

1 HOUSE BILL NO. 259  
 2 INTRODUCED BY L. DEMING, J. SCHILLINGER, C. KNUDSEN, J. HINKLE, B. LER, G. OBLANDER, J.  
 3 BERGSTROM, R. MINER, T. SMITH  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ALTERNATIVES TO TEACHER  
 6 CERTIFICATION PRIOR TO OBTAINING EMERGENCY AUTHORIZATION FROM THE SUPERINTENDENT  
 7 OF PUBLIC INSTRUCTION; ALLOWING SCHOOL DISTRICT TRUSTEES TO EMPLOY CERTAIN  
 8 QUALIFIED INDIVIDUALS WITHOUT A TEACHING CERTIFICATE; AMENDING SECTION 20-4-101, MCA;  
 9 AND PROVIDING AN EFFECTIVE DATE."

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

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

14 **"20-4-101. System and definitions of teacher and specialist certification -- student teacher**  
 15 **exception.** (1) (a) In order to establish a uniform system of quality education balanced with the needs of  
 16 individual school districts and the control vested in school district trustees pursuant to Article X, section 8, of the  
 17 Montana constitution and to ensure the maintenance of professional standards, a system of teacher and  
 18 specialist certification must be established and maintained under the provisions of this title ~~and~~. Except as  
 19 provided in subsection (1)(b), a person may not be permitted to teach in the public schools of the state until the  
 20 person has obtained a teacher or specialist certificate or the district has obtained an emergency authorization of  
 21 employment from the state.

22 (b) The trustees of a school district may employ as a teacher a person without a Montana-issued  
 23 teacher or specialist certificate when the person:

- 24 (i) holds a valid and current teacher or specialist license for the subject area from another state;
- 25 (ii) holds a bachelor's degree in the subject area; or
- 26 (iii) provides evidence of expertise in the subject area. The trustees may in their full discretion

27 determine what is acceptable evidence of expertise.

28 (c) When the trustees employ a person under one of the provisions of subsection (1)(b), the

1 trustees shall ensure the following requirements are included in the employment contract:

2 (i) the new employee must be of good moral and professional character;

3 (ii) the new employee shall agree to participate in training in classroom management and basic  
4 classroom instruction principles as recommended by the trustees;

5 (iii) the trustees shall pursue an emergency authorization from the superintendent of public  
6 instruction pursuant to 20-4-111; and

7 (iv) the trustees shall consider the new employee to be a long-term substitute teacher and must  
8 follow any long-term substitute policies adopted by the district until the emergency authorization is granted.

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

11 (3) The certification requirement does not apply to:

12 (a) a student teacher who is a student enrolled in an institution of higher learning approved by the  
13 board of regents of higher education for teacher training and who is jointly assigned by the institution of higher  
14 learning and the governing board of a district or a public institution to perform practice teaching in a nonsalaried  
15 status under the direction of a regularly employed and certificated teacher; or

16 (b) an instructor employed by the Montana university system or an accredited institution of equal  
17 rank and standing as that of any unit of the Montana university system when teaching any advanced course  
18 offered to pupils as defined in 20-1-101 for college credit, including courses provided pursuant to 20-3-324(28).

19 (4) An individual to whom the certification requirement does not apply under subsection (3) must  
20 be accorded the same protection of the laws as that accorded a certificated teacher and shall, while performing  
21 functions authorized under subsection (3), comply with all rules of the governing board of the district or public  
22 institution and the applicable provisions of 20-4-301 relating to the duties of teachers."

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24 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2023.

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