

HOUSE BILL NO. 356
INTRODUCED BY HARRINGTON

IN THE HOUSE

JANUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

FEBRUARY 21, 1987 PRINTING REPORT.

FEBRUARY 23, 1987 SECOND READING, DO PASS.

FEBRUARY 24, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 96; NOES, 1.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON EDUCATION & CULTURAL RESOURCES.

MARCH 24, 1987 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
 AYES, 50; NOES, 0.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 356
 2 INTRODUCED BY Harrington
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE DATE BY
 5 WHICH THE TRUSTEES OF A SCHOOL DISTRICT SHALL NOTIFY A
 6 TEACHER OF HIS TERMINATION OR REELECTION; AND AMENDING
 7 SECTIONS 20-4-204 AND 20-4-206, MCA."
 8

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

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

11 "20-4-204. Termination of tenure teacher services.

12 (1) (a) The following persons may make a recommendation in
 13 writing to the trustees of the district for termination of
 14 the services of a tenure teacher:

- 15 (i) a district superintendent;
- 16 (ii) in a district without a district superintendent, a
 17 principal;
- 18 (iii) in a district without a district superintendent
 19 or a principal, the county superintendent or a trustee of
 20 the district.

21 (b) The recommendation must state clearly and
 22 explicitly the specific reason or reasons leading to the
 23 recommendation for termination.

24 (2) Whenever the trustees of a district receive a
 25 recommendation for termination, the trustees shall, before

1 April ± 15 of the current school fiscal year, notify the
 2 teacher of the recommendation for termination and of the
 3 teacher's right to a hearing on the recommendation. The
 4 notification must be delivered by certified letter or by
 5 personal notification for which a signed receipt is
 6 returned. The notification must include:

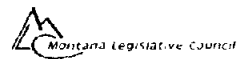
- 7 (a) the statement of the reason or reasons that led to
 8 the recommendation for termination; and
- 9 (b) a printed copy of this section for the teacher's
 10 information.

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

17 (4) The trustees shall:
 18 (a) conduct the hearing on the recommendation at a
 19 regularly scheduled or special meeting of the board of
 20 trustees and in accordance with 2-3-203; and

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

24 (5) The tenure teacher may appeal a decision to
 25 terminate to the county superintendent who may appoint a



1 qualified attorney at law as legal adviser who shall assist
2 the superintendent in preparing findings of fact and
3 conclusions of law.

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

8 Section 2. Section 20-4-206, MCA, is amended to read:

9 "20-4-206. Notification of nontenure teacher
10 reelection -- acceptance -- termination and statement of
11 reason. (1) The trustees shall provide written notice by
12 April 15 30 to all nontenure teachers who have been
13 reelected. Any nontenure teacher who does not receive notice
14 of reelection or termination shall be automatically
15 reelected for the ensuing school fiscal year.

16 (2) Any nontenure teacher who receives notification of
17 his reelection for the ensuing school fiscal year shall
18 provide the trustees with his written acceptance of the
19 conditions of such reelection within 20 days after the
20 receipt of the notice of reelection. Failure to so notify
21 the trustees within 20 days may be considered nonacceptance
22 of the tendered position.

23 (3) When the trustees notify a nontenure teacher of
24 termination, the teacher may within 10 days after receipt of
25 such notice make written request of the trustees for a

1 statement in writing of the reasons for termination of
2 employment. Within 10 days after receipt of the request,
3 the trustees shall furnish such statement to the teacher.

4 (4) The provisions of this section shall not apply to
5 cases in which a nontenure teacher is terminated when the
6 financial condition of the school district requires a
7 reduction in the number of teachers employed and the reason
8 for the termination is to reduce the number of teachers
9 employed."

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 House BILL NO. 356
2 INTRODUCED BY Harrington

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE DATE BY
5 WHICH THE TRUSTEES OF A SCHOOL DISTRICT SHALL NOTIFY A
6 TEACHER OF HIS TERMINATION OR REELECTION; AND AMENDING
7 SECTIONS 20-4-204 AND 20-4-206, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "20-4-204. Termination of tenure teacher services.

