

HOUSE BILL NO. 219

INTRODUCED BY J. PRICE

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A BILL FOR AN ACT ENTITLED: "AN ACT PROMOTING SAFE SCHOOLS; REQUIRING EACH SCHOOL DISTRICT TO ADOPT A POLICY DETERRING THREATENING, INSULTING, OR DEMEANING BEHAVIOR; PROVIDING MINIMUM REQUIREMENTS FOR THE CONTENTS OF A SCHOOL DISTRICT POLICY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Student protection -- requirements of district trustees.** (1) A local board

of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for the conduct, that:

- (a) causes a student physical or emotional harm, damages a student's property, or presents a reasonable fear of harm to a student or the student's property;
- (b) substantially and materially interferes with access to an educational opportunity or benefit; or
- (c) substantially and materially disrupts the orderly operation of the school.

(2) Behavior prohibited under subsection (1) includes retaliation against a victim or witness who reports behavior prohibited under subsection (1).

(3) The behavior prohibited in subsection (1) includes but is not limited to conduct:

- (a) in a classroom or other location on school premises;
- (b) during any school-sponsored program, activity, or function where the school is responsible for a student, including when a student is traveling to and from school or on a school bus or other vehicle used for school purposes; or
- (c) through the use of electronic communication, as defined in 45-8-213, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for a student.

(4) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under subsection (1), but each district's policies and procedures must



1 include at a minimum:

2 (a) a prohibition on the behavior specified in subsection (1), regardless of the underlying reason or  
3 reasons that a student has engaged in that behavior;

4 (b) a procedure for reporting and documenting reported behavior prohibited under subsection (1);

5 (c) a procedure for investigation of all reports of behavior prohibited under subsection (1)(a) that includes  
6 an identification of the persons responsible for the investigation and response;

7 (d) a procedure for determining whether the reported behavior is subject to the jurisdiction of the school  
8 district or another public agency, including law enforcement, and a procedure for referral to the necessary  
9 persons or entity with appropriate jurisdiction;

10 (e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the  
11 alleged perpetrator or of the parents or guardian of the students when the students are minors;

12 (f) a procedure to protect any alleged victim of behavior prohibited under subsection (1)(a) from further  
13 incidents of such behavior;

14 (g) a disciplinary procedure establishing the consequences for a student found to have committed  
15 behavior prohibited under subsection (1); and

16 (h) a procedure for the use of appropriate intervention and remediation for victims and perpetrators.

17 (5) As used in this section, "persistent" means repeated acts against a single student or isolated acts  
18 directed against a number of different students.

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20 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
21 integral part of Title 20, chapter 5, and the provisions of Title 20, chapter 5, apply to [section 1].

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23 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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