

1 SENATE BILL NO. 138

2 INTRODUCED BY R. TEMPEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS TO AFFIRM A TEACHER'S
5 AUTHORITY TO MAINTAIN A POSITIVE CLASSROOM LEARNING ENVIRONMENT; REQUIRING SCHOOL
6 DISTRICT TRUSTEES TO AFFIRM THIS AUTHORITY IN POLICY ~~OR EMPLOYEE AGREEMENTS~~;
7 ALLOWING TEACHERS IN QUALIFYING DISTRICTS TO TEMPORARILY EXCLUDE A PUPIL FROM THE
8 CLASSROOM IF THE PUPIL'S BEHAVIOR IMPEDES TEACHING OR LEARNING; REQUIRING THAT A
9 PUPIL EXCLUDED FROM A CLASSROOM RETURNS ONLY WHEN A RETURN PLAN IS COMMUNICATED
10 TO THE TEACHER; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY 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. Teacher authority to maintain positive classroom learning**
15 **environment.** (1) Pursuant to 20-4-302 AND 20-5-201, a teacher has the authority to maintain a positive
16 ~~classroom~~ learning environment AND EXERCISE AUTHORITY OVER PUPILS IN THE CLASSROOM. The trustees of a
17 school district shall adopt a policy ~~or include language in employee agreements~~ defining the authority and
18 procedure to be used by a teacher IN A SCHOOL OF THE DISTRICT WITH AT LEAST A HALF-TIME PRINCIPAL in the
19 temporary exclusion of a pupil from the teacher's classroom in accordance with the minimum requirements of
20 this section. The policy ~~or language~~ may provide a teacher with greater authority than that provided in this
21 section but may not contradict DUE PROCESS FOR ANY PUPIL OR THE REQUIREMENTS OF:

- 22 (A) ~~the individualized education program of a child with a disability~~ TITLE 20, CHAPTER 7, PART 4;
23 (B) THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. 1400, ET SEQ;
24 (C) THE AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. 12101, ET SEQ.; OR
25 (D) SECTION 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. 794.

26 (2) (a) A teacher IN A SCHOOL WITH AT LEAST A HALF-TIME PRINCIPAL may temporarily exclude a pupil
27 from the teacher's classroom FOR A PERIOD OF TIME NOT TO EXCEED 24 HOURS if the pupil behaves in a manner
28 that impedes the teaching or learning process of others.

1 (b) A teacher excluding a pupil under subsection (2)(a) shall direct the pupil to the school principal,
2 ~~OR the principal's designee, or another individual designated by the board of trustees.~~

3 (c) A pupil excluded under subsection (2)(a) may not return to the classroom until the school
4 principal or designee communicates a return plan to the teacher. The CONTENTS OF THE return plan MUST BE
5 WITHIN THE FULL DISCRETION OF THE PRINCIPAL OR DESIGNEE AND may include but ~~is~~ARE not limited to THE
6 FOLLOWING components:

7 (i) a behavioral contract with the pupil;

8 (ii) communication with the pupil's parents or guardian;

9 (iii) a meeting with any of the following:

10 (A) the pupil;

11 (B) the teacher;

12 (C) the school principal or designee;

13 (D) the pupil's parents or guardian; or

14 (E) any other individual who may BE INVITED TO contribute to the return plan WITHOUT VIOLATING THE
15 PUPIL'S RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, 20 U.S.C. 1232G, AS AMENDED.

16 (d) A pupil excluded under subsection (2)(a) who does not fulfill the return plan or repeatedly
17 behaves in a manner that impedes the teaching or learning process of others ~~is~~MAY BE subject to further
18 discipline IMPOSED BY THE DISTRICT, including permanent removal from the teacher's classroom pursuant to
19 policies adopted by the board of trustees, ~~or~~INCLUDING suspension or expulsion as provided in 20-5-202, AND IN
20 COMPLIANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

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22 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
23 integral part of Title 20, chapter 4, part 3, and the provisions of Title 20, chapter 4, part 3, apply to [section 1].

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25 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2025.

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27 NEW SECTION. Section 4. Applicability. [This act] applies to school years beginning on or after
28 July 1, 2025.

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