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INTRODUCED BY ^{SB} Crosfield Maple Erin BILL NO. 198
Andrew Nette Blf

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "SAME SALARY" FOR THE PURPOSES OF TEACHER TENURE; AMENDING SECTION 20-4-203, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 20-4-203, MCA, is amended to read:

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

(2) The tenure of a teacher with a district may not be impaired upon termination of services of the teacher if the following conditions exist:

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

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

(3) (a) For the purposes of subsection (1), "same salary" means the daily rate of pay, excluding benefits and stipends for nonteaching duties, multiplied by the number of days worked under the last-executed contract with the teacher, up to 187 school days, including pupil-instruction-related days. The calculation of daily rate of pay is determined by dividing the salary in the last-executed contract with the teacher for pupil-instruction and pupil-instruction-related days, excluding benefits and stipends for nonteaching duties, by the total number of contracted days under the last-executed contract. The trustees may not reduce the salary of a tenured teacher whose duties, number of days worked, or contracted hours of pay are not reduced.

1 (b) The definition of same salary may be modified only if specifically negotiated and agreed to in
2 a collective bargaining agreement executed by the district and the teacher's exclusive representative
3 pursuant to Title 39, chapter 31, or in an individual contract between the district and a teacher in a district
4 in which the teachers have no exclusive representative as provided in Title 39, chapter 31."
5

6 **NEW SECTION. Section 2. Saving clause.** [This act] does not affect rights and duties that
7 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
8 act].
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10 **NEW SECTION. Section 3. Effective date -- applicability.** [This act] is effective July 1, 1997, and
11 applies to contracts executed for the school fiscal year beginning July 1, 1998.
12

-END-

APPROVED BY COM ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 198

INTRODUCED BY GROSFIELD, MASOLO, ELLIS, ANDERSON, HERTEL, LAWSON

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(3) (a) For the purposes of subsection (1), "same salary" means the daily rate of pay, excluding benefits and EXCLUDING stipends for nonteaching duties, multiplied by the number of days worked under the last-executed contract with the teacher, up to 187 school days THE TOTAL NUMBER OF DAYS FUNDED BY THE STATE IN THE PER-ANB ENTITLEMENTS, AS PROVIDED IN 20-9-311, including pupil-instruction-related days. The calculation of daily rate of pay is determined by dividing the salary in the last-executed contract with the teacher for pupil-instruction and pupil-instruction-related days, excluding benefits and EXCLUDING stipends for nonteaching duties, by the total number of contracted days under the last-executed contract. The trustees may not reduce the salary of a tenured teacher whose duties,

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