

HOUSE BILL NO. 43
INTRODUCED BY MCCULLOCH

IN THE HOUSE

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| DECEMBER 23, 1992 | INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES. |
| JANUARY 4, 1993 | FIRST READING. |
| JANUARY 26, 1993 | COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED. |
| JANUARY 27, 1993 | PRINTING REPORT. |
| JANUARY 28, 1993 | SECOND READING, DO PASS. |
| JANUARY 29, 1993 | ENGROSSING REPORT. |
| JANUARY 30, 1993 | THIRD READING, PASSED. AYES, 76; NOES, 19. |
| | TRANSMITTED TO SENATE. |

IN THE SENATE

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| FEBRUARY 2, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES. |
| | FIRST READING. |
| MARCH 1, 1993 | COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED. |
| MARCH 2, 1993 | SECOND READING, CONCURRED IN. |
| MARCH 3, 1993 | THIRD READING, CONCURRED IN. AYES, 47; NOES, 1. |
| | RETURNED TO HOUSE WITH AMENDMENTS. |

IN THE HOUSE

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| MARCH 6, 1993 | RECEIVED FROM SENATE. |
| | SECOND READING, AMENDMENTS CONCURRED IN. |

MARCH 9, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 43

INTRODUCED BY MCCULLOCH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
TENURED SCHOOL ADMINISTRATOR EMPLOYED IN AN ADMINISTRATIVE
POSITION PRIOR TO OCTOBER 1, 1991, MAY BE TRANSFERRED TO A
TEACHING POSITION WITH A REDUCTION IN SALARY; REPEALING
SECTION 4, CHAPTER 204, LAWS OF 1991; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Repealer. Section 4, Chapter
204, Laws of 1991, is repealed.

NEW SECTION. Section 2. Effective date. [This act] is
effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 43

INTRODUCED BY MCCULLOCH

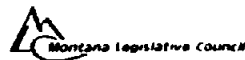
A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
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SECTION 4, CHAPTER 204, LAWS OF 1991; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Repealer. Section 4, Chapter
204, Laws of 1991, is repealed.

NEW SECTION. **Section 2.** Effective date. [This act] is
effective on passage and approval.

-End-



HB43

SECOND READING

HOUSE BILL NO. 43

INTRODUCED BY MCCULLOCH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
TENURED SCHOOL ADMINISTRATOR EMPLOYED IN AN ADMINISTRATIVE
POSITION PRIOR TO OCTOBER 1, 1991, MAY BE TRANSFERRED TO A
TEACHING POSITION WITH A REDUCTION IN SALARY; REPEALING
SECTION 4, CHAPTER 204, LAWS OF 1991; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Repealer. Section 4, Chapter
204, Laws of 1991, is repealed.

NEW SECTION. Section 2. Effective date. [This act] is
effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 13, 1993

Page 2 of 2
February 13, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 43 (first reading copy -- white), respectfully report that House Bill No. 43 be amended as follows and as so amended be concurred in.

Signed: Chet Blaylock
Senator Chet Blaylock, Chair

That such amendments read:

1. Title, line 7.

Following: ";

Insert: "PROVIDING FOR SENIORITY RECOGNITION; AMENDING SECTION 20-4-208, MCA;"

2. Page 1, line 12.

Following: line 11

Insert: "Section 1. Section 20-4-208, MCA, is amended to read:

"20-4-208. 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 as 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) If a board policy or a collective bargaining agreement provides seniority rights for teachers, a district that assigns a tenure teacher serving in an administrative position to a teaching position shall recognize for teacher seniority purposes the tenure teacher's time of service in the administrative position.

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

(a) "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; and

(b) "reduction of administrative staff" is limited to reductions necessary because of declining enrollment or financial exigency.

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

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

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

(5) A tenure teacher who receives notice under subsection (3) (4) may request in writing, within 10 days of the notice, 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 were in compliance with the provisions of subsection (1); 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.

(6) 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 in compliance with the provisions of subsection (1).

(7) 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.

(8) 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."

Renumber: subsequent sections

-END-

YM- Amd. Coord.
AV Sec. of Senate

Sen. Brown
Senator Carrying Bill

361130SC.Sma

SENATE

HB 43
361130SC.Sma

HOUSE BILL NO. 43

INTRODUCED BY MCCULLOCH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A TENURED SCHOOL ADMINISTRATOR EMPLOYED IN AN ADMINISTRATIVE POSITION PRIOR TO OCTOBER 1, 1991, MAY BE TRANSFERRED TO A TEACHING POSITION WITH A REDUCTION IN SALARY; PROVIDING FOR SENIORITY RECOGNITION; AMENDING SECTION 20-4-208, MCA; REPEALING SECTION 4, CHAPTER 204, LAWS OF 1991; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 20-4-208, MCA, IS AMENDED TO READ:

"20-4-208. 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 as 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) If a board policy or a collective bargaining agreement provides seniority rights for teachers, a district that assigns a tenure teacher serving in an administrative

position to a teaching position shall recognize for teacher seniority purposes the tenure teacher's time of service in the administrative position.

{2}{3} As used in this section, the term:

(a) "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; and

(b) "reduction of administrative staff" is limited to reductions necessary because of declining enrollment or financial exigency.

{3}{4} When a tenure teacher serving in an administrative position is to be transferred under this section, the teacher must be notified prior to May 1 by certified letter or by personal notification for which a signed receipt must be obtained. The notification must include:

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

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

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1 days or more than 20 days from receipt of the request unless
 2 both parties agree to an extension. If a hearing is
 3 requested, the trustees shall:

4 (a) conduct the hearing to determine whether the reason
 5 or reasons for the transfer were in compliance with the
 6 provisions of subsection (1); and

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

10 ~~(5)~~(6) A tenure teacher may appeal a decision under
 11 this section to the county superintendent as provided in
 12 20-3-210. The county superintendent shall conduct a hearing
 13 to determine whether the reason or reasons for the transfer
 14 were in compliance with the provisions of subsection (1).

15 ~~(6)~~(7) The teacher or the trustees may appeal the
 16 determination of the county superintendent to the
 17 superintendent of public instruction as provided in
 18 20-3-107.

19 ~~(7)~~(8) A tenure teacher who is transferred to a
 20 teaching position under this section must be offered the
 21 next comparable administrative position for which he is
 22 endorsed that becomes available in the district."

23 NEW SECTION. Section 2. Repealer. Section 4, Chapter
 24 204, Laws of 1991, is repealed.

25 NEW SECTION. Section 3. Effective date. [This act] is

1 effective on passage and approval.

-End-