



Kirk Miller <samkm@sammt.org>

Call for positions & resolutions

1 message

Cathy Maloney <macss@saom.memberclicks.net>

Wed, May 22, 2019 at 3:44 PM

Reply-To: macss@sammt.org

To: samkm@sammt.org

Hello Lovely Group of Soup(s), teehee

Happy Spring to you! Hope it gets here soon.

Please strap on your thinking caps and help us in pointing out issues or concerns for the Delegate Assembly process. The form is attached for guidance, Jack is our contact on the Steering Committee. We can and should work as a team to address concerns.

One that I had was at election time, it addresses "Successful Teaching Experience as being someone that taught in a P-12 Accredited School System".

At the time and too late in the election process I was advised that this could be a disqualification for running for the Office of County Supt. I would like to see this clarified as to prevent further confusion in the elected position that is our office. Please see email that was sent to the election judge in Sept of 2016. My reason for this is to prevent any of you in having to go through an election that the opponent wouldn't be qualified for in the first place.

Secondly, my county is doing a really poor job of following MCA with regard to my pay, wondering if any of you have this issue and we should submit it for resolution. So please respond if you have questions or comments. Thank you all for the work you are doing, our rural schools need the services that you are providing, May can be an exhausting month, pretty thankless sometimes. So, I'd just like to say Thank you for all you do xo - Cathy

Please let me know if you think this is worthy of pursuing and if you agree... (This is first idea)

Hello Judge:

I enjoyed our visit this morning, and am striving for clarification. It is my new belief that my opponent XXX is ineligible to run for the office of County Superintendent of Schools. She does not meet the requirement of 3 years of successful teaching experience – defined as within a state accredited p-12 school system. It is the determination of the Superintendent of Public Instruction that matters, so I am asking that you look at this and advise me. Here is the history:

I was attending the MACSS Conference in Big Timber this week when I was asked about my opposition in the upcoming election. When I stated that XXX was a 32 year teacher at the Highlands College of Montana Tech, I was told that XXX probably is ineligible for the office of County Supt. The Biography in the Montana Standard on May 14, 2016 states "I have been an educator for the past 32 years and currently teach at College. I also serve as the department head for the business and accounting technology departments and have done so for approximately 15 years. Prior to teaching I was

employed by First National bank (currently Wells Fargo) as an administrative assistant to the senior vice president and two vice presidents and worked with real estate and commercial lending.”

XXX was 58 years of age at this date, and taught for 32 years, meaning that she was licensed in 1981, registered as a teacher in 1982. XXX states that xxx taught at Highlands for 32 years, and prior was at a bank, which at the most means xxx had 2 years where she worked at the bank, and no years in a district. Based on mis-assignment rules, and A.R.M definitions, I believe xxx is ineligible to run for the county superintendent position.

Montana Code lists at least 3 years of successful teaching experience, teaching experience is described in ARM, [10.57.102 DEFINITIONS](#) (14) "Year of teaching experience" means employment at any level within a state accredited P-12 school system

Please advise on what next steps I can and should take. Thank you – Cathy Maloney

20-3-201. Election and qualifications -- part-time office allowed. (1) A county superintendent must be elected in each county of the state unless a county manager form of government has been organized in the county. The county superintendent must be elected at the general election preceding the expiration of the term of office of the incumbent. (2) Upon verification by the county clerk and recorder, a person is qualified to file for and assume the office of county superintendent who: (a) is a qualified elector; (b) holds a valid, current class 1 professional certificate, class 2 standard certificate, or class 3 administrative and supervisory certificate issued by the superintendent of public instruction; and (c) has at least 3 years of successful teaching experience.

This is what I have found under accreditation:

10.57.204 EXPERIENCE VERIFICATION (1) The determination of appropriate educational experience shall be made by the Superintendent of Public Instruction. (History: 20-4-102, MCA; IMP, 20-4-103, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1488, Eff. 10/27/78; AMD, 1980 MAR p. 662, Eff. 2/29/80; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1989 MAR p. 2050, Eff. 12/8/89; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 1918, Eff. 7/17/98; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 2244, Eff. 11/26/09.)

10.57.102 BOARD OF PUBLIC EDUCATION (4) "Appropriate grade level(s)" means early childhood, elementary, middle, secondary, or other levels as defined by the Board of Public Education.

