

**2007 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB484)**

Received: 10/04/2007

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Joan Ballweg (608) 266-8077

By/Representing: Joyce Kiel

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous  
Education - school boards

Extra Copies: pg

Submit via email: YES

Requester's email: Rep.Ballweg@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov  
Joyce.Kiel@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

removal of a pupil from class and sending a pupil from any portion of school property

---

**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	tkuczens 10/17/2007	bkraft 10/29/2007	jfrantze 10/29/2007	_____	lparisi 10/29/2007	lparisi 10/29/2007	
	tkuczens 11/06/2007	bkraft 11/08/2007		_____			
/2	tkuczens 11/08/2007	bkraft 11/08/2007	rschluet 11/08/2007	_____	cduerst 11/08/2007	cduerst 11/08/2007	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	tkuczens 11/21/2007	bkraft 11/26/2007	nnatzke 11/08/2007	_____	mbarman 11/08/2007	mbarman 11/08/2007	
/4			pgreensl 11/26/2007	_____	sbasford 11/26/2007	sbasford 11/26/2007	

FE Sent For:

<END>

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	tkuczens 11/06/2007	bkraft 11/08/2007		_____			
/2	tkuczens 11/08/2007	bkraft 11/08/2007	rschluet 11/08/2007	_____	cduerst 11/08/2007	cduerst 11/08/2007	

Handwritten notes: 1/26, 10/26, ps/nn

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/3		14bjk 11/26	nnatzke 11/08/2007	_____	mbarman 11/08/2007	mbarman 11/08/2007	

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### Assembly Substitute Amendment (ASA-AB484)

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By/Representing: **Joyce Kiel**

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Drafter: **tkuczens**

May Contact:

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Education - school boards**

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#### Topic:

removal of a pupil from class and sending a pupil from any portion of school property

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#### Instructions:

See Attached

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	tkuczens 11/06/2007	bkraft 11/08/2007		_____			
/2			rschluet 11/08/2007	_____	cduerst 11/08/2007	cduerst 11/08/2007	
		13 bjk 11/8	nwn 11/8	nwn 11/8			

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**Instructions:**

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FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB484)**

Received: **10/04/2007**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - IND 266-3137**

By/Representing: **Joyce Kiel**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - miscellaneous  
Education - school boards**

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **joyce.kiel@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

removal of a pupil from class and sending a pupil from any portion of school property

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**Instructions:**

See Attached

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**Drafting History:**

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/1	tkuczens 10/17/2007	bkraft 10/29/2007	jfrantze 10/29/2007	_____	lparisi 10/29/2007	lparisi 10/29/2007	

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB484)✓**

Received: 10/04/2007

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Legislative Council - IND 266-3137

By/Representing: Joyce Kiel

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

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Subject: Education - miscellaneous  
Education - school boards

Extra Copies: pg

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Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

removal of a pupil from class or from any portion of school property and sending a pupil from a school-sponsored activity

---

**Instructions:**

See Attached

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**Drafting History:**

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/?	tkuczens	1 bjk 10/29	<i>changed</i>	<i>district</i>	<i>dismissal</i>		

FE Sent For:

<END>

9/29/07 mtg. with Joyce Kiel (Legislative Council) LRB 2590/2  
ASA to 2007 AB 484

\* Create substitute amendment

- allow "school district employees" (not just teachers) to:

- remove a pupil from class
- <sup>send</sup> ~~remove~~ a pupil <sup>to the principal</sup> from any portion of school property <sup>district</sup>
- ~~dismiss a pupil from a school-sponsored activity~~

- require school boards to adopt as part of the code of classroom conduct an explanation for what constitutes behavior that

violates 120.13(1)(a)

interferes with the ability of a school district employee to effectively perform his or her job in the classroom or in a setting other than class <sup>xc</sup>

- permit the school boards to amend the code of conduct as explained above without consulting members of the community as otherwise required under s. 120.13(1)(a)

\* changes to instructions made following T. conf. w/ Joyce K. on 10/16/07

also: SDistrict EEs need not confer w/ a teacher prior to removing a pupil from class



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0146

TKK:.....

