68th Legislature 2023 Drafter: Rachel Weiss, 406-444-5367 HB0361.001.002

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
6	
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."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	
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).
17	
18	Section 2. Section 49-2-307, MCA, is amended to read:
19	"49-2-307. Discrimination in education. (1) It is an unlawful discriminatory practice for an
20	educational institution:
21	(1)(a) to exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a
22	student or an individual enrolled as a student in the terms, conditions, or privileges of the institution because of
23	race, creed, religion, sex, marital status, color, age, physical disability, or national origin or because of mental
24	disability, unless based on reasonable grounds;
25	(2)(b) to make or use a written or oral inquiry or form of application for admission that elicits or
26	attempts to elicit information or to make or keep a record concerning the race, color, sex, marital status, age,
27	creed, religion, physical or mental disability, or national origin of an applicant for admission, except as permitted
28	by regulations of the commission;



## Amendment - 1st Reading-white - Requested by: Casey Knudsen - (H) Judiciary

- 2023

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1	(3)(c) to print, publish, or cause to be printed or published a catalog or other notice or advertisement
2	indicating a limitation, specification, or discrimination based on the race, color, creed, religion, age, physical or
3	mental disability, sex, marital status, or national origin of an applicant for admission; or
4	(4)(d) to announce or follow a policy of denial or limitation of educational opportunities of a group or
5	its members, through a quota or otherwise, because of race, color, sex, marital status, age, creed, religion,
6	physical or mental disability, or national origin.
7	(2) For the purposes of this section, it is not an unlawful discriminatory practice for a student to:
8	(a) call another student by the student's legal name; or
9	(b) refer to another student by the student's sex."
10	
11	NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
12	integral part of Title 20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply to [section 1].
13	
14	NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
15	- END -

