

1 HOUSE BILL NO. 181
 2 INTRODUCED BY L. REKSTEN, D. BEDEY, T. MOORE, M. BERTOGLIO, L. JONES, B. BARKER, J.
 3 ETCHART, B. BEARD
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS RELATED TO THE
 6 SUPERINTENDENT OF PUBLIC INSTRUCTION; ~~ELIMINATING-CLARIFYING~~ THE REQUIREMENT THAT
 7 THE SUPERINTENDENT HAVE A BACHELOR'S DEGREE; ENSURING THAT THE SUPERINTENDENT OR
 8 THE DEPUTY SUPERINTENDENT HAS AT LEAST 5 YEARS OF TEACHING OR SCHOOL
 9 ADMINISTRATIVE EXPERIENCE; REVISING THE LIST OF DISCRETIONARY STAFF THAT THE
 10 SUPERINTENDENT MAY EMPLOY; AND AMENDING SECTIONS 20-3-101 AND 20-3-103, MCA."

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

13
 14 **Section 1.** Section 20-3-101, MCA, is amended to read:

15 **"20-3-101. Election and qualifications.** (1) A superintendent of public instruction for the state of
 16 Montana must be elected by the qualified electors of the state at the general election preceding the expiration
 17 of the term of office of the incumbent.

18 (2) A person is qualified to assume the office of superintendent of public instruction who:

19 (a) is 25 years of age or older at the time of election;

20 (b) has resided within the state for the 2 years preceding the election; ~~and~~

21 ~~(c) holds at least a bachelor's degree from any unit of the Montana university system or from an~~
 22 ~~institution recognized as equivalent by the board of public education for teacher certification purposes; and~~

23 ~~(d)(c)~~ holds at least a bachelor's degree from an accredited college or university; and

24 (d) otherwise possesses the qualifications for office that are required by The Constitution of the
 25 State of Montana."

26
 27 **Section 2.** Section 20-3-103, MCA, is amended to read:

28 **"20-3-103. Deputy superintendent -- staff.** (1) The state superintendent of public instruction shall

1 appoint a deputy who, in the absence of the superintendent or in the case of vacancy in that office, shall
2 perform all the duties of office until the disability is removed or the vacancy is filled. The deputy shall subscribe,
3 take, and file the oath of office provided by law for other state officers before entering ~~upon~~on the performance
4 of the deputy's duties. If the superintendent of public instruction has fewer than 5 years of teaching or school
5 administrative experience, the superintendent shall appoint a deputy with at least 5 years of teaching or school
6 administrative experience.

7 (2) The superintendent of public instruction has the power to employ, organize, and administer a
8 staff of personnel to assist in the administration of the duties and services of the office. In organizing the staff,
9 the superintendent of public instruction may employ:

10 (a) a professional staff with expertise in curriculum, instruction, and assessment;

11 (b) specialists in curriculum and instruction in the content areas contained in the accreditation
12 standards adopted by the board of public education under 20-7-101;

13 (a)(c) a supervisor of physical education who is a graduate of an accredited institution of higher
14 education with a master's degree in physical education;

15 (b)(d) a professional staff consisting of individuals prepared in career and technical education
16 program areas, including but not limited to agriculture education, business and marketing education, family and
17 consumer sciences education, health science education, and industrial technology education; and

18 (c)(e) a special education supervisor who is a graduate of an accredited institution of higher
19 education with a master's degree in a field related to special education for persons with disabilities and who has
20 not less than 2 years' experience in special education."

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