(8) "Endorsement" means an official indication on a license of the grade level(s), subject area(s), or specialist program area(s) as listed in Subchapter 4 for which the licensee is authorized to practice in Montana accredited schools. Grade levels are: (a) age 3 - grade 3 (early childhood); (b) K-8 (elementary); (c) 4-8 (middle grades); (d) 5-12 (secondary, content-specific); (e) K-12 (as delineated in ARM 10.57.412); and (f) P-12 (special education and school psychologist).

Administrative Rules of Montana state:

10.55.602 Definitions:

(27) "Misassignment" means a licensed educator/specialist teaching outside their endorsed teaching area(s) and/or level (elementary K-8 and secondary 5-12).

(36) "School" means, for accreditation purposes, an educational program and grade assignments designated by the local board of trustees in one of the following categories:

(a) an elementary school, which offers any combination of kindergarten through eighth grade;

- (b) a seventh and eighth grade school, which comprises the basic education program for grades 7 and 8 that may be funded at the high school rate pursuant to [20-9-396](#), MCA;
- (c) a junior high school, which offers the basic education program for grades 7 through 9;
- (d) a middle school, which offers education programs for grades 4 through 8 or any combination thereof; and
- (e) a high school, which offers the educational programs for grades 9 through 12 or grades 10 through 12 when operating in conjunction with a junior high school.

(39) "School system" means the administrative unit of a district or combination of districts. In Montana, types of school systems are as follows:

- (a) "combined elementary-high school district" means an elementary district and a high school district which are combined into a single school system for district administration purposes.
- (b) "independent high school district" means a district organized for the purpose of providing public education for all or any combination of grades 9 through 12; and
- (c) "independent elementary school district" means a district organized for the purpose of providing public education for all or any combination of grades kindergarten through grade 8.

(44) "Teacher" means a person, except a district superintendent, who holds a valid Montana educator license issued by the Superintendent of Public Instruction under the policies adopted by the Board of Public Education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of [20-4-111](#), MCA.

[10.65.303](#) PROCEDURES FOR COUNTY SUPERINTENDENT

(1) The county superintendent as an elected local school official must meet certain teaching and administrative qualifications in school matters. The county superintendent has general supervision of the schools of his county and is responsible to perform any duty prescribed by the Board of Public Education.

[10.57.102](#) DEFINITIONS

(14) "Year of teaching experience" means employment at any level within a state accredited P-12 school system, or in an educational institution specified in [20-9-707](#), MCA, as licensed instructional staff of at least .5 FTE during a school fiscal year for at least 1080 hours or 180 school days or a 1.0 FTE for at least 540 hours or 90 school days. Experience gained prior to eligibility for initial licensure is not considered.

I had to see if this was applicable, (mentioned in paragraph above), I don't think so

20-9-707. Agreement with Montana youth challenge program or accredited Montana job corps program.(1) The trustees of a school district may enter into an interlocal cooperative agreement for the ensuing school fiscal year under the provisions of Title 7, chapter 11, part 1, with the Montana youth challenge program or with a Montana job corps program accredited by the northwest commission on colleges and universities to provide educational or vocational services that are supplemental to the educational programs offered by the resident school district. (2) A student who receives educational or vocational services at the Montana youth challenge program or a Montana job corps program pursuant to an agreement authorized under subsection (1) must be enrolled, for purposes of calculating average number belonging, in a public school in the student's district of residence. Credits taken at the Montana youth challenge program or an accredited Montana job corps program must be approved by the school district and meet the requirements for graduation at a school in the student's district of residence, must be taught by an instructor who has a current and appropriate Montana high school certification, and must be reported by the institution to the student's district of residence. Upon accumulating the necessary credits at a school in the district of residence or at the Montana youth challenge program or an accredited Montana job corps program pursuant to an interlocal cooperative agreement, a student must be allowed to graduate from the school in the student's district of residence. (3) A school district that, pursuant to an interlocal cooperative agreement, allows an enrolled student to attend the Montana youth challenge program or a Montana job corps program accredited as prescribed in subsection (1) is not responsible for payment of the student's transportation costs to the job corps program. (4) A student attending the Montana youth challenge program or a job corps program may not claim the Montana youth challenge program's or job corps program's facility as the student's residence for the purposes of this section.

Please let me know if you think the following is worthy of pursuing and if you agree... (This is second idea)

I wrote this letter to my Chief Executive in May of 2018:

Paraphrased, "Please look at the laws of MCA 20-4-2503 which states that 'an elected count superintendent of schools must receive, in addition to the salary based upon subsection (1) the sum of \$400 a year in addition to the base salary". It goes on to say if you have a Master's Degree, ... the sum can be increased up to \$2,000 a year. **The part that I'd like to see changed is "at the discretion of the county commissioners"** – they don't do this for any of the other listed positions. I've copied info below.

Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT
CHAPTER 4. OFFICERS AND EMPLOYEES

Part 25. Compensation and Official Fees

Salaries To Be Fixed By Resolution -- Cost-Of-Living Increments

7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. The county governing body shall annually adopt a resolution by the date established in **7-6-4036** to adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, clerk of district court, county auditor (if there is one), justice of the peace, county coroner, and county surveyor (if the surveyor receives a salary) by adding to the annual salary provided for in **7-4-2503**(1) a cost-of-living increment based upon the schedule developed and approved by the county compensation board provided for in **7-4-2503**(4).

History: En. Sec. 1, Ch. 306, L. 1973; R.C.M. 1947, 25-609.1; amd. Sec. 10, Ch. 443, L. 1979; amd. Sec. 2, Ch. 459, L. 1979; amd. Sec. 3, Ch. 518, L. 1981; amd. Sec. 25, Ch. 575, L. 1981; amd. Sec. 5, Ch. 12, Sp. L. June 1986; amd. Sec. 2, Ch. 257, L. 1989; amd. Sec. 2, Ch. 505, L. 1989; amd. Sec. 3, Ch. 527, L. 1991; amd. Sec. 11, Ch. 10, L. 1993; amd. Sec. 2, Ch. 230, L. 1995; amd. Sec. 2, Ch. 233, L. 1995; amd. sec. 36, Ch. 308, L. 1995; amd. Sec. 4, Ch. 507, L. 2001; amd. Sec. 10, Ch. 291, L. 2009; amd. Sec. 1, Ch. 62, L. 2013.

- [MCA Contents](#)
- [Search](#)
- [Help](#)
- [Part Contents](#)
- [Previous Section](#)
- [Next Section](#)
- 1. [MCA Contents](#)

2. [TITLE 7](#)
3. [CHAPTER 4](#)
4. [Part 25](#)
5. 7-4-2503 Salary schedule for certain county officers -- county compensation board

Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT

CHAPTER 4. OFFICERS AND EMPLOYEES

Part 25. Compensation and Official Fees

Salary Schedule For Certain County Officers -- County Compensation Board

7-4-2503. Salary schedule for certain county officers -- county compensation board. (1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, **county superintendent of schools**, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in **7-4-2812**, justice of the peace, county coroner, and county auditor in all counties in which the office is authorized must be established by the county governing body based upon the recommendations of the county compensation board provided for in subsection (4).

(b) Except as provided in subsection (2), the annual salary established pursuant to subsection (1)(a) must be uniform for all county officers referred to in subsection (1)(a). **this was done currently**

(2) (a) **An elected county superintendent of schools must receive, in addition to the salary based upon subsection (1), the sum of \$400 a year, * not following the law** except that an elected county superintendent of schools who holds a master of arts degree or a **master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 a year. * should consider following the law**

(b) The **county sheriff must receive**, in addition to the salary based upon subsection (1), the sum of \$2,000 a year.

(c) The county sheriff must receive a longevity payment amounting to 1% of the salary determined under subsection (1) for each year of service with the sheriff's office, but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases. The additional salary amount provided for in this subsection may not be included in the salary for purposes of computing the compensation for undersheriffs and deputy sheriffs as provided in **7-4-2508. * following the law**

(d) If the clerk and recorder is also the county election administrator, the **clerk and recorder may receive, in addition to the base salary provided in subsection (1)(a), up to \$2,000 a year.** The additional salary

provided for in this subsection (2)(d) may not be included as salary for the purposes of computing the compensation of any other county officers or employees. *** following the law**

(e) The county treasurer, clerk of district court, and justice of the peace may each receive, in addition to the base salary provided in subsection (1)(a), up to \$2,000 a year. The additional salary provided for in this subsection (2)(e) may not be included as salary for the purposes of computing the compensation of any other county officers or employees.

(f) The county coroner may be a part-time position, and the salary may be set accordingly. **\$37,611 (halftime would be \$37,251 – with some extra thrown in for travel) ?**

(g) The justice of the peace for a justice's court of record may receive, in addition to the base salary provided in subsection (1)(a), compensation up to an amount allowed by **3-10-207**.

(3) (a) Subject to subsection (3)(b), the salary for the county attorney must be set as provided in subsection (4). *** following the law**

(b) If the uniform base salary set for county officials pursuant to subsection (1) is increased, then the county attorney is entitled to at least the same increase unless the increase would cause the county attorney's salary to exceed the salary of a district court judge.

