

1 _____ BILL NO. _____
2 INTRODUCED BY _____
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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS TO AFFIRM A TEACHER'S
5 AUTHORITY TO MAINTAIN A POSITIVE CLASSROOM LEARNING ENVIRONMENT; REQUIRING SCHOOL
6 DISTRICT TRUSTEES TO AFFIRM THIS AUTHORITY IN POLICY OR EMPLOYEE AGREEMENTS;
7 ALLOWING TEACHERS TO TEMPORARILY EXCLUDE A PUPIL FROM THE CLASSROOM IF THE PUPIL'S
8 BEHAVIOR IMPEDES TEACHING OR LEARNING; REQUIRING THAT A PUPIL EXCLUDED FROM A
9 CLASSROOM RETURNS ONLY WHEN A RETURN PLAN IS COMMUNICATED TO THE TEACHER; AND
10 PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14 **NEW SECTION. Section 1. Teacher authority to maintain positive classroom learning**
15 **environment.** (1) Pursuant to 20-4-302, a teacher has the authority to maintain a positive classroom learning
16 environment. The trustees of a school district shall adopt a policy or include language in employee agreements
17 defining the authority and procedure to be used by a teacher in the temporary exclusion of a pupil from the
18 teacher's classroom in accordance with the minimum requirements of this section. The policy or language may
19 provide a teacher with greater authority than that provided in this section but may not contradict the
20 individualized education program of a child with a disability.

21 (2) (a) A teacher may temporarily exclude a pupil from the teacher's classroom if the pupil behaves
22 in a manner that impedes the teaching or learning process of others.

23 (b) A teacher excluding a pupil under subsection (2)(a) shall direct the pupil to the school principal,
24 the principal's designee, or another individual designated by the board of trustees.

25 (c) A pupil excluded under subsection (2)(a) may not return to the classroom until the school
26 principal or designee communicates a return plan to the teacher. The return plan may include but is not limited
27 to components, such as:

28 (i) a behavioral contract with the pupil;

