

State of Misconsin 2005 - 2006 LEGISLATURE

## SENATE SUBSTITUTE AMENDMENT 1, TO 2005 SENATE BILL 310

September 14, 2005 – Offered by Senators KEDZIE and COGGS.

1	$AN \ ACT \ \textit{to amend} \ 118.164 \ (2) \ and \ 120.13 \ (1) \ (a) \ (intro.); \ and \ \textit{to create} \ 118.02 \ (18)$
2	and 118.46 of the statutes; <b>relating to:</b> school policies on bullying.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
3	<b>SECTION 1.</b> 118.02 (18) of the statutes is created to read:
4	118.02 (18) Wednesday of the 4th week in September, Bullying Awareness Day.
5	<b>SECTION 2.</b> 118.164 (2) of the statutes is amended to read:
6	118.164 (2) Subject to 20 USC 1415 $\left(k\right)$ and beginning August 1, 1999, a teacher
7	may remove a pupil from the teacher's class if the pupil violates the code of <del>classroom</del>
8	conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or
9	exhibits behavior that interferes with the ability of the teacher to teach effectively,
LO	as specified in the code of <del>classroom</del> conduct. The teacher shall send the pupil to the
11	school principal or his or her designee and notify the school principal or his or her
12	designee immediately of the reasons for the removal. In addition, the teacher shall

1	provide to the principal or his or her designee within 24 hours after the pupil's
2	removal from the class a written explanation of the reasons for the removal.
3	<b>SECTION 3.</b> 118.46 of the statutes is created to read:
4	<b>118.46</b> Policy on bullying. (1) By March 1, 2006, the department shall do
5	all of the following:
6	(a) Develop a model school policy on bullying by pupils. The policy shall include
7	all of the following:
8	1. A definition of bullying that includes harassment and intimidation.
9	2. A prohibition on bullying.
10	3. A procedure for reporting bullying that allows reports to be made
11	confidentially.
12	4. A prohibition against a pupil retaliating against another pupil for reporting
13	an incident of bullying.
14	5. A procedure for investigating reports of bullying. The procedure shall
15	identify the school district employee in each school who is responsible for conducting
16	the investigation and require that the parent or guardian of each pupil involved in
17	a bullying incident be notified.
18	6. A requirement that school district officials and employees report incidents
19	of bullying and identify the persons to whom the reports must be made.
20	7. A list of disciplinary alternatives for pupils that engage in bullying or who
21	retaliate against a pupil who reports an incident of bullying.
22	8. A description of when and where the policy applies.
23	(b) Develop a model education and awareness program on bullying.
24	(c) Post the model policy under par. (a) and the model program under par. (b) $(a) = (a) + (a) $
25	on its Internet site.

(2) By August 15, 2006, each school board shall adopt and include in its code 1 2 of conduct a policy prohibiting bullying by pupils. The school board may adopt the 3 model policy under sub. (1) (a). The school board shall provide a copy of the policy 4 to any person who requests it. Annually, the school board shall distribute the policy, 5 separately from its code of conduct, to all pupils enrolled in the school district and 6 to their parents or guardians. Upon the occurrence of a bullying incident, the school 7 board shall distribute the policy to each pupil involved in the incident and to his or 8 her parent or guardian unless the pupil was involved in a bullying incident during 9 the current semester and the pupil and his or her parent or guardian received a copy 10 of the policy then. 11 **SECTION 4.** 120.13 (1) (a) (intro.) of the statutes is amended to read: 12Make rules for the organization, gradation and 120.13 (1) (a) (intro.) 13 government of the schools of the school district, including rules pertaining to conduct 14and dress of pupils in order to maintain good decorum and a favorable academic 15atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board 16 17shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 18 school year. The code shall be developed in consultation with a committee of school 19 district residents that consists of parents, pupils, members of the school board, school 20 administrators, teachers, pupil services professionals and other residents of the 21school district who are appointed to the committee by the school board. The code of 22elassroom conduct may provide different standards of conduct for different schools 23and may provide additional placement options under s. 118.164 (3). The code shall 24include all of the following:

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(END)