

HOUSE BILL NO. 561

INTRODUCED BY ADDY, BLAYLOCK, MAZUREK, J. BROWN,
B. BROWN, EUDAILY, GLASER

IN THE HOUSE

FEBRUARY 3, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

FEBRUARY 18, 1989

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1989

PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 21, 1989

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 96; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 14, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 15, 1989

SECOND READING, CONCURRED IN.

MARCH 17, 1989

THIRD READING, CONCURRED IN.
AYES, 46; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 561
 2 INTRODUCED BY Wally Blaylock Margaret
 3 J. Brown Bob Brown Adair Nelson
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
 5 TENURE OF A TEACHER WITH A SCHOOL DISTRICT IS NOT IMPAIRED
 6 UPON TERMINATION OF THE TEACHER'S SERVICES WITH THE DISTRICT
 7 IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTION 20-4-203,
 8 MCA."
 9

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

11 **Section 1.** Section 20-4-203, MCA, is amended to read:

12 "20-4-203. **Teacher tenure.** (1) Whenever a teacher has
 13 been elected by the offer and acceptance of a contract for
 14 the fourth consecutive year of employment by a district in
 15 a position requiring teacher certification except as a
 16 district superintendent or specialist, the teacher ~~shall be~~
 17 deemed is considered to be reelected from year to year
 18 thereafter as a tenure teacher at the same salary and in the
 19 same or a comparable position of employment as that provided
 20 by the last executed contract with ~~such the~~ teacher unless
 21 the trustees resolve by majority vote of their membership to
 22 terminate the services of the teacher in accordance with the
 23 provisions of 20-4-204.

24 (2) The tenure of a teacher with a district may not be
 25 impaired upon termination of services of the teacher if the

1 following conditions exist:

2 (a) the tenure teacher is terminated because the
 3 financial condition of the district requires a reduction in
 4 the number of teachers employed; and

5 (b) continued employment rights are provided for in a
 6 collectively bargained contract of the district."

7 **NEW SECTION. Section 2.** Extension of authority. Any
 8 existing authority to make rules on the subject of the
 9 provisions of [this act] is extended to the provisions of
 10 [this act].

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 561

INTRODUCED BY ADDY, BLAYLOCK, MAZUREK, J. BROWN,

B. BROWN, EUDAILY, GLASER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
TENURE OF A TEACHER WITH A SCHOOL DISTRICT IS NOT IMPAIRED
UPON TERMINATION OF THE TEACHER'S SERVICES WITH THE DISTRICT
IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTION 20-4-203,
MCA."

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

Section 1. Section 20-4-203, MCA, is amended to read:

"20-4-203. **Teacher tenure.** (1) Whenever a teacher has
been elected by the offer and acceptance of a contract for
the fourth consecutive year of employment by a district in
a position requiring teacher certification except as a
district superintendent or specialist, the teacher ~~shall be~~
deemed is considered to be reelected from year to year
thereafter as a tenure teacher at the same salary and in the
same or a comparable position of employment as that provided
by the last executed contract with such the teacher unless
the trustees resolve by majority vote of their membership to
terminate the services of the teacher in accordance with the
provisions of 20-4-204.

(2) The tenure of a teacher with a district may not be

impaired upon termination of services of the teacher if the
following conditions exist:

(a) the tenure teacher is terminated because the
financial condition of the district requires a reduction in
the number of teachers employed; and

(b) continued employment rights THAT DO NOT EXCEED 2
CONTRACT YEARS are provided for in a collectively bargained
contract of the district."

NEW SECTION. Section 2. 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].

-End-

1 HOUSE BILL NO. 561

2 INTRODUCED BY ADDY, BLAYLOCK, MAZUREK, J. BROWN,

3 B. BROWN, EUDAILY, GLASER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
6 TENURE OF A TEACHER WITH A SCHOOL DISTRICT IS NOT IMPAIRED
7 UPON TERMINATION OF THE TEACHER'S SERVICES WITH THE DISTRICT
8 IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTION 20-4-203,
9 MCA."

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

12 **Section 1.** Section 20-4-203, MCA, is amended to read:

13 "20-4-203. Teacher tenure. (1) Whenever a teacher has
14 been elected by the offer and acceptance of a contract for
15 the fourth consecutive year of employment by a district in
16 a position requiring teacher certification except as a
17 district superintendent or specialist, the teacher ~~shall be~~
18 deemed is considered to be reelected from year to year
19 thereafter as a tenure teacher at the same salary and in the
20 same or a comparable position of employment as that provided
21 by the last executed contract with such the teacher unless
22 the trustees resolve by majority vote of their membership to
23 terminate the services of the teacher in accordance with the
24 provisions of 20-4-204.

25 (2) The tenure of a teacher with a district may not be

1 impaired upon termination of services of the teacher if the
2 following conditions exist:

3 (a) the tenure teacher is terminated because the
4 financial condition of the district requires a reduction in
5 the number of teachers employed; and

6 (b) continued employment rights THAT DO NOT EXCEED 2
7 CONTRACT YEARS are provided for in a collectively bargained
8 contract of the district."

9 NEW SECTION. **Section 2.** Extension of authority. Any
10 existing authority to make rules on the subject of the
11 provisions of [this act] is extended to the provisions of
12 [this act].

-End-

SENATE STANDING COMMITTEE REPORT

March 14, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 561 (third reading copy -- blue), respectfully report that HB 561 be amended and as so amended be concurred in:

Sponsor: Addy (Farrell)

1. Page 2, lines 6 and 7.

Strike: "THAT DO NOT EXCEED 2 CONTRACT YEARS"

AND AS AMENDED BE CONCURRED IN

Signed: 

H. W. Hammond, Chairman

HB 561
SENATE

HOUSE BILL NO. 561

INTRODUCED BY ADDY, BLAYLOCK, MAZUREK, J. BROWN,

B. BROWN, EUDAILY, GLASER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE TENURE OF A TEACHER WITH A SCHOOL DISTRICT IS NOT IMPAIRED UPON TERMINATION OF THE TEACHER'S SERVICES WITH THE DISTRICT IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTION 20-4-203, MCA."

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

Section 1. Section 20-4-203, MCA, is amended to read:

"20-4-203. Teacher tenure. (1) Whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or specialist, the teacher ~~shall be~~ deemed is considered to be reelected from year to year thereafter as a tenure teacher at the same salary and in the same or a comparable position of employment as that provided by the last executed contract with such the teacher unless the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of 20-4-204.

(2) The tenure of a teacher with a district may not be

impaired upon termination of services of the teacher if the following conditions exist:

(a) the tenure teacher is terminated because the financial condition of the district requires a reduction in the number of teachers employed; and

(b) continued employment rights ~~THAT DO NOT EXCEED 2 CONTRACT-YEARS~~ are provided for in a collectively bargained contract of the district."

NEW SECTION. **Section 2.** 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].

-End-