

SUPREME COURT OF MONTANA

King v. Hays/Lodge Pole Public School District 50 Board of Trustees

259 P.3d 772 (Mont. 2011) · No. DA 11-0099 · Decided August 17, 2011

SUMMARY

The Supreme Court of Montana held that teacher and principal positions are comparable positions of employment under Montana Code Annotated § 20-4-203(1), allowing a school district to reassign a tenured principal to a teaching position even when the principal position was not eliminated for financial reasons. The court also held that the Board was not required to provide advance written notice or a hearing before the reassignment. The court reversed the district court and remanded with instructions to reinstate the State Superintendent's decision.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Patricia O. Cotter; Mike McGrath, C.J.; James C. Nelson; Michael E. Wheat; Jim Rice
JURISDICTION	Montana
DECIDED	August 17, 2011
DOCKET	DA 11-0099
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The school district appealed the First Judicial District Court's reversal of the State Superintendent of Public Instruction's decision upholding King's reassignment from high school principal to elementary teacher.
STANDARD OF REVIEW	The Supreme Court reviewed the District Court's interpretation and application of the statute for correctness and applied the same correctness standard to the agency's conclusions of law and the District Court's review of the administrative decision.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Montana
PARTIES	Hays/Lodge Pole Public School District # 50 Board of Trustees v. Norma Jean King

TOPICS

employment law

administrative law

statutory interpretation

judicial review of agency action

appellate procedure

PRACTICE AREAS

employment law

administrative law

education law

QUESTIONS PRESENTED

1. Whether teacher and principal positions are comparable positions of employment under Montana Code Annotated § 20-4-203(1) when a tenured principal is reassigned to a teaching position for reasons unrelated to financial constraints.
2. Whether the phrase "last-executed contract" in § 20-4-203(1) requires retention in the same position or prohibits reassignment to a comparable position.
3. Whether the Board violated due process by failing to provide advance written notice and a hearing before reassigning King.

HOLDINGS

1. A teacher position and a principal position are comparable positions of employment under § 20-4-203(1), MCA, even when the principal position has not been eliminated for financial reasons.
2. The phrase "last-executed contract" requires the Board to consider the employee's prior salary and job description, but it does not eliminate the statutory authority to reassign the employee to a comparable position.
3. The Board was not required to provide advance written notice or a formal hearing before reassigning King.

KEY QUOTATIONS

"Based on the applicable statutes and case law, we hold that a teacher position and a principal position are comparable positions under § 20-4-203(1), MCA, even in situations where one of the positions has not been eliminated for financial reasons." (259 P.3d 777)

"The 'comparable position' language, however, allows the School District to retain a tenured employee in the same position at the same salary or to reassign the employee at the same salary to a comparable position to that identified in her last employment contract." (259 P.3d 777)

"Finally, we reject King's due process argument that the Board unlawfully failed to provide her with advance written notice of reassignment and an opportunity for a hearing to challenge her reassignment." (259 P.3d 777)

FACTUAL BACKGROUND

Norma Jean King was a tenured school employee who had served as a teacher and principal in the Hays/Lodge Pole School District. After three years as high school principal, the Board reassigned her to an elementary

teaching position even though the principal position continued to exist and no financial constraints or wrongdoing were asserted. The reassignment increased her salary by more than \$3,000 and reduced her required workdays by 20.

PROCEDURAL HISTORY

King appealed her reassignment to the county superintendent, who affirmed the Board's decision. The State Superintendent of Public Instruction likewise affirmed, concluding that teacher and principal were comparable positions under Montana Code Annotated § 20-4-203. The First Judicial District Court reversed the State Superintendent, but the Montana Supreme Court reversed the District Court and remanded with instructions to reinstate the State Superintendent's decision.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reinstate the State Superintendent of Public Instruction's decision affirming the Board's reassignment of King.

CASES CITED

- Kulstad v. Maniaci, 2009 MT 403, 353 Mont. 467, 221 P.3d 127
- Pennaco Energy, Inc. v. Mont. Bd. of Envtl. Review, 2008 MT 425, 347 Mont. 415, 199 P.3d 191
- Holmes v. Bd. of Trustees, 243 Mont. 263, 792 P.2d 10 (1990)
- Massey v. Argenbright, 211 Mont. 331, 683 P.2d 1332 (1984)
- Sorlie v. School Dist., 205 Mont. 22, 667 P.2d 400 (1983)
- Kessel v. Liberty Northwest Ins. Corp., 2007 MT 305, 340 Mont. 92, 172 P.3d 599