

SENATE BILL NO. 331

INTRODUCED BY K. HANSEN, L. JONES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SCHOOL DISTRICT TRUSTEES TO TEMPORARILY
5 EMPLOY CERTAIN QUALIFIED INDIVIDUALS WITHOUT A TEACHING LICENSE WHEN THE DISTRICT
6 CANNOT SECURE THE SERVICES OF AN INDIVIDUAL WITH A TEACHING LICENSE SATISFYING A
7 TRADITIONAL PATHWAY TO LICENSURE; ALIGNING STATE LAW WITH FLEXIBLE LICENSING RULES OF
8 THE BOARD OF PUBLIC EDUCATION; PROVIDING ALTERNATIVE PATHWAYS TO LICENSURE
9 CONSISTENT WITH FLEXIBILITY UNDER RULES OF THE BOARD OF PUBLIC EDUCATION; AMENDING
10 SECTION SECTIONS 20-4-101, 20-4-104, 20-4-106, AND 20-4-108, MCA; AND PROVIDING AN IMMEDIATE
11 EFFECTIVE DATE."

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

14
15 **Section 1.** Section 20-4-101, MCA, is amended to read:

16 **"20-4-101. System and definitions of teacher and specialist certification -- student teacher**
17 **exception.** (1) ~~(a)~~ In order to establish a uniform system of quality education balanced with the needs of
18 individual school districts and the control vested in school district trustees pursuant to Article X, section 8, of the
19 Montana constitution and to ensure the maintenance of professional standards, a system of teacher and specialist
20 certification must be established and maintained under the provisions of this title and, Except as provided in
21 subsection (1)(b) (2), a person may not be permitted to teach in the public schools of the state until the person
22 has obtained a teacher or specialist certificate or the district has obtained an emergency authorization of
23 employment from the state PURSUANT TO 20-4-111.

24 ~~(b) For a school year in which the trustees of a district cannot secure the services of a person holding~~
25 ~~a teacher or specialist certificate, the trustees may employ as a teacher a person without a teacher or specialist~~
26 ~~certificate when the person:~~

- 27 ~~—— (i) holds a valid and current teacher or specialist license for the subject area from another state;~~
- 28 ~~—— (ii) holds a bachelor's degree in the subject area; or~~
- 29 ~~—— (iii) provides to the district acceptable evidence of expertise in the subject area.~~
- 30 ~~—— (c) Trustees utilizing the exception under subsection (1)(b) must submit documentation to the office of~~

1 ~~public instruction that the position was advertised through the teacher placement offices of the Montana job~~
 2 ~~service and the Montana university system far enough in advance to reasonably enable qualified applicants to~~
 3 ~~submit applications and credentials and to be interviewed.~~

4 (2) (A) As used in this part, "teacher or specialist certificate" means a certificate issued or applied for
 5 under 20-4-106. The term "teacher or specialist" refers to a person certified under 20-4-106.

6 (3)(B) The certification requirement does not apply to a student teacher who is a student enrolled in an
 7 institution of higher learning approved by the board of regents of higher education for teacher training and who
 8 is jointly assigned by the institution of higher learning and the governing board of a district or a public institution
 9 to perform practice teaching in a nonsalaried status under the direction of a regularly employed and certificated
 10 teacher.

11 (4) A student teacher, while serving a nonsalaried internship under the supervision of a certificated
 12 teacher, must be accorded the same protection of the laws as that accorded a certificated teacher and shall, while
 13 acting as a student teacher, comply with all rules of the governing board of the district or public institution and
 14 the applicable provisions of 20-4-301 relating to the duties of teachers.

15 (C) THE TRADITIONAL PATHWAYS TO CERTIFICATION REPRESENTED BY THE CLASS 1, CLASS 2, AND CLASS 3
 16 DESIGNATIONS UNDER 20-4-106 DO NOT APPLY TO:

17 (I) A CLASS 5 ALTERNATIVE CERTIFICATE, WHICH IS VALID FOR A TERM NOT TO EXCEED 5 YEARS, PROVIDED THAT
 18 THE APPLICANT SATISFIES THE REQUIREMENTS OF 20-4-106(1)(E);

19 (II) A CLASS 7 SPECIALIST CERTIFICATE, PROVIDED THAT THE APPLICANT SATISFIES THE REQUIREMENTS OF
 20 20-4-101(1)(G);

21 (III) A CLASS 8 CERTIFICATE, PROVIDED THAT THE APPLICANT SATISFIES THE REQUIREMENTS OF 20-4-101(1)(H);

22 OR

23 (IV) AN INTERNSHIP INCORPORATING ON-THE-JOB TRAINING AND A PROGRAM DESIGN UNDER WHICH:

24 (A) THE INTERN WILL COMPLETE THE REQUIREMENTS FOR THE APPROPRIATE ENDORSEMENT WITHIN 3 YEARS;

25 (B) THE SCHOOL DISTRICT WILL PROVIDE LOCAL SUPERVISION AND SUPPORT OF THE INTERN; AND

26 (C) THE ACCREDITED EDUCATOR PREPARATION PROGRAM WILL APPROVE THE COURSEWORK AND PROVIDE
 27 SUPPORT AND PERIODIC SUPERVISION."

