



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3569/1
FFK:jld

2015 SENATE BILL 788

March 10, 2016 – Introduced by Senators L. TAYLOR and HARRIS DODD, cosponsored by Representatives KOYENGA and BERCEAU. Referred to Committee on Education.

1 **AN ACT to amend** 119.25 (2) (a) 1., 120.13 (1) (b) 2. (intro.) and 120.13 (1) (c) 1.;
2 and **to create** 119.25 (2) (am) and 120.13 (1) (cm) of the statutes; **relating to:**
3 suspending or expelling a pupil from school.

Analysis by the Legislative Reference Bureau

This bill prohibits a school board or school administrator from suspending or expelling a pupil in four-year-old kindergarten, five-year-old kindergarten, or first grade, unless the discipline is for the pupil participating in a fight that resulted in a person being physically injured or the discipline is required because the pupil possessed a firearm at school. Under current law, a school board's authority to expel a pupil and a school administrator's authority to suspend a pupil apply to all pupils enrolled in a school district, regardless of the grade in which a pupil is enrolled.

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

4 **SECTION 1.** 119.25 (2) (a) 1. of the statutes is amended to read:
5 119.25 (2) (a) 1. May Except as provided in par. (am), may expel a pupil from
6 school whenever the hearing officer or panel finds that the pupil engaged in conduct
7 that constitutes grounds for expulsion under s. 120.13 (1) (c) 1. or 2.

SENATE BILL 788**SECTION 2**

1 **SECTION 2.** 119.25 (2) (am) of the statutes is created to read:

2 119.25 (2) (am) Except as provided in par. (a) 2., an independent hearing officer
3 or independent hearing panel appointed by the board may not expel a pupil who is
4 enrolled in 4-year-old kindergarten, 5-year-old kindergarten, or first grade from
5 school unless the expulsion is discipline for the pupil participating in a fight that
6 resulted in an individual being physically injured.

7 **SECTION 3.** 120.13 (1) (b) 2. (intro.) of the statutes is amended to read:

8 120.13 (1) (b) 2. (intro.) The Except as provided in par. (cm), a school district
9 administrator or any principal or teacher designated by the school district
10 administrator may suspend a pupil for not more than 5 school days or, if a notice of
11 expulsion hearing has been sent under par. (c) 4. or (e) 4. or s. 119.25 (2) (c), for not
12 more than a total of 15 consecutive school days for any of the following reasons:

13 **SECTION 4.** 120.13 (1) (c) 1. of the statutes is amended to read:

14 120.13 (1) (c) 1. The Except as provided in par. (cm) 2., the school board may
15 expel a pupil from school whenever it finds the pupil guilty of repeated refusal or
16 neglect to obey the rules, or finds that a pupil knowingly conveyed or caused to be
17 conveyed any threat or false information concerning an attempt or alleged attempt
18 being made or to be made to destroy any school property by means of explosives, or
19 finds that the pupil engaged in conduct while at school or while under the supervision
20 of a school authority which endangered the property, health or safety of others, or
21 finds that a pupil while not at school or while not under the supervision of a school
22 authority engaged in conduct which endangered the property, health or safety of
23 others at school or under the supervision of a school authority or endangered the
24 property, health or safety of any employee or school board member of the school
25 district in which the pupil is enrolled, and is satisfied that the interest of the school

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1 demands the pupil's expulsion. In this subdivision, conduct that endangers a person
2 or property includes making a threat to the health or safety of a person or making
3 a threat to damage property.

4 **SECTION 5.** 120.13 (1) (cm) of the statutes is created to read:

5 120.13 (1) (cm) 1. Except as provided in par. (b), a school district administrator
6 or any principal or teacher designated by the school district administrator may not
7 suspend a pupil who is enrolled in 4-year-old kindergarten, 5-year-old
8 kindergarten, or first grade from school unless the suspension is discipline for the
9 pupil participating in fight that resulted in an individual being physically injured.

10 2. Except a provided in par. (c) 2m., a school board may not expel a pupil who
11 is enrolled in 4-year-old kindergarten, 5-year-old kindergarten, or first grade from
12 school unless the expulsion is discipline for the pupil participating in a fight that
13 resulted in an individual being physically injured.

14 (END)