(c) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of employment as deputy county attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After completing 6 years of service as deputy county attorney and for each year of additional service up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual longevity salary increase of \$500 or a greater amount based on the schedule developed and recommended by the county compensation board as provided in subsection (4). Any additional annual longevity salary increase provided for in this section after the 11th year of service may not exceed the amount provided in the schedule developed and recommended by the county compensation board. *** following the law**

(ii) The years of service accumulated after the 11th year of service as a deputy county attorney prior to July 1, 2015, may not be included in the calculation of the longevity increases by the county compensation board under this section.

(iii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase.

(4) (a) There is a county compensation board consisting of:

(i) the county commissioners;

(ii) three of the county officials described in subsection (1) appointed by the board of county commissioners;

(iii) the county attorney;

(iv) two to four resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one or two taxpayer members for a 2-year term and one or two taxpayer members for a 3-year term; and

(v) (A) subject to subsection (4)(a)(v)(B), one resident taxpayer appointed by each of the three county officials described in subsection (4)(a)(ii).

(B) The appointments in subsection (4)(a)(v)(A) are not mandatory.

(b) The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise.

(c) The county compensation board shall prepare a compensation schedule for the elected county officials, including the county attorney, for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building

permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

(d) A recommended compensation schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority. A recommended compensation schedule may not reduce the salary of a county officer that was in effect on May 1, 2001.

(e) The provisions of this subsection (4) do not apply to a county that has adopted a charter form of government or to a charter, consolidated city-county government.

History: Ap. p. Sec. 1, Ch. 150, L. 1945; amd. Sec. 1, Ch. 177, L. 1949; amd. Sec. 1, Ch. 118, L. 1951; amd. Sec. 1, Ch. 222, L. 1953; amd. Sec. 1, Ch. 22, L. 1957; amd. Sec. 1, Ch. 66, L. 1959; amd. Sec. 1, Ch. 195, L. 1961; amd. Sec. 1, Ch. 216, L. 1965; amd. Sec. 1, Ch. 231, L. 1967; amd. Sec. 1, Ch. 284, L. 1969; amd. Sec. 1, Ch. 265, L. 1971; amd. Sec. 10, Ch. 391, L. 1973; amd. Sec. 1, Ch. 474, L. 1973; amd. Sec. 1, Ch. 331, L. 1974; amd. Sec. 3, Ch. 102, L. 1975; amd. Sec. 1, Ch. 195, L. 1975; amd. Sec. 1, Ch. 493, L. 1977; Sec. 25-605, R.C.M. 1947; Ap. p. Sec. 4, Ch. 150, L. 1945; amd. Sec. 1, Ch. 91, L. 1947; amd. Sec. 1, Ch. 177, L. 1949; Sec. 25-608, R.C.M. 1947; R.C.M. 1947, 25-605, 25-608; amd. Sec. 1, Ch. 459, L. 1979; amd. Sec. 4, Ch. 669, L. 1979; amd. Sec. 1, Ch. 518, L. 1981; amd. Sec. 1, Ch. 562, L. 1985; amd. Sec. 3, Ch. 719, L. 1985; amd. Sec. 4, Ch. 12, Sp. L. June 1986; amd. Sec. 1, Ch. 257, L. 1989; amd. Sec. 1, Ch. 505, L. 1989; amd. Sec. 2, Ch. 527, L. 1991; amd. Sec. 2, Ch. 667, L. 1991; amd. Sec. 10, Ch. 10, L. 1993; amd. Sec. 1, Ch. 230, L. 1995; amd. Sec. 1, Ch. 233, L. 1995; amd. sec. 36, Ch. 308, L. 1995; amd. Sec. 1, Ch. 411, L. 1999; amd. Sec. 5, Ch. 7, L. 2001; amd. Sec. 3, Ch. 507, L. 2001; amd. Sec. 1, Ch. 487, L. 2003; amd. Sec. 3, Ch. 36, L. 2005; amd. Sec. 1, Ch. 182, L. 2005; amd. Sec. 1, Ch. 200, L. 2007; amd. Sec. 3, Ch. 230, L. 2007; amd. Sec. 1, Ch. 133, L. 2009; amd. Sec. 9, Ch. 291, L. 2009; amd. Sec. 1, Ch. 178, L. 2015; amd. Sec. 1, Ch. 218, L. 2015.

Created by **LAWSON** 

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