

HOUSE BILL NO. 272

INTRODUCED BY ANDERSON, HANSON, B. BROWN, HEMSTAD

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on Education.
February 7, 1981	Committee recommend bill do pass as amended. Report adopted.
February 9, 1981	Bill printed and placed on members' desks.
February 10, 1981	Second reading, do pass as amended.
February 11, 1981	Correctly engrossed.
February 12, 1981	Third reading, passed. Ayes, 96; Noes, 1. Transmitted to Senate.

IN THE SENATE

February 13, 1981	Introduced and referred to Committee on Education and Cultural Resources.
March 7, 1981	Committee recommend bill be concurred in. Report adopted.
March 10, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 13, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
----------------	---

1 superintendent, such principal shall perform the duties of a
2 district superintendent as prescribed in subsections (4),
3 (5), (6), (7), and (8) of 20-4-402 and shall have general
4 supervision of such school and the personnel assigned to
5 such school.

6 ~~(2) If granted authority by the board of trustees, a~~
7 ~~school principal in a district that does employ and appoint~~
8 ~~a district superintendent may suspend for good cause any~~
9 ~~pupil of the school where the principal is employed until~~
10 ~~the trustees may consider the suspension."~~

11 Section 3. Section 20-5-202, MCA, is amended to read:

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

-End-

Approved by Committee
on Education

HOUSE BILL NO. 272

INTRODUCED BY ANDERSON, HANSON, B. BROWN, HEMSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE LAWS RELATING TO THE POWER OF A DISTRICT SUPERINTENDENT OF SCHOOLS OR A PRINCIPAL TO SUSPEND A PUPIL; AMENDING SECTIONS 20-4-302, 20-4-402, 20-4-403, AND 20-5-202, MCA."

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

Section 1. Section 20-4-302, MCA, is amended to read:

"20-4-302. Power of teacher or principal over pupils -- undue punishment. (1) Any teacher or principal shall have the authority to hold any pupil to a strict accountability for any disorderly conduct in school, on the way to or from school, or during intermission or recess. Whenever a principal shall deem it necessary to inflict corporal punishment in order to maintain orderly conduct of a pupil, he shall administer such corporal punishment without undue anger and only in the presence of a witness. Before any corporal punishment is administered, the parent or guardian shall be notified of the principal's intention to so punish his child; except that in cases of open and flagrant defiance of the teacher, principal, or of the authority of the school, the teacher or principal may administer corporal punishment without giving such notice.

(2) Any teacher in a district not employing a district superintendent or a principal of the school where the teacher is assigned shall have the authority to suspend a pupil for good cause and to administer corporal punishment in the presence of a witness, without undue anger. Where either a district superintendent or a school principal is employed, only he the superintendent or principal shall have the authority to suspend a pupil for good cause. Whenever a teacher suspends a pupil, he shall notify the trustees immediately of such action ~~and the trustees shall meet as soon as practicable to consider the suspension action of the teacher.~~

(3) It shall be the duty of any teacher to report the truancy or incorrigibility of any pupil to the district superintendent, principal, or the trustees, whichever is applicable.

(4) Any teacher or principal who shall maltreat or abuse any pupil by administering any undue or severe punishment shall be deemed guilty of a misdemeanor and, upon conviction of such misdemeanor by a court of competent jurisdiction, shall be fined not more than \$100."

SECTION 2. SECTION 20-4-402, MCA, IS AMENDED TO READ:

"20-4-402. Duties of district superintendent or county high school principal. The district superintendent or county high school principal shall be the executive officer of the

1 trustees and, subject to the direction and control of the
2 trustees, he shall:

3 (1) have general supervision of all schools of the
4 district and the personnel employed by the district;

5 (2) implement and administer the policies of the
6 trustees of the district;

7 (3) develop and recommend courses of instruction to
8 the trustees for their consideration and approval in
9 accordance with the provisions of 20-7-111;

10 (4) select all textbooks and submit such selections to
11 the trustees for their approval in accordance with the
12 provisions of 20-7-602;

13 (5) select all reference and library books and submit
14 such selections to the trustees for their approval in
15 accordance with provisions of 20-7-204;

16 (6) have general supervision of all pupils of the
17 district, enforce the compulsory attendance provisions of
18 this title, and have the authority to suspend for good cause
19 any pupil of the district ~~until the trustees may consider~~
20 ~~such suspension;~~

21 (7) report the cumulative pupil attendance and pupil
22 absence of the district and any other pupil information
23 required by the report form prescribed by the superintendent
24 of public instruction to the county superintendent or county
25 superintendents when reporting for a joint district,

1 immediately after the conclusion of the school instructional
2 year and before July 10; and

3 (8) perform any other duties in connection with the
4 district as the trustees may prescribe."

5 Section 3. Section 20-4-403, MCA, is amended to read:
6 "20-4-403. ~~Other~~ Powers and duties of principal. (1)
7 Whenever the trustees of a district employ and appoint a
8 school principal but do not employ and appoint a district
9 superintendent, such principal shall perform the duties of a
10 district superintendent as prescribed in subsections (4),
11 (5), (6), (7), and (8) of 20-4-402 and shall have general
12 supervision of such school and the personnel assigned to
13 such school.

