

SENATE BILL NO. 388

INTRODUCED BY E. WALKER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EMPLOYMENT LAW REGARDING SCHOOL
5 ADMINISTRATORS; ALLOWING TRUSTEES TO TRANSFER A TENURE TEACHER SERVING IN AN
6 ADMINISTRATIVE POSITION TO CERTAIN POSITIONS FOR WHICH THE TEACHER HOLDS A PROPER
7 ENDORSEMENT; REMOVING THE REQUIREMENT THAT A TENURE TEACHER WHO IS REASSIGNED TO
8 A TEACHING POSITION BE OFFERED THE NEXT COMPARABLE ADMINISTRATIVE POSITION AVAILABLE;
9 CLARIFYING THAT TEACHER TENURE DOES NOT APPLY WHEN TEACHERS SERVING IN
10 ADMINISTRATIVE POSITIONS ARE TRANSFERRED TO OTHER POSITIONS; AMENDING SECTION
11 20-4-208, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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15 **Section 1.** Section 20-4-208, MCA, is amended to read:

16 **"20-4-208. Transfer from administrative position.** (1) ~~A~~ The trustees of a district may transfer a tenure
17 teacher serving in an administrative position may be assigned to a another administrative or teaching position
18 with a reduction in salary when the district reduces the size of its administrative staff for which the teacher is
19 properly endorsed if the trustees determine the transfer is in the best interests of the district.

20 ~~(2) The salary for the new teaching or administrative position described in subsection (1) must be the~~
21 ~~same as the salary that the teacher would have received if the teacher had been continuously employed in the~~
22 ~~new position rather than in the administrative position. THE SALARY FOR THE NEW TEACHING OR ADMINISTRATIVE~~
23 ~~POSITION DESCRIBED IN SUBSECTION (1) MAY NOT BE ALTERED IF THE TRANSFER OCCURS AFTER A SCHOOL FISCAL YEAR~~
24 ~~HAS BEGUN. IF THE TRANSFER OCCURS AT THE BEGINNING OF A SCHOOL FISCAL YEAR, THE TEACHER'S SALARY MUST BE~~
25 ~~THE SAME AS THE SALARY THAT THE TEACHER WOULD HAVE RECEIVED IF THE TEACHER HAD BEEN CONTINUOUSLY~~
26 ~~EMPLOYED IN THE NEW POSITION.~~

27 ~~(2)(3)~~ (3) If a board policy or a collective bargaining agreement provides seniority rights for teachers, a
28 district that assigns a tenure teacher serving in an administrative position to a teaching position shall recognize
29 for seniority purposes the tenure teacher's time of service in the administrative position.

30 ~~(3)(4)~~ (4) As used in this section, the term "administrative position" means a position that the trustees of a

1 district designate as administrative or supervisory in nature, not including the position of district superintendent.

2 ~~(4)(5) A tenure teacher who is transferred to a teaching position under this section must be offered the~~
3 ~~next comparable administrative position for which the tenure teacher is endorsed that becomes available in the~~
4 ~~district~~ The trustees of a district may transfer a tenure teacher as provided in subsection (1) at any time during
5 a school fiscal year.

6 (6) The provisions 20-4-204 and 20-4-207 do not apply to a transfer described in subsection (1) of this
7 section."

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9 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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