

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