



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2590/2
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2007 ASSEMBLY BILL 484

August 9, 2007 – Introduced by Representatives BALLWEG, POPE-ROBERTS, BERCEAU, DAVIS, FIELDS, GOTTLIEB, HAHN, HEBL, HINES, HIXSON, JESKEWITZ, JORGENSEN, KERKMAN, MURSAU, MUSSER, NASS, NELSON, A. OTT, PARISI, PETROWSKI, SEIDEL, SHERIDAN, SINICKI, SOLETSKI, STASKUNAS, STRACHOTA, TURNER, VAN ROY, VOS and ZEPNICK, cosponsored by Senators LEHMAN, CARPENTER, COWLES, DARLING, GROTHMAN, HANSEN, LASSA, PLALE and ROESSLER. Referred to Committee on Education.

1 **AN ACT to renumber and amend** 118.164 (2); **to amend** 118.164 (title), 118.164
2 (3) (a) (intro.), 118.164 (3) (a) 4., 118.164 (3) (b), 120.13 (1) (a) (intro.), 120.13 (1)
3 (a) 1., 120.13 (1) (a) 2., 120.13 (1) (a) 3. and 120.13 (1) (a) 4.; and **to create**
4 118.164 (2) (a) 4. and 118.164 (2) (c) of the statutes; **relating to:** removal of a
5 pupil from class, from any portion of school property, or from a
6 school-sponsored activity.

Analysis by the Legislative Reference Bureau

Current law generally allows a teacher to remove a pupil from his or her class if the pupil violates the code of classroom conduct adopted by the school board; is dangerous, unruly, or disruptive; or exhibits behavior that interferes with the teacher's ability to teach effectively, as specified by the code of classroom conduct.

This bill extends this ability to remove a pupil from a class to any school district employee and also allows a school district employee to remove a pupil from school property or from a school-sponsored activity supervised by that employee. Under the bill, the code of conduct must specify the kinds of behavior that interfere with the

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ability of a school district employee to perform his or her job effectively and that would warrant removal, from school or from a school-sponsored activity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.164 (title) of the statutes is amended to read:

2 **118.164 (title) Removal of pupils from the class.**

3 **SECTION 2.** 118.164 (2) of the statutes is renumbered 118.164 (2) (a) (intro.) and
4 amended to read:

5 118.164 (2) (a) (intro.) Subject to 20 USC 1415 (k) and beginning
6 August 1, 1999, a teacher school district employee may remove a pupil from the
7 teacher's class, from any portion of school property, or from a school-sponsored
8 activity that is supervised by the school district employee if the pupil violates does
9 any of the following:

10 1. Violates the code of classroom conduct adopted under s. 120.13 (1) (a) ~~or is~~,

11 2. Exhibits behavior that is dangerous, unruly, or disruptive ~~or exhibits~~,

12 3. Exhibits behavior that interferes with the ability of ~~the~~ a teacher to teach
13 effectively, as specified in the code of classroom conduct adopted under s. 120.13 (1)
14 (a).

15 (b) The teacher school district employee shall send ~~the~~ a pupil removed from
16 class to the school principal or his or her designee and notify the school principal or
17 his or her designee immediately of the reasons for the removal. In addition, the
18 teacher school district employee shall provide to the principal or his or her designee
19 within 24 hours after the pupil's removal from the class a written explanation of the
20 reasons for the removal.

21 **SECTION 3.** 118.164 (2) (a) 4. of the statutes is created to read:

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1 118.164 (2) (a) 4. Exhibits behavior that interferes with the ability of a school
2 district employee to perform his or her job effectively, as specified in the code of
3 conduct adopted under s. 120.13 (1) (a).

4 **SECTION 4.** 118.164 (2) (c) of the statutes is created to read:

5 118.164 (2) (c) The school district employee may send a pupil removed from
6 school property, other than a classroom, or from any school-sponsored activity to the
7 school principal or his or her designee. If the school district employee sends a pupil
8 to the school principal or his or her designee under this paragraph, the school district
9 employee shall immediately notify the school principal or his or her designee of the
10 reasons for the removal and shall provide to the principal or his or her designee a
11 written explanation of the reasons for the removal within 24 hours after the pupil's
12 removal. If the school district employee does not send a pupil to the school principal
13 or his or her designee under this paragraph, the school district employee shall
14 provide to the school principal or his or her designee a written explanation of the
15 reasons for the removal as soon as feasible.

16 **SECTION 5.** 118.164 (3) (a) (intro.) of the statutes is amended to read:

17 118.164 (3) (a) (intro.) The school principal or his or her designee shall place
18 the a pupil who has been removed from class under sub. (2) in one of the following:

19 **SECTION 6.** 118.164 (3) (a) 4. of the statutes is amended to read:

20 118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing
21 the interests of the removed pupil, the other pupils in the class and, the teacher of
22 the class from which the pupil was removed, and the school district employee if the
23 school district employee removed the pupil, the school principal or his or her designee
24 determines that readmission to the class is the best or only alternative.

25 **SECTION 7.** 118.164 (3) (b) of the statutes is amended to read:

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1 118.164 (3) (b) This subsection does not prohibit the teacher school district
2 employee who removed the pupil from the class under sub. (2) or the school board,
3 school district administrator, school principal, or their designees from disciplining
4 the pupil.

5 **SECTION 8.** 120.13 (1) (a) (intro.) of the statutes is amended to read:

6 120.13 (1) (a) (intro.) Make rules for the organization, gradation and
7 government of the schools of the school district, including rules pertaining to conduct
8 and dress of pupils in order to maintain good decorum and a favorable academic
9 atmosphere, which shall take effect when approved by a majority of the school board
10 and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board
11 shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000
12 school year. The code shall be developed in consultation with a committee of school
13 district residents that consists of parents, pupils, members of the school board, school
14 administrators, teachers, pupil services professionals, and other residents of the
15 school district who are appointed to the committee by the school board. The code of
16 classroom conduct may provide different standards of conduct for different schools
17 and may provide additional placement options under s. 118.164 (3). The code shall
18 include all of the following:

19 **SECTION 9.** 120.13 (1) (a) 1. of the statutes is amended to read:

20 120.13 (1) (a) 1. A specification of what constitutes dangerous, disruptive, or
21 unruly behavior or under s. 118.164 (2) (a) 2.; behavior that interferes with the ability
22 of the teacher to teach effectively under s. 118.164 (2) (a) 3.; and behavior that
23 interferes with the ability of a school district employee to perform his or her job
24 effectively under s. 118.164 (2) (a) 4.

25 **SECTION 10.** 120.13 (1) (a) 2. of the statutes is amended to read:

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1 120.13 (1) (a) 2. Any grounds in addition to those under subd. 1. for the removal
2 of a pupil from ~~the class~~ or from school property or a school-sponsored activity under
3 s. 118.164 (2).

4 **SECTION 11.** 120.13 (1) (a) 3. of the statutes is amended to read:

5 120.13 (1) (a) 3. The procedures for determining the appropriate educational
6 placement of a pupil who has been removed from the class and assigned a placement
7 by the school principal or his or her designee under s. 118.164 (3).

8 **SECTION 12.** 120.13 (1) (a) 4. of the statutes is amended to read:

9 120.13 (1) (a) 4. A procedure for notifying the parent or guardian of a minor
10 pupil who has been removed from ~~the class~~ or removed from school property or a
11 school-sponsored activity under s. 118.164 (2).

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(END)