

## HOUSE BILL NO. 745

INTRODUCED BY E. TILLEMAN, M. NIKOLAKAKOS, P. STRAND, S. GIST, G. PARRY, M. THANE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SCHOOL LAWS TO ENHANCE STUDENT SAFETY; REQUIRING SCHOOL DISTRICTS TO ADOPT A STUDENT PROTECTION POLICY THAT REQUIRES BACKGROUND CHECKS FOR ANY INDIVIDUAL WHO MAY HAVE UNSUPERVISED CONTACT WITH STUDENTS; REQUIRING SCHOOL DISTRICTS WHO FAIL TO COMPLY WITH THEIR STUDENT PROTECTION POLICY TO SUBMIT A CORRECTION PLAN WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REQUIRING BACKGROUND CHECKS FOR EDUCATOR LICENSURE; AMENDING SECTIONS 20-3-323, 20-3-324, AND 20-4-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 20-3-323, MCA, is amended to read:

**"20-3-323. District policy and record of acts.** (1) The trustees of each district shall prescribe and enforce policies for the government of the district. In order to provide a comprehensive system of governing the district, the trustees shall:

- (a) adopt the policies required by this title;
- (b) adopt policies to implement or administer the requirements of the general law, this title, the policies of the board of public education, and the rules of the superintendent of public instruction; ~~and~~
- (c) adopt a grievance policy that provides for informal and formal resolutions of a complaint, informs a grievant about the grievance policy, provides a printed version of the grievance policy on request, and accepts for filing a formal complaint submitted within 30 days of the completion of an informal resolution; and
- (d) adopt a student protection policy requiring that prior to the district allowing an individual, regardless of employment status with the district, unsupervised contact with students while in school, at a school-sponsored activity, or in transit to a school-sponsored activity:
- (i) the individual has completed a fingerprint-based national criminal history background check pursuant to the educator licensure policies of the board of public education; or

1           (ii)       (A) the individual has provided to the Montana department of justice information and material  
2       sufficient to obtain a fingerprint-based national criminal history background check; and  
3           (B)       the trustees, the superintendent of the district, or another individual designated by the trustees  
4       has reviewed the results of the background check.

5           (2)       The trustees shall keep a full and permanent record of all adopted policies and all other acts of  
6       the trustees. Minutes of each regular and special board meeting shall include wording of motions, voting  
7       records of each trustee present, and all other pertinent information, including a detailed statement of all  
8       expenditures of money with the name of any person or business to whom payment is made and showing the  
9       service rendered or goods furnished. A written copy of the minutes shall be made available within 5 working  
10      days following the approval of the minutes by the board at a cost of no more than 15 cents a page to be paid by  
11      those who request such a copy. One free copy of the minutes shall be provided to the local press within 5  
12      working days following the approval of the minutes by the board. The board shall approve the minutes of each  
13      special and regular meeting no later than 1 month following the meeting if it meets on a regular monthly basis. If  
14      a board does not regularly meet on a monthly basis, it shall approve the minutes of each special and regular  
15      meeting at the next regular or special meeting. The approval of the minutes of a prior meeting shall not occur  
16      more than 40 days after the meeting, except that no board shall be required to meet to approve the minutes of  
17      a meeting at which no substantive business was conducted."

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19           **Section 2.** Section 20-3-324, MCA, is amended to read:

20           **"20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of a district shall  
21      exercise supervision and control of the schools of the district in providing its educational program pursuant to  
22      Article X, section 8, of the Montana constitution, and shall:

23           (1)       employ or dismiss a teacher, principal, or other assistant upon the recommendation of the  
24      district superintendent, the county high school principal, or other principal as the board considers necessary,  
25      accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance  
26      with the provisions of Title 20, chapter 4;

27           (2)       employ and dismiss administrative personnel, clerks, secretaries, teacher's aides, custodians,  
28      maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel

1 considered necessary to carry out the various services of the district;

2 (3) administer the attendance and tuition provisions and govern the pupils of the district in  
3 accordance with the provisions of the pupils chapter of this title;

4 (4) call, conduct, and certify the elections of the district in accordance with the provisions of the  
5 school elections chapter of this title;

6 (5) participate in the teachers' retirement system of the state of Montana in accordance with the  
7 provisions of the teachers' retirement system chapter of Title 19;

8 (6) participate in district boundary change actions in accordance with the provisions of the school  
9 districts chapter of this title;

10 (7) organize, open, close, or acquire isolation status for the schools of the district in accordance  
11 with the provisions of the school organization part of this title;

12 (8) adopt and administer the annual budget or a budget amendment of the district in accordance  
13 with the provisions of the school budget system part of this title;

14 (9) conduct the fiscal business of the district in accordance with the provisions of the school  
15 financial administration part of this title;

16 (10) establish the ANB, BASE budget levy, over-BASE budget levy, and operating reserve amounts  
17 for the general fund of the district in accordance with the provisions of the general fund part of this title;

18 (11) establish, maintain, budget, and finance the transportation program of the district in accordance  
19 with the provisions of the transportation parts of this title;

20 (12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the  
21 provisions of the bonds parts of this title;

