

HOUSE BILL NO. 503

INTRODUCED BY N. HASTINGS, K. SEEKINS-CROWE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EDUCATION LAWS RELATED TO TEACHER AND SPECIALIST CERTIFICATION; REQUIRING A HOLDER OF A TEACHER OR SPECIALIST CERTIFICATE TO NOTIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN CERTAIN CIRCUMSTANCES; REVISING NOTICE SERVICE PROCEDURES FOR DISCIPLINARY PROCEEDINGS; PROVIDING A DEFINITION; AMENDING SECTIONS 20-4-103 AND 20-4-110, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-4-103, MCA, is amended to read:

"20-4-103. Issuance of teacher or specialist certificates -- change of address -- disciplinary action or conviction. (1) The superintendent of public instruction shall issue all teacher and specialist certificates in the state of Montana. In issuing teacher or specialist certificates, the superintendent of public instruction shall comply with the provisions of this title and the teacher and specialist certification policies adopted by the board of public education. The superintendent of public instruction shall not issue a teacher or specialist certificate to any person who does not satisfy the qualifications or other requirements of this title and of the board of public education policies for teacher or specialist certification.

(2) (a) A person holding a valid teacher or specialist certificate must inform the superintendent of public instruction in writing within 30 days of:

(i) that person's change of address; or

(ii) the final disposition resulting in disciplinary action taken against or a conviction of that person in any state or federal jurisdiction of:

(A) any administrative action related to any type of teaching license or certificate; and

(B) any criminal action, excluding traffic violations.

(b) (i) As used in this subsection (2), "final disposition" includes but is not limited to a settlement

1 agreement, consent order, plea agreement, sentence and judgment, or order.

2 (ii) The term does not include an action that is dismissed or that results in an acquittal for which a
3 report is not necessary."

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5 **Section 2.** Section 20-4-110, MCA, is amended to read:

6 **"20-4-110. Letter of reprimand, suspension, revocation, and denial of certificate.** (1) The board
7 of public education may issue a letter of reprimand or may suspend or revoke the teacher, administrator, or
8 specialist certificate of any person for the following reasons:

9 (a) making any statement of material fact in applying for a certificate that the applicant knows to be
10 false;

11 (b) any reason that would have required or authorized the denial of the teacher, administrator, or
12 specialist certificate to the person if it had been known at the time the certificate was issued;

13 (c) incompetency;

14 (d) gross neglect of duty;

15 (e) conviction of, entry of a guilty verdict, a plea of guilty, or a plea of no contest to a criminal
16 offense involving moral turpitude in this state or any other state or country;

17 (f) immoral conduct related to the teaching profession;

18 (g) substantial and material nonperformance of the employment contract between the teacher,
19 administrator, or specialist and the trustees of a school or school district without good cause or the written
20 consent of the trustees; or

21 (h) denial, revocation, suspension, or surrender of a teacher, administrator, or specialist certificate
22 in another state for any reason constituting grounds for similar action in this state.

23 (2) The board may initiate proceedings under this section if a request for the suspension or
24 revocation of the teacher, administrator, or specialist certificate of any person is made to it by:

25 (a) the trustees of a district as to a teacher, administrator, or specialist employed by that school or
26 school district within the 12 months immediately preceding receipt of the request by the board of public
27 education; or

28 (b) the superintendent of public instruction.

1 (3) (a) If the employment relationship between a school district and a teacher, administrator, or
2 specialist is terminated or not renewed or if a teacher, administrator, or specialist resigns to prevent termination
3 or nonrenewal because the trustees have reason to believe that the teacher, administrator, or specialist
4 engaged in conduct described in subsection (1)(e) or (1)(f), the trustees shall make a written report to the
5 superintendent of public instruction describing the circumstances of the termination, nonrenewal, or resignation.

6 (b) The superintendent shall review the report and any supporting evidence included in the report
7 and may conduct further investigation. If the superintendent is satisfied that sufficient grounds exist, the
8 superintendent may request action by the board of public education under subsection (1). The request must be
9 brought within 1 year after discovery of the events that gave rise to the report.

10 (c) The trustees and the superintendent shall ensure the confidentiality of the report.

11 (d) The trustees and the superintendent and their agents and employees are immune from suit for
12 actions taken in good faith under this section with respect to the report.

13 (4) The board shall give a 30-day written notification to any person when the board intends to
14 consider a letter of reprimand or the suspension or revocation of a certificate. ~~Service of the notice must be
15 accomplished by sending the notification by registered mail to the last address that the person has provided to
16 the school district or the superintendent of public instruction.~~

17 (5) The board shall conduct an investigation of the reasons for the suspension or revocation
18 charge and then, if the investigation warrants further action, conduct a hearing in the manner provided by board
19 policies. At the hearing, the board shall afford the person an opportunity for defense against the charge.

20 (6) After a hearing, the board may place a written reprimand in the person's certification file or may
21 suspend or revoke the person's teacher, administrator, or specialist certificate, except that in the case of a first
22 violation under subsection (1)(g), the maximum penalty is a 2-year suspension of the person's certificate. The
23 board may, upon a request by a school district, inform the school district that a person's certification file
24 includes a letter of reprimand, but the board may not provide a copy of the letter without first determining that
25 the public's right to know outweighs the person's right to privacy.

26 (7) Whenever the superintendent of public instruction denies the issuance or the renewal of a
27 teacher, administrator, or specialist certificate, the applicant may appeal the denial to the board of public
28 education. The board shall hear the appeal in the same manner provided in this section for suspension or

1 revocation and in accordance with the policies of the board. The decision of the board is final.

2 (8) Any notice to the person from the board or from the superintendent of public instruction may be
3 served by certified mail to the person's current address on file with the superintendent of public instruction or by
4 other means authorized by the Montana Rules of Civil Procedure."

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6 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2023.

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