

HOUSE BILL NO. 259

INTRODUCED BY L. DEMING, J. SCHILLINGER, C. KNUDSEN, J. HINKLE, B. LER, G. OBLANDER, J. BERGSTROM, R. MINER, T. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TEACHER CERTIFICATION; ALLOWING SCHOOL DISTRICT TRUSTEES TO EMPLOY CERTAIN QUALIFIED INDIVIDUALS WITHOUT A TEACHING CERTIFICATE; AMENDING SECTION 20-4-101, MCA; AND PROVIDING AN 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) The trustees of a school district may employ as a teacher a person without a Montana-issued 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 evidence of expertise in the subject area. The trustees may in their full discretion determine what is acceptable evidence of expertise.

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

(3) The certification requirement does not apply to:

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

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

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

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

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