



## ADMINISTRATIVE RULES OF MONTANA



### 10.55.716 SUBSTITUTE TEACHERS

- (1) Substitute teachers may be used for extended teacher absences under the following conditions:
  - (a) In cases where a regular, licensed teacher under contract is temporarily unable, by reason of illness or for other reasons approved by the local board of trustees, to fulfill the teacher's duties, substitute teachers may be employed to carry on the duties of that teacher's position for a period not to exceed 35 consecutive teaching days. Such substitutes need not hold a current license, but preference shall be given to those substitutes who are properly licensed.
  - (b) If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the substitute may be placed under contract if licensed or the local board of trustees shall place a licensed teacher under contract. If the local board of trustees makes a written declaration to the Superintendent of Public Instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of ARM 10.57.107.
- (2) Any nonlicensed substitute teacher shall complete a minimum of three hours of training, as approved by the local board of trustees.
- (3) Any nonlicensed substitute teacher must have received a high school diploma or have attained a passing score on the general education development assessment.
- (4) A district that employs a nonlicensed substitute teacher must conduct a fingerprint-based background check of that individual according to the following procedures:
  - (a) The nonlicensed substitute teacher must present a complete set of fingerprints to a qualified law enforcement agency to be submitted to the school district.
  - (b) The district shall not employ the nonlicensed substitute teacher until state and federal authorities have reported the results of the background check or until the district has conducted a reference check of the individual.
  - (c) The district shall consider the information obtained from the results of the fingerprint-based background check under the provisions of Title 37, chapter 1, part 2, MCA, governing the licensure of criminal offenders and under 20-4-110, MCA. Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the district as grounds for removal from the classroom if the conviction was for a sexual offense, theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA.

**Authorizing statute(s):** Mont. Const. Art. X, sec. 9, 20-2-114, 20-2-121, 20-4-102, 20-7-101, MCA

**Implementing statute(s):** Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-4-102, 20-7-101, MCA

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**History:** NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD & TRANS, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2007 MAR p. 504, Eff. 4/27/07; AMD, 2012 MAR p. 2042, Eff. 7/1/13; AMD, 2023 MAR p. 255, Eff. 7/1/23.