

HOUSE BILL NO. 352
INTRODUCED BY D. BARRETT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING MORE GUIDANCE FOR SCHOOL BOARD OF TRUSTEE POLICIES THAT ADDRESS IMPROPER STUDENT BEHAVIOR, INCLUDING THREATS AGAINST THE LIFE OF ANOTHER STUDENT; AND AMENDING SECTION 20-5-201, MCA."

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

Section 1. Section 20-5-201, MCA, is amended to read:

"20-5-201. Duties and sanctions. (1) A pupil ~~shall~~:

- (a) shall comply with the policies of the trustees and the rules of the school that the pupil attends;
- (b) shall pursue the required course of instruction;
- (c) shall submit to the authority of the teachers, principal, and district superintendent of the district; and
- (d) ~~be is~~ is subject to the control and authority of the teachers, principal, and district superintendent while the pupil is in school or on school premises, on the way to and from school, or during intermission or recess.

(2) (a) A pupil who continually and willfully disobeys the provisions of this section; or shows open defiance of the authority vested in school personnel by this section; ~~defaces or damages any school building, school grounds, furniture, equipment, book belonging to the district, or harms or threatens to harm another person or the person's property~~ is liable for punishment, suspension, or expulsion under the provisions of this title. ~~When a pupil defaces or damages school property the pupil's parent or guardian is liable for the cost of repair or replacement upon the complaint of the teacher, principal, superintendent, or any trustee and the proof of any damage.~~

(b) When a pupil defaces or damages another person's property or school property, including any school building, school grounds, furniture, equipment, or book belonging to the district, the pupil's parent or guardian is liable for the cost of repair or replacement upon the complaint of a teacher, principal, district superintendent, or trustee and upon proof of any damage.

(c) School district policies must distinguish between improper student behavior of varying severity and its corresponding consequences. Threats upon the life of another student, whether conveyed through a gesture or a written, verbal, or physical act, must, at a minimum, result in:

- (i) notification of a school safety officer or the local police;

(ii) notification of the parent or guardian of the student who has received the threat regarding both the incident and the specific resulting action that will be taken by the school; and

(iii) a sanction more serious than the school would impose for improper student behavior that does not involve a threat upon the life of another student.

(3) In addition to the sanctions prescribed in this section, the trustees of a high school district may deny a high school pupil the honor of participating in the graduation exercise or exclude a high school pupil from participating in school activities. The trustees may not take action under this subsection until the incident or infraction causing the consideration has been investigated and the trustees have determined that the high school pupil was involved in the incident or infraction.

(4) (a) A school district may withhold the grades, diploma, or transcripts of a pupil who is responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's parent or guardian satisfies the obligation.

(b) A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and the pupil's parent or guardian pursuant to subsection (4)(a) shall:

(i) upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;

(ii) forward appropriate grades or transcripts to the school to which the pupil has transferred;

(iii) at the same time, notify the school district of any financial obligation of the pupil and request the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;

(iv) when the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district to which the pupil has transferred; and

(v) adopt a policy regarding a process for a pupil or the pupil's parent or guardian to appeal the school district's decision to request that another school district withhold a pupil's grades, diploma, or transcripts.

(c) Upon receiving notice that a school district has requested the withholding of the grades, diploma, or transcripts of a pupil under this subsection (4), a school district to which the pupil has transferred shall withhold the grades, diploma, or transcripts of the pupil until it receives notice, from the district that initiated the decision, that the decision has been rescinded under the terms of subsection (4)(a)."

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