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HOUSE BILL NO. 745

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

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

11

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

13

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

15 **"20-3-323. District policy and record of acts.** (1) The trustees of each district shall prescribe and
16 enforce policies for the government of the district. In order to provide a comprehensive system of governing the
17 district, the trustees shall:

18 (a) adopt the policies required by this title;

19 (b) adopt policies to implement or administer the requirements of the general law, this title, the
20 policies of the board of public education, and the rules of the superintendent of public instruction; and

21 (c) adopt a grievance policy that provides for informal and formal resolutions of a complaint,
22 informs a grievant about the grievance policy, provides a printed version of the grievance policy on request, and
23 accepts for filing a formal complaint submitted within 30 days of the completion of an informal resolution; and

24 (d) adopt a student protection policy requiring that prior to the district allowing an individual,
25 regardless of employment status with the district, unsupervised contact with students while in school, at a
26 school-sponsored activity, or in transit to a school-sponsored activity:

27 (i) the individual has completed a fingerprint-based national criminal history background check
28 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;

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;

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

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

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

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

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

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

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

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

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

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

26 (30) submit a plan to correct the noncompliance and prevent future instances of noncompliance to
27 the superintendent of public instruction for failure to implement the district's student protection policy required in
28 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.

69th Legislature 2025

HB 745.1

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