

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

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

10 BY THE STUDENT'S SEX; AMENDING SECTION 49-2-307, MCA; AND PROVIDING AN IMMEDIATE

11 EFFECTIVE DATE."

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

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

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

17 unlawful discriminatory practice pursuant to 49-2-307(2), IF THE BEHAVIOR DOES NOT RISE TO THE DEFINITION OF

18 BULLYING AS PROVIDED IN 20-5-208.

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

21 **"49-2-307. Discrimination in education.** (1) It is an unlawful discriminatory practice for an

22 educational institution:

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

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

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

26 disability, unless based on reasonable grounds;

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

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

1 creed, religion, physical or mental disability, or national origin of an applicant for admission, except as permitted  
2 by regulations of the commission;

3 ~~(3)(c)~~ to print, publish, or cause to be printed or published a catalog or other notice or advertisement  
4 indicating a limitation, specification, or discrimination based on the race, color, creed, religion, age, physical or  
5 mental disability, sex, marital status, or national origin of an applicant for admission; or

6 ~~(4)(d)~~ to announce or follow a policy of denial or limitation of educational opportunities of a group or  
7 its members, through a quota or otherwise, because of race, color, sex, marital status, age, creed, religion,  
8 physical or mental disability, or national origin.

9 (2) For the purposes of this section, it is not an unlawful discriminatory practice for a student to:

10 (a) ~~inadvertently~~ call another student by the student's legal name; or

11 (b) ~~inadvertently~~ refer to another student by the student's sex."

12  
13 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
14 integral part of Title 20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply to [section 1].

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16 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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