HB 174 INTRODUCED BY PETERSON ALLOW SCHOOL DISTRICT TO WITHHOLD SCHOOL RECORDS UNTIL ANY DAMAGES PAID FOR

- 1/13 INTRODUCED
- 1/13 REFERRED TO EDUCATION & CULTURAL RESOURCES
- 1/21 HEARING
- 1/21 COMMITTEE REPORT--BILL NOT PASSED AS AMENDED
- 1/22 ADVERSE COMMITTEE REPORT ADOPTED 79 16

1	#8 BILL NO. 174
2	INTRODUCED BY (Both Home)

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A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A SCHOOL DISTRICT TO WITHHOLD THE GRADES, DIPLOMA, OR TRANSCRIPT OF A PUPIL WHO HAS LOST OR DAMAGED SCHOOL PROPERTY UNTIL THE DISTRICT RECEIVES PAYMENT FOR SUCH LOSS OR DAMAGES; AND AMENDING SECTION 20-5-201, MCA."

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

Section 1. Section 20-5-201, MCA, is amended to read:

"20-5-201. Duties and sanctions. (1) Any pupil shall:

- (a) comply with the policies of the trustees and the rules of the school which he attends;
 - (b) pursue the required course of instruction;
 - (c) submit to the authority of the teachers, principal, and district superintendent of the district; and
 - (d) be subject to the control and authority of the teachers, principal, and district superintendent while he is in school or on school premises, on his way to and from school, or during his intermission or recess.
- (2) Any pupil who continually and willfully disobeys the provisions of this section, shows open defiance of the authority vested in school personnel by this section, defaces or damages any school building, school grounds,

furniture, equipment, book belonging to the district, or harms or threatens to harm another person or his property shall be liable for punishment, suspension, or expulsion under the provisions of this title.

(3) When a pupil defaces or damages school property, as defined above in subsection (2), his parent or guardian shall be liable for the cost of repair or replacement upon the complaint of the teacher, principal, superintendent, or any trustee and the proof of such damage. Any school district whose property has been lost or willfully cut, 10 defaced, or damaged may withhold the grades, diploma, or 11 transcript of the pupil responsible for the loss or damage 12 until the pupil or his parent or quardian has paid for the 13 14 damages. If the pupil, parent, or guardian is unable to pay 15 for the damages, the school district may provide a program 16 of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work, the 17 grades, diploma, or transcript of the pupil must be 18 19 released. Before any penalties are assessed under this subsection, a school district board of trustees shall adopt 20 21 procedures that ensure the protection of the pupil's rights

to due process.

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(3) (4) In addition to the sanctions prescribed in this section, the trustees of a high school district may deny a

25 high school pupil the honor of participating in the



graduation exercise or exclude a high school pupil from
participating in school activities. Such action shall not be
taken until the incident or infraction causing such
consideration has been investigated and the trustees have
determined that the high school pupil was involved in such
incident or infraction."

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