

HOUSE BILL NO. 443

INTRODUCED BY MCCULLOCH, REHBEIN, ELLIS,  
J. JOHNSON, PECK, GERVAIS, DOLEZAL,  
WISEMAN, WYATT, BIRD, HALLIGAN, FORRESTER

IN THE HOUSE

FEBRUARY 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
FEBRUARY 16, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 18, 1993	ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED. AYES, 88; NOES, 9.
FEBRUARY 22, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
MARCH 22, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 23, 1993	ON MOTION, CONSIDERATION PASSED UNTIL THE 67TH LEGISLATIVE DAY.
MARCH 25, 1993	SECOND READING, CONCURRED IN.
MARCH 26, 1993	THIRD READING, CONCURRED IN. AYES, 33; NOES, 13.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS
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APRIL 2, 1993

CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 443  
 2 INTRODUCED BY McCall Robb  
 3 Chris Johnson Beck Agarwal DeLeon  
 4 Johnson Wright Bird Kelly  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SCHOOL  
 6 DISTRICT TO WITHHOLD THE GRADES, DIPLOMA, OR TRANSCRIPTS OF  
 7 A PUPIL WHO TRANSFERS TO ANOTHER SCHOOL WITHOUT PAYING FOR  
 8 THE PURCHASE OF, LOSS OF, OR DAMAGE TO SCHOOL MATERIALS OR  
 9 PROPERTY; PROVIDING NOTICE TO THE PARENT THAT THE PUPIL'S  
 10 GRADES, DIPLOMA, OR TRANSCRIPTS WILL BE WITHHELD BY THE  
 11 SCHOOL DISTRICT TO WHICH THE PUPIL TRANSFERS UNTIL THE  
 12 OBLIGATION HAS BEEN MET; AMENDING SECTION 20-5-201, MCA; AND  
 13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

16 "20-5-201. Duties and sanctions. (1) Any A pupil shall:

17 (a) comply with the policies of the trustees and the  
 18 rules of the school which-he that the pupil attends;

19 (b) pursue the required course of instruction;

20 (c) submit to the authority of the teachers, principal,  
 21 and district superintendent of the district; and

22 (d) be subject to the control and authority of the  
 23 teachers, principal, and district superintendent while he  
 24 the pupil is in school or on school premises, on his the way  
 25 to and from school, or during his intermission or recess.

1 (2) Any A pupil who continually and willfully disobeys  
 2 the provisions of this section, shows open defiance of the  
 3 authority vested in school personnel by this section,  
 4 defaces or damages any school building, school grounds,  
 5 furniture, equipment, book belonging to the district, or  
 6 harms or threatens to harm another person or his the  
 7 person's property ~~shall--be~~ is liable for punishment,  
 8 suspension, or expulsion under the provisions of this title.  
 9 When a pupil defaces or damages school property--~~as--defined~~  
 10 ~~above--his~~ the pupil's parent or guardian ~~shall--be~~ is liable  
 11 for the cost of repair or replacement upon the complaint of  
 12 the teacher, principal, superintendent, or any trustee and  
 13 the proof of such any damage.

14 (3) In addition to the sanctions prescribed in this  
 15 section, the trustees of a high school district may deny a  
 16 high school pupil the honor of participating in the  
 17 graduation exercise or exclude a high school pupil from  
 18 participating in school activities. Such The trustees may  
 19 not take action shall--not--be--taken under this subsection  
 20 until the incident or infraction causing such the  
 21 consideration has been investigated and the trustees have  
 22 determined that the high school pupil was involved in such  
 23 the incident or infraction.

24 (4) (a) A school district may withhold the grades,  
 25 diploma, or transcripts of a pupil who is responsible for

1 the cost of school materials or the loss or damage of school  
 2 property until the pupil or the pupil's parent or guardian  
 3 satisfies the obligation.

4 (b) A school district that decides to withhold a  
 5 pupil's grades, diploma, or transcripts from the pupil and  
 6 the pupil's parent or guardian pursuant to subsection (4)(a)  
 7 shall:

8 (i) upon receiving notice that the pupil has  
 9 transferred to another school district in the state, notify  
 10 the pupil's parent or guardian in writing that the school  
 11 district to which the pupil has transferred will be  
 12 requested to withhold the pupil's grades, diploma, or  
 13 transcripts until any obligation has been satisfied;

14 (ii) forward appropriate grades or transcripts to the  
 15 school to which the pupil has transferred; and

16 (iii) at the same time, notify the school district of  
 17 any financial obligation of the pupil and request the  
 18 withholding of the pupil's grades, diploma, or transcripts  
 19 until any obligations are met;

20 (iv) when the pupil or the pupil's parent or guardian  
 21 satisfies the obligation, inform the school district to  
 22 which the pupil has transferred.

23 (c) Upon receiving notice that a school district has  
 24 requested the withholding of the grades, diploma, or  
 25 transcripts of a pupil under this subsection (4), a school

1 district to which the pupil has transferred shall withhold  
 2 the grades, diploma, or transcripts of the pupil until it  
 3 receives notice, from the district that initiated the  
 4 decision, that the decision has been rescinded under the  
 5 terms of subsection (4)(a)."

6 NEW SECTION. Section 2. Effective date. [This act] is  
 7 effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

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3 Chris Thomas Rick Haysman Delaney  
4 Lehman Weger Bird Nelson  
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3 authority vested in school personnel by this section,  
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14 (ii) forward appropriate grades or transcripts to the  
 15 school to which the pupil has transferred; and

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 20, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 443 (first reading copy -- blue), respectfully report that House Bill No. 443 be amended as follows and as so amended be concurred in.

Signed: Chet Blaylock  
Senator Chet Blaylock, Chair

That such amendments read:

1. Title, line 11.

Following: "MET;"

Insert: "REQUIRING TRUSTEES TO ADOPT A POLICY REGARDING AN APPEAL  
PROCESS FOR DECISIONS TO WITHHOLD A PUPIL'S GRADES, DIPLOMA,  
OR TRANSCRIPTS;"

2. Page 3, line 15.

Strike: "and"

3. Page 3, line 22.

Following: "transferred"

Insert: "; and

(v) adopt a policy regarding a process for a pupil or the pupil's parent or guardian to appeal the school district's decision to request that another school district withhold a pupil's grades, diploma, or transcripts"

-END-

SENATE

HB 443

W- Amd. Coord.  
UM Sec. of Senate

Wilson  
Senator Carrying Bill

630747SC.Sma

## HOUSE BILL NO. 443

INTRODUCED BY MCCULLOCH, REHBEIN, ELLIS,

J. JOHNSON, PECK, GERVAIS, DOLEZAL,

WISEMAN, WYATT, BIRD, HALLIGAN, FORRESTER

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24 (iv) when the pupil or the pupil's parent or guardian  
25 satisfies the obligation, inform the school district to

1 which the pupil has transferred; AND

2 (V) ADOPT A POLICY REGARDING A PROCESS FOR A PUPIL OR  
3 THE PUPIL'S PARENT OR GUARDIAN TO APPEAL THE SCHOOL  
4 DISTRICT'S DECISION TO REQUEST THAT ANOTHER SCHOOL DISTRICT  
5 WITHHOLD A PUPIL'S GRADES, DIPLOMA, OR TRANSCRIPTS.

6 (c) Upon receiving notice that a school district has  
7 requested the withholding of the grades, diploma, or  
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9 district to which the pupil has transferred shall withhold  
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12 decision, that the decision has been rescinded under the  
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