

Senate Bill 10

Introduced by Brown, R.

6/20	Introduced
6/20	Referred to Education & Cultural Resources
	Died in Committee

1 *Senate* BILL NO. 10
2 INTRODUCED BY *Bob Brown*
3 BY REQUEST OF THE GOVERNOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE GOVERNOR'S
6 NEW CENTURY TEACHER INCENTIVE PROGRAM FOR PUBLIC ELEMENTARY
7 AND HIGH SCHOOL TEACHERS; DIRECTING THE OFFICE OF PUBLIC
8 INSTRUCTION TO PRESCRIBE FORMS; APPROPRIATING FUNDING FOR
9 THE PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10

11 WHEREAS, approximately 10,500 public elementary and
12 high school teachers provide essential instruction to
13 elementary and high school pupils throughout the State of
14 Montana; and

15 WHEREAS, because of collective bargaining agreements,
16 tenure statutes, and past practices, incentive pay for
17 teachers who excel in their profession has not been
18 provided; and

19 WHEREAS, it is the desire of the Legislature to
20 compensate and award excellence in teaching so as to
21 recognize excellent teachers and promote excellence in
22 Montana's educational system; and

23 WHEREAS, establishment of the Governor's New Century
24 Teacher Incentive Program will encourage and promote
25 excellence in the Montana teaching profession.

1 THEREFORE, the Legislature of the State of Montana
2 finds it beneficial to the future of the state's educational
3 system to establish the Governor's New Century Teacher
4 Incentive Program.

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

6 NEW SECTION. **Section 1.** Short title. [Sections 1
7 through 9] may be cited as the "Governor's New Century
8 Teacher Incentive Program".
9

10 NEW SECTION. **Section 2.** Definitions. As used in
11 [sections 1 through 9], the following definitions apply:

12 (1) "Board" means the local school board of the
13 district that employs a teacher.

14 (2) "Creativity" means the ability to provide
15 instruction through imaginative skills and to effect a
16 measured change in pupil performance and interest in subject
17 materials.

18 (3) "Criteria for selection" means:

19 (a) a teacher's performance in classroom instruction
20 and management, close monitoring of pupil performance,
21 demonstrated instructional leadership, and participation in
22 cocurricular and extracurricular activities;

23 (b) marked demonstrative creativity in teaching,
24 assistance in pupil research, or development of academic and
25 life skills, regardless of pupil age or condition; and

1 (c) overall demonstration of excellence in teaching.

2 (4) "Eligible teacher" means a Montana certified
3 elementary or high school teacher whose nomination and
4 selection has been accepted by the board as a recipient of
5 an incentive award.

6 (5) "Excellence" means outstanding or quality teaching
7 that exceeds and surpasses accepted standards established by
8 the board, a collective bargaining agreement, or other
9 measurement adopted by the board.

10 (6) "Incentive award" means a \$5,000 bonus
11 compensation, less federal and state income tax, paid to an
12 eligible teacher.

13 (7) "Performance" means accomplishments in teaching
14 and success in achieving results.

15 NEW SECTION. **Section 3. Governor's teacher incentive**
16 **program -- recipients.** (1) There is a governor's teacher
17 incentive program administered by the office of budget and
18 program planning and the office of public instruction.

19 (2) The board shall determine the incentive award
20 recipients in accordance with [sections 2 through 9].

21 NEW SECTION. **Section 4. Conditions of awards.** Each
22 incentive award must be distributed in a manner and under
23 terms determined by the office of budget and program
24 planning and the office of public instruction.

25 NEW SECTION. **Section 5. Nomination and selection**

1 **process.** (1) The nomination of a teacher for an incentive
2 award must be completed on or before February 1, 1990. The
3 nomination must be made by:

4 (a) a majority vote of a school's certified teachers,
5 as provided by board policy;

6 (b) a school principal and district superintendent
7 jointly or, if there is no district principal or
8 superintendent, by the county superintendent of schools;

9 (c) any three parents whose children are currently or
10 were previously enrolled in a classroom of the nominated
11 teacher; or

12 (d) any 10 enrolled pupils of a school district who
13 are currently taught or were previously taught by the
14 nominated teacher.

15 (2) A teacher nominated for an incentive award shall
16 prepare and submit to the district superintendent or, if
17 there is no district superintendent, to the school principal
18 or county superintendent of schools a governor's teacher
19 incentive program application to become an eligible teacher.
20 The application must contain the following:

21 (a) all existing classroom evaluations of the teacher
22 performed in the last 3 years;

23 (b) peer review forms completed by a teacher selected
24 by the nominee, a teacher selected by the school principal,
25 district superintendent, or county superintendent of

1 schools, and a teacher selected by the board. If the size of
2 a school district does not allow for peer review by another
3 teacher, the county superintendent shall prepare and submit
4 the peer review form.

5 (c) written comments submitted by pupils and parents
6 or legal guardians and solicited through a general
7 announcement from the school district; and

8 (d) other information directly related to the criteria
9 for selection or indicative of the teacher's performance in
10 the classroom.

11 (3) A teacher's governor's teacher incentive program
12 nomination packet must be submitted to the district
13 superintendent or, if there is no district superintendent,
14 to the school principal or county superintendent of schools
15 by March 1, 1990. The nominee's governor's teacher incentive
16 program packet must be transmitted to a selection panel
17 composed of the following individuals:

18 (a) a parent selected by the board;

19 (b) the school principal or, if there is no principal,
20 the county superintendent of schools;

21 (c) a teacher selected by the school district faculty;
22 and

23 (d) a pupil currently enrolled in the school district
24 and selected by the student council, if there is one, or the
25 board.

1 (4) The selection panel shall use the criteria for
2 selection set forth in [section 2] to determine whether the
3 nominee is eligible for final consideration of the incentive
4 award. The panel shall, no later than April 1, 1990,
5 transmit the names of nominees recommended for receiving
6 incentive awards to the board.

7 NEW SECTION. Section 6. Board review of
8 recommendations. The board shall, at the next regular or
9 special board meeting but no later than May 15, 1990, review
10 the selection panel's recommendations and either accept or
11 reject nominations. If the board accepts a recommendation,
12 the nominee becomes an eligible teacher.

13 NEW SECTION. Section 7. Payment of incentive awards.
14 On or before May 30, 1990, the board shall certify an
15 eligible teacher and transmit a list of eligible teachers to
16 the office of public instruction. The office of public
17 instruction shall verify the list and deposit with the
18 county treasurer revenue necessary to pay the incentive
19 awards. On or before June 15, 1990, the board shall pay the
20 incentive award to the eligible teacher.

21 NEW SECTION. Section 8. Incentive award not salary.
22 An eligible teacher may not consider the incentive award as
23 salary or compensation for purposes of:

24 (1) a collective bargaining agreement;

25 (2) determining salary; or

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1 (3) adjusting or modifying his retirement.

2 NEW SECTION. **Section 9.** Office of public instruction
3 to prepare and distribute forms. The office of public
4 instruction shall, prior to January 1, 1990, prepare and
5 distribute to all school districts in Montana forms required
6 for the selection of eligible teachers.

7 NEW SECTION. **Section 10.** Appropriation. There is
8 appropriated to the office of public instruction \$5,250,000
9 for purposes of [sections 1 through 9].

10 NEW SECTION. **Section 11.** Effective date. [This act]
11 is effective on passage and approval.

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