

1 SENATE BILL NO. 18

2 INTRODUCED BY KLAMPE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE RENEGOTIATION OF A COLLECTIVE
5 BARGAINING AGREEMENT WHENEVER TWO OR MORE SCHOOL DISTRICTS REORGANIZE UNDER THE
6 PROVISIONS OF TITLE 20, CHAPTER 6; CLARIFYING THAT RENEGOTIATION INCLUDES IMPACTS ON
7 TENURE; AMENDING SECTIONS 20-4-203, 20-6-410, AND 20-6-711, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

11
12 NEW SECTION. **Section 1. Contract renegotiation required when new district created.** Whenever
13 two or more school districts reorganize under the provisions of this chapter, the resulting district is
14 considered a new district and all prior collective bargaining agreements pertaining to salaries and benefits
15 must be renegotiated.

16
17 **Section 2.** Section 20-4-203, MCA, is amended to read:

18 "20-4-203. **Teacher tenure -- exceptions.** (1) Except as provided in 20-4-208, whenever a teacher
19 has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment
20 by a district in a position requiring teacher certification except as a district superintendent or specialist, the
21 teacher is considered to be reelected from year to year ~~thereafter~~ as a tenure teacher at the same salary,
22 except as provided in [section 1], and in the same or a comparable position of employment as that provided
23 by the last executed contract with the teacher unless the trustees resolve by majority vote of their
24 membership to terminate the services of the teacher in accordance with the provisions of 20-4-204.

25 (2) ~~The~~ Except as provided in [section 1], the tenure of a teacher with a district may not be
26 impaired upon termination of services of the teacher if the following conditions exist:

27 (a) the tenure teacher is terminated because the financial condition of the district requires a
28 reduction in the number of teachers employed; and

29 (b) continued employment rights are provided for in a collectively bargained contract of the
30 district."

1 **Section 3.** Section 20-6-410, MCA, is amended to read:

2 **"20-6-410. Tenure protected -- hiring preference for employees -- exceptions.** (1) ~~Whenever~~
 3 Except as provided in 20-4-203 and [section 1], whenever two or more school districts consolidate or join
 4 through annexation to organize into a single district in the manner provided for in Title 20, chapter 6, a
 5 principal, teacher, or other certified employee of the school districts who has a right of tenure under
 6 Montana law must be given absolute preference in hiring for the first school fiscal year for any available
 7 and vacant position with the consolidated or enlarged district for which the employee is qualified with the
 8 required certification endorsements. Upon acceptance of a position, the certified employee continues to
 9 have tenure in the consolidated or enlarged district and the board of trustees of the consolidated or enlarged
 10 school district in which the person will perform duties shall recognize and give effect to the right of tenure.

11 (2) ~~A~~ Except as provided in 20-4-203 and [section 1], a noncertified, nonprobationary employee
 12 of a school district that consolidates or joins another district through annexation must be given preference
 13 in hiring for the first school fiscal year for any available and vacant position with the consolidated or
 14 enlarged district for which the employee has substantially equal qualifications and, upon acceptance of a
 15 position, may not be given probationary status."

16
 17 **Section 4.** Section 20-6-711, MCA, is amended to read:

18 **"20-6-711. Tenure protected -- hiring preference for noncertified employees -- exceptions.** (1)
 19 ~~Whenever~~ Except as provided in 20-4-203 and [section 1], whenever an elementary district is attached to
 20 a high school district to form a K-12 school district under the provisions of 20-6-701, a district
 21 superintendent, principal, teacher, or other certified employee of the elementary district who has a right of
 22 tenure under Montana law continues to have tenure in any available position in the K-12 district and the
 23 board of trustees of the high school district in which the person will perform duties shall recognize and give
 24 effect to the right of tenure.

25 (2) ~~A~~ Except as provided in 20-4-203 and [section 1], a noncertified, nonprobationary employee
 26 of an elementary district that is attached to a high school district to form a K-12 district must be given
 27 preference in hiring for any position with the K-12 district for which the employee has substantially equal
 28 qualifications and, upon acceptance of a position, may not be given probationary status."

29
 30 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 20, chapter 6, and the provisions of Title 20, chapter 6, apply to [section 1].

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3 NEW SECTION. **Section 6. Effective date -- applicability.** [This act] is effective on passage and
4 approval and applies to a contract in a school district reorganized after [the effective date of this act].

5

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0018, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring the renegotiation of a collective bargaining agreement whenever two or more school districts consolidate or unify; Clarifying that renegotiation includes impacts on tenure; amending various sections; and providing an immediate effective date and an applicability date.

ASSUMPTIONS: The requirement to renegotiate will not necessarily affect the overall level of spending of the district from what would have existed without this requirement. The board of the new school district will negotiate new salary levels within their budget.

FISCAL IMPACT: None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: None

Dave Lewis 1-2-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Terry Klampe
TERRY KLAMPE, PRIMARY SPONSOR DATE
Fiscal Note for SB0018, as introduced

SB 18