22 (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement  
23 fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous  
24 programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal  
25 cooperative fund, and other funds as authorized by the state superintendent of public instruction in accordance  
26 with the provisions of the other school funds parts of this title;

27 (14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in  
28 accordance with the provisions of the miscellaneous financial parts of this title;

1           (15)     hold in trust, acquire, and dispose of the real and personal property of the district in accordance  
2 with the provisions of the school sites and facilities part of this title;

3           (16)     operate the schools of the district in accordance with the provisions of the school calendar part  
4 of this title;

5           (17)     set the length of the school term, school day, and school week in accordance with 20-1-302;

6           (18)     establish and maintain the educational program of the schools of the district in accordance with  
7 the provisions of the instructional services, textbooks, K-12 career and vocational/technical education, and  
8 special education parts of this title. In undertaking its duties related to the district's educational program, the  
9 board of trustees may:

10          (a)     waive any specific course requirement otherwise required for graduation based on individual  
11 student needs and performance levels, age, maturity, interest, and aspirations of the pupil, in consultation with  
12 the pupil's parents or guardians; and

13          (b)     provide credit for a course satisfactorily completed in a period of time shorter or longer than  
14 normally required as set forth in 20-9-311(4)(d) or through content proficiency gained through alternative  
15 means. Examples of alternative means by which content proficiency may be achieved include but are not  
16 limited to correspondence, extension, and distance learning courses, adult education, summer school, work  
17 study, work-based learning partnerships, and other experiential learning opportunities, custom-designed  
18 courses, and challenges to current courses. Montana schools shall accept units of credit taken with the  
19 approval of the accredited Montana school in which the student was then enrolled and which appear on the  
20 student's official school transcript.

21          (19)     establish and maintain the school food services of the district in accordance with the provisions  
22 of the school food services parts of this title;

23          (20)     make reports from time to time as the county superintendent, superintendent of public  
24 instruction, and board of public education may require;

25          (21)     retain, when considered advisable, a physician or registered nurse to inspect the sanitary  
26 conditions of the school or the general health conditions of each pupil and, upon request, make available to any  
27 parent or guardian any medical reports or health records maintained by the district pertaining to the child;

28          (22)     for each member of the trustees, visit each school of the district not less than once each school

fiscal year to examine its management, conditions, and needs, except that trustees from a first-class school district may share the responsibility for visiting each school in the district;

(23) procure and display outside daily in suitable weather on school days at each school of the district an American flag representing the United States and manufactured in the United States that measures not less than 3 feet by 5 feet;

(24) provide that an American flag representing the United States and manufactured in the United States that measures at least 16 inches by 24 inches be prominently displayed in each classroom in each school of the district no later than the beginning of the school year, except in a classroom in which the flag may get soiled. Districts are encouraged to work with military organizations and civic groups to acquire flags through donation, and this requirement is waived if the flags are not provided by a military organization or civic group.

(25) for grades 7 through 12, provide that legible copies of the United States constitution, the United States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily available in every classroom no later than the beginning of the school year. Districts are encouraged to work with civic groups to acquire the documents through donation, and this requirement is waived if the documents are not provided by a civic group.

(26) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(27) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education;

(28) consider and may enter into an interlocal agreement with a postsecondary institution, as defined in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a postsecondary institution;

(29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of 20-1-303; and

(30) submit a plan to correct the noncompliance and prevent future instances of noncompliance to the superintendent of public instruction for failure to implement the district's student protection policy required in 20-3-323(1)(d); and

1           ~~(30)~~(31)perform any other duty and enforce any other requirements for the governance of the schools  
2   pursuant to the constitutional power of supervision and control of schools vested in elected school boards  
3   pursuant to Article X, section 8, of the Montana constitution as prescribed by this title, the policies of the board  
4   of public education, or the rules of the superintendent of public instruction."

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6           **Section 3.** Section 20-4-104, MCA, is amended to read:

7           **"20-4-104. Qualifications.** (1) A person may be certified as a teacher when the person satisfies the  
8   following qualifications. The person:

9           (a)     is 18 years of age or older;

10          (b)     is of good moral and professional character and has completed a fingerprint-based national  
11 criminal history background check pursuant to the educator licensure policies of the board of public education;

12          (c)     (i) has completed the teacher education program of a unit of the Montana university system or  
13   an essentially equivalent program at an accredited institution of equal rank and standing as that of any unit of  
14   the Montana university system, and the training is evidenced by at least a bachelor's degree and a certification  
15   of the completion of the teacher education program, except as provided for in 20-4-106(1)(d);

16          (ii)    possesses a current certification from the national board for professional teaching standards;

17          (iii)   possesses a current educator license from another state or country and successful experience  
18   as determined by the board of public education; or

19          (iv)    has completed the alternative teacher certification and endorsement program provided for in  
20   20-4-120; and

21          (d)     has subscribed to the following oath or affirmation before an officer authorized by law to  
22   administer oaths:

23                "I solemnly swear (or affirm) that I will support The Constitution of the United States of America and  
24   The Constitution of the State of Montana."

25          (2)     Any person may be certified as a specialist when the person satisfies the requirements of  
26   subsections (1)(a) and (1)(b) and the requirement for a specialist certificate provided in 20-4-106(2)."

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28           NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2025.

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