

1 *Steve Hunsicker*  
 2 INTRODUCED BY *Chad Beardsley* *Adrian* *Julius* *Billings* *Bob D. ...* *Regan*  
 3 BY REQUEST OF THE GOVERNOR AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION *Rose*  
 4 *Robin ...* *Harvey* *Monahan* *Carey* *Hurdle* *Hubbard*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SCHOOL DISTRICT COMPLIANCE WITH THE  
 6 REQUIREMENTS OF THE FEDERAL GUN-FREE SCHOOLS ACT OF 1994; AMENDING SECTION 20-5-202  
 7 MCA; AND PROVIDING AN EFFECTIVE DATE." *Ream* *Allen*  
 8 *David ...* *Van ...*

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

11 Section 1. Section 20-5-202, MCA, is amended to read:

12 "20-5-202. **Suspension and expulsion.** (1) As provided in 20-4-302, 20-4-402, and 20-4-403, any  
 13 a pupil may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt  
 14 a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in  
 15 suspending a pupil and ~~to define~~ defining the circumstances and procedures by which the trustees may  
 16 expel a pupil. Expulsion ~~shall be~~ is a disciplinary action available only to the trustees.

17 (2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined  
 18 to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the  
 19 appropriate local law enforcement agency. A student who is determined to have brought a firearm to school  
 20 under this subsection must be expelled from school for a period of not less than 1 year, except that the  
 21 trustees may authorize the school administration to modify the requirement for expulsion of a student on  
 22 a case-by-case basis. A decision to change the placement of a student with a disability must be made in  
 23 accordance with the Individuals With Disabilities Education Act.

24 (3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a  
 25 teacher, a superintendent, or a principal shall suspend immediately for good cause a student who is  
 26 determined to have brought a firearm to school.

27 (4) Nothing in this section prevents a school district from:

28 (a) offering instructional activities related to firearms or allowing a firearm to be brought to school  
 29 for instructional activities sanctioned by the district; or

30 (b) providing educational services in an alternative setting to a student who has been expelled from



1 the student's regular school setting."

2

3 NEW SECTION. Section 2. Effective date. (This act) is effective July 1, 1995.

4

END

*George H. ...*

*Bob ...*

HOUSE BILL NO. 167

INTRODUCED BY

*Charles ...*

BY REQUEST OF THE GOVERNOR AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SCHOOL DISTRICT COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL GUN-FREE SCHOOLS ACT OF 1994; AMENDING SECTION 20-5-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-5-202, MCA, is amended to read:

"20-5-202. **Suspension and expulsion.** (1) As provided in 20-4-302, 20-4-402, and 20-4-403, any a pupil may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in suspending a pupil and ~~to define~~ defining the circumstances and procedures by which the trustees may expel a pupil. Expulsion ~~shall be~~ is a disciplinary action available only to the trustees.

(2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the Individuals With Disabilities Education Act.

(3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, a superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to school.

(4) Nothing in this section prevents a school district from:

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(b) providing educational services in an alternative setting to a student who has been expelled from

1 the student's regular school setting."

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4

-END-

1 *Steve Hunsicker*  
 2 INTRODUCED BY *Chad Becher* *Admit* *Julian* *Beltzinger*  
 3 BY REQUEST OF THE GOVERNOR AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION *Rose*  
 4 *Kevin Wynn* *Harvey* *Manuel* *Cary* *Hurdle* *Harold*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SCHOOL DISTRICT COMPLIANCE WITH THE  
 6 REQUIREMENTS OF THE FEDERAL GUN-FREE SCHOOLS ACT OF 1994; AMENDING SECTION 20-5-202  
 7 MCA; AND PROVIDING AN EFFECTIVE DATE." *Fisher* *Lynch* *McLain*  
 8 *Van Volkenburg*

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 16 expel a pupil. Expulsion ~~shall be~~ is a disciplinary action available only to the trustees.

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4

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 16, 1995

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration HB 167 (third reading copy -- blue), respectfully report that HB 167 be amended as follows and as so amended be concurred in.

Signed:   
\_\_\_\_\_  
Senator Daryl Toews, Chair

That such amendments read:

1. Page 1, line 22.

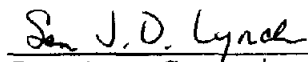
Following: "disability"

Insert: "who has been expelled pursuant to this section"

-END-

  
SA

Amd. Coord.  
Sec. of Senate

  
\_\_\_\_\_  
Senator Carrying Bill

HB 167  
SENATE  
611000SC.SPV

## 1 HOUSE BILL NO. 167

2 INTRODUCED BY SHEA, BROOKE, PAVLOVICH, QUILICI, BOHLINGER, HEAVY RUNNER, PIPINICH,  
 3 RYAN, SOFT, HERRON, HARRINGTON, GALVIN, WYATT, MENAHAN, L. SMITH, SWANSON, CAREY,  
 4 HURDLE, ROSE, HIBBARD, FORRESTER, REAM, ELLINGSON, COCCHIARELLA, FORBES, LYNCH,  
 5 MCGEE, VAN VALKENBURG, JACOBSON, HAGENER, KOTTEL

6 BY REQUEST OF THE GOVERNOR AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
 7

8 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SCHOOL DISTRICT COMPLIANCE WITH THE  
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 10 MCA; AND PROVIDING AN EFFECTIVE DATE."  
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 24 trustees may authorize the school administration to modify the requirement for expulsion of a student on  
 25 a case-by-case basis. A decision to change the placement of a student with a disability WHO HAS BEEN  
 26 EXPELLED PURSUANT TO THIS SECTION must be made in accordance with the Individuals With Disabilities  
 27 Education Act.

28 (3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a  
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5 the student's regular school setting."

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