

SENATE BILL NO. 172

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INTRODUCED BY

Klump

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRUSTEES OF A SCHOOL DISTRICT TO DISMISS A TEACHER PRIOR TO THE EXPIRATION DATE OF THE TEACHER'S CONTRACT FOR FAILURE TO MEET THE EDUCATIONAL EXPECTATIONS OF THE SCHOOL DISTRICT; AMENDING SECTION 20-4-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"20-4-207. Dismissal of teacher under contract. (1) The trustees of ~~any~~ a district may dismiss a teacher before the expiration of ~~his~~ the teacher's employment contract for immorality, unfitness, incompetence, failure to meet the educational expectations of the district, or violation of the adopted policies of ~~such~~ the trustees.

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

- (i) a district superintendent;
- (ii) in a district without a district superintendent, a principal; or
- (iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of the district.

(b) A person listed in subsection (2)(a) who recommends dismissal of a teacher shall give notice of the recommendation in writing to each trustee of the district and to the teacher.

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

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

1 dismissal.

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

4 (4) With the exception of a county superintendent, a person who recommends dismissal pursuant
5 to subsection (2) may suspend the teacher from active performance of duty with pay pending the hearing
6 date if the teacher's behavior or acts that led to the recommendation for dismissal are contrary to the
7 welfare of the students or the effective operation of the school district.

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

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

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