

1 SENATE BILL NO. 213
2 INTRODUCED BY E. MCCLAFFERTY, D. HAWK, S. WEBBER, M. FOX, J. GROSS, W. CURDY, S. O'BRIEN,
3 E. BOLDMAN, C. POPE, J. ELLIS, A. OLSEN, P. FLOWERS, R. LYNCH, D. HAYMAN, M. DUNWELL, S.
4 MORIGEAU, D. SALOMON, R. TEMPEL, M. LANG, J. LYNCH, D. HARVEY, M. ROMANO, T. VERMEIRE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SCHOOL SAFETY; REQUIRING
7 ANNUAL REVIEW OF SCHOOL SAFETY OR EMERGENCY OPERATIONS PLANS BY SCHOOL DISTRICT
8 TRUSTEES; CLARIFYING THE ABILITY TO USE SCHOOL SAFETY FUNDS FOR COMMUNITYWIDE
9 PROGRAMS AND TRAINING; REQUIRING COUNTY OR REGIONAL INTERDISCIPLINARY CHILD
10 INFORMATION AND SCHOOL SAFETY TEAMS TO ADOPT WRITTEN AGREEMENTS FOR OPERATIONS;
11 AMENDING SECTIONS 20-1-401, 20-9-236, AND 52-2-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

14
15 **Section 1.** Section 20-1-401, MCA, is amended to read:

16 **"20-1-401. Disaster drills to be conducted regularly -- districts to identify disaster risks and**
17 **adopt school safety plan.** (1) As used in this part, "disaster" means the occurrence or imminent threat of
18 damage, injury, or loss of life or property. Disaster drills must be conducted regularly in accordance with this
19 part.

20 (2) A board of trustees shall identify the local hazards that exist within the boundaries of its school
21 district and design and incorporate drills in its school safety plan or emergency operations plan to address
22 those hazards.

23 (3) (a) A board of trustees shall adopt a school safety plan or emergency operations plan that
24 addresses issues of school safety relating to school buildings and facilities, communications systems, and
25 school grounds with the input from the local community and that addresses coordination ~~on issues of school~~
26 ~~safety, if any,~~ with the county or regional interdisciplinary child information and school safety team provided for
27 in 52-2-211. ~~The trustees shall certify to the office of public instruction that a school safety plan or emergency~~

Amendment - 1st Reading-white - Requested by: Edith (Edie) McClafferty - (S) Education and Cultural Resources

68th Legislature

Drafter: Pad McCracken, 406-444-3595

SB0213.001.002

1 ~~operations plan has been adopted.~~ The trustees shall review the school safety plan or emergency operations
2 plan ~~periodically~~ at least annually and update the plan as determined necessary by the trustees based on
3 changing circumstances pertaining to school safety.

4 (b) The school safety plan or emergency operations plan must include the following threat
5 assessment practices:

6 (i) the adoption of a threat assessment protocol, outlining policies and procedures for
7 implementation when there is notification of a student threat of harm to others or property; and

8 (ii) an identified threat assessment team, composed of key staff, that meets at least monthly and
9 may include behavioral threat assessment addressing students in need of academic and behavioral supports or
10 interventions.

11 ~~(b)(c)~~ The trustees shall certify annually to the office of public instruction that ~~a~~ the adopted school
12 safety plan or emergency operations plan has been reviewed. Once the trustees have made the certification to
13 the office of public instruction, the trustees may transfer funds pursuant to 20-9-236 to make improvements to
14 school safety and security."

15
16 **Section 2.** Section 20-9-236, MCA, is amended to read:

17 **"20-9-236. Transfer of funds -- improvements to school safety and security.** (1) A school district
18 that has certified to the office of public instruction a current school safety plan or emergency operations plan
19 pursuant to 20-1-401 may transfer state or local revenue from any budgeted or nonbudgeted fund, other than
20 the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school
21 district's estimated costs of improvements to school and student safety and security as follows:

22 (a) planning for improvements to and maintenance of school and student safety, including but not
23 limited to the cost of staffing for or services provided by architects, engineers, school resource officers,
24 counselors, and other staff or consultants assisting the district with improvements to school and student safety
25 and security;

26 (b) programs and training for school employees, students, parents, and community members
27 approved by the trustees to support school and student safety and security, including but not limited to active

Amendment - 1st Reading-white - Requested by: Edith (Edie) McClafferty - (S) Education and Cultural Resources

68th Legislature

Drafter: Pad McCracken, 406-444-3595

SB0213.001.002

1 shooter training, ~~in-school and out-of-school threat assessments~~ threat assessment practices pursuant to 20-1-
2 401(3)(b), and restorative justice;

3 (c) installing or updating locking mechanisms and ingress and egress systems at public school
4 access points, including but not limited to systems for exterior egress doors and interior passageways and
5 rooms, using contemporary technologies;

6 (d) installing or updating bullet-resistant windows and barriers; and

7 (e) installing or updating emergency response systems using contemporary technologies.

