonperformance of the
 21 employment contract between the teacher or specialist and
 22 the trustees of a district without good cause or the written
 23 consent of the trustees; or

24 (g) denial, revocation, suspension, or surrender of a
 25 teacher or specialist certificate in another state for any

1 reason constituting grounds for such action in this state.

2 (2) The board of teaching shall initiate proceedings
 3 under this section if, and only if, a request for the
 4 suspension or revocation of the teacher or specialist
 5 certificate of any person is made to it by:

6 (a) the trustees of a district as to a teacher or
 7 specialist employed by that district within the 12 months
 8 immediately preceding receipt of the request by the board of
 9 ~~public-education~~ teaching; or

10 (b) the superintendent of public instruction as to a
 11 teacher or specialist not employed by any district within
 12 the 12 months immediately preceding receipt of the request
 13 by the board; or

14 (c) the teacher ethics panel provided for in (section
 15 17).

16 (3) The board of teaching shall give a 30-day written
 17 notification to any person when the board intends to
 18 consider the suspension or revocation of his certificate.
 19 The board shall conduct an investigation of the reasons for
 20 the suspension or revocation charge and then, if the
 21 investigation warrants further action, conduct a hearing in
 22 the manner provided by board policies. At the hearing the
 23 board shall afford the person an opportunity to defend
 24 himself and his qualifications against the charge.

25 (4) After a full investigation and proper hearing, the

1 board of teaching may suspend or revoke the person's teacher
 2 or specialist certificate, except that in the case of a
 3 first violation under subsection (1)(f) above, the maximum
 4 penalty shall not be more than a 2-year suspension of the
 5 person's certificate.

6 (5) Whenever the superintendent of public instruction
 7 denies the issuance or the renewal of a teacher or
 8 specialist certificate to a person, he may appeal the denial
 9 to the board of ~~public-education~~ teaching. The appeal shall
 10 be heard in the same manner provided for in this section for
 11 suspension or revocation and in accordance with the policies
 12 of the board. The decision of the board shall be final."

13 Section 15. Section 20-4-111, MCA, is amended to read:

14 "20-4-111. Emergency authorization of employment. (1)
 15 Any district may request from the superintendent of public
 16 instruction an emergency authorization of employment for a
 17 person who is not the holder of a valid teacher or
 18 specialist certificate as an instructor of pupils when such
 19 district cannot secure the services of a person holding a
 20 valid certificate. The person shall have previously held a
 21 valid teacher or specialist certificate or shall meet the
 22 standards of preparation prescribed by the policies of the
 23 board of ~~public--education~~ teaching for and during such
 24 emergency. Such emergency authorization of employment shall
 25 indicate:

1 (a) the district to which such authorization is
 2 issued;

3 (b) the person whom the district is authorized to
 4 employ;

5 (c) the endorsement for elementary or secondary
 6 instruction and the specific subject fields for which
 7 authorization to employ such person is given; and

8 (d) the school fiscal year for which such emergency
 9 authorization of employment is given.

10 (2) Emergency authorization of employment of a person
 11 shall be valid for the school fiscal year identified on such
 12 authorization and may be renewed in accordance with the
 13 board of ~~public-education~~ teaching policies. A fee ~~of \$2 not~~
 14 to exceed \$10 and, if no teacher or specialist certificate
 15 or emergency authorization of employment has ever been
 16 issued for such person, a filing fee of ~~\$2~~ \$5 shall be paid
 17 for the issuance of an emergency authorization of
 18 employment. ~~The--superintendent-of-public-instruction-shall~~
 19 ~~deposit-the-fees-with-the-state-treasurer-to-the--credit--of~~
 20 ~~the--general~~ The fees must be paid to the board of teaching
 21 account in the state special revenue fund.

22 (3) Emergency authorization of employment of a person
 23 may be revoked for good cause in accordance with the
 24 provisions of 20-4-110."

25 NEW SECTION. Section 16. Standards for approval of

1 teacher education programs. (1) After considering
2 recommendations of the board of public education, the board
3 of regents, and the superintendent of public instruction,
4 the board of teaching shall adopt rules establishing
5 standards for approval of teacher education programs.

6 (2) Whenever any teacher education program is denied
7 approval status or has such status withdrawn, the denial or
8 withdrawal of status must be treated as a contested case.
9 All appeals and hearings must be held in accordance with the
10 appropriate provisions of the Montana Administrative
11 Procedure Act.

12 NEW SECTION. Section 17. Teacher ethics panel.

13 (1) There is a teacher ethics panel to receive complaints
14 and make recommendations to the board of teaching regarding
15 ethical conduct of teachers.

