

SENATE BILL NO. 331

INTRODUCED BY K. HANSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SCHOOL DISTRICT TRUSTEES TO EMPLOY CERTAIN QUALIFIED INDIVIDUALS WITHOUT A TEACHING LICENSE WHEN THE DISTRICT CANNOT SECURE THE SERVICES OF AN INDIVIDUAL WITH A TEACHING LICENSE; AMENDING SECTION 20-4-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

- (i) holds a valid and current teacher or specialist license for the subject area from another state;
- (ii) holds a bachelor's degree in the subject area; or
- (iii) provides to the district acceptable evidence of expertise in the subject area.

(c) Trustees utilizing the exception under subsection (1)(b) must submit documentation to the office of public instruction that the position was advertised through the teacher placement offices of the Montana job service and the Montana university system far enough in advance to reasonably enable qualified applicants to submit applications and credentials and to be interviewed.

(2) As used in this part, "teacher or specialist certificate" means a certificate issued or applied for under



1 20-4-106. The term "teacher or specialist" refers to a person certified under 20-4-106.

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

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

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

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