



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- END -

I hereby certify that the within bill,
HB 181, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 181

INTRODUCED BY L. REKSTEN, D. BEDEY, T. MOORE, M. BERTOGLIO, L. JONES, B. BARKER, J.

ETCHART, B. BEARD

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