RM RUN

dnote

LPS - Please check spacing.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2007 ASSEMBLY BILL 484

bhv  
SA ✓  
X-ref ✓

In 10/17/07

SOON ←

gen. cat.

1 AN ACT ...; relating to: removal of a pupil from class and sending a pupil from  
2 any portion of school district property. ✓

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

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

4 ✓ 118.164 (title) Removal of a pupils from the class or sending a pupil from  
5 any portion of school district property.

History: 1997 a. 335.

6 SECTION 2. 118.164 (2) of the statutes is renumbered 118.164 (2) (a) (intro.) and  
7 amended to read:

8 ✓ 118.164 (2) (a) Subject to 20 USC 1415 (k) and beginning August 1, 1999, a  
9 teacher school district employee may remove a pupil from the teacher's class if the  
10 pupil violates does any of the following:

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

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

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

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

History: 1997 a. 335.

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

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

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

118.164 (2m) (a) A school district employee may send a pupil from any portion of school district property other than class to the school principal or his or her designee if the pupil does any of the following:

1. Violates any code of conduct, other than the code of classroom conduct, adopted under s. 120.13 (1) (a) .

2. Exhibits behavior that is dangerous, unruly, or disruptive.

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

1 (b) If a school district employee sends a pupil to the school principal or his or  
 2 her designee under this subsection, the school district employee shall immediately  
 3 notify the school principal or his or her designee of the reasons and shall provide to  
 4 the principal or his or her designee a written explanation of the reasons within 24  
 5 hours after sending the pupil.

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

7 118.164 (3) (a) (intro.) The school principal or his or her designee shall place  
 8 the a pupil who has been removed from class under sub. (2) in one of the following:

9 History: 1997 a. 335.

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

10 118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing  
 11 the interests of the removed pupil, the other pupils in the class, and the teacher of  
 12 the class from which the pupil was removed, the school principal or his or her  
 13 designee determines that readmission to the class is the best or only alternative.

14 History: 1997 a. 335.

SECTION 7. 120.13 (1) (a) of the statutes is amended to read:

15 120.13 (1) (a) Make rules for the organization, gradation and government of  
 16 the schools of the school district, including rules pertaining to conduct and dress of  
 17 pupils in order to maintain good decorum and a favorable academic atmosphere,  
 18 which shall take effect when approved by a majority of the school board and filed with  
 19 the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a  
 20 code to govern pupils' classroom conduct ~~beginning in the 1999-2000 school year.~~  
 21 The Except for that portion of the code of classroom conduct required under subd. 5.,  
 22 the code shall be developed in consultation with a committee of school district  
 23 residents that consists of parents, pupils, members of the school board, school  
 24 administrators, teachers, pupil services professionals and other residents of the

for sending the  
pupil

1 school district who are appointed to the committee by the school board. The code of  
 2 classroom conduct may provide different standards of conduct for different schools  
 3 and may provide additional placement options under s. 118.164 (3). The code shall  
 4 include all of the following:

5 1. A specification of what constitutes dangerous, disruptive, or unruly behavior  
 6 under s. 118.164 (2) (a) 2. or behavior that interferes with the ability of the teacher  
 7 to teach effectively under s. 118.164 (2) (a) 3.

8 2. Any grounds in addition to those under subd. 1. for the removal of a pupil  
 9 from ~~the~~ class under s. 118.164 (2).

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

13 4. A procedure for notifying the parent or guardian of a minor pupil who has  
 14 been removed from ~~the~~ class under s. 118.164 (2).

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254; 2005 a. 22, 194, 290, 346; 2005 a. 443 s. 265; s. 13.93 (1) (b).

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

16 ✓ 120.13 (1) (a) 5. A specification of what constitutes behavior that interferes  
 17 with the ability of a school district employee to effectively perform his or job in class  
 18 under s. 118.164 (2) (a) 4.

19 (END)

D-note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0146/dn

TKK:.....

