

HOUSE BILL NO. 682

INTRODUCED BY SPAETH, MCLANE, STANG, GIACOMETTO, ASAY,
KELLER, ABRAMS, E. SMITH

IN THE HOUSE

FEBRUARY 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 16, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 17, 1987 PRINTING REPORT.

FEBRUARY 18, 1987 SECOND READING, DO PASS.

FEBRUARY 19, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 92; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

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

MARCH 9, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 12, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

MARCH 13, 1987 SECOND READING, CONCURRED IN.

MARCH 16, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 20, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 21, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

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 2 INTRODUCED BY Sped McDon Stump
 3 Discometto Asay Keller Obama E. Smith
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 5 OF TWO OR MORE SCHOOL DISTRICTS TO FORM A JOINT BOARD OF
 6 TRUSTEES FOR THE PURPOSE OF SHARING SCHOOL DUTIES AND SCHOOL
 7 COSTS; AND AMENDING SECTIONS 20-3-361, 20-3-362, 20-4-201,
 8 AND 20-4-401, MCA."

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

11 Section 1. Section 20-3-361, MCA, is amended to read:

12 "20-3-361. Joint board of trustees organization and
 13 voting membership. (1) ~~Whenever--the--trustees--of--a--high~~
 14 ~~school--district--operating--a--county--high--school--and--the~~
 15 ~~trustees--of--the--elementary--district--where--the--county--high~~
 16 ~~school--building--is--located--deem--it--to--be--within--the--best~~
 17 ~~interests--of--the--two--districts,--they~~ The board of trustees
 18 of two or more school districts may form a joint board of
 19 trustees for the purpose of coordinating the any educational
 20 program or support service of both the districts. A joint
 21 board of trustees may coordinate only those programs and
 22 services agreed to by the participating boards of trustees.

23 (2) When a joint board of trustees is formed, all of
 24 the members of both the districts' trustees shall be members
 25 of the joint board of trustees and each member shall have

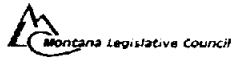
1 the right to participate in the meetings, but voting on
 2 matters considered by the joint board shall be limited by
 3 the provisions of this section.

4 ~~(2)~~(3) At the first meeting of the joint board of
 5 trustees, there shall be a chairman of the joint board of
 6 trustees selected from among the membership. A secretary of
 7 the joint board shall be selected from the membership. The
 8 chairman, when selected as a voting member, shall not be
 9 disqualified from voting because of his position of chairman
 10 of the board. The secretary shall not be a voting member
 11 except that he shall cast the deciding vote when three
 12 successive ballots have resulted in a tie vote of the joint
 13 board of trustees.

14 ~~(3)~~(4) The voting membership of the joint board of
 15 trustees shall be equalized between among the trustee
 16 membership of the two participating districts. After the
 17 selection of the chairman and the secretary, if necessary,
 18 the voting membership shall be:

19 (a) all of the membership of the elementary board of
 20 trustees of the smallest class of district trustees,
 21 according to 20-6-201 or 20-6-301, unless one of its members
 22 is selected as secretary, in which case such member shall
 23 not be a voting member; and

24 (b) the members of the high-school board of trustees
 25 of the other district trustees or districts who are selected



1 by such trustees as voting members of the joint board in a
 2 number equal to the number of voting members of the
 3 elementary district trustees as established under subsection
 4 ~~(3)(a)~~ (4)(a) above. The names of the voting membership
 5 selected by the high-school trustees shall be submitted in
 6 writing to the secretary of the board and shall be the only
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10 ~~(4)~~(5) Each voting member shall be entitled to cast
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13 Section 2. Section 20-3-362, MCA, is amended to read:

14 "20-3-362. Powers of joint board of trustees. (1) When
 15 a joint board of trustees is formed as provided by 20-3-361,
 16 it shall have the power to:

17 (a) jointly employ a district superintendent under the
 18 provisions of 20-4-401;

19 (b) jointly employ teachers and specialists under the
 20 provisions of 20-4-201;

21 (c) open a junior high school under the provisions of
 22 20-6-505 if the trustees of a county high school and the
 23 trustees of an elementary district have formed a joint board
 24 of trustees;

25 (d) prescribe and administer joint administrative

1 policy; and

2 (e) jointly provide any program or service authorized
 3 under 20-3-324; and

4 ~~(e)~~(f) prorate all items of joint expense between
 5 among the elementary--and--high school districts, provided
 6 that a controversy over any decision by the joint board to
 7 prorate joint costs may, within 30 days, be appealed by the
 8 trustees of either any district to the superintendent of
 9 public instruction for a final decision as to what
 10 constitutes a fair and just proration of the cost.