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29 **SECTION 2. SECTION 20-4-104, MCA, IS AMENDED TO READ:**

30 **"20-4-104. Qualifications.** (1) A person may be certified as a teacher when the person satisfies the

1 following qualifications. The person:

2 (a) is 18 years of age or older;

3 (b) is of good moral and professional character;

4 (c) has completed the teacher education program of a unit of the Montana university system or an
5 essentially equivalent program at an accredited institution of equal rank and standing as that of any unit of the
6 Montana university system, and the training is evidenced by at least a bachelor's degree and a certification of the
7 completion of the teacher education program, except as provided for in 20-4-106~~(1)(d)~~; and

8 (d) has subscribed to the following oath or affirmation before an officer authorized by law to administer
9 oaths:

10 "I solemnly swear (or affirm) that I will support The Constitution of the United States of America and The
11 Constitution of the State of Montana."

12 (2) Any person may be certified as a specialist when the person satisfies the requirements of subsections
13 (1)(a) and (1)(b) and the requirement for a specialist certificate provided in 20-4-106(2)."

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15 **SECTION 3. SECTION 20-4-106, MCA, IS AMENDED TO READ:**

16 **"20-4-106. Classifications of teacher and specialist certificates.** (1) The superintendent of public
17 instruction shall issue teacher certificates and the board of public education shall adopt teacher certification
18 policies on the basis of the following classifications of teacher certificates:

19 (a) The class 1 professional certificate may be issued to an otherwise qualified applicant who has
20 completed a teacher education program that includes a bachelor's degree and a minimum of 1 year of study
21 beyond the degree in a unit of the Montana university system or an equivalent institution. The professional
22 certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for specified subject
23 fields on the basis of the applicant's academic and professional training and according to the board of public
24 education policy for teacher certification endorsement.

25 (b) The class 2 standard certificate may be issued to an otherwise qualified applicant who has completed
26 a 4-year teacher education program and who has been awarded a bachelor's degree by a unit of the Montana
27 university system or an equivalent institution. The standard certificate may be endorsed for elementary instruction,
28 for secondary instruction, or both, and for specified subject fields on the basis of the applicant's academic and
29 professional training and according to the board of public education policy for teacher certification endorsement.

30 (c) The class 3 administrative and supervisory certificate may be issued to an otherwise qualified

1 applicant who is eligible for a teacher certificate endorsed for teaching in the school or schools in which the
2 applicant would be an administrator or would supervise. The applicant must also possess the training and
3 experience required by the policies of the board of public education for an endorsement as superintendent,
4 principal, or supervisor.

5 (d) The class 4 vocational, recreational, or adult education certificate may be issued to an otherwise
6 qualified applicant who has the qualifications of training and experience required by the United States office of
7 education or the qualifications required by the special needs of the several vocational, recreational, or adult
8 education fields and who can qualify under the policy of the board of public education for the issuance of this
9 classification of teacher certification.

10 (e) The class 5 ~~provisional~~ alternative certificate may be issued to an otherwise qualified applicant who
11 can provide satisfactory evidence of the intent to qualify in the future for a class 1 or a class 2 certificate and who
12 has completed a 4-year college program or its equivalent and holds a bachelor's degree from a unit of the
13 Montana university system or its equivalent. The ~~provisional~~ alternative certificate may be endorsed for
14 elementary instruction, for secondary instruction, or both, and for special subject fields on the basis of the
15 applicant's academic and professional training and according to the board of public education policy for teacher
16 or specialist certification endorsement.

17 (f) The class 6 specialist certificate may be issued to an otherwise qualified applicant meeting the
18 requirements of the board of public education for a school psychologist or school counselor.

19 (g) The class 7 specialist certificate may be issued to an otherwise qualified applicant based upon the
20 verification by the American Indian tribe for which the language and culture certification is desired that the
21 individual has met tribal standards for competency and fluency as a requisite for teaching that language and
22 culture.

23 (h) The class 8 certificate may be issued to an otherwise qualified applicant who is a faculty member of
24 a regionally accredited postsecondary institution for the exclusive purpose of delivery of dual credit courses that
25 fall within an endorsable major or minor, or the equivalent, held by the faculty member when teaching dual credit
26 courses within the role and scope of their duties assigned by the employing postsecondary institution.

27 (2) The superintendent of public instruction shall issue specialist certificates, and the board of public
28 education shall adopt specialist certification policies. The specialist certificate may be issued to an otherwise
29 qualified applicant who has the training, experience, and license required under the standards of the board of
30 public education for the certification of a profession other than the teaching profession.

1 (3) For purposes of evaluating the qualifications of applicants for either teacher or specialist certificates,
2 a year means the instructional period consisting of three quarters or two semesters or other terms that are
3 recognized as an academic year by any unit of the Montana university system or equivalent institution."
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5 **SECTION 4. SECTION 20-4-108, MCA, IS AMENDED TO READ:**

6 **"20-4-108. Term of teacher and specialist certificates -- renewal.** (1) A teacher or specialist certificate
7 issued by the superintendent of public instruction must bear the dates of issue and validity and is valid for a term
8 of 5 school fiscal years, except that a class 5 ~~provisional~~ alternative certificate is valid for the number of years,
9 up to a maximum of 5 years, provided by the policies of the board of public education. The period of validity for
10 any certificate begins on July 1 immediately preceding the date of issue, except that a teacher or specialist who
11 applies for certification after January 1 may, upon request, have the period of validity of the certificate begin on
12 July 1 following the date of application.

13 (2) Teacher and specialist certificates must be renewed for similar periods of time on the basis of the
14 board of public education policies for teacher and specialist certification renewal."
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16 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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