①  
Lbjk

Date

Joyce Kiel:

As drafted, school boards are not required to include in any code of conduct any of the following:

- \* a. A specification of what constitutes dangerous, disruptive or unruly behavior in a setting other than class. ✓
- b. Any grounds in addition to those identified in paragraph a., above, for sending a pupil to the principal from school district property other than class. ✓
- c. The procedure for notifying the parent or guardian of a minor pupil who has been sent to the principal from school district property other than class. ✓
- d. A specification of what constitutes behavior that interferes with the ability of a school district employee to effectively perform his or her job in a setting other than class. ✓

Is that your intent? If that is not your intent do you want to require a school board to include any of this information in the code of classroom conduct under s. 120.13 (1)(a)? ✓  
Do you want to require a school board to develop this material with the committee under s. 120.13 (1) (a)?

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0146/1dn  
TKK:bjk:jf

October 29, 2007

Joyce Kiel:

As drafted, school boards are not required to include in any code of conduct any of the following:

a. A specification of what constitutes dangerous, disruptive, or unruly behavior in a setting other than class.

b. Any grounds in addition to those identified in paragraph a., above, for sending a pupil to the principal from school district property other than class.

c. The procedure for notifying the parent or guardian of a minor pupil who has been sent to the principal from school district property other than class.

d. A specification of what constitutes behavior that interferes with the ability of a school district employee to effectively perform his or her job in a setting other than class.

Is that your intent? If that is not your intent do you want to require a school board to include any of this information in the code of classroom conduct under s. 120.13 (1) (a)? Do you want to require a school board to develop this material with the committee under s. 120.13 (1) (a)?

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

LRBs 0146



WISCONSIN LEGISLATIVE COUNCIL

Tracy -  
Here are the stripes back -  
see my email -  
Thanks Joyce Noel

Phone: (608) 266-1304 Fax: (608) 266-3830  
Web: [www.legis.state.wi.us/c](http://www.legis.state.wi.us/c)

11-01-07

## Kuczenski, Tracy

---

**From:** Kiel, Joyce  
**Sent:** Wednesday, October 31, 2007 5:00 PM  
**To:** Kuczenski, Tracy  
**Cc:** Williams, Vincent  
**Subject:** FW: LRB 07s0146 Topic: removal of a pupil from class and sending a pupil from any portion of school property

**Attachments:** LRB s0146\_1; LRB s0146/1

Hi Tracy--

Thanks for your work on this. I just met with Rep. Ballweg and her aide Vince Williams about the draft and the questions in your drafter's note. She is requesting a /2 version of the substitute amendment (I'll send the stripes back down) that does the following:

- ✓ 1. In s. 118.164 (3) (a) 4. (Section 6 of draft), use the language that was included in Section 6 of the bill. That is, in considering whether to readmit to a classroom a pupil who has been removed from the classroom by a school district employee other than a teacher, the interests of that employee should also be weighed by the principal or principal's designee.
- ✓ 2. On page 3, line 22 and on page 4, line 2, change "code" to "code of classroom conduct" so that there is no confusion about which code of conduct those provisions pertain to.
- ✓ 3. On page 1, line 10, specify that the removal from classroom authority is also subject to ss. 115.787 and 115.79 (in addition to 20 USC 1415 (k)).
- ✓ 4. Rep. Ballweg asked that an LRB analysis be included with the substitute amendment.

Also, I talked with Rep. Ballweg about the questions in your drafter's note. It is her intent that the statutes not require a code of conduct that is not a code of classroom conduct to include the four specific elements in your drafter's note. The silence of the resulting statutes on this point would mean that school boards may (but would not be required to) use their authority under current law [the first sentence of s. 120.13 (1) (a), Stats.] to develop any code of conduct (in addition to a code of classroom conduct) and include in that code of conduct what the school board thought to be appropriate. If a school board chooses not to adopt a code of conduct applicable to a particular situation, then s. 118.164 (2m) (a) 1. and 3. would not trigger authorization for sending a pupil to the principal. If a school board chooses not to define "dangerous, unruly, or disruptive" behavior for purposes of s. 118.164 (2m) (a) 2., then the school district employee would be making that decision, but all that would be happening is a trip to the principal. [Current s. 118.31 (4), Stats., (requiring a school board policy on removal for disruptive behavior) is unaffected by the bill.]

✓ In answer to your last question, Rep. Ballweg did not want to require that any code of conduct that is not a code of classroom conduct be developed by the community committee input process required in s. 120.13 (1) (a) for a code of classroom conduct.

