

HOUSE BILL NO. 628

INTRODUCED BY D. HAINES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING TWO SCHOOL DISTRICTS TO JOINTLY APPOINT A
5 SUPERINTENDENT AND TO RETAIN ANY SAVINGS RESULTING FROM THE JOINT EMPLOYMENT;
6 AMENDING SECTION 20-4-401, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **Section 1.** Section 20-4-401, MCA, is amended to read:11 **"20-4-401. Appointment and dismissal of district superintendent or county high school principal.**

12 (1) The trustees of any high school district, except a county high school, and the trustees of the elementary district
13 where its high school building is located shall jointly ~~employ and~~ appoint a district superintendent. The trustees
14 of a county high school shall ~~employ and~~ appoint a district superintendent, except that they may ~~employ and~~
15 appoint a holder of a class 3 teacher certificate with a district superintendent endorsement as the county high
16 school principal in lieu of a district superintendent. The trustees of any other district may ~~employ and~~ appoint a
17 district superintendent.

18 (2) Whenever a joint board of trustees has been formed by a county high school and the elementary
19 district where the county high school is located, ~~such the~~ joint board shall jointly ~~employ and~~ appoint a district
20 superintendent. During the term of contract of the jointly appointed district superintendent, neither district shall
21 separately ~~employ and~~ appoint a district superintendent or county high school principal.

22 (3) School districts other than those provided in subsection (2) that form a joint board of trustees may
23 jointly ~~employ and~~ appoint a district superintendent as allowed in 20-3-362.

24 (4) Notwithstanding the standards of accreditation adopted by the board of public education, the trustees
25 of two school districts may jointly appoint a district superintendent. Any savings resulting from the joint
26 employment of a superintendent may be retained by the trustees for use within their districts.

27 ~~(4)(5)~~ The written contract of employment of a district superintendent or a county high school principal
28 ~~shall~~ must be authorized by the proper resolution of the trustees of the district or the joint board of trustees and
29 executed in duplicate by the ~~chairman~~ presiding officer of the trustees or joint board of trustees and the clerks
30 of the districts in the name of the districts and by the district superintendent or the county high school principal.

1 ~~Such~~ The contract ~~shall~~ must be for a term of not more than 3 years, and after the second successive contract,
 2 the contract ~~shall be deemed~~ is considered to be renewed for a further term of 1 year from year to year thereafter
 3 unless the trustees shall, by resolution passed by a majority vote of its membership, resolve to terminate the
 4 services of the district superintendent or the county high school principal at the expiration of ~~his~~ the existing
 5 contract. The trustees shall take ~~such~~ the termination action and notify the district superintendent or the county
 6 high school principal in writing of their intent to terminate ~~his~~ services at the expiration of ~~his~~ the current contract
 7 not later than February 1 of the last year of ~~such~~ the contract.

8 ~~(5)(6)~~ Whenever a joint board of trustees ~~employs~~ appoints a person as the district superintendent under
 9 subsection (2) or (3), the districts shall prorate the compensation provided by the contract of employment on the
 10 basis of the number of teachers employed by each district.

11 ~~(6)(7)~~ At any time the class 3 teacher certification or the endorsement of the certificate of a district
 12 superintendent or a county high school principal that qualifies ~~such~~ the person to hold ~~such~~ the position becomes
 13 invalid, the trustees of the district or the joint board of trustees shall discharge ~~such~~ the person as the district
 14 superintendent or county high school principal regardless of the unexpired term of ~~his~~ the contract. The trustees
 15 ~~shall~~ may not compensate ~~him~~ the person under the terms of ~~his~~ the contract for any services rendered
 16 subsequent to the date of the invalidation of ~~his~~ the teacher certificate.

17 ~~(7)(8)~~ ~~No~~ A district superintendent or county high school principal ~~shall~~ may not engage in any work or
 18 activity ~~which~~ that the trustees ~~may deem~~ consider to be in conflict with ~~his~~ the duties and employment as the
 19 district superintendent or county high school principal."

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21 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1999.

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