

SENATE BILL NO. 138

INTRODUCED BY R. TEMPEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS TO AFFIRM A TEACHER'S AUTHORITY TO MAINTAIN A POSITIVE CLASSROOM LEARNING ENVIRONMENT; REQUIRING SCHOOL DISTRICT TRUSTEES TO AFFIRM THIS AUTHORITY IN POLICY OR EMPLOYEE AGREEMENTS; ALLOWING TEACHERS TO TEMPORARILY EXCLUDE A PUPIL FROM THE CLASSROOM IF THE PUPIL'S BEHAVIOR IMPEDES TEACHING OR LEARNING; REQUIRING THAT A PUPIL EXCLUDED FROM A CLASSROOM RETURNS ONLY WHEN A RETURN PLAN IS COMMUNICATED TO THE TEACHER; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**NEW SECTION. Section 1. Teacher authority to maintain positive classroom learning**

**environment.** (1) Pursuant to 20-4-302, a teacher has the authority to maintain a positive classroom learning environment. The trustees of a school district shall adopt a policy or include language in employee agreements defining the authority and procedure to be used by a teacher in the temporary exclusion of a pupil from the teacher's classroom in accordance with the minimum requirements of this section. The policy or language may provide a teacher with greater authority than that provided in this section but may not contradict:

(a) the individualized education program of a child with a disability;

(b) an accommodation plan under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, that includes behavior supports; or

(c) any other intervention plan that incorporates a behavior plan.

(2) (a) A teacher may temporarily exclude a pupil from the teacher's classroom if the pupil behaves in a manner that impedes the teaching or learning process of others.

(b) A teacher excluding a pupil under subsection (2)(a) shall direct the pupil to the school principal, the principal's designee, or another individual designated by the board of trustees.

(c) A pupil excluded under subsection (2)(a) may not return to the classroom until the school

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Drafter: Pad McCracken,

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principal or designee communicates a return plan to the teacher. The return plan may include but is not limited to components, such as:

- (i) a behavioral contract with the pupil;
- (ii) communication with the pupil's parents or guardian;
- (iii) a meeting with any of the following:
  - (A) the pupil;
  - (B) the teacher;
  - (C) the school principal or designee;
  - (D) the pupil's parents or guardian; or
  - (E) any other individual who may contribute to the return plan.

(d) A pupil excluded under subsection (2)(a) who does not fulfill the return plan or repeatedly behaves in a manner that impedes the teaching or learning process of others is subject to further discipline, including permanent removal from the teacher's classroom pursuant to policies adopted by the board of trustees or suspension or expulsion as provided in 20-5-202.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 20, chapter 4, part 3, and the provisions of Title 20, chapter 4, part 3, apply to [section 1].

**NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2025.

**NEW SECTION. Section 4. Applicability.** [This act] applies to school years beginning on or after July 1, 2025.

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