12 (1) (a) The following persons may make a recommendation in
13 writing to the trustees of the district for termination of
14 the services of a tenure teacher:

- 15 (i) a district superintendent;
- 16 (ii) in a district without a district superintendent, a
17 principal;

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

21 (b) The recommendation must state clearly and
22 explicitly the specific reason or reasons leading to the
23 recommendation for termination.

24 (2) Whenever the trustees of a district receive a
25 recommendation for termination, the trustees shall, before

1 April 15 of the current school fiscal year, notify the
2 teacher of the recommendation for termination and of the
3 teacher's right to a hearing on the recommendation. The
4 notification must be delivered by certified letter or by
5 personal notification for which a signed receipt is
6 returned. The notification must include:

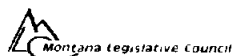
- 7 (a) the statement of the reason or reasons that led to
8 the recommendation for termination; and
- 9 (b) a printed copy of this section for the teacher's
10 information.

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

17 (4) The trustees shall:
18 (a) conduct the hearing on the recommendation at a
19 regularly scheduled or special meeting of the board of
20 trustees and in accordance with 2-3-203; and

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

24 (5) The tenure teacher may appeal a decision to
25 terminate to the county superintendent who may appoint a



1 qualified attorney at law as legal adviser who shall assist
2 the superintendent in preparing findings of fact and
3 conclusions of law.

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

8 Section 2. Section 20-4-206, MCA, is amended to read:

9 "20-4-206. Notification of nontenure teacher
10 reelection -- acceptance -- termination and statement of
11 reason. (1) The trustees shall provide written notice by
12 April ~~15~~ 30 to all nontenure teachers who have been
13 reelected. Any nontenure teacher who does not receive notice
14 of reelection or termination shall be automatically
15 reelected for the ensuing school fiscal year.

16 (2) Any nontenure teacher who receives notification of
17 his reelection for the ensuing school fiscal year shall
18 provide the trustees with his written acceptance of the
19 conditions of such reelection within 20 days after the
20 receipt of the notice of reelection. Failure to so notify
21 the trustees within 20 days may be considered nonacceptance
22 of the tendered position.

23 (3) When the trustees notify a nontenure teacher of
24 termination, the teacher may within 10 days after receipt of
25 such notice make written request of the trustees for a

1 statement in writing of the reasons for termination of
2 employment. Within 10 days after receipt of the request,
3 the trustees shall furnish such statement to the teacher.

4 (4) The provisions of this section shall not apply to
5 cases in which a nontenure teacher is terminated when the
6 financial condition of the school district requires a
7 reduction in the number of teachers employed and the reason
8 for the termination is to reduce the number of teachers
9 employed."

-End-

1 qualified attorney at law as legal adviser who shall assist
2 the superintendent in preparing findings of fact and
3 conclusions of law.

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

8 Section 2. Section 20-4-206, MCA, is amended to read:

9 "20-4-206. Notification of nontenure teacher
10 reelection -- acceptance -- termination and statement of
11 reason. (1) The trustees shall provide written notice by
12 April 15 30 to all nontenure teachers who have been
13 reelected. Any nontenure teacher who does not receive notice
14 of reelection or termination shall be automatically
15 reelected for the ensuing school fiscal year.

16 (2) Any nontenure teacher who receives notification of
17 his reelection for the ensuing school fiscal year shall
18 provide the trustees with his written acceptance of the
19 conditions of such reelection within 20 days after the
20 receipt of the notice of reelection. Failure to so notify
21 the trustees within 20 days may be considered nonacceptance
22 of the tendered position.

23 (3) When the trustees notify a nontenure teacher of
24 termination, the teacher may within 10 days after receipt of
25 such notice make written request of the trustees for a

1 statement in writing of the reasons for termination of
2 employment. Within 10 days after receipt of the request,
3 the trustees shall furnish such statement to the teacher.