16 (2) The panel consists of five teachers, two of whom
17 must be tenure elementary teachers and two of whom must be
18 tenure secondary teachers. Each panel member must hold a
19 valid Montana teaching certificate.

20 (3) The panel members are appointed by a majority vote
21 of the board of teaching from nominations submitted by
22 statewide professional organizations of teachers.

23 (4) Panel members shall serve a single term of 3 to 5
24 years pursuant to board rules. Initial terms must be
25 staggered.

1 (5) The teacher ethics panel shall:

2 (a) receive complaints regarding the ethical conduct
3 of teachers from any member of the teaching profession or
4 other citizen;

5 (b) if a complaint appears to have a reasonable basis,
6 hold a factfinding hearing to review the evidence and afford
7 the teacher named in the complaint an opportunity to refute
8 the complaint; and

9 (c) if the panel determines that the facts support a
10 probable showing of one of the reasons for suspension or
11 revocation of a teacher's certificate provided in 20-4-110,
12 recommend that the board of teaching initiate proceedings
13 under 20-4-110.

14 NEW SECTION. Section 18. Protection of prior rights.

15 The transfer of duties, functions, and powers to the board
16 of teaching does not affect any action, suit, proceeding, or
17 prosecution involving or with respect to such duties,
18 functions, and powers commenced prior to and pending at the
19 time of the transfer, except that the board of teaching is
20 substituted for the superintendent of public instruction or
21 the board of public education in such action, suit,
22 proceeding, or prosecution.

23 NEW SECTION. Section 19. Codification instruction.

24 Sections 2 through 4 and 16 and 17 are intended to be
25 codified as an integral part of Title 20.

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 419-85

Form BD-15

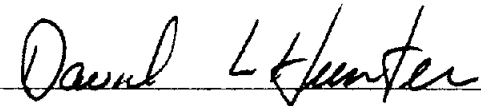
In compliance with a written request received February 18, 19 85, there is hereby submitted a Fiscal Note for H.B. 556 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 556 is an act to create a Board of Teaching and a Teacher Ethics Panel to prescribe and adopt policies for teacher certification and to receive complaints and make recommendations regarding ethical conduct of teachers.

ASSUMPTIONS:

- 1) The Board of Teaching will not administer the teacher certification process.
- 2) The Board of Teaching will meet a minimum of 4 times each year.
- 3) Each Board of Teaching member will attend a minimum of 4 meetings each year, travel 220 miles round trip for each meeting, be reimbursed 1.5 days meals for each meeting, and will require lodging a minimum of one night per meeting.
- 4) The Board of Teaching will hire an executive secretary and a secretary for an annual cost of \$27,600 and \$14,400 respectively.
- 5) Office space, substantial printing costs, and other operational expenses will be necessary.
- 6) A total of 3,170 teacher certification renewals are issued annually, 1,400 initial certificates are issued annually, and 1,480 class 5 certificates are issued annually.
- 7) Maximum fees allowed in the bill will be charged.
- 8) A total of 548 school districts with 3 class 7 substitute teachers each will need initial certification under provisions of the bill.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 19, 1985

HB 556

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>	<u>Biennium</u>
<u>Expenditures:</u>			
Current Law	\$ -0-	\$ -0-	\$ -0-
Proposed Law	\$ <u>72,958</u>	\$ <u>72,958</u>	\$ <u>145,916</u>
Increased Cost	\$ <u>72,958</u>	\$ <u>72,958</u>	\$ <u>145,916</u>
<u>Revenue:</u>			
Current Law			
To General Fund	\$ 64,540	\$ 64,540	\$ 129,080
To State Special Fund	\$ -0-	\$ -0-	\$ -0-
Proposed Law			
To General Fund	\$ -0-	\$ -0-	\$ -0-
To State Special Fund	\$ <u>317,200</u>	\$ <u>317,200</u>	\$ <u>634,400</u>
Net Impact to General Fund	(\$ 64,540)	(\$ 64,540)	(\$ 129,080)
Net Impact to State Special Revenue	\$ 244,242	\$ 244,242	\$ 488,484

- 1) The current fee structure for certification of teachers brings in \$64,540 annually which would be \$8,418 under the required expenditures for the proposed law. The fees collected under present structure go to the general fund.
- 2) Assuming that maximum fees are charged for teacher certification under the proposed law, \$317,200 annually would be collected to the Board of Teaching State Special Revenue fund to pay incurred expenditures of \$72,958 per year. Fees could be set at lower levels to keep revenues similar to expenditures.

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A/

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A/

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

N/A