



ADMINISTRATIVE RULES OF MONTANA



10.57.601A DEFINITION OF "IMMORAL CONDUCT"

- (1) "Immoral conduct" related to the teaching profession, under 20-4-110(1)(f), MCA, includes, but is not limited to:
 - (a) sexual contact, as defined in 45-2-101, MCA, or sexual intercourse as defined in 45-2-101, MCA, involving a minor or a person the applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school;
 - (b) conduct, whether resulting in the filing of criminal charges or not, which would constitute an offense under any of the following statutes of this state:
 - (i) 45-5-502, MCA, (sexual assault);
 - (ii) 45-5-503, MCA, (sexual intercourse without consent);
 - (iii) 45-5-504, MCA, (indecent exposure);
 - (iv) 45-5-505, MCA, (deviate sexual conduct), if the conduct either was non-consensual or involved a minor or a person the applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school;
 - (v) 45-5-507, MCA, (incest);
 - (vi) 45-5-601, 45-5-602, or 45-5-603, MCA, (offenses involving prostitution);
 - (vii) 45-5-622(2), MCA, (endangering the welfare of children);
 - (viii) 45-5-623, MCA, (unlawful transactions with children);
 - (ix) 45-5-625, MCA, (sexual abuse of children);
 - (x) 45-8-201, MCA, (obscenity);
 - (xi) 45-5-627, MCA, (ritual abuse of minor);
 - (xii) any statute in Title 45, chapter 9, part 1, MCA, (dangerous drugs);
 - (xiii) 45-5-220, MCA, (stalking);
 - (xiv) 45-5-223, MCA, (surreptitious visual observation or recordation);
 - (xv) 45-10-103, MCA, (criminal possession of drug paraphernalia);
 - (xvi) 45-10-105, MCA, (delivery of drug paraphernalia to a minor);

- (xvii) 45-8-334, MCA, (possession of a destructive device);
- (xviii) 45-8-361, MCA, (possession or allowing possession of weapon in school building);
- (xix) 45-8-403, MCA, (use of threat to coerce gang membership);
- (xx) 45-8-406, MCA, (supplying of firearms to criminal street gang);
- (xxi) 45-5-622(3), MCA (endangering welfare of children);
- (c) repeated convictions for violations of any one or more of the criminal laws of this state, which violations are not otherwise grounds for suspension or revocation, if the repeated convictions, taken together, demonstrate that the teacher, specialist or administrator is unwilling to conform their conduct to the requirements of law;
- (d) occurrences related to ARM 24.9.1003(3), (sexual harassment), defined as "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature" when:
 - (i) submission to the conduct is explicitly or implicitly made a term or condition of education;
 - (ii) submission to or rejection of the conduct is used as the basis for an educational decision affecting the individual; and/or
 - (iii) the conduct has the purpose or effect of unreasonably interfering with school performance or creating an intimidating, hostile or offensive learning environment.
- (e) submitting false credentials, omitting relevant information, or making any statement of material fact an applicant or licensee knows to be false to apply for a license, endorsement, employment, or promotion. False credentials include but are not limited to:
 - (i) college degrees or credit from non-accredited or -approved colleges or universities;
 - (ii) false professional development credit;
 - (iii) false academic awards; or
 - (iv) inaccurate employment history;
- (f) significant misuse of technology or electronic communication involving a minor or a person an applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school, including but not limited to misuse of computers, cellular telephones, or other electronic devices; or
- (g) intentionally falsifying or deliberately misrepresenting information regarding standardized assessment of students, including but not limited to providing or changing test answers or using inappropriate testing accommodations or modifications.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-4-102, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-4-110, MCA

History: NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2022 MAR p. 799, Eff. 5/28/22.