Please list the requester as Rep. Ballweg and have a copy of the next draft emailed to me when you send it to Rep. Ballweg.

Let me know if you have any questions.

Joyce L. Kiel, Senior Staff Attorney  
Wisconsin Legislative Council Staff  
Suite 401, One East Main Street  
Madison, WI 53703  
608-266-3137  
608-266-3830 (fax)  
joyce.kiel@legis.wisconsin.gov

---

**From:** Parisi, Lori  
**Sent:** Monday, October 29, 2007 9:49 AM  
**To:** Kiel, Joyce  
**Subject:** LRB 07s0146 Topic: removal of a pupil from class and sending a pupil from any portion of school property

The attached proposal has been jacketed for introduction.

A copy has also been sent to: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)



07s01461.pdf (21  
KB)



07s01461dn.pdf  
(10 KB)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0146/0  
TKK:bjk:ff  
2e  
stay  
RMNR  
→ insert  
→ d-note

in 11/6/07

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2007 ASSEMBLY BILL 484

SOON ←

SAV

regen. cat.

Insert Analysis

To the principal

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. and 120.13 (1) (a); and *to create* 118.164 (2) (a)  
3 4., 118.164 (2m) and 120.13 (1) (a) 5. of the statutes; **relating to:** removal of a  
4 pupil from class and sending a pupil from any portion of school district property

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

5 SECTION 1. 118.164 (title) of the statutes is amended to read:  
6 118.164 (title) **Removal of pupils a pupil from the class or sending a**  
7 **pupil from any portion of school district property.**

8 SECTION 2. 118.164 (2) of the statutes is renumbered 118.164 (2) (a) (intro.) and  
9 amended to read: a pupil's individualized education program under s. 115.783v

10 118.164 (2) (a) (intro.) Subject to 20 USC 1415 (k) and beginning  
11 August 1, 1999, a teacher school district employee may remove a pupil from the  
12 teacher's class if the pupil violates does any of the following:

- 1           1. Violates the code of classroom conduct adopted under s. 120.13 (1) (a) ~~or is.~~
- 2           2. Exhibits behavior that is dangerous, unruly, or disruptive ~~or exhibits.~~
- 3           3. Exhibits behavior that interferes with the ability of ~~the~~ a teacher to teach
- 4 effectively, as specified in the code of classroom conduct under s. 120.13 (1) (a).

5           (b) ~~The teacher~~ school district employee shall send ~~the~~ a pupil removed from

6 class to the school principal or his or her designee and notify the school principal or

7 his or her designee immediately of the reasons for the removal. In addition, the

8 ~~teacher~~ school district employee shall provide to the principal or his or her designee

9 within 24 hours after the pupil's removal from ~~the~~ class a written explanation of the

10 reasons for the removal.

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

12           118.164 (2) (a) 4. Exhibits behavior that interferes with the ability of a school

13 district employee to effectively perform his or her job in class, as specified in the code

14 of classroom conduct under s. 120.13 (1) (a).

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

16           118.164 (2m) (a) A school district employee may send a pupil from any portion

17 of school district property other than class to the school principal or his or her

18 designee if the pupil does any of the following:

- 19           1. Violates any code of conduct, other than the code of classroom conduct,
- 20 adopted under s. 120.13 (1) (a) .
- 21           2. Exhibits behavior that is dangerous, unruly, or disruptive.
- 22           3. Exhibits behavior that interferes with the ability of a school district
- 23 employee to effectively perform his or her job, as specified in any code of conduct,
- 24 other than the code of classroom conduct, adopted under s. 120.13 (1) (a).

1 (b) If a school district employee sends a pupil to the school principal or his or  
2 her designee under this subsection, the school district employee shall immediately  
3 notify the school principal or his or her designee of the reasons for sending the pupil  
4 and shall provide to the principal or his or her designee a written explanation of the  
5 reasons within 24 hours after sending the pupil.

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

7 118.164 (3) (a) (intro.) <sup>Subject to s. 115.791 the</sup> The school principal or his or her designee shall place  
8 the a pupil who has been removed from class under sub. (2) in one of the following:

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

10 118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing  
11 the interests of the removed pupil, the other pupils in the class, and the teacher of  
12 the class from which the pupil was removed, <sup>and the school district employee if the school district employee removed the pupil</sup> the school principal or his or her  
13 designee determines that readmission to the class is the best or only alternative.