4 (4) The provisions of this section shall not apply to
5 cases in which a nontenure teacher is terminated when the
6 financial condition of the school district requires a
7 reduction in the number of teachers employed and the reason
8 for the termination is to reduce the number of teachers
9 employed."

-End-

HOUSE BILL NO. 356
INTRODUCED BY HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE DATE BY WHICH THE TRUSTEES OF A SCHOOL DISTRICT SHALL NOTIFY A TEACHER OF HIS TERMINATION OR REELECTION; AND AMENDING SECTIONS 20-4-204 AND 20-4-206, 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) 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 recommendation for termination.

(2) Whenever the trustees of a district receive a recommendation for termination, the trustees shall, before

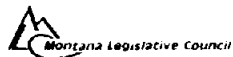
~~April 1~~ 15 MAY 1 of the current school fiscal year, notify the teacher of the recommendation for termination and of the teacher's right to a hearing on the recommendation. The notification must be delivered by certified letter or by personal notification for which a signed receipt is returned. The notification must include:

- (a) the statement of the reason or reasons that led to the recommendation for termination; and
 - (b) a printed copy of this section for the teacher's information.
- (3) The teacher may, in writing, waive the right to a hearing. Unless the teacher waives the right to a hearing, the trustees shall set a hearing date, giving consideration to the convenience of the teacher, not less than 10 days or more than 20 days from receipt of the notice of recommendation for termination.

(4) The trustees shall:

- (a) conduct the hearing on the recommendation at a regularly scheduled or special meeting of the board of trustees and in accordance with 2-3-203; and
- (b) resolve at the conclusion of the hearing to terminate the teacher or to reject the recommendation for termination.

(5) The tenure teacher may appeal a decision to terminate to the county superintendent who may appoint a



1 qualified attorney at law as legal adviser who shall assist
2 the superintendent in preparing findings of fact and
3 conclusions of law.

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

8 Section 2. Section 20-4-206, MCA, is amended to read:

9 "20-4-206. Notification of nontenure teacher
10 reelection -- acceptance -- termination and statement of
11 reason. (1) The trustees shall provide written notice by
12 ~~April 15~~ MAY 1 to all nontenure teachers who have been
13 reelected. Any nontenure teacher who does not receive notice
14 of reelection or termination shall be automatically
15 reelected for the ensuing school fiscal year.

16 (2) Any nontenure teacher who receives notification of
17 his reelection for the ensuing school fiscal year shall
18 provide the trustees with his written acceptance of the
19 conditions of such reelection within 20 days after the
20 receipt of the notice of reelection. Failure to so notify
21 the trustees within 20 days may be considered nonacceptance
22 of the tendered position.

23 (3) When the trustees notify a nontenure teacher of
24 termination, the teacher may within 10 days after receipt of
25 such notice make written request of the trustees for a

1 statement in writing of the reasons for termination of
2 employment. Within 10 days after receipt of the request,
3 the trustees shall furnish such statement to the teacher.

4 (4) The provisions of this section shall not apply to
5 cases in which a nontenure teacher is terminated when the
6 financial condition of the school district requires a
7 reduction in the number of teachers employed and the reason
8 for the termination is to reduce the number of teachers
9 employed."

-End-

STANDING COMMITTEE REPORT

SENATE

March 23, 19 87

MR. PRESIDENT

We, your committee on..... EDUCATION AND CULTURAL RESOURCES

having had under consideration..... HOUSE BILL No. 356

third reading copy (blue)
color

CHANGE DATE WHEN SCHOOL TRUSTEES MUST NOTIFY TEACHER OF
TERMINATION

HARRINGTON (BLAYLOCK)

Respectfully report as follows: That..... HOUSE BILL No. 356

Be amended as follows:

1. Page 2, line 1.
Following: line 25 on page 1
Strike: "April" and "15"
Insert: "May 1"
2. Page 3, line 12.
Following: line 11
Strike: "April" and "30"
Insert: "May 1"

MAC
AND AS AMENDED,
BE CONCURRED IN

~~GO:PASS~~

~~GO:NOT:PASS~~

Bob Brown
SENATOR BOB BROWN, Chairman.

57
5