

HOUSE BILL NO. 195

INTRODUCED BY RICE

IN THE HOUSE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
JANUARY 23, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 24, 1989	PRINTING REPORT.
JANUARY 25, 1989	SECOND READING, DO PASS.
JANUARY 26, 1989	ENGROSSING REPORT.
JANUARY 27, 1989	THIRD READING, PASSED. AYES, 99; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 7, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 9, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.

FEBRUARY 10, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 195
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A COUNTY
5 SUPERINTENDENT OF SCHOOLS, ON APPEAL OF A DISMISSAL OF A
6 TEACHER FOR CAUSE, TO SCHEDULE A HEARING WITHIN 10 DAYS AND
7 TO HOLD THE HEARING WITHIN 40 DAYS, UNLESS THE PERIOD IS
8 EXTENDED BY MUTUAL AGREEMENT BETWEEN THE PARTIES; AND
9 AMENDING SECTION 20-4-207, MCA."

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

12 **Section 1.** Section 20-4-207, MCA, is amended to read:

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

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

20 (i) a district superintendent;

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

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

1 (b) A person listed in subsection (2)(a) who
2 recommends dismissal of a teacher shall give notice of the
3 recommendation in writing to each trustee of the district
4 and to the teacher.

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

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

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

22 (4) With the exception of a county superintendent, a
23 person who recommends dismissal pursuant to subsection (2)
24 may suspend the teacher from active performance of duty with
25 pay pending the hearing date if the teacher's behavior or

1 acts that led to the recommendation for dismissal are
2 contrary to the welfare of the students or the effective
3 operation of the school district.

4 (5) Any teacher who has been dismissed may in writing
5 within 10 days appeal such dismissal to the county
6 superintendent. Following such appeal, a hearing ~~shall~~ must
7 be held scheduled within 10 days and held within 40 days,
8 except that the period may be extended upon agreement
9 between the teacher and the trustees. If the county
10 superintendent, after a hearing, determines that the
11 dismissal by the trustees was made without good cause, he
12 shall order the trustees to reinstate such teacher and to
13 compensate such teacher at his contract amount for the time
14 lost during the pending of the appeal."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 195

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(i) a district superintendent;

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5 within 10 days appeal such dismissal to the county
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7 be held scheduled within 10 days and held within 30 days
8 AFTER THE APPEAL, except that the period may be extended
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