

SENATE BILL 127

Introduced by Nathe

1/14	Introduced
1/14	Referred to Education & Cultural Resources
1/18	Hearing
1/30	Committee Report--Bill Passed as Amended
2/01	2nd Reading Passed
2/03	3rd Reading Passed

Transmitted to House

2/21	Referred to Labor & Employment Relations
2/28	Hearing
3/02	Tabled in Committee

1 *Senate* BILL NO. 127
2 INTRODUCED BY NATHAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT AN APPEAL
5 TO THE COUNTY SUPERINTENDENT OF SCHOOLS IF A SCHOOL EMPLOYEE
6 FILES A GRIEVANCE PURSUANT TO A COLLECTIVE BARGAINING
7 AGREEMENT; AND AMENDING SECTION 20-3-210, MCA."

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

10 **Section 1.** Section 20-3-210, MCA, is amended to read:

11 **"20-3-210. Controversy appeals and hearings.** (1)
12 Except as provided under 20-3-211 and this section, the
13 county superintendent shall hear and decide all matters of
14 controversy arising in his county as a result of decisions
15 of the trustees of a district in the county. When appeals
16 are made under 20-4-204 relating to the termination of
17 services of a tenure teacher or under 20-4-207 relating to
18 the dismissal of a teacher under contract, the county
19 superintendent may appoint a qualified attorney at law to
20 act as a legal adviser who shall assist the superintendent
21 in preparing findings of fact and conclusions of law.
22 Subsequently, either the teacher or trustees may appeal to
23 the superintendent of public instruction under the
24 provisions for appeal of controversies in this title.
25 Furthermore, he shall hear and decide all controversies

1 arising under:

2 (a) section 20-5-304 or 20-5-311 relating to the
3 approval of tuition applications; or

4 (b) any other provision of this title for which a
5 procedure for resolving controversies is not expressly
6 prescribed.

7 (2) The county superintendent shall hear the appeal
8 and take testimony in order to determine the facts related
9 to the controversy and may administer oaths to the witnesses
10 that testify at the hearing. He shall prepare a written
11 transcript of the hearing proceedings. The decision on the
12 matter of controversy which is made by the county
13 superintendent shall be based upon the facts established at
14 such hearing.

15 (3) The decision of the county superintendent may be
16 appealed to the superintendent of public instruction, and if
17 it is appealed, the county superintendent shall supply a
18 transcript of the hearing and any other documents entered as
19 testimony at the hearing to the superintendent of public
20 instruction.

21 (4) Cost incurred by the office of the county
22 superintendent shall be paid from the general fund budget of
23 the county in which the controversy is initiated.

24 (5) A county superintendent may not hear or decide a
25 matter of controversy when an employee who is a party to the

LC 0787/01

- 1 controversy has filed a grievance or complaint in a separate
- 2 proceeding pursuant to a collective bargaining agreement."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 127

INTRODUCED BY NATHE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT AN APPEAL TO THE COUNTY SUPERINTENDENT OF SCHOOLS IF A SCHOOL-EMPLOYEE FILES--A GRIEVANCE CONCERNING THE CONTROVERSY HAS BEEN FILED PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT THAT PROVIDES FOR BINDING ARBITRATION; AND AMENDING SECTION 20-3-210, MCA."

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

Section 1. Section 20-3-210, MCA, is amended to read:

"20-3-210. Controversy appeals and hearings. (1) Except as provided under 20-3-211 and this section, the county superintendent shall hear and decide all matters of controversy arising in his county as a result of decisions of the trustees of a district in the county. When appeals are made under 20-4-204 relating to the termination of services of a tenure teacher or under 20-4-207 relating to the dismissal of a teacher under contract, the county superintendent may appoint a qualified attorney at law to act as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. Subsequently, either the teacher or trustees may appeal to the superintendent of public instruction under the

provisions for appeal of controversies in this title. Furthermore, he shall hear and decide all controversies arising under:

(a) section 20-5-304 or 20-5-311 relating to the approval of tuition applications; or

(b) any other provision of this title for which a procedure for resolving controversies is not expressly prescribed.

(2) The county superintendent shall hear the appeal and take testimony in order to determine the facts related to the controversy and may administer oaths to the witnesses that testify at the hearing. He shall prepare a written transcript of the hearing proceedings. The decision on the matter of controversy which is made by the county superintendent shall be based upon the facts established at such hearing.

(3) The decision of the county superintendent may be appealed to the superintendent of public instruction, and if it is appealed, the county superintendent shall supply a transcript of the hearing and any other documents entered as testimony at the hearing to the superintendent of public instruction.

(4) Cost incurred by the office of the county superintendent shall be paid from the general fund budget of the county in which the controversy is initiated.

SB 0127/02

1 (5) A county superintendent may not hear or decide a
2 matter of controversy when an employee who is a party to the
3 controversy has filed a grievance or complaint CONCERNING
4 THE CONTROVERSY HAS BEEN FILED in a separate proceeding
5 pursuant to a collective bargaining agreement THAT PROVIDES
6 FOR FINAL AND BINDING ARBITRATION OF THE DISPUTE."

-End-

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2 matter of controversy when an-employee-who-is-a-party-to-the
3 controversy-has-filed a grievance or complaint CONCERNING
4 THE CONTROVERSY HAS BEEN FILED in a separate proceeding
5 pursuant to a collective bargaining agreement THAT PROVIDES
6 FOR FINAL AND BINDING ARBITRATION OF THE DISPUTE."

-End-