



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBs0326/1  
TKK:kjf&amn

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO ASSEMBLY BILL 693**

February 14, 2018 - Offered by Representative THIESFELDT.

1 **AN ACT to renumber and amend** 118.21 (1); and **to create** 118.21 (1) (b), 118.40  
2 (1m) (b) 16., 118.40 (2r) (b) 2. fm., 118.40 (2x) (b) 2. fm. and 119.16 (16) of the  
3 statutes; **relating to:** right of a teacher in a public school, including a charter  
4 school, or an instructional staff member at an independent charter school to  
5 terminate his or her employment under certain circumstances.

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

6 **SECTION 1.** 118.21 (1) of the statutes is renumbered 118.21 (1) (a) and amended  
7 to read:

8 118.21 (1) (a) The school board shall contract in writing with qualified teachers.  
9 The school board shall file a contract, with a copy of the teacher's authority to teach  
10 attached, ~~shall be filed~~ with the school district clerk. Such contract, in addition to  
11 fixing the teacher's wage, may provide for compensating the teacher for necessary

1 travel expense. A teaching contract with any person not legally authorized to teach  
2 the named subject or at the named school shall be void. All teaching contracts shall  
3 terminate if, and when, the authority to teach terminates.

4 **SECTION 2.** 118.21 (1) (b) of the statutes is created to read:

5 118.21 (1) (b) 1. In this paragraph, “physical assault” means the knowing or  
6 intentional touching of another person, by the use of any body part or object, with the  
7 intent to cause physical harm. “Physical assault” does not include the reasonable  
8 and necessary use of force for the purpose of self-defense or the defense of others  
9 under s. 939.48.

10 2. Beginning on the effective date of this subdivision ... [LRB inserts date], the  
11 school board shall include in each contract under this section a provision authorizing  
12 the teacher to terminate his or her contract without penalty, including the penalty  
13 of the payment of liquidated damages, if the teacher is the victim of a physical assault  
14 or of a violent crime, as defined in s. 939.632 (1) (e), while the teacher is on school  
15 premises, at or in transit to a school-sponsored activity, or otherwise engaged in  
16 official duties on behalf of the school district. The provision required under this  
17 subdivision shall specify that a teacher may terminate his or her contract as provided  
18 under this subdivision only if the teacher provides the school board with a law  
19 enforcement report documenting the physical assault or violent crime within 2  
20 months of the incident covered in the report.

21 **SECTION 3.** 118.40 (1m) (b) 16. of the statutes is created to read:

22 118.40 (1m) (b) 16. Beginning on the effective date of this subdivision ... [LRB  
23 inserts date], a provision authorizing a teacher employed in the charter school to  
24 terminate his or her employment with the person operating the school without  
25 penalty, including the penalty of the payment of liquidated damages, if the teacher

1 is the victim of a physical assault, as defined in s. 118.21 (1) (b) 1., or of a violent crime,  
2 as defined in s. 939.632 (1) (e), while the teacher is on school premises, at or in transit  
3 to a school-sponsored activity, or otherwise engaged in official duties on behalf of the  
4 charter school. The provision required under this subdivision shall specify that a  
5 teacher may terminate his or her contract as provided under this subdivision only  
6 if the teacher provides the governing board with a law enforcement report  
7 documenting the physical assault or violent crime within 2 months of the incident  
8 covered in the report.

9 **SECTION 4.** 118.40 (2r) (b) 2. fm. of the statutes is created to read:

10 118.40 (2r) (b) 2. fm. Beginning on the effective date of this subd. 2. fm. .... [LRB  
11 inserts date], a provision authorizing an instructional staff person employed in the  
12 charter school to terminate his or her employment with the person operating the  
13 school without penalty, including the penalty of the payment of liquidated damages,  
14 if the instructional staff person is the victim of a physical assault, as defined in s.  
15 118.21 (1) (b) 1., or of a violent crime, as defined in s. 939.632 (1) (e), while the  
16 instructional staff person is on school premises, at or in transit to a school-sponsored  
17 activity, or otherwise engaged in official duties on behalf of the charter school. The  
18 provision required under this subd. 2. fm. shall specify that an instructional staff  
19 person may terminate his or her contract as provided under this subd. 2. fm. only if  
20 the instructional staff person provides the governing board with a law enforcement  
21 report documenting the physical assault or violent crime within 2 months of the  
22 incident covered in the report.

23 **SECTION 5.** 118.40 (2x) (b) 2. fm. of the statutes is created to read:

24 118.40 (2x) (b) 2. fm. Beginning on the effective date of this subd. 2. fm. .... [LRB  
25 inserts date], a provision authorizing an instructional staff person employed in the

1 charter school to terminate his or her employment with the person operating the  
2 school without penalty, including the penalty of the payment of liquidated damages,  
3 if the instructional staff person is the victim of a physical assault, as defined in s.  
4 118.21 (1) (b) 1., or of a violent crime, as defined in s. 939.632 (1) (e), while the  
5 instructional staff person is on school premises, at or in transit to a school-sponsored  
6 activity, or otherwise engaged in official duties on behalf of the charter school. The  
7 provision required under this subd. 2. fm. shall specify that an instructional staff  
8 person may terminate his or her contract as provided under this subd. 2. fm. only if  
9 the instructional staff person provides the governing board with a law enforcement  
10 report documenting the physical assault or violent crime within 2 months of the  
11 incident covered in the report.

12 **SECTION 6.** 119.16 (16) of the statutes is created to read:

13 119.16 (16) **TEACHER EMPLOYMENT CONTRACTS.** Beginning on the effective date  
14 of this subsection .... [LRB inserts date], the board shall include in any employment  
15 contract with a teacher a provision authorizing the teacher to terminate his or her  
16 contract without penalty, including the penalty of the payment of liquidated  
17 damages, if the teacher is a victim of a physical assault, as defined in s. 118.21 (1)  
18 (b) 1., or of a violent crime, as defined in s. 939.632 (1) (e), while the teacher is on  
19 school premises, at or in transit to a school-sponsored activity, or otherwise engaged  
20 in official duties on behalf of the school district. The provision required under this  
21 subsection shall specify that a teacher may terminate his or her contract as provided  
22 under this subsection only if the teacher provides the school board with a law  
23 enforcement report documenting the physical assault or violent crime within 2  
24 months of the incident covered in the report.

25 (END)