11 (2) The joint board of trustees shall not have the
 12 power to transact business that is not specifically related
 13 to the joint administration of the two districts."

14 Section 3. Section 20-4-201, MCA, is amended to read:

15 "20-4-201. Employment of teachers and specialists by
 16 contract. (1) The trustees of any district shall have the
 17 authority to employ any person as a teacher or specialist,
 18 but only a person who holds a valid Montana teacher or
 19 specialist certificate or for whom an emergency
 20 authorization of employment has been issued that qualifies
 21 such person to perform the duties prescribed by the trustees
 22 for the position of employment. Each teacher or specialist
 23 shall be employed under written contract, and each contract
 24 of employment shall be authorized by a proper resolution of
 25 the trustees and shall be executed in duplicate by the

1 chairman of the trustees and the clerk of the district in
2 the name of the district and by the teacher or specialist.

3 (2) No contract of employment with a teacher or
4 specialist shall require such teacher or specialist to teach
5 more than 5 days a week or on any holiday recognized by
6 20-1-305. No deduction shall be made from a teacher's or
7 specialist's salary by reason of the fact that a holiday
8 falls on a school day. Any teacher's or specialist's
9 contract made in conflict with the 5-days-per-week provision
10 of this section shall not be enforceable against the teacher
11 or specialist.

12 (3) Whenever the board of trustees of a county-high
13 school-and-the-trustees-of-the-elementary-district-where-the
14 county-high-school-is-located two or more school districts
15 form a joint board of trustees under the provisions of
16 20-3-361, such joint board of trustees may execute a
17 contract of employment with a teacher or specialist who
18 shall serve both the districts. When such a contract is
19 executed, the two districts shall prorate the compensation
20 provided by such contract on the basis of the total number
21 of instructional hours expended by such teacher or
22 specialist within each district.

23 (4) Any contract executed under the provisions of this
24 section may contain the oath or affirmation prescribed in
25 20-4-104, and the teacher or specialist shall subscribe to

1 such oath or affirmation before an officer authorized by law
2 to administer oaths."

3 Section 4. Section 20-4-401, MCA, is amended to read:
4 "20-4-401. Appointment and dismissal of district
5 superintendent or county high school principal. (1) The
6 trustees of any high school district, except a county high
7 school, and the trustees of the elementary district where
8 its high school building is located shall jointly employ and
9 appoint a district superintendent. The trustees of a county
10 high school shall employ and appoint a district
11 superintendent, except that they may employ and appoint a
12 holder of a class 3 teacher certificate with a district
13 superintendent endorsement as the county high school
14 principal in lieu of a district superintendent. The trustees
15 of any other district may employ and appoint a district
16 superintendent.

17 (2) Whenever a joint board of trustees has been formed
18 by a county high school and the elementary district where
19 the county high school is located, such joint board shall
20 jointly employ and appoint a district superintendent. During
21 the term of contract of the jointly appointed district
22 superintendent, neither district shall separately employ and
23 appoint a district superintendent or county high school
24 principal.

25 (3) School districts other than those provided in

1 subsection (2) that form a joint board of trustees may
 2 jointly employ and appoint a district superintendent as
 3 allowed in 20-3-361.

4 ~~(3)~~(4) The written contract of employment of a
 5 district superintendent or a county high school principal
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 8 in duplicate by the chairman of the trustees or joint board
 9 of trustees and the clerks of the districts in the name of
 10 the districts and by the district superintendent or the
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 12 term of not more than 3 years, and after the second
 13 successive contract, the contract shall be deemed to be
 14 renewed for a further term of 1 year from year to year
 15 thereafter unless the trustees shall, by resolution passed
 16 by a majority vote of its membership, resolve to terminate
 17 the services of the district superintendent or the county
 18 high school principal at the expiration of his existing
 19 contract. The trustees shall take such termination action
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 22 services at the expiration of his current contract not later
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24 ~~(4)~~(5) Whenever a joint board of trustees employs a
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20 jointly employ and appoint a district superintendent. During
21 the term of contract of the jointly appointed district
22 superintendent, neither district shall separately employ and
23 appoint a district superintendent or county high school
24 principal.

