

State of Wisconsin



1997 Senate Bill 274

Date of enactment: **July 1, 1998**
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1997 WISCONSIN ACT 335

AN ACT *to renumber and amend* 120.13 (1) (a); *to amend* 119.04 (1); and *to create* 118.164 and 120.13 (1) (a) 1. to 4. of the statutes; **relating to:** removal of disruptive pupils from the class.

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

SECTION 1. 118.164 of the statutes is created to read:
118.164 Removal of pupils from the class. (1) In this section, "teacher" means a person holding a license or permit issued by the state superintendent whose employment by a school district requires that he or she hold that license or permit.

(2) Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher may remove a pupil from the teacher's class if the pupil violates the code of classroom conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or exhibits behavior that interferes with the ability of the teacher to teach effectively, as specified in the code of classroom conduct. The teacher shall send the pupil to the school principal or his or her designee and notify the school principal or his or her designee immediately of the reasons for the removal. In addition, the teacher shall provide to the principal or his or her designee within 24 hours after the pupil's removal from the class a written explanation of the reasons for the removal.

(3) (a) The school principal or his or her designee shall place the pupil in one of the following:

1. An alternative education program, as defined in s. 115.28 (7) (e) 1.

2. Another class in the school or another appropriate place in the school, as determined by the school principal or his or her designee.

3. Another instructional setting.

4. The class from which the pupil was removed if, after weighing the interests of the removed pupil, the other pupils in the class and the teacher, the school principal or his or her designee determines that readmission to the class is the best or only alternative.

(b) This subsection does not prohibit the teacher who removed the pupil from the class or the school board, school district administrator, school principal or their designees from disciplining the pupil.

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

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (24), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 3. 120.13 (1) (a) of the statutes is renumbered 120.13 (1) (a) (intro.) and amended to read:

120.13 (1) (a) (intro.) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, 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 shall adopt a code to govern pupils' classroom conduct beginning in the 1999–2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:

SECTION 4. 120.13 (1) (a) 1. to 4. of the statutes are created to read:

120.13 (1) (a) 1. A specification of what constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively under s. 118.164 (2).

2. Any grounds in addition to those under subd. 1. for the removal of a pupil from the class under s. 118.164 (2).

3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under s. 118.164.

4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under s. 118.164 (2).

SECTION 5. Nonstatutory provisions.

(1) The joint legislative council is requested to study all of the following issues related to school discipline and to report its findings, conclusions and recommendations, if any, to the 1999 legislature in the manner provided under section 13.172 (2) of the statutes:

(a) The procedures for placement of unruly, disruptive or dangerous pupils.

(b) Alternative educational placement options and recommendations for funding alternative education.

(c) Adequacy of data collection regarding suspension, expulsion and other discipline of unruly, disruptive or dangerous pupils.

(d) Training school district staff to manage the behavior of pupils.

(e) Limiting the liability of school district staff, school board members and the school board for disciplining pupils.

(f) The discipline of children with disabilities.

(g) Effective strategies for reducing violence and disruption in schools.