



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 192**

March 19, 1998 – Offered by COMMITTEE ON EDUCATION.

1 **AN ACT** *to amend* 20.255 (2) (ac), 119.04 (1), 120.13 (1) (d), 121.07 (6) (a) (intro.)
2 and 121.07 (7) (b); and **to create** 120.12 (25), 120.13 (1) (cm), 120.13 (1) (h),
3 120.13 (1) (i) and 121.05 (2) of the statutes; **relating to:** the expulsion of pupils
4 from school and making an appropriation.

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

5 **SECTION 1.** 20.255 (2) (ac) of the statutes, as affected by 1997 Wisconsin Act 27,
6 is amended to read:
7 20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of
8 educational aids under ss. 120.13 (1) (i), 121.08, 121.09 and 121.105 and subch. VI
9 of ch. 121 equal to \$3,318,488,800 in the 1997–98 fiscal year and equal to the amount
10 determined by the joint committee on finance under s. 121.15 (3m) (c) in each fiscal
11 year thereafter, less the amount appropriated under par. (bi).

1 **SECTION 2.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is
2 amended to read:

3 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
4 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
5 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to
6 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20,
7 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 118.51,
8 118.52, 118.55, 120.12 (5) and (15) to ~~(24)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3),
9 (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school
10 district and board.

11 **SECTION 3.** 120.12 (25) of the statutes is created to read:

12 120.12 (25) EXPULSION REPORTS. Annually report to the state superintendent,
13 on a form provided by the state superintendent, all of the following:

14 (a) For each pupil expulsion proceeding during the previous school year:

15 1. The age, gender, race and grade of the pupil.

16 2. The school attended by the pupil.

17 3. The result of the proceeding.

18 4. Whether the pupil has been identified as a child with a disability, as defined
19 in s. 115.76 (5).

20 5. If the pupil was expelled, the date and term of the expulsion and the grounds
21 for the expulsion.

22 (b) The number of expelled pupils that were allowed to return to school before
23 the expiration of their terms of expulsion during the previous school year.

24 **SECTION 4.** 120.13 (1) (cm) of the statutes is created to read:

1 120.13 (1) (cm) 1. A school board may decide not to pursue the expulsion of a
2 pupil, or not to issue an expulsion order, if the pupil, and the parent or guardian of
3 a minor pupil, agrees to a plan in lieu of expulsion. The plan may specify a code of
4 conduct for the pupil. The plan may provide for the pupil to attend an alternative
5 education program as described in par. (h). The plan shall specify an expiration date
6 for the plan.

7 2. If the school board determines that the pupil has violated the plan, the school
8 board may reinstate the pupil's expulsion proceeding, based on its original grounds,
9 in the following manner:

10 a. If the school board did not hold a hearing on the pupil's expulsion before
11 agreeing to the plan, the school board shall proceed under par. (c) 3. and 4. Notice
12 of the hearing shall include the reasons for the reinstatement.

13 b. If the school board held a hearing before agreeing to the plan, the school
14 board is not required to hold an additional hearing but shall provide at least 5 days'
15 written notice to the pupil and the parent or guardian of a minor pupil of the time
16 and place at which it will consider reinstatement of the pupil's expulsion proceeding.
17 The notice shall specify the reasons for the reinstatement. After considering
18 reinstatement of the pupil's expulsion proceeding, the school board may expel the
19 pupil by issuing an expulsion order under par. (c) 3. if it finds that the pupil engaged
20 in conduct that constitutes grounds for expulsion and is satisfied that the interest
21 of the school demands the pupil's expulsion.

22 **SECTION 5.** 120.13 (1) (d) of the statutes is amended to read:

23 120.13 (1) (d) ~~No pupil enrolled in a school district operating under ch. 119 may~~
24 be suspended or expelled from school for truancy.

25 **SECTION 6.** 120.13 (1) (h) of the statutes is created to read:

1 120.13 (1) (h) If a pupil is expelled from school, the school board shall offer the
2 pupil and, if the pupil is a minor, the pupil's parent or guardian an opportunity to
3 meet with appropriate school personnel to discuss alternative education programs
4 for the pupil during the term of the pupil's expulsion, and may offer the pupil an
5 alternative education program. The alternative education program shall do one of
6 the following:

7 1. If the pupil has attained 9th grade status, allow the pupil to make progress
8 toward meeting the high school graduation requirements under s. 118.33 (1) or
9 attaining a declaration of equivalency of high school graduation under s. 115.29 (4)
10 and, if appropriate, assist the pupil in preparing to reenter school in the school
11 district at the end of his or her term of expulsion.

