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HOUSE BILL NO. 913

INTRODUCED BY B. BARKER, D. BEDEY, F. ANDERSON, L. REKSTEN, J. BERGSTROM

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SCHOOL LIBRARY LAWS; REQUIRING SCHOOL TRUSTEES TO ADOPT POLICIES GOVERNING THE SELECTION OF SCHOOL LIBRARY MATERIALS; REQUIRING THE TRUSTEES TO PROVIDE A PROCESS FOR A REGISTERED ELECTOR OF THE DISTRICT TO REQUEST THE RECONSIDERATION OF MATERIAL INCLUDED IN A SCHOOL LIBRARY COLLECTION; REQUIRING THE TEMPORARY OR PERMANENT REMOVAL OF MATERIAL FROM A SCHOOL LIBRARY COLLECTION IF CERTAIN THRESHOLDS ARE MET; REQUIRING THE TRUSTEES TO ISSUE A WRITTEN DECISION REGARDING THE DISPOSITION OF A REQUEST FOR RECONSIDERATION; PROVIDING THAT THE TRUSTEES' DECISION MAY BE APPEALED DIRECTLY TO DISTRICT COURT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-3-210, 20-3-324, 20-7-203, AND 20-7-204, MCA; AND PROVIDING AN A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 20-3-210, MCA, is amended to read:

**"20-3-210. Controversy appeals and hearings.** (1) Except for disputes arising under the terms of a collective bargaining agreement or as provided under 20-3-211 or, 20-4-208, or [section 5], the county superintendent shall hear and decide all matters of controversy arising in the county as a result of decisions of the trustees of a district in the county. Only a county superintendent who possesses the qualifications of 20-3-201(2) may hear controversies related to teacher termination. Except as provided in subsection (2), exhaustion of administrative remedies under this chapter is required prior to filing an action in district court concerning a decision of the trustees. When appeals are made under 20-4-204 relating to the termination of services of a tenure teacher or under 20-4-207 relating to the dismissal of a teacher under contract, the county superintendent may appoint a qualified attorney to act as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. Subsequently, either the teacher or trustees may appeal to the district court of the county in which the teacher was employed. The proceedings must be commenced not

**Amendment - 1st Reading-white - Requested by: Brad Barker - (H) Education**

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

HB0913.001.001

1 administrative rules necessary to implement the provisions of [sections 1 through 5].

2

3 NEW SECTION. Section 7. Codification instruction. [Section 5] is intended to be codified as an  
4 integral part of Title 20, chapter 7, part 2, and the provisions of Title 20, chapter 7, part 2, apply to [section 5].

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6 NEW SECTION. Section 8. Effective date. [This act] is effective ~~July 1, 2023~~ January 1, 2024.

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- END -

AMENDED