

SENATE BILL NO. 138

INTRODUCED BY R. TEMPEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS TO AFFIRM A TEACHER'S AUTHORITY TO MAINTAIN A POSITIVE CLASSROOM LEARNING ENVIRONMENT; REQUIRING SCHOOL DISTRICT TRUSTEES TO AFFIRM THIS AUTHORITY IN POLICY OR EMPLOYEE AGREEMENTS; ALLOWING TEACHERS TO TEMPORARILY EXCLUDE A PUPIL FROM THE CLASSROOM IF THE PUPIL'S BEHAVIOR IMPEDES TEACHING OR LEARNING; REQUIRING THAT A PUPIL EXCLUDED FROM A CLASSROOM RETURNS ONLY WHEN A RETURN PLAN IS COMMUNICATED TO THE TEACHER; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Teacher authority to maintain positive classroom learning

environment. (1) Pursuant to 20-4-302, a teacher has the authority to maintain a positive classroom learning environment. The trustees of a school district shall adopt a policy or include language in employee agreements defining the authority and procedure to be used by a teacher in the temporary exclusion of a pupil from the teacher's classroom in accordance with the minimum requirements of this section. The policy or language may provide a teacher with greater authority than that provided in this section but may not contradict the individualized education program of a child with a disability.

(2) (a) A teacher may temporarily exclude a pupil from the teacher's classroom if the pupil behaves in a manner that impedes the teaching or learning process of others.

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

(c) A pupil excluded under subsection (2)(a) may not return to the classroom until the school principal or designee communicates a return plan to the teacher. The return plan may include but is not limited to components, such as:

(i) a behavioral contract with the pupil;

- 1 (ii) communication with the pupil's parents or guardian;
- 2 (iii) a meeting with any of the following:
- 3 (A) the pupil;
- 4 (B) the teacher;
- 5 (C) the school principal or designee;
- 6 (D) the pupil's parents or guardian; or
- 7 (E) any other individual who may contribute to the return plan.
- 8 (d) A pupil excluded under subsection (2)(a) who does not fulfill the return plan or repeatedly
- 9 behaves in a manner that impedes the teaching or learning process of others is subject to further discipline,
- 10 including permanent removal from the teacher's classroom pursuant to policies adopted by the board of
- 11 trustees or suspension or expulsion as provided in 20-5-202.

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

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

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

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