25 (3) School districts other than those provided in

1 subsection (2) that form a joint board of trustees may
 2 jointly employ and appoint a district superintendent as
 3 allowed in 20-3-361.

4 {3}(4) The written contract of employment of a
 5 district superintendent or a county high school principal
 6 shall be authorized by the proper resolution of the trustees
 7 of the district or the joint board of trustees and executed
 8 in duplicate by the chairman of the trustees or joint board
 9 of trustees and the clerks of the districts in the name of
 10 the districts and by the district superintendent or the
 11 county high school principal. Such contract shall be for a
 12 term of not more than 3 years, and after the second
 13 successive contract, the contract shall be deemed to be
 14 renewed for a further term of 1 year from year to year
 15 thereafter unless the trustees shall, by resolution passed
 16 by a majority vote of its membership, resolve to terminate
 17 the services of the district superintendent or the county
 18 high school principal at the expiration of his existing
 19 contract. The trustees shall take such termination action
 20 and notify the district superintendent or the county high
 21 school principal in writing of their intent to terminate his
 22 services at the expiration of his current contract not later
 23 than February 1 of the last year of such contract.

24 {4}(5) Whenever a joint board of trustees employs a
 25 person as the district superintendent under subsection (2)

1 or (3), the elementary-district-and-the-county--high--school
 2 districts shall prorate the compensation provided by the
 3 contract of employment on the basis of the number of
 4 teachers employed by each district.

5 {5}(6) At any time the class 3 teacher certification
 6 or the endorsement of the certificate of a district
 7 superintendent or a county high school principal that
 8 qualifies such person to hold such position becomes invalid,
 9 the trustees of the district or the joint board of trustees
 10 shall discharge such person as the district superintendent
 11 or county high school principal regardless of the unexpired
 12 term of his contract. The trustees shall not compensate him
 13 under the terms of his contract for any services rendered
 14 subsequent to the date of the invalidation of his teacher
 15 certificate.

16 {6}(7) No district superintendent or county high
 17 school principal shall engage in any work or activity which
 18 the trustees may deem to be in conflict with his duties and
 19 employment as the district superintendent or county high
 20 school principal."

-End-

HOUSE BILL NO. 682

INTRODUCED BY SPAETH, MCLANE, STANG, GIACOMETTO, ASAY,
KELLER, ABRAMS, E. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES OF TWO OR MORE SCHOOL DISTRICTS TO FORM A JOINT BOARD OF TRUSTEES FOR THE PURPOSE OF SHARING SCHOOL DUTIES AND SCHOOL COSTS; AND AMENDING SECTIONS 20-3-361, 20-3-362, 20-4-201, AND 20-4-401, MCA."

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

Section 1. Section 20-3-361, MCA, is amended to read:

"20-3-361. Joint board of trustees organization and voting membership. (1) ~~Whenever--the--trustees--of--a--high school--district--operating--a--county--high--school--and--the trustees--of--the--elementary--district--where--the--county--high school--building--is--located--deem--it--to--be--within--the--best interests--of--the--two--districts,--they~~ The board of trustees of two or more school districts may form a joint board of trustees for the purpose of coordinating the any educational program or support service of both the districts. A joint board of trustees may coordinate only those programs and services agreed to by the participating boards of trustees.

(2) When a joint board of trustees is formed, all of the members of both the districts' trustees shall be members

of the joint board of trustees and each member shall have the right to participate in the meetings, but voting on matters considered by the joint board shall be limited by the provisions of this section.

~~(2)~~(3) At the first meeting of the joint board of trustees, there shall be a chairman of the joint board of trustees selected from among the membership. A secretary of the joint board shall be selected from the membership. The chairman, when selected as a voting member, shall not be disqualified from voting because of his position of chairman of the board. The secretary shall not be a voting member except that he shall cast the deciding vote when three successive ballots have resulted in a tie vote of the joint board of trustees.

