

HOUSE BILL 46

12/30	Fiscal Note Requested
1/02	Introduced
1/02	Referred to Education & Cultural Resources
1/06	Hearing
1/09	Fiscal Note Received
1/10	Fiscal Note Printed
1/30	Tabled in Committee

1                    HOUSE    BILL NO. 46  
2    INTRODUCED BY PECK  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A PERSON NOT  
5    HOLDING TEACHER OR SPECIALIST CERTIFICATION TO OBTAIN A  
6    SUBSTITUTE TEACHER PERMIT BEFORE SERVING AS A SUBSTITUTE FOR  
7    REGULAR TEACHERS; AMENDING SECTIONS 20-4-101 AND 20-4-102,  
8    MCA; AND PROVIDING AN EFFECTIVE DATE."  
9  
10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11        **Section 1.** Section 20-4-101, MCA, is amended to read:  
12        "20-4-101. System and definitions of teacher and  
13        specialist certification -- student teacher exception. (1)  
14        In order to establish a uniform system of quality education  
15        and to ensure the maintenance of professional standards, a  
16        system of teacher and specialist certification shall be  
17        established and maintained under the provisions of this  
18        title and no person shall be permitted to teach in the  
19        public schools of the state until he has obtained a teacher  
20        certificate or specialist certificate or the district has  
21        obtained an emergency authorization of employment from the  
22        state.  
23        (2) As used in this part, "teacher or specialist  
24        certificate" means a certificate issued or applied for under  
25        20-4-106. The term "teacher or specialist" refers to a

1    person certified under 20-4-106.  
2        (3) The above certification requirement shall not  
3        apply to a student teacher who is hereby defined as a  
4        student enrolled in an institution of higher learning  
5        approved by the board of regents of higher education for  
6        teacher training and who is jointly assigned by such  
7        institution of higher learning and the governing board of a  
8        district or a public institution to perform practice  
9        teaching in a nonsalaried status under the direction of a  
10       regularly employed and certificated teacher.  
11       (4) A student teacher, while serving such nonsalaried  
12       internship under the supervision of a certificated teacher,  
13       shall be accorded the same protection of the laws as that  
14       accorded a certificated teacher and shall, while acting as  
15       such student teacher, comply with all rules of the governing  
16       board of the district or public institution and the  
17       applicable provisions of 20-4-301 relating to the duties of  
18       teachers.  
19       (5) The certification requirement of subsection (1)  
20       does not apply to a substitute teacher holding a permit as  
21       provided in 20-4-102."  
22       **Section 2.** Section 20-4-102, MCA, is amended to read:  
23       "20-4-102. Board of public education policies. To  
24       effect an orderly and uniform system of teacher and  
25       specialist certification, the board of public education

shall, upon the recommendation of the superintendent of public instruction and in accordance with the provisions of this title, prescribe and adopt policies for the issuance of teacher or specialist certificates and substitute teacher permits. Such policies shall provide for:

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

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

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

(4) the issuance of substitute teacher permits for noncertificated teachers, including:

(a) application requirements;

(b) reasonable training provided by the local school districts;

(c) educational requirements;

(d) a requirement that no permit may be issued to a person convicted of a crime involving children;

(e) authorization to teach for a period not to exceed 20 teaching days as a replacement for a regularly employed, certificated teacher; and

(f) any other matter necessary for issuance of a permit;

~~†4†~~(5) the issuance of emergency authorization to a district to employ a person who is not the holder of a valid teacher certificate as an instructor of pupils; and

~~†5†~~(6) any other policy, not inconsistent with the law, which is necessary for the proper operation of a system of teacher and specialist certification."

**Section 3. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

**Section 4. Effective date.** [This act] is effective July 1, 1989.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB046, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act to require a person not holding teacher or specialist certification to obtain a substitute teacher permit before serving as a substitute for regular teachers, amending sections 20-4-101 and 20-4-102, MCA,; and providing an effective date."

ASSUMPTIONS:

1. Assumes Board of Public Education will not be able to implement substitute fee permit until FY91.
2. Assumes 3,500 affected substitute teachers in the first year of implementation, with the number declining in the second year and on until the 5 year certificate needs to be renewed at which time revenue would again increase.
3. Assumes a \$20 fee for the substitute permit (\$4 per year for 5 years) with \$10 going to the Certification Standards and Practices Advisory Council through the state special revenue fund, and \$10 remitted to the general fund to offset the Office of Public Instruction's processing costs.

FISCAL IMPACT:

	<u>FY90</u>			<u>FY91</u>		
	Current	Proposed		Current	Proposed	
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
OPI	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 6,325	\$ 6,325
Board of Education	-0-	2,875	2,875	-0-	1,402	1,402
TOTALS	\$ -0-	\$2,875	\$ 2,875	\$ -0-	\$ 7,727	\$ 7,727
<u>Revenues:</u>						
General Fund	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$35,000	\$35,000
State Special	-0-	-0-	-0-	-0-	35,000	35,000
TOTALS	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$70,000	\$70,000

Long-Range Effects of Proposed Legislation:

1. In FY91, \$70,000 would be generated but the majority of substitute teachers would be licensed for a 5 year period. Only a small number of substitutes would apply for the permit in the succeeding four years, so only a small amount of revenue would be generated in that 4 year period. However, revenues would again increase when the certificates were due for renewal.



RAY SHACKLEFORD, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

1/9/89



RAY PECK, PRIMARY SPONSOR

DATE

1/10/89

Fiscal Note for HB046, as introduced

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2. If a \$5 permit fee increase were approved by the 51st Legislative Session, an additional \$17,500 would be raised in FY91.

Technical or Mechanical Defects or Conflicts with Existing Legislation:

1. According to the Board of Education, the effective date should be changed from July 1, 1989, to July 1, 1990. This would allow the Board and the Advisory Council time to develop appropriate policies and procedures for the implementation of the permit.
2. There must be a bill which specifies the cost of the substitute permit fee and the distribution of the funds.
3. Because HB46 gives rulemaking authority to the Board, a statement of intent should be added.
4. In Section 2, 20-4-102 (4)(e) on line 24, following: "20" insert "consecutive". On line 24, following "for" change "a" to "one". This will allow the substitute to teach more than 20 days a year but not more than 20 consecutive days for one teacher.