

1 H BILL NO. 485
 2 INTRODUCED BY J. Gunderson, Bengten Kraak, Ude
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REGARDING THE USE AND
 5 ADMINISTRATION OF CORPORAL PUNISHMENT IN PUBLIC SCHOOLS;
 6 AMENDING SECTION 75-6109, R.C.M. 1947."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 75-6109, R.C.M. 1947, is amended to
 10 read as follows:

11 "75-6109. Power of teacher over pupils and undue
 12 punishment. Any teacher or principal shall have the
 13 authority to hold any pupil to a strict accountability for
 14 any disorderly conduct in school, ~~on-the-way-to-or-from~~
 15 ~~school~~ or during intermission or recess. Whenever a teacher
 16 principal shall deem it necessary to inflict corporal
 17 punishment in order to maintain orderly conduct of a pupil,
 18 he shall administer such corporal punishment without undue
 19 ~~anger and-only-in-the-presence-of-the-principal-if-there-be~~
 20 ~~one~~. Before any corporal punishment is administered, the
 21 parent or guardian shall be notified of the teacher's
 22 principal's intention to so punish his child; except that in
 23 cases of open and flagrant defiance of the teacher,
 24 principal, or of the authority of the school, the teacher or
 25 principal may administer corporal punishment without giving

1 such notice.

2 Any teacher in a district not employing a district
 3 superintendent or a principal of the school where the
 4 teacher is assigned shall have the authority to suspend a
 5 pupil for good cause. Where a district superintendent or
 6 principal is employed only he shall have the authority to
 7 suspend a pupil for good cause. Whenever a teacher suspends
 8 a pupil, he shall notify the trustees immediately of such
 9 action, and the trustees shall meet as soon as practicable
 10 to consider the suspension action of the teacher.

11 It shall be the duty of any teacher to report the
 12 truancy or incorrigibility of any pupil to the district
 13 superintendent, principal, or the trustees, whichever is
 14 applicable.

15 Any teacher or principal who shall maltreat or abuse
 16 any pupil by administering any undue or severe punishment
 17 shall be deemed guilty of a misdemeanor and, upon conviction
 18 of such misdemeanor by a court of competent jurisdiction,
 19 shall be fined not more than ~~one-hundred-dollars-(\$100).~~"

-End-

HB485

Approved by Committee
on Education

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April 1, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on Education

That House Bill No. 485, third reading, be amended as follows:

1. Amend page 2, section 1, line 6.

Following: "cause"

Insert: "and to administer corporal punishment in the presence of a
witness, without undue anger"

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