~~(3)~~(4) The voting membership of the joint board of trustees shall be equalized between among the trustee membership of the two participating districts. After the selection of the chairman and the secretary, if necessary, the voting membership shall be:

(a) all of the membership of the elementary board of trustees of the smallest class of district trustees, according to 20-6-201 or 20-6-301, unless one of its members is selected as secretary, in which case such member shall not be a voting member; and

(b) the members of the high-school board of trustees



1 of the other district trustees or districts who are selected
 2 by such trustees as voting members of the joint board in a
 3 number equal to the number of voting members of the
 4 elementary district trustees as established under subsection
 5 ~~(3)(a)~~ (4)(a) above. The names of the voting membership
 6 selected by the high-school trustees shall be submitted in
 7 writing to the secretary of the board and shall be the only
 8 members of such district's trustees eligible to vote on
 9 joint board matters unless such list is revised in writing
 10 by the high-school trustees.

11 ~~(4)~~(5) Each voting member shall be entitled to cast
 12 one vote, individually, upon every matter submitted to the
 13 joint board for a vote.

14 (6) A JOINT BOARD MUST REMAIN IN EXISTENCE FOR AT
 15 LEAST 1 SCHOOL YEAR AND MAY NOT BE DISSOLVED UNTIL THE END
 16 OF A SCHOOL YEAR."

17 Section 2. Section 20-3-362, MCA, is amended to read:

18 "20-3-362. Powers of joint board of trustees. (1) When
 19 a joint board of trustees is formed as provided by 20-3-361,
 20 it shall have the power to:

21 (a) jointly employ a district superintendent under the
 22 provisions of 20-4-401;

23 (b) jointly employ teachers and specialists under the
 24 provisions of 20-4-201;

25 (c) open a junior high school under the provisions of

1 20-6-505 if the trustees of a county high school and the
 2 trustees of an elementary district have formed a joint board
 3 of trustees;

4 (d) prescribe and administer joint administrative
 5 policy; and

6 (e) jointly provide any program or service authorized
 7 under 20-3-324; and

8 ~~(e)~~(f) prorate all items of joint expense between
 9 among the elementary-and--high school districts, provided
 10 that a controversy over any decision by the joint board to
 11 prorate joint costs may, within 30 days, be appealed by the
 12 trustees of either any district to the superintendent of
 13 public instruction for a final decision as to what
 14 constitutes a fair and just proration of the cost.

15 (2) The joint board of trustees shall not have the
 16 power to transact business that is not specifically related
 17 to the joint administration of the two districts."

18 Section 3. Section 20-4-201, MCA, is amended to read:

19 "20-4-201. Employment of teachers and specialists by
 20 contract. (1) The trustees of any district shall have the
 21 authority to employ any person as a teacher or specialist,
 22 but only a person who holds a valid Montana teacher or
 23 specialist certificate or for whom an emergency
 24 authorization of employment has been issued that qualifies
 25 such person to perform the duties prescribed by the trustees

1 for the position of employment. Each teacher or specialist
 2 shall be employed under written contract, and each contract
 3 of employment shall be authorized by a proper resolution of
 4 the trustees and shall be executed in duplicate by the
 5 chairman of the trustees and the clerk of the district in
 6 the name of the district and by the teacher or specialist.

7 (2) No contract of employment with a teacher or
 8 specialist shall require such teacher or specialist to teach
 9 more than 5 days a week or on any holiday recognized by
 10 20-1-305. No deduction shall be made from a teacher's or
 11 specialist's salary by reason of the fact that a holiday
 12 falls on a school day. Any teacher's or specialist's
 13 contract made in conflict with the 5-days-per-week provision
 14 of this section shall not be enforceable against the teacher
 15 or specialist.

16 (3) Whenever the board of trustees of a county-high
 17 ~~school-and-the-trustees-of-the-elementary-district-where-the~~
 18 ~~county-high-school-is-located~~ two or more school districts
 19 form a joint board of trustees under the provisions of
 20 20-3-361, such joint board of trustees may execute a
 21 contract of employment with a teacher or specialist who
 22 shall serve both the districts. When such a contract is
 23 executed, the two districts shall prorate the compensation
 24 provided by such contract on the basis of the total number
 25 of instructional hours expended by such teacher or

1 specialist within each district.

