

1 HOUSE BILL NO. 465

2 INTRODUCED BY S. KERNS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE COMPENSATION FOR SCHOOL DISTRICT
5 SUPERINTENDENTS; AMENDING SECTION 20-4-401, MCA; AND PROVIDING AN EFFECTIVE DATE AND
6 AN APPLICABILITY DATE."

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

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10 **Section 1.** Section 20-4-401, MCA, is amended to read:11 **"20-4-401. Appointment and dismissal of district superintendent or county high school**

12 **principal.** (1) The trustees of any high school district, except a county high school or other high school district
13 that operates under a separate board of trustees due to alternative methods of electing the members of the
14 high school board of trustees as provided in 20-3-352(3), and the trustees of the elementary district where its
15 high school building is located shall jointly employ and appoint a district superintendent. The trustees of a
16 county high school or other high school district that operates under a separate board of trustees due to
17 alternative methods of electing the members of the high school board of trustees as provided in 20-3-352(3)
18 shall employ and appoint a district superintendent, except that the trustees of a county high school district may
19 employ and appoint a holder of a class 3 teacher certificate with a district superintendent endorsement as the
20 county high school principal in lieu of a district superintendent. The trustees of any other district may employ
21 and appoint a district superintendent.

22 (2) Whenever a joint board of trustees has been formed by a county high school and the elementary
23 district where the county high school is located, the joint board shall jointly employ and appoint a district
24 superintendent. During the term of contract of the jointly appointed district superintendent, neither district may
25 separately employ and appoint a district superintendent or county high school principal.

26 (3) School districts other than those provided in subsection (2) that form a joint board of trustees or
27 the boards of trustees of two or more districts may jointly employ and appoint a district superintendent, as
28 allowed in 20-3-362, or may enter into an interlocal agreement pursuant to Title 7, chapter 11, part 1, to

1 cooperatively share the employment of a district superintendent.

2 (4) The written contract of employment of a district superintendent or a county high school principal
3 must be authorized by the proper resolution of the trustees of the district or the joint board of trustees and
4 executed in duplicate by the presiding officer of the trustees or joint board of trustees and the clerks of the
5 districts in the name of the districts and by the district superintendent or the county high school principal. The
6 contract must be for a term of not more than 3 years, and after the second successive contract, the contract is
7 considered to be renewed for a further term of 1 year from year to year unless the trustees, by resolution
8 passed by a majority vote of its membership, resolve to terminate the services of the district superintendent or
9 the county high school principal at the expiration of the existing contract. The trustees shall take the termination
10 action and notify the district superintendent or the county high school principal in writing of their intent to
11 terminate the superintendent's or principal's services at the expiration of the superintendent's or principal's
12 current contract not later than February 1 of the last year of the contract.

13 (5) Whenever a joint board of trustees or the boards of trustees of two or more districts employs a
14 person as the district superintendent under subsection (2) or (3), the districts shall prorate the compensation
15 provided by the contract of employment on the basis of the number of teachers employed by each district.

16 (6) At any time the class 3 teacher certification or the endorsement of the certificate of a district
17 superintendent or a county high school principal that qualifies the person to hold the position becomes invalid,
18 the trustees of the district or the joint board of trustees shall discharge the person as the district superintendent
19 or county high school principal regardless of the unexpired term of the contract. The trustees may not
20 compensate the superintendent or principal under the terms of the contract for any services rendered
21 subsequent to the date of the invalidation of the teacher certificate.

22 (7) A district superintendent or county high school principal may not engage in any work or activity
23 that the trustees consider to be in conflict with the duties and employment as the district superintendent or
24 county high school principal.

25 (8) The salary for a district superintendent may not exceed four times the lowest salary for a
26 beginning teacher incorporated in the district's collective bargaining agreement if the teachers' employment is
27 covered by a collective bargaining agreement pursuant to Title 39, chapter 31, or incorporated in district policy if
28 the teachers' employment is not covered by a collective bargaining agreement in any district served by the

1 superintendent."

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3 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2021.

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5 NEW SECTION. Section 3. Applicability. [This act] applies to a contract for a district superintendent
6 entered into or renewed on or after July 1, 2021.

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