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### **OPI Bill Draft– 2025 Legislature**

Ensure protections for Montana’s students by requiring background checks for those individuals who will spend significant amounts of time with students without supervision by teachers or school administrators. Currently there is no requirement for a background check in Montana Code. There is also no requirement for background checks in Montana code for volunteers, paras, or emergency authorization teachers who are not licensed in Montana. School safety is paramount while still accommodating for volunteers who contribute limited time to schools.

**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 safety policy requiring:

(i) all finalists recommended for hire, in any paid position, involving significant or regular unsupervised access to students in schools, to submit a completed fingerprint-based background investigation before the district extends an offer of employment; and

(ii) all volunteers with the district involving significant or regular unsupervised access to students in schools to submit a name-based background check investigation before the district extends permission for any volunteer work.

(2) The trustees shall keep a full and permanent record of all adopted policies and all other acts of the trustees. Minutes of each regular and special board meeting shall include wording of motions, voting records of each trustee present, and all other pertinent information, including a detailed statement of all expenditures of money with the name of any person or business to whom payment is made and showing the service rendered or goods furnished. A written copy of the minutes shall be made available within 5 working 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 those who request such a copy. One free copy of the minutes shall be provided to the local press within 5 working days following the approval of the minutes by the board. The board shall approve the minutes of each special and regular meeting no later than 1 month following the meeting if it meets on a regular monthly basis. If a board does not regularly meet on a monthly basis, it shall approve the minutes

of each special and regular meeting at the next regular or special meeting. The approval of the minutes of a prior meeting shall not occur more than 40 days after the meeting, except that no board shall be required to meet to approve the minutes of a meeting at which no substantive business was conducted

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

(a) is 18 years of age or older;

(b) is of good moral and professional character and passes a fingerprint-based background check;

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

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

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

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

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

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

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