8 (2) Any transfers made pursuant to subsection (1) are not considered expenditures to be applied
9 against budget authority. Any revenue transfers that are not encumbered for expenditures in compliance with
10 subsection (1) within 2 full school fiscal years after the funds are transferred must be transferred back to the
11 originating fund from which the revenue was transferred.

12 (3) The intent of this section is to increase the flexibility and efficiency of school districts without an
13 increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund
14 supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the
15 transferred funds."

16

17 **Section 3.** Section 52-2-211, MCA, is amended to read:

18 **"52-2-211. County or regional interdisciplinary child information and school safety team. (1)**

19 The county commissioners of each county shall ensure the formation of a county or regional interdisciplinary
20 child information and school safety team that includes representatives authorized by any of the following:

21 (a) the youth court;

22 (b) the county attorney;

23 (c) the department of public health and human services;

24 (d) the county superintendent of schools;

25 (e) the sheriff;

26 (f) the chief of any police force;

27 (g) any board of trustees of a public school district operating within the boundaries of the county;

Amendment - 1st Reading-white - Requested by: Edith (Edie) McClafferty - (S) Education and Cultural Resources

68th Legislature

Drafter: Pad McCracken, 406-444-3595

SB0213.001.002

1 and

2 (h) the department of corrections.

3 (2) Officials under subsection (1) from one county may also cooperate with officials under
4 subsection (1) from any other county to form regional interdisciplinary child information and school safety
5 teams, in which case access to information under 41-5-215(2) is authorized for all members of the regional
6 team for each county participating in a regional team. The formation of regional teams must be formalized by
7 written agreement between participating counties.

8 (3) The persons and agencies listed in subsection (1) or (2) may by majority vote allow the
9 following persons to join the team:

10 (a) physicians, psychologists, psychiatrists, nurses, and other providers of medical and mental
11 health care;

12 (b) entities operating private elementary and secondary schools;

13 (c) attorneys; and

14 (d) a person or entity that has or may have a legitimate interest in one or more children that the
15 team will serve.

16 (4) (a) The members of the team or their designees may form one or more auxiliary teams for the
17 purpose of providing service to a single child, a group of children, or children with a particular type of problem or
18 for any other purpose.

19 (b) A member of an auxiliary team must be a person who has personal knowledge of or experience
20 with the child or children in the member's respective field.

21 (5) The purpose of the team is to ensure the timely exchange and sharing of information that one
22 or more team members may be able to use in serving a child in the course of their professions and
23 occupations, including but not limited to abused or neglected children, delinquent youth, and youth in need of
24 intervention, and of information relating to issues of school safety. Information regarding a child that a team
25 member supplies to other team members or that is disseminated to a team member under 41-3-205 or 41-5-
26 215(2) may not be disseminated beyond the organizations or departments that have an authorized member on
27 the team under this section.

Amendment - 1st Reading-white - Requested by: Edith (Edie) McClafferty - (S) Education and Cultural Resources

68th Legislature

Drafter: Pad McCracken, 406-444-3595

SB0213.001.002

1 (6) ~~A written agreement may be created to provide~~ The team shall adopt a written agreement for
2 the rules under which the team will operate, the method by which information will be shared, distributed, and
3 managed, and any other matters necessary to the purpose and functions of the team. Any agreement created
4 may not limit access of any team member to information under 41-5-215(2), and any delay in or failure to
5 finalize an agreement may not be used by any member of the team to impede the timely exchange and sharing
6 of information under subsection (5) of this section.

7 (7) An interdisciplinary child information and school safety team shall coordinate its efforts with
8 interdisciplinary child protective teams as provided in 41-3-108 and youth placement committees as provided
9 for in 41-5-121.

10 (8) To the extent that the county or regional interdisciplinary child information and school safety
11 team is involved in a proceeding that is held prior to adjudication of a youth in youth court, the team satisfies the
12 requirements of 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974.
13 Montana school districts may release education records to the team. The officials and authorities to whom the
14 information is disclosed may not disclose any information to any other party without the prior written consent of
15 the parent or guardian of the student.

16 (9) The county superintendent of schools shall provide to the office of public instruction a current
17 copy of ~~any the~~ written agreement under this section no later than September 1. The office of public instruction
18 shall report to the education interim committee in accordance with 5-11-210 any county that has not provided a
19 written agreement under this section."

20

21 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2023.

22

- END -