2 (4) Any contract executed under the provisions of this
 3 section may contain the oath or affirmation prescribed in
 4 20-4-104, and the teacher or specialist shall subscribe to
 5 such oath or affirmation before an officer authorized by law
 6 to administer oaths."

7 Section 4. Section 20-4-401, MCA, is amended to read:
 8 "20-4-401. Appointment and dismissal of district
 9 superintendent or county high school principal. (1) The
 10 trustees of any high school district, except a county high
 11 school, and the trustees of the elementary district where
 12 its high school building is located shall jointly employ and
 13 appoint a district superintendent. The trustees of a county
 14 high school shall employ and appoint a district
 15 superintendent, except that they may employ and appoint a
 16 holder of a class 3 teacher certificate with a district
 17 superintendent endorsement as the county high school
 18 principal in lieu of a district superintendent. The trustees
 19 of any other district may employ and appoint a district
 20 superintendent.

21 (2) Whenever a joint board of trustees has been formed
 22 by a county high school and the elementary district where
 23 the county high school is located, such joint board shall
 24 jointly employ and appoint a district superintendent. During
 25 the term of contract of the jointly appointed district

1 superintendent, neither district shall separately employ and
2 appoint a district superintendent or county high school
3 principal.

4 (3) School districts other than those provided in
5 subsection (2) that form a joint board of trustees may
6 jointly employ and appoint a district superintendent as
7 allowed in 20-3-361.

8 (3)(4) The written contract of employment of a
9 district superintendent or a county high school principal
10 shall be authorized by the proper resolution of the trustees
11 of the district or the joint board of trustees and executed
12 in duplicate by the chairman of the trustees or joint board
13 of trustees and the clerks of the districts in the name of
14 the districts and by the district superintendent or the
15 county high school principal. Such contract shall be for a
16 term of not more than 3 years, and after the second
17 successive contract, the contract shall be deemed to be
18 renewed for a further term of 1 year from year to year
19 thereafter unless the trustees shall, by resolution passed
20 by a majority vote of its membership, resolve to terminate
21 the services of the district superintendent or the county
22 high school principal at the expiration of his existing
23 contract. The trustees shall take such termination action
24 and notify the district superintendent or the county high
25 school principal in writing of their intent to terminate his

1 services at the expiration of his current contract not later
2 than February 1 of the last year of such contract.

3 (4)(5) Whenever a joint board of trustees employs a
4 person as the district superintendent under subsection (2)
5 or (3), the elementary-district-and-the-county--high--school
6 districts shall prorate the compensation provided by the
7 contract of employment on the basis of the number of
8 teachers employed by each district.

9 (5)(6) At any time the class 3 teacher certification
10 or the endorsement of the certificate of a district
11 superintendent or a county high school principal that
12 qualifies such person to hold such position becomes invalid,
13 the trustees of the district or the joint board of trustees
14 shall discharge such person as the district superintendent
15 or county high school principal regardless of the unexpired
16 term of his contract. The trustees shall not compensate him
17 under the terms of his contract for any services rendered
18 subsequent to the date of the invalidation of his teacher
19 certificate.

20 (6)(7) No district superintendent or county high
21 school principal shall engage in any work or activity which
22 the trustees may deem to be in conflict with his duties and
23 employment as the district superintendent or county high
24 school principal."

-End-

STANDING COMMITTEE REPORT

MARCH 6, 1987

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 682

third reading copy (blue)
color

ALLOW SEVERAL SCHOOL BOARDS TO FORM A JOINT BOARD TO SHARE
DUTIES AND COSTS

SPAETH (HAMMOND)

Respectfully report as follows: That HOUSE BILL No. 682

Be amended as follows:

1. Page 3.

Following: line 12

Insert: "(6) A joint board must remain in existence for at
least one school year and may not be dissolved until the end
of a school year."

KMK
AND AS AMENDED,
BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Bob Brown
SENATOR BOB BROWN, Chairman.

3-9-87
MB
9:11