

HOUSE BILL 40

Introduced by J. Johnson

12/23	Introduced
12/30	Referred to Education & Cultural Resources
1/04	First Reading
1/08	Hearing
1/13	Tabled in Committee

1 HOUSE BILL NO. 40

2 INTRODUCED BY J. JOHNSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRITERIA
5 FOR THE DISMISSAL OF A TEACHER UNDER CONTRACT; AND AMENDING
6 SECTION 20-4-207, MCA."

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

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

10 "20-4-207. Dismissal of teacher under contract. (1) The
11 trustees of any a district may dismiss a teacher before the
12 expiration of his the teacher's employment contract for
13 immorality, unfitness, incompetence instructional
14 ineffectiveness, or violation of the adopted policies of
15 such the trustees.

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

18 (i) a district superintendent;

19 (ii) in a district without a district superintendent, a
20 principal; or

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

24 (b) A person listed in subsection (2)(a) who recommends
25 dismissal of a teacher shall give notice of the

1 recommendation in writing to each trustee of the district
2 and to the teacher.

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

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

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

20 (4) With the exception of a county superintendent, a
21 person who recommends dismissal pursuant to subsection (2)
22 may suspend the teacher from active performance of duty with
23 pay pending the hearing date if the teacher's behavior or
24 acts that led to the recommendation for dismissal are
25 contrary to the welfare of the students or the effective

1 operation of the school district.

2 (5) Any A teacher who has been dismissed may in writing
3 within 10 days appeal such the dismissal to the county
4 superintendent. Following such the appeal, a hearing must be
5 scheduled within 10 days and held within 30 days after the
6 appeal, except that the period may be extended upon
7 agreement between the teacher and the trustees. If the
8 county superintendent, after a hearing, determines that the
9 dismissal by the trustees was made without good cause, he
10 the superintendent shall order the trustees to reinstate
11 such the teacher and to compensate such the teacher at ~~his~~
12 the contract amount for the time lost during the pending of
13 the appeal."

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