



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 693	Assembly Substitute Amendment 2 and Assembly Amendment 1 to Assembly Substitute Amendment 2
<i>Memo published:</i> February 23, 2018	<i>Contact:</i> Rachel E. Snyder, Staff Attorney

2017 ASSEMBLY BILL 693

Assembly Bill 693 modifies the law regarding information that must be distributed to or made available to teachers, how school and school district performance reports categorize suspension and expulsion data, pupil discipline, pupil behavioral records, the reporting of certain information between law enforcement agencies and schools, and teacher contracts, leave, and other benefits.

ASSEMBLY SUBSTITUTE AMENDMENT 2

Generally, Assembly Substitute Amendment 2 retains only the portion of the bill that requires teacher contracts to permit termination without penalty under certain circumstances and expands that requirement to allow charter school teachers and instructional staff to also terminate their employment without penalty under the same circumstances.

Current law requires public school boards to contract in writing with qualified teachers. In general, state law does not mandate what must be included in these contracts, except that a contract must fix a teacher's wage. [s. 118.21 (1), Stats.]

The substitute amendment requires that a school board, including the Milwaukee Board of School Directors, include in any employment contract with a teacher a provision that allows the teacher to terminate his or her contract without penalty if the teacher becomes a victim of physical assault or of a violent crime, as defined in s. 939.632 (1) (e), Stats., while on school premises, at or in transit to a school-sponsored activity, or otherwise engaged in official duties on behalf of the school district.

In addition, the substitute amendment requires that each charter school contract include a provision authorizing a teacher or instructional staff person to terminate his or her employment without penalty if the teacher or instructional staff person becomes a victim of physical assault or of a violent crime, as defined in s. 939.632 (1) (e), Stats., while on school premises, at or in transit to a school-sponsored activity, or otherwise engaged in official duties on behalf of the charter school.

The substitute amendment defines “physical assault” to mean “the knowing or intentional touching of another person, by the use of any body part or object, with the intent to cause physical harm.” Under the substitute amendment, physical assault does not include the reasonable use of force for self-defense or the defense of others.

To terminate his or her contract or employment under the contract provisions required by the substitute amendment, a teacher or instructional staff person must provide the school board or charter school governing board with a copy of a law enforcement report documenting the physical assault or violent crime within two months of the incident.

ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 2

Assembly Amendment 1 makes the following changes to the substitute amendment:

- Modifies the definition of “physical assault” to mean “the knowing or intentional touching of another person, by the use of any body part or object, with the intent to cause physical harm **to that person or another and without the consent of the person harmed.**”
- Provides that a teacher or instructional staff person must be permitted to terminate his or her contract or employment only if he or she is the victim of a physical assault **by a pupil** or of a violent crime **committed by a pupil.**
- Eliminates the provision allowing for termination of a contract or employment based on a physical assault or violent crime committed while a teacher or instructional staff person is in transit to a school-sponsored activity.
- Specifies that a teacher or instructional staff person must submit both a request to terminate his or her contract or employment and a copy of a law enforcement report documenting the physical assault or violent crime within two months of the incident in order to terminate his or her contract or employment under the contract provisions required by the substitute amendment.

BILL HISTORY

Representative Jeremy Thiesfeldt introduced 2017 Assembly Bill 693 on November 29, 2017, and introduced Assembly Substitute Amendment 2 on February 14, 2018. On February 20, 2018, the Assembly Committee on Judiciary recommended adoption of the substitute amendment on votes of Ayes, 6; Noes, 3, and recommended passage of the bill, as amended, on votes of Ayes, 6; Noes, 3.

Representative Jeremy Thiesfeldt subsequently offered Assembly Amendment 1 to Assembly Substitute Amendment 2 on February 20, 2018. On February 22, 2018, the Assembly adopted Assembly Amendment 1 to the substitute amendment and adopted the substitute amendment, as amended, on voice votes. The Assembly passed the bill, as amended, on votes of Ayes, 58; Noes, 36.

RES:ksm