14 SECTION 7. 120.13 (1) (a) of the statutes is amended to read:

15 120.13 (1) (a) Make rules for the organization, gradation and government of  
16 the schools of the school district, including rules pertaining to conduct and dress of  
17 pupils in order to maintain good decorum and a favorable academic atmosphere,  
18 which shall take effect when approved by a majority of the school board and filed with  
19 the school district clerk. <sup>and ss. 115.787 and 115.791</sup> Subject to 20 USC 1415 (k), the school board shall adopt a  
20 code to govern pupils' classroom conduct ~~beginning in the 1999-2000 school year.~~

21 <sup>of classroom conduct</sup> The Except for that portion of the code of classroom conduct required under subd. 5.,  
22 the code shall be developed in consultation with a committee of school district  
23 residents that consists of parents, pupils, members of the school board, school  
24 administrators, teachers, pupil services professionals and other residents of the  
25 school district who are appointed to the committee by the school board. The code of

1 classroom conduct may provide different standards of conduct for different schools  
2 and may provide additional placement options under s. 118.164 (3). The code shall  
3 include all of the following:

of classroom conduct

4 1. A specification of what constitutes dangerous, disruptive, or unruly behavior  
5 under s. 118.164 (2) (a) 2. or behavior that interferes with the ability of the teacher  
6 to teach effectively under s. 118.164 (2) (a) 3.

7 2. Any grounds in addition to those under subd. 1. for the removal of a pupil  
8 from the class under s. 118.164 (2).

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

12 4. A procedure for notifying the parent or guardian of a minor pupil who has  
13 been removed from the class under s. 118.164 (2).

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

15 120.13 (1) (a) 5. A specification of what constitutes behavior that interferes  
16 with the ability of a school district employee to effectively perform his or job in class  
17 under s. 118.164 (2) (a) 4.

her

18 (END)

D-note

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0146/lins  
TKK:bjk:jf

1

INSERT ANALYSIS

---

*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 send a pupil from any portion of school district property to the principal. Under the bill, the code of classroom conduct must specify the kinds of behavior that interfere with the ability of a school district employee to perform his or her job effectively and that would warrant removal from class. The bill also permits a school district to specify in any code of conduct other than the code of classroom conduct behavior that would warrant sending a pupil from school district property to the principal, including behavior that interferes with the ability of a school district employee to effectively perform his or her job.

end of Insert Analysis.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0146/1dn

TKK:bjk:ff

*one*  
*stay*

*Date*

Representative Ballweg:

In addition to the analysis, please note the following changes to this draft:

1. This draft makes removal of a pupil from a class subject to a pupil's individualized education program under s. 115.787. ✓
2. The draft makes the placement of a pupil removed from class in another setting subject s. 115.79. ✓
3. The draft makes the content of the code of classroom conduct prepared by a school district subject to ss. 115.787<sup>✓</sup> and 115.79<sup>✓</sup>.
4. The draft permits the interests of a school district employee who removed a pupil from a class to be considered when determining whether to return a pupil to the class. ✓
5. The draft modifies two references to "the code" in s. 120.13 (1) (a) with the clause, "of classroom conduct". ✓

Please let me know if you have any questions or would like to make additional changes. ✓

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0146/2dn  
TKK:bjk:rs

November 8, 2007

Representative Ballweg:

In addition to the analysis, please note the following changes to this draft:

1. This draft makes removal of a pupil from a class subject to a pupil's individualized education program under s. 115.787.
2. The draft makes the placement of a pupil removed from class in another setting subject s. 115.79.
3. The draft makes the content of the code of classroom conduct prepared by a school district subject to ss. 115.787 and 115.79.
4. The draft permits the interests of a school district employee who removed a pupil from a class to be considered when determining whether to return a pupil to the class.
5. The draft modifies two references to "the code" in s. 120.13 (1) (a) with the clause, "of classroom conduct".

Please let me know if you have any questions or would like to make additional changes.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0146/2

TKK:bjk:rs

11/8/07

→ Today (once stripes are back)

RMNR

stay

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2007 ASSEMBLY BILL 484

SAV

regen. cat.