14 (2) If granted authority by the board of trustees, a
15 school principal in a district that does employ and appoint
16 a district superintendent may suspend for good cause any
17 pupil of the school where the principal is employed until
18 the trustees may consider the suspension."

19 Section 4. Section 20-5-202, MCA, is amended to read:
20 "20-5-202. Suspension and expulsion. As provided in
21 20-4-302, and 20-4-402, and 20-4-403, any pupil may be
22 suspended by a teacher, superintendent, or principal. The
23 trustees of the district shall adopt a policy defining the
24 authority and procedure to be used by a teacher,
25 superintendent, or principal in suspending a pupil and to

HB 0272/02

1 define the circumstances and procedures by which the
2 trustees may expel a pupil. Expulsion shall be a
3 disciplinary action available only to the trustees."

-End-

HOUSE BILL NO. 272

INTRODUCED BY ANDERSON, HANSON, B. BROWN, HEMSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE LAWS RELATING TO THE POWER OF A DISTRICT SUPERINTENDENT OF SCHOOLS OR A PRINCIPAL TO SUSPEND A PUPIL; AMENDING SECTIONS 20-4-302, 20-4-402, 20-4-403, AND 20-5-202, MCA."

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

Section 1. Section 20-4-302, MCA, is amended to read:

"20-4-302. Power of teacher or principal over pupils -- undue punishment. (1) Any teacher or principal shall have the authority to hold any pupil to a strict accountability for any disorderly conduct in school, on the way to or from school, or during intermission or recess. Whenever a principal shall deem it necessary to inflict corporal punishment in order to maintain orderly conduct of a pupil, he shall administer such corporal punishment without undue anger and only in the presence of a witness. Before any corporal punishment is administered, the parent or guardian shall be notified of the principal's intention to so punish his child; except that in cases of open and flagrant defiance of the teacher, principal, or of the authority of the school, the teacher or principal may administer corporal punishment without giving such notice.

(2) Any teacher in a district not employing a district superintendent or a principal of the school where the teacher is assigned shall have the authority to suspend a pupil for good cause and to administer corporal punishment in the presence of a witness, without undue anger. Where either a district superintendent or a school principal is employed, only he the superintendent or principal shall have the authority to suspend a pupil for good cause. Whenever a teacher suspends a pupil, he shall notify the trustees immediately of such action ~~and the trustees shall meet as soon as practicable to consider the suspension action of the teacher.~~

(3) It shall be the duty of any teacher to report the truancy or incorrigibility of any pupil to the district superintendent, principal, or the trustees, whichever is applicable.

(4) Any teacher or principal who shall maltreat or abuse any pupil by administering any undue or severe punishment shall be deemed guilty of a misdemeanor and, upon conviction of such misdemeanor by a court of competent jurisdiction, shall be fined not more than \$100."

SECTION 2. SECTION 20-4-402, MCA, IS AMENDED TO READ:

"20-4-402. Duties of district superintendent or county high school principal. The district superintendent or county high school principal shall be the executive officer of the

1 trustees and, subject to the direction and control of the
2 trustees, he shall:

3 (1) have general supervision of all schools of the
4 district and the personnel employed by the district;

5 (2) implement and administer the policies of the
6 trustees of the district;

7 (3) develop and recommend courses of instruction to
8 the trustees for their consideration and approval in
9 accordance with the provisions of 20-7-111;

10 (4) select all textbooks and submit such selections to
11 the trustees for their approval in accordance with the
12 provisions of 20-7-602;

13 (5) select all reference and library books and submit
14 such selections to the trustees for their approval in
15 accordance with provisions of 20-7-204;

16 (6) have general supervision of all pupils of the
17 district, enforce the compulsory attendance provisions of
18 this title, and have the authority to suspend for good cause
19 any pupil of the district ~~until the trustees may consider~~
20 ~~such suspension;~~

21 (7) report the cumulative pupil attendance and pupil
22 absence of the district and any other pupil information
23 required by the report form prescribed by the superintendent
24 of public instruction to the county superintendent or county
25 superintendents when reporting for a joint district,

1 immediately after the conclusion of the school instructional
2 year and before July 10; and

3 (8) perform any other duties in connection with the
4 district as the trustees may prescribe."

5 Section 3. Section 20-4-403, MCA, is amended to read:

6 "20-4-403. ~~Duties Powers and duties~~ of principal. (1)
7 Whenever the trustees of a district employ and appoint a
8 school principal but do not employ and appoint a district
9 superintendent, such principal shall perform the duties of a
10 district superintendent as prescribed in subsections (4),
11 (5), (6), (7), and (8) of 20-4-402 and shall have general
12 supervision of such school and the personnel assigned to
13 such school.

14 (2) If granted authority by the board of trustees, a
15 school principal in a district that does employ and appoint
16 a district superintendent may suspend for good cause any
17 pupil of the school where the principal is employed until
18 the trustees may consider the suspension."

