1   HOUSE BILL NO. 361

2   INTRODUCED BY B. LER, S. GUNDERSON, C. KNUDSEN, S. ESSMANN, B. MITCHELL, P. FIELDER, J.

3   HINKLE, A. REGIER, K. SEEKINS-CROWE, R. MARSHALL, C. HINKLE, J. BERGSTROM, M. YAKAWICH, B.

4   BROWN, J. FULLER, B. USHER, C. GLIMM, P. GREEN, G. KMETZ, D. ZOLNIKOV, R. MINER, J. TREBAS, B.

5   PHALEN, L. DEMING, T. SMITH, N. DURAM, R. KNUDSEN

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7   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING DISCRIMINATORY PRACTICES

8   IN EDUCATION; PROVIDING THAT IT IS NOT A DISCRIMINATORY PRACTICE FOR A STUDENT TO CALL

9   A STUDENT BY THE STUDENT'S LEGAL NAME OR REFERENCE THE STUDENT BY THE STUDENT'S

10   SEX; AMENDING SECTION 49-2-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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14   NEW SECTION. **Section 1.   Certain district policies prohibited.** The trustees of a school district

15   may not adopt a policy that subjects a student to disciplinary action for behavior that is not considered an

16   unlawful discriminatory practice pursuant to 49-2-307(2), if the behavior does not rise to the definition of bullying

17   as provided in 20-5-208.

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19   **Section 2.** Section 49-2-307, MCA, is amended to read:

20   **"49-2-307.   Discrimination in education.** (1) It is an unlawful discriminatory practice for an

21   educational institution:

22   (1)(a)   to exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a

23   student or an individual enrolled as a student in the terms, conditions, or privileges of the institution because of

24   race, creed, religion, sex, marital status, color, age, physical disability, or national origin or because of mental

25   disability, unless based on reasonable grounds;

26   (2)(b)   to make or use a written or oral inquiry or form of application for admission that elicits or

27   attempts to elicit information or to make or keep a record concerning the race, color, sex, marital status, age,

28   creed, religion, physical or mental disability, or national origin of an applicant for admission, except as permitted