

SENATE BILL NO. 18

INTRODUCED BY MAZUREK

BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 4

IN THE SENATE

January 7, 1985	Introduced and referred to Committee on Education and Cultural Resources.
January 12, 1985	Committee recommend bill do pass as amended. Report adopted.
January 14, 1985	Bill printed and placed on members' desks.
January 15, 1985	Second reading, pass consideration.
January 16, 1985	Second reading, do pass.
January 17, 1985	Considered correctly engrossed.
January 18, 1985	Third reading, passed. Ayes, 44; Noes, 0 Transmitted to House.

IN THE HOUSE

January 19, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 9, 1985	Committee recommend bill be concurred in. Report adopted.
March 5, 1985	Second reading, concurred in.
March 6, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 8, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 SENATE BILL NO. 18
 2 INTRODUCED BY MAZUREK
 3 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 4

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A TEACHER
 6 WITH NOTICE OF INTENT TO RECOMMEND DISMISSAL OF THE TEACHER
 7 WHILE UNDER CONTRACT WITH A SCHOOL DISTRICT; TO PROVIDE A
 8 TENURE TEACHER WITH NOTICE OF INTENT TO RECOMMEND
 9 TERMINATION OF SERVICES; TO PROVIDE FOR A HEARING ON THE
 10 RECOMMENDATION BEFORE THE BOARD OF TRUSTEES OF A DISTRICT
 11 PRIOR TO THE DISMISSAL OF A TEACHER OR THE TERMINATION OF
 12 SERVICES OF A TENURE TEACHER; AMENDING SECTIONS 20-4-204 AND
 13 20-4-207, MCA."

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

16 Section 1. Section 20-4-204, MCA, is amended to read:
 17 "20-4-204. Termination of tenure teacher services.

18 (1) (a) ~~Whenever the trustees of any district resolve to~~
 19 ~~terminate the services of a tenure teacher under the~~
 20 ~~provisions of 20-4-203, they shall, before April 17, notify~~
 21 ~~such teacher of such termination in writing by certified or~~
 22 ~~registered letter or by personal notification for which a~~
 23 ~~signed receipt is returned. Such notification shall include~~
 24 ~~a printed copy of this section for the teacher's~~
 25 ~~information.~~

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

7 ~~(3) Within 10 days after the tenure teacher receives~~
 8 ~~the statement of reasons for termination, he may request, in~~
 9 ~~writing, a hearing before the trustees to reconsider their~~
 10 ~~termination action. When a hearing is requested, the~~
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 13 ~~request for a hearing. If the trustees affirm their decision~~
 14 ~~to terminate the teacher's employment, the The following~~
 15 ~~persons may make a recommendation in writing to the trustees~~
 16 ~~of the district for termination of the services of a tenure~~
 17 ~~teacher:~~

- 18 (i) a district superintendent;
- 19 (ii) in a district without a district superintendent, a
- 20 principal;
- 21 (iii) in a district without a district superintendent
- 22 or a principal, the county superintendent or a trustee of
- 23 the district.
- 24 (b) The recommendation must state the specific reason
- 25 or reasons leading to the recommendation for termination.



1 (2) Whenever the trustees of a district receive a
 2 recommendation for termination, the trustees shall, before
 3 April 1 of the current school fiscal year, notify the
 4 teacher of the recommendation for termination and of the
 5 teacher's right to a hearing on the recommendation. The
 6 notification must be delivered by certified letter or by
 7 personal notification for which a signed receipt is
 8 returned. The notification must include:

9 (a) the statement of the reason or reasons that led to
 10 the recommendation for termination; and

11 (b) a printed copy of this section for the teacher's
 12 information.

13 (3) The teacher may, in writing, waive the right to a
 14 hearing. Unless the teacher waives the right to a hearing,
 15 the trustees shall set a hearing date, giving consideration
 16 to the convenience of the teacher, not less than 10 days or
 17 more than 20 days from receipt of the notice of
 18 recommendation for termination.

19 (4) The trustees shall:

20 (a) conduct the hearing on the recommendation at a
 21 regularly scheduled or special meeting of the board of
 22 trustees and in accordance with 2-3-203; and

23 (b) resolve at the conclusion of the hearing to
 24 terminate the teacher or to reject the recommendation for
 25 termination.

