

HOUSE BILL NO. 602

INTRODUCED BY G. OVERSTREET

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING WRITTEN NOTICE TO THE SCHOOL DISTRICT BOARD OF TRUSTEES WHEN A DISTRICT INSTITUTES A REDUCTION IN FORCE DUE TO INSUFFICIENT FUNDING ADMINISTRATOR PROPOSES TO NONRENEW A NONTENURE TEACHER FOR FINANCIAL REASONS; REQUIRING THE BOARD OF TRUSTEES TO PLACE THE NOTICE OF REDUCTION IN FORCE THE PROPOSAL TO NONRENEW ON THE AGENDA FOR THE NEXT A PUBLIC SCHOOL BOARD MEETING AND TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT; CLARIFYING THAT FINANCIAL REASONS ARE WITHOUT CAUSE; AMENDING SECTION 20-4-206, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. SECTION 1. NOTICE OF NONRENEWAL OF NONTENURE TEACHER FOR FINANCIAL REASONS -
- NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED. (1) WHEN A DISTRICT ADMINISTRATOR PROPOSES TO NONRENEW
A NONTENURE TEACHER FOR FINANCIAL REASONS, THE TRUSTEES SHALL INCLUDE THE PROPOSED NONRENEWAL FOR
FINANCIAL REASONS ON THE AGENDA OF A MEETING ON OR BEFORE JUNE 1.
(2) A PROPOSED NONRENEWAL OF A NONTENURE TEACHER UNDER SUBSECTION (1) IS AN ACTION OF
SIGNIFICANT INTEREST TO THE PUBLIC WITHIN THE MEANING OF 2-3-103.
(3) A NONRENEWAL OF A NONTENURE TEACHER FOR FINANCIAL REASONS IS A NONRENEWAL WITHOUT
CAUSE AS PROVIDED IN 20-4-206.
(4) THE PROVISIONS OF THIS SECTION DO NOT OVERRIDE PROVISIONS NEGOTIATED AND AGREED TO IN A
COLLECTIVE BARGAINING AGREEMENT EXECUTED BY THE DISTRICT AND THE TEACHER'S EXCLUSIVE REPRESENTATIVE
PURSUANT TO TITLE 39, CHAPTER 31.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

SECTION 2. Section 20-4-206, MCA, is amended to read:

"20-4-206. Notification of nontenure teacher reelection -- acceptance -- termination. (1) The trustees shall provide written notice by June 1 to each nontenure teacher employed by the district regarding whether the nontenure teacher has been reelected for the ensuing school fiscal year. A teacher who does not receive written notice of reelection or termination is automatically reelected for the ensuing school fiscal year.

(2) A nontenure teacher who receives notification of reelection for the ensuing school fiscal year shall provide the trustees with written acceptance of the conditions of reelection within 20 days after the receipt of the notice of reelection. Failure to notify the trustees within 20 days constitutes conclusive evidence of the nontenure teacher's nonacceptance of the tendered position.

(3) Subject only to the June 1 notice requirements in this section, the trustees may nonrenew the employment of a nontenure teacher at the conclusion of the school fiscal year with or without cause.

(4) As used in [section 1] and this section, "without cause" includes financial reasons."

NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 20, CHAPTER 4, PART 2, AND THE PROVISIONS OF TITLE 20, CHAPTER 4, PART 2, APPLY TO [SECTION 1].

NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2025.

- END -