

SENATE BILL 136

Introduced by Nathe

1/14	Introduced
1/14	Referred to Education & Cultural Resources
1/16	Fiscal Note Requested
1/18	Hearing
1/23	Fiscal Note Received
1/23	Fiscal Note Printed
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 Education & Cultural Resources
3/03	Hearing
3/07	Committee Report--Bill Concurred as Amended
3/09	Referred to Education & Cultural Resources
3/14	Committee Report--Bill Not Concurred as Amended
3/15	Adverse Committee Report Adopted

1 *State* BILL NO. 136
2 INTRODUCED BY NATH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR TRANSFER
5 OF A TENURE TEACHER BETWEEN TEACHING AND ADMINISTRATIVE
6 POSITIONS; AND AMENDING SECTION 20-4-203, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

10 **"20-4-203. Teacher tenure. Whenever Except as provided**
11 **in [sections 2 and 3], if a teacher has been elected by the**
12 **offer and acceptance of a contract for the fourth**
13 **consecutive year of employment by a district in a position**
14 **requiring teacher certification, except as a district**
15 **superintendent or specialist, the teacher ~~shall be deemed~~ is**
16 **considered to be reelected from year to year thereafter as a**
17 **tenure teacher at the same salary and in the same or a**
18 **comparable position of employment as that provided by the**
19 **last executed contract with such the teacher unless the**
20 **trustees resolve by majority vote of their membership to**
21 **terminate the services of the teacher in accordance with the**
22 **provisions of 20-4-204."**

23 **NEW SECTION. Section 2. Transfer from administrative**
24 **position. (1) A tenure teacher serving in an administrative**
25 **position may be assigned to a teaching position with a**

1 reduction in salary when the economic conditions of the
2 district require a reduction of administrative staff. The
3 salary for the new position must be the same or more than
4 the salary that the teacher would have received if the
5 teacher had been continuously employed in the new position
6 rather than in the administrative position.

7 (2) As used in this section, the term:

8 (a) "reduction of administrative staff" is limited to
9 reductions necessary because of declining enrollment,
10 financial exigency, or program change; and

11 (b) "administrative position" means a position that
12 the trustees of a district designate as administrative or
13 supervisory in nature, not including the position of
14 district superintendent.

15 (3) When a tenure teacher serving in an administrative
16 position is to be transferred under this section, the
17 teacher must be notified prior to May 1 by certified letter
18 or by personal notification for which a signed receipt is
19 obtained. The notification must include:

20 (a) a statement of the reason or reasons for the
21 reduction of administrative staff; and

22 (b) a printed copy of this section for the teacher's
23 information.

24 (4) A tenure teacher who receives notice under
25 subsection (3) may request in writing, within 10 days, a

hearing before the board of trustees. The board of trustees shall set the hearing not less than 10 days or more than 20 days from receipt of the request unless both parties agree to an extension. If a hearing is requested, the trustees shall:

(a) conduct the hearing to determine whether the reason or reasons for the transfer are arbitrary or capricious; and

(b) resolve at the end of the hearing to uphold the transfer or to reject the transfer and return the teacher to the administrative position.

(5) A tenure teacher may appeal a decision under this section to the county superintendent as provided in 20-3-210. The county superintendent shall conduct a hearing to determine whether the reason or reasons for the transfer were arbitrary or capricious.

(6) The teacher or the trustees may appeal the determination of the county superintendent to the superintendent of public instruction as provided in 20-3-107.

(7) A tenure teacher who is transferred to a teaching position under this section must be offered the next comparable administrative position that becomes available in the district.

NEW SECTION. Section 3. Temporary administrative

assignment. (1) A tenure teacher serving in a teaching position may, with his written consent, be temporarily assigned to an administrative position. A temporary administrative assignment may not exceed 1 year in duration. At the conclusion of the temporary assignment, the teacher may be returned to a teaching position comparable to the teaching position held before the temporary assignment and at a salary that is the same or more than he would have received had he been continuously employed in the teaching position.

(2) The trustees of a district may not give a teacher more than three consecutive temporary administrative assignments.

NEW SECTION. Section 4. Codification instruction. [Sections 2 and 3] are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 2 and 3].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

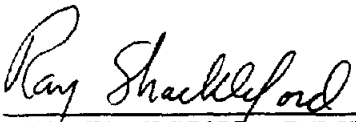
In compliance with a written request, there is hereby submitted a Fiscal Note for SB136, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an Act entitled: "An Act to provide for transfer of a tenure teacher between teaching and administrative positions; and amending Section 20-4-203, MCA."

EFFECT ON COUNTY:

The establishment of a hearing process may increase the number of hearings requested.


RAY SHACKLEFORD, BUDGET DIRECTOR 1/21/89
OFFICE OF BUDGET AND PROGRAM PLANNING DATE


DENNIS G. NATHE, PRIMARY SPONSOR 1-23-89
DATE

Fiscal Note for SB136, as introduced

SB 136

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 136

INTRODUCED BY NATHE

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OF A TENURE TEACHER BETWEEN TEACHING AND ADMINISTRATIVE
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considered to be reelected from year to year thereafter as a
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trustees resolve by majority vote of their membership to
terminate the services of the teacher in accordance with the
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district require a reduction of administrative staff. The
salary for the new position must be the same or more than
the salary that the teacher would have received if the
teacher had been continuously employed in the new position
rather than in the administrative position.

(2) As used in this section, the term:

(a) "reduction of administrative staff" is limited to
reductions necessary because of declining enrollment, OR
financial exigency, ~~or program change~~; and

(b) "administrative position" means a position that
the trustees of a district designate as administrative or
supervisory in nature, not including the position of
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(6) The teacher or the trustees may appeal the determination of the county superintendent to the superintendent of public instruction as provided in 20-3-107.

(7) A tenure teacher who is transferred to a teaching position under this section must be offered the next comparable administrative position FOR WHICH HE IS ENDORSED that becomes available in the district.

NEW SECTION. Section 3. Temporary administrative

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NEW SECTION. Section 2. Transfer from administrative position. (1) A tenure teacher serving in an administrative position may be assigned to a teaching position with a

reduction in salary when the economic conditions of the district require a reduction of administrative staff. The salary for the new position must be the same or more than the salary that the teacher would have received if the teacher had been continuously employed in the new position rather than in the administrative position.

(2) As used in this section, the term:

(a) "reduction of administrative staff" is limited to reductions necessary because of declining enrollment, OR financial exigency, ~~or program change~~; and

(b) "administrative position" means a position that the trustees of a district designate as administrative or supervisory in nature, not including the position of district superintendent.

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6 may be returned to a teaching position comparable to the
7 teaching position held before the temporary assignment and
8 at a salary that is the same or more than he would have
9 received had he been continuously employed in the teaching
10 position.

11 ~~{2}--The trustees of a district may not give a teacher~~
12 ~~more---than---three---consecutive---temporary---administrative~~
13 ~~assignments.~~

14 NEW SECTION. Section 4. Codification instruction.
15 [Sections 2 and 3] are intended to be codified as an
16 integral part of Title 20, and the provisions of Title 20
17 apply to [sections 2 and 3].

-End-

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that SENATE BILL 136 (third reading copy -- blue) be concurred in as amended.

Signed: _____


Ted Scheyer Chairman

[REP. WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 2, line 10.

Strike: "financial exigency"

Insert: "economic conditions of the district"

3. Page 4.

Following: line 17

Insert: "NEW SECTION. Section 5. Applicability. [This act] does not apply to a person who was employed in an administrative position prior to [the effective date of this act]."

SB 136

HOUSE

530959SC.HBV