1 (5) The tenure teacher may appeal their a decision to
 2 terminate to the county superintendent who may appoint a
 3 qualified attorney at law as legal adviser who shall assist
 4 the superintendent in preparing findings of fact and
 5 conclusions of law.

6 ~~(4)~~(6) Subsequently, either the teacher or the
 7 trustees may appeal to the superintendent of public
 8 instruction under the provision for the appeal of
 9 controversies in this title."

10 Section 2. Section 20-4-207, MCA, is amended to read:

11 "20-4-207. Dismissal of teacher under contract. (1)
 12 The trustees of any district may dismiss a teacher before
 13 the expiration of his employment contract for immorality,
 14 unfitness, incompetence, or violation of the adopted
 15 policies of such trustees.

16 (2) (a) The following persons may recommend the
 17 dismissal of a teacher for cause under subsection (1):

18 (i) a district superintendent;

19 (ii) in a district without a district superintendent, a
 20 principal; or

21 (iii) in a district without a district superintendent
 22 or a principal, the county superintendent or a trustee of
 23 the district.

24 (b) A person listed in subsection (2)(a) who
 25 recommends dismissal of a teacher shall give notice of the

1 recommendation in writing to each trustee of the district
 2 and to the teacher.

3 (c) The notice must state the specific instances of
 4 behavior or acts that led to the recommendation for
 5 dismissal.

6 (3) (a) Whenever the trustees of any district receive
 7 a recommendation for dismissal, the trustees shall notify
 8 the teacher of his right to a hearing before the trustees
 9 either by certified letter or by personal notification for
 10 which a signed receipt must be returned. The teacher may in
 11 writing waive the right to a hearing. Unless the teacher
 12 waives the right to a hearing, the teacher and trustees
 13 shall agree on a hearing date not less than 5 days or more
 14 than 20 days from the notice of intent to recommend
 15 dismissal.

16 (b) The trustees shall conduct a hearing on the
 17 recommendation and resolve at the conclusion of the hearing
 18 to dismiss the teacher or to reject the recommendation for
 19 dismissal.

20 (4) With the exception of a county superintendent, a
 21 person who recommends dismissal pursuant to subsection (2)
 22 may suspend the teacher from active performance of duty with
 23 or without pay pending the hearing date if the teacher's
 24 behavior or acts that led to the recommendation for
 25 dismissal are contrary to the welfare of the students or the

1 effective operation of the school district.

2 (2)(5) Any teacher who has been dismissed may in
 3 writing within 10 days appeal such dismissal to the county
 4 superintendent. Following such appeal a hearing shall be
 5 held within 10 days. If the county superintendent, after a
 6 hearing, determines that the dismissal by the trustees was
 7 made without good cause, he shall order the trustees to
 8 reinstate such teacher and to compensate such teacher at his
 9 contract amount for the time lost during the pending of the
 10 appeal."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 18

INTRODUCED BY MAZUREK

BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 4

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A TEACHER WITH NOTICE OF INTENT TO RECOMMEND DISMISSAL OF THE TEACHER WHILE UNDER CONTRACT WITH A SCHOOL DISTRICT; TO PROVIDE A TENURE TEACHER WITH NOTICE OF INTENT TO RECOMMEND TERMINATION OF SERVICES; TO PROVIDE FOR A HEARING ON THE RECOMMENDATION BEFORE THE BOARD OF TRUSTEES OF A DISTRICT PRIOR TO THE DISMISSAL OF A TEACHER OR THE TERMINATION OF SERVICES OF A TENURE TEACHER; AMENDING SECTIONS 20-4-204 AND 20-4-207, MCA."

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

Section 1. Section 20-4-204, MCA, is amended to read:

"20-4-204. Termination of tenure teacher services.

(1) (a) Whenever the trustees of any district resolve to terminate the services of a tenure teacher under the provisions of 20-4-203, they shall, before April 17, 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 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 following persons may make a recommendation in writing to the trustees of the district for termination of the services of a tenure teacher:

(i) a district superintendent;

(ii) in a district without a district superintendent, a principal;

(iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of the district.