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. and 120.13 (1) (a); and **to create** 118.164 (2) (a)  
3 4., 118.164 (2m) and 120.13 (1) (a) 5. of the statutes; **relating to:** removal of a  
4 pupil from class and sending a pupil from any portion of school district property  
5 to the principal.

**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 send a pupil from any portion of school district property to the principal. Under the bill, the code of classroom conduct must specify the kinds of behavior that interfere with the ability of a school district employee to perform his or her job effectively and that would warrant removal from class. The bill also permits a school district to specify, in any code of conduct other than the code of classroom conduct, behavior that would warrant sending a pupil from school district property to the principal, including behavior that

interferes with the ability of a school district employee to effectively perform his or her job.

---

*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 a pupil from the class or sending a**  
3 **pupil from any portion of school district property.**

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

6           118.164 (2) (a) (intro.) Subject to 20 USC 1415 (k) ~~and beginning~~  
7 ~~August 1, 1999,~~ a pupil's individualized education program under s. 115.787, a  
8 teacher school district employee may remove a pupil from the teacher's class if the  
9 pupil violates does 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 under s. 120.13 (1) (a).

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

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

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

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

5           118.164 (2m) (a) A school district employee may send a pupil from any portion  
6 of school district property other than class to the school principal or his or her  
7 designee if the pupil does any of the following:

8           1. Violates any code of conduct, other than the code of classroom conduct,  
9 adopted under s. 120.13 (1) (a) .

10          2. Exhibits behavior that is dangerous, unruly, or disruptive.

11          3. Exhibits behavior that interferes with the ability of a school district  
12 employee to effectively perform his or her job, as specified in any code of conduct,  
13 other than the code of classroom conduct, adopted under s. 120.13 (1) (a).

14          (b) If a school district employee sends a pupil to the school principal or his or  
15 her designee under this subsection, the school district employee shall immediately  
16 notify the school principal or his or her designee of the reasons for sending the pupil  
17 and shall provide to the principal or his or her designee a written explanation of the  
18 reasons within 24 hours after sending the pupil.

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

20          118.164 (3) (a) (intro.) The Subject to s. 115.79, the school principal or his or  
21 her designee shall place the a pupil who has been removed from class under sub. (2)  
22 in one of the following:

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

24          118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing  
25 the interests of the removed pupil, the other pupils in the class and, the teacher of

1 the class from which the pupil was removed, and the school district employee if the  
2 school district employee removed the pupil, the school principal or his or her designee  
3 determines that readmission to the class is the best or only alternative.

4 SECTION 7. 120.13 (1) (a) of the statutes is amended to read:

5 120.13 (1) (a) Make rules for the organization, gradation and government of  
6 the schools of the school district, including rules pertaining to conduct and dress of  
7 pupils in order to maintain good decorum and a favorable academic atmosphere,  
8 which shall take effect when approved by a majority of the school board and filed with  
9 the school district clerk. Subject to 20 USC 1415 (k) and ss. 115.787 and 115.79, the  
10 school board shall adopt a code to govern pupils' classroom conduct ~~beginning in the~~  
11 ~~1999-2000 school year. The.~~ Except for that portion of the code of classroom conduct  
12 required under subd. 5., the code of classroom conduct shall be developed in  
13 consultation with a committee of school district residents that consists of parents,  
14 pupils, members of the school board, school administrators, teachers, pupil services  
15 professionals and other residents of the school district who are appointed to the  
16 committee by the school board. The code of classroom conduct may provide different  
17 standards of conduct for different schools and may provide additional placement  
18 options under s. 118.164 (3). The code of classroom conduct shall include all of the  
19 following:

20 1. A specification of what constitutes dangerous, disruptive, or unruly behavior  
21 under s. 118.164 (2) (a) 2. or behavior that interferes with the ability of the teacher  
22 to teach effectively under s. 118.164 (2) (a) 3.

23 2. Any grounds in addition to those under subd. 1. for the removal of a pupil  
24 from the class under s. 118.164 (2).