12 2. If the pupil has not yet attained 9th grade status, assist the pupil in
13 preparing to reenter school in the school district at the end of his or her term of
14 expulsion.

15 **SECTION 7.** 120.13 (1) (i) of the statutes is created to read:

16 120.13 (1) (i) Beginning in the 1999-2000 school year, the state superintendent
17 annually shall pay to each school district an amount equal to the amount spent by
18 the school district to provide alternative education programs to pupils under pars.
19 (cm) 1. and (h) in the previous school year multiplied by the percentage of the school
20 district's shared costs that were funded under s. 121.08 in the previous school year,
21 as determined by the state superintendent. Aid under this paragraph shall be paid
22 from the appropriation under s. 20.255 (2) (ac).

23 **SECTION 8.** 121.05 (2) of the statutes is created to read:

1 121.05 (2) Notwithstanding sub. (1) (a) and (d), pupils who are in alternative
2 education programs under s. 120.13 (1) (cm) 1. and (h) shall not be included in the
3 report under sub. (1).

4 **SECTION 9.** 121.07 (6) (a) (intro.) of the statutes is amended to read:

5 121.07 (6) (a) (intro.) “Shared cost” is the sum of the net cost of the general fund
6 and the net cost of the debt service fund, except that “shared cost” excludes any costs,
7 including attorney fees, incurred by a school district as a result of its participation
8 in a lawsuit commenced against the state, beginning with such costs incurred in the
9 fiscal year in which the lawsuit is commenced, and excludes any costs incurred by
10 a school district to provide alternative education programs to pupils under s. 120.13
11 (1) (cm) 1. and (h). In this paragraph, “net cost of the debt service fund” includes all
12 of the following amounts:

13 **SECTION 10.** 121.07 (7) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
14 is amended to read:

15 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,
16 rounded to the next lower dollar, that, after subtraction of payments under ss. 120.13
17 (1) (i), 121.09, 121.10, 121.105, 121.85 (6) (b) 2. and 3. and (c) and 121.86, fully
18 distributes an amount equal to the amount remaining in the appropriation under s.
19 20.255 (2) (ac) plus \$75,000,000 in the 1997-98 school year and \$100,000,000 in the
20 1998-99 school year for payments under ss. 121.08 and 121.85 (6) (a) and (g).

21 **SECTION 11. Nonstatutory provisions.**

22 (1) REVENUE LIMIT ADJUSTMENT. The limit otherwise applicable to a school
23 district’s revenue in the 1998-99 school year under section 121.91 (2m) (d) of the
24 statutes is increased by the amount spent by the school district in that school year

1 to provide alternative education programs to pupils under section 120.13 (1) (cm) 1.
2 and (h) of the statutes, as created by this act.

3 (2) STUDY ON PUPIL DISCIPLINE. The joint legislative council is requested to do
4 all of the following:

5 (a) Study strategies and programs used by schools and school districts to assist
6 pupils who are experiencing disciplinary problems and the existing alternatives to
7 suspension and expulsion.

8 (b) Based on the study under paragraph (a), identify the strategies and
9 programs that have been successful in reducing disciplinary problems, suspensions
10 and expulsions and that could be replicated by other school districts.

11 (c) Study what happens to pupils who are expelled from school, including
12 whether they return to and successfully complete school, their involvement with the
13 juvenile justice system during and after the period of expulsion according to the
14 length of the expulsion and other factors determined by the council.

15 (d) Report to the 1999 legislature its findings and recommendations to
16 implement strategies that have been successful in reducing disciplinary problems,
17 suspensions and expulsions.

18 **SECTION 12. Initial applicability.**

19 (1) The treatment of section 120.13 (1) (d) and (h) of the statutes first applies
20 to proceedings to expel a pupil initiated on the effective date of this subsection.

21 (2) The treatment of sections 121.05 (2), 121.07 (6) (a) (intro.) and (7) (b) of the
22 statutes first applies to the distribution of state aid in the 1999-2000 school year.

23 **SECTION 13. Effective date.**

24 (1) This act takes effect on July 1, 1998.

25 (END)