19 Section 4. Section 20-5-202, MCA, is amended to read:

20 "20-5-202. Suspension and expulsion. As provided in
21 20-4-302, and 20-4-402, and 20-4-403, any pupil may be
22 suspended by a teacher, superintendent, or principal. The
23 trustees of the district shall adopt a policy defining the
24 authority and procedure to be used by a teacher,
25 superintendent, or principal in suspending a pupil and to

1 define the circumstances and procedures by which the
2 trustees may expel a pupil. Expulsion shall be a
3 disciplinary action available only to the trustees."

-End-

1 HOUSE BILL NO. 272

2 INTRODUCED BY ANDERSON, HANSON, B. BROWN, MEMSTAD

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
5 THE LAWS RELATING TO THE POWER OF A DISTRICT SUPERINTENDENT
6 OF SCHOOLS OR A PRINCIPAL TO SUSPEND A PUPIL; AMENDING
7 SECTIONS 20-4-302, 20-4-402, 20-4-403, AND 20-5-202, MCA."

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

10 Section 1. Section 20-4-302, MCA, is amended to read:

11 "20-4-302. Power of teacher or principal over pupils
12 -- undue punishment. (1) Any teacher or principal shall have
13 the authority to hold any pupil to a strict accountability
14 for any disorderly conduct in school, on the way to or from
15 school, or during intermission or recess. Whenever a
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 a witness. Before any
20 corporal punishment is administered, the parent or guardian
21 shall be notified of the principal's intention to so punish
22 his child; except that in cases of open and flagrant
23 defiance of the teacher, principal, or of the authority of
24 the school, the teacher or principal may administer corporal
25 punishment without giving such notice.

1 (2) Any teacher in a district not employing a district
2 superintendent or a principal of the school where the
3 teacher is assigned shall have the authority to suspend a
4 pupil for good cause and to administer corporal punishment
5 in the presence of a witness, without undue anger. Where
6 either a district superintendent or a school principal is
7 employed, only he the superintendent or principal shall have
8 the authority to suspend a pupil for good cause. Whenever a
9 teacher suspends a pupil, he shall notify the trustees
10 immediately of such action ~~and the trustees shall meet as~~
11 ~~soon as practicable to consider the suspension action of the~~
12 ~~teacher.~~

13 (3) It shall be the duty of any teacher to report the
14 truancy or incorrigibility of any pupil to the district
15 superintendent, principal, or the trustees, whichever is
16 applicable.

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

22 SECTION 2. SECTION 20-4-402, MCA, IS AMENDED TO READ:

23 "20-4-402. Duties of district superintendent or county
24 high school principal. The district superintendent or county
25 high school principal shall be the executive officer of the

1 trustees and, subject to the direction and control of the
2 trustees, he shall:

3 (1) have general supervision of all schools of the
4 district and the personnel employed by the district;

5 (2) implement and administer the policies of the
6 trustees of the district;

7 (3) develop and recommend courses of instruction to
8 the trustees for their consideration and approval in
9 accordance with the provisions of 20-7-111;

10 (4) select all textbooks and submit such selections to
11 the trustees for their approval in accordance with the
12 provisions of 20-7-602;

13 (5) select all reference and library books and submit
14 such selections to the trustees for their approval in
15 accordance with provisions of 20-7-204;

16 (6) have general supervision of all pupils of the
17 district, enforce the compulsory attendance provisions of
18 this title, and have the authority to suspend for good cause
19 any pupil of the district ~~until the trustees may consider~~
20 ~~such suspension;~~

21 (7) report the cumulative pupil attendance and pupil
22 absence of the district and any other pupil information
23 required by the report form prescribed by the superintendent
24 of public instruction to the county superintendent or county
25 superintendents when reporting for a joint district,

1 immediately after the conclusion of the school instructional
2 year and before July 10; and

3 (8) perform any other duties in connection with the
4 district as the trustees may prescribe."

5 Section 3. Section 20-4-403, MCA, is amended to read:

6 "20-4-403. ~~Duties~~ Powers and duties of principal. (1)
7 Whenever the trustees of a district employ and appoint a
8 school principal but do not employ and appoint a district
9 superintendent, such principal shall perform the duties of a
10 district superintendent as prescribed in subsections (4),
11 (5), (6), (7), and (8) of 20-4-402 and shall have general
12 supervision of such school and the personnel assigned to
13 such school.

14 (2) If granted authority by the board of trustees, a
15 school principal in a district that does employ and appoint
16 a district superintendent may suspend for good cause any
17 pupil of the school where the principal is employed ~~until~~
18 ~~the trustees may consider the suspension.~~"

19 Section 4. Section 20-5-202, MCA, is amended to read:

20 "20-5-202. Suspension and expulsion. As provided in
21 20-4-302, and 20-4-402, and 20-4-403, any pupil may be
22 suspended by a teacher, superintendent, or principal. The
23 trustees of the district shall adopt a policy defining the
24 authority and procedure to be used by a teacher,
25 superintendent, or principal in suspending a pupil and to

HB 0272/03

1 define the circumstances and procedures by which the
2 trustees may expel a pupil. Expulsion shall be a
3 disciplinary action available only to the trustees."

-End-