LRB 0750146/3

11/15/07

per. Vince (Backweg)

Changes to Analysis:

1. Second to 1<sup>st</sup> sentence - break into two sentences to clarify:
  - a. a pupil removed from class will be sent to the principal
  - b. a pupil may be removed from class by any school district employee
  - c. a school district employee may also send a pupil to the principal from other areas on school district property
2. add ~~that~~ reference to IEP



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0146/3

TKK:bjk:awn

RMNR stay

in 11/21/07

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2007 ASSEMBLY BILL 484

by 11/26/07 ←

SA ✓

-regen. Cat.

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. and 120.13 (1) (a); and to create 118.164 (2) (a)  
3 4., 118.164 (2m) and 120.13 (1) (a) 5. of the statutes; relating to: removal of a  
4 pupil from class and sending a pupil from any portion of school district property  
5 to the principal.

Makes removal of a pupil from class subject to a pupil's individualized education program. The bill

to any school district employee

and send the pupil to the principal

and send the pupil to the principal

**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 send a pupil from any portion of school district property to the principal. Under the bill, the code of classroom conduct must specify the kinds of behavior that interfere with the ability of a school district employee to perform his or her job effectively and that would warrant removal from class. The bill also permits a school district to specify, in any code of conduct other than the code of classroom conduct, behavior that would warrant sending a pupil from school district property to the principal, including behavior that

The bill

interferes with the ability of a school district employee to effectively perform his or her job.

---

*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 a pupil from the class or sending a**  
3 **pupil from any portion of school district property.**

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

6           118.164 (2) (a) (intro.) Subject to 20 USC 1415 (k) and beginning  
7 August 1, 1999, and a pupil's individualized education program under s. 115.787, a  
8 teacher school district employee may remove a pupil from the teacher's class if the  
9 pupil violates does 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 under s. 120.13 (1) (a).

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

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

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

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

5           118.164 (2m) (a) A school district employee may send a pupil from any portion  
6 of school district property other than class to the school principal or his or her  
7 designee if the pupil does any of the following:

8           1. Violates any code of conduct, other than the code of classroom conduct,  
9 adopted under s. 120.13 (1) (a) .

10          2. Exhibits behavior that is dangerous, unruly, or disruptive.

11          3. Exhibits behavior that interferes with the ability of a school district  
12 employee to effectively perform his or her job, as specified in any code of conduct,  
13 other than the code of classroom conduct, adopted under s. 120.13 (1) (a).

14          (b) If a school district employee sends a pupil to the school principal or his or  
15 her designee under this subsection, the school district employee shall immediately  
16 notify the school principal or his or her designee of the reasons for sending the pupil  
17 and shall provide to the principal or his or her designee a written explanation of the  
18 reasons within 24 hours after sending the pupil.

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

20           118.164 (3) (a) (intro.) The Subject to s. 115.79, the school principal or his or  
21 her designee shall place the a pupil who has been removed from class under sub. (2)  
22 in one of the following:

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

24           118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing  
25 the interests of the removed pupil, the other pupils in the class and, the teacher of

1 the class from which the pupil was removed, and the school district employee if the  
2 school district employee removed the pupil, the school principal or his or her designee  
3 determines that readmission to the class is the best or only alternative.

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5 120.13 (1) (a) Make rules for the organization, gradation and government of  
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8 which shall take effect when approved by a majority of the school board and filed with  
9 the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a  
10 code to govern pupils' classroom conduct ~~beginning in the 1999-2000 school year.~~  
11 The. Except for that portion of the code of classroom conduct required under subd.  
12 5., the code of classroom conduct shall be developed in consultation with a committee  
13 of school district residents that consists of parents, pupils, members of the school  
14 board, school administrators, teachers, pupil services professionals and other  
15 residents of the school district who are appointed to the committee by the school  
16 board. The code of classroom conduct may provide different standards of conduct for  
17 different schools and may provide additional placement options under s. 118.164 (3).  
18 The code of classroom conduct shall include all of the following:

19 1. A specification of what constitutes dangerous, disruptive, or unruly behavior  
20 under s. 118.164 (2) (a) 2. or behavior that interferes with the ability of the teacher  
21 to teach effectively under s. 118.164 (2) (a) 3.

22 2. Any grounds in addition to those under subd. 1. for the removal of a pupil  
23 from ~~the~~ class under s. 118.164 (2).

