

Amendment - 1st Reading-white - Requested by: Sara Novak - (S) Education and Cultural Resources

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

SB0138.001.002

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 IN QUALIFYING DISTRICTS 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 and 20-5-201, a teacher has the authority to maintain a positive ~~classroom~~ learning environment and exercise authority over pupils in the classroom. 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 a school of the district with at least a half-time principal 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 due process for any pupil or the requirements of:

(a) ~~the individualized education program of a child with a disability~~ Title 20, chapter 7, part 4;

(b) the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq;

(c) the Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq.; or

(d) section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(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.

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(b) A teacher excluding a pupil under subsection (2)(a) shall direct the pupil to the school principal, or 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 principal or designee communicates a return plan to the teacher. The contents of the return plan must be within the full discretion of the principal or designee and may include but is-are not limited to the following components:

- (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 be invited to contribute to the return plan without violating the pupil's rights under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended.

(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-may be subject to further discipline imposed by the district, including permanent removal from the teacher's classroom pursuant to policies adopted by the board of trustees, or-including suspension or expulsion as provided in 20-5-202, and in compliance with the Individuals With Disabilities Education Act.

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

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AMENDED