(b) The recommendation must state CLEARLY AND EXPLICITLY the specific reason or reasons leading to the

1 recommendation for termination.

2 (2) Whenever the trustees of a district receive a
 3 recommendation for termination, the trustees shall, before
 4 April 1 of the current school fiscal year, notify the
 5 teacher of the recommendation for termination and of the
 6 teacher's right to a hearing on the recommendation. The
 7 notification must be delivered by certified letter or by
 8 personal notification for which a signed receipt is
 9 returned. The notification must include:

10 (a) the statement of the reason or reasons that led to
 11 the recommendation for termination; and

12 (b) a printed copy of this section for the teacher's
 13 information.

14 (3) The teacher may, in writing, waive the right to a
 15 hearing. Unless the teacher waives the right to a hearing,
 16 the trustees shall set a hearing date, giving consideration
 17 to the convenience of the teacher, not less than 10 days or
 18 more than 20 days from receipt of the notice of
 19 recommendation for termination.

20 (4) The trustees shall:

21 (a) conduct the hearing on the recommendation at a
 22 regularly scheduled or special meeting of the board of
 23 trustees and in accordance with 2-3-203; and

24 (b) resolve at the conclusion of the hearing to
 25 terminate the teacher or to reject the recommendation for

1 termination.

2 (5) The tenure teacher may appeal their a decision to
 3 terminate to the county superintendent who may appoint a
 4 qualified attorney at law as legal adviser who shall assist
 5 the superintendent in preparing findings of fact and
 6 conclusions of law.

7 ~~(4)~~(6) Subsequently, either the teacher or the
 8 trustees may appeal to the superintendent of public
 9 instruction under the provision for the appeal of
 10 controversies in this title."

11 Section 2. Section 20-4-207, MCA, is amended to read:

12 "20-4-207. Dismissal of teacher under contract. (1)
 13 The trustees of any district may dismiss a teacher before
 14 the expiration of his employment contract for immorality,
 15 unfitness, incompetence, or violation of the adopted
 16 policies of such trustees.

17 (2) (a) The following persons may recommend the
 18 dismissal of a teacher for cause under subsection (1):

19 (i) a district superintendent;

20 (ii) in a district without a district superintendent, a
 21 principal; or

22 (iii) in a district without a district superintendent
 23 or a principal, the county superintendent or a trustee of
 24 the district.

25 (b) A person listed in subsection (2)(a) who

1 recommends dismissal of a teacher shall give notice of the
2 recommendation in writing to each trustee of the district
3 and to the teacher.

4 (c) The notice must state the specific instances of
5 behavior or acts that led to the recommendation for
6 dismissal.

7 (3) (a) Whenever the trustees of any district receive
8 a recommendation for dismissal, the trustees shall notify
9 the teacher of his right to a hearing before the trustees
10 either by certified letter or by personal notification for
11 which a signed receipt must be returned. The teacher may in
12 writing waive the right to a hearing. Unless the teacher
13 waives the right to a hearing, the teacher and trustees
14 shall agree on a hearing date not less than 5 days or more
15 than 20 days from the notice of intent to recommend
16 dismissal.

17 (b) The trustees shall conduct a hearing on the
18 recommendation and resolve at the conclusion of the hearing
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20 dismissal.

21 (4) With the exception of a county superintendent, a
22 person who recommends dismissal pursuant to subsection (2)
23 may suspend the teacher from active performance of duty with
24 or--without pay pending the hearing date if the teacher's
25 behavior or acts that led to the recommendation for

1 dismissal are contrary to the welfare of the students or the
2 effective operation of the school district.

3 (2)(5) Any teacher who has been dismissed may in
4 writing within 10 days appeal such dismissal to the county
5 superintendent. Following such appeal a hearing shall be
6 held within 10 days. If the county superintendent, after a
7 hearing, determines that the dismissal by the trustees was
8 made without good cause, he shall order the trustees to
9 reinstate such teacher and to compensate such teacher at his
10 contract amount for the time lost during the pending of the
11 appeal."

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-End-