

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Education (SC-Ed)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 97hrSC-Ed_Misc_pt02

➤ Record of Comm. Proceedings ... RCP

➤ **



State of Wisconsin
Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.state.wi.us/agencies/dpi

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

August 26, 1997

The Honorable Calvin Potter
Chair
Senate Education Committee
State Capitol
Madison, WI 53702

RE: SB 273

Dear  Senator Potter:

I have reviewed SB 273 which requires the review and potential revision of school district truancy plans by a county truancy planning committee. The proposed changes appear positive, while recognizing that in some communities these changes will result in increased responsibilities for some professionals. I strongly support collaborative community approaches such as this bill requires.

I am also aware of the current subcommittee on truancy created jointly by the Assembly Education and Assembly Working Families Committees. It is my understanding the subcommittees are reviewing existing and proposed truancy legislation. I would hope as SB 273 evolves, it be integrated with other truancy initiatives. Truancy is a statewide problem hindering the education of many children and I commend you for finding means to support communities in addressing this issue.

Sincerely,



John T. Benson
State Superintendent

JTB:jmm

cc: Luther Olsen, Chair, Assembly Education Committee
Carol Kelso, Chair, Assembly Working Families Committee

CAL

RE: Student Discipline Bill-SB 274

Here is Luther Olsen's Sub and /6. It makes the following changes that I could find:

1. Requires that the teacher immediately tell the principal why the kid is being sent to the principal's office. (This is funny to me but if it makes them happy who cares).
2. All References to "interim" and "temporary" placement have been deleted as I gather there is no "permanent" placement for kids currently in the statutes.
3. The word "further" is dropped on line 15 on page two where it talks about the teacher having "further" discipline options. Apparently sending a kid to the principle is not considered discipline.
4. The requirement that the new code has to be developed by Jan 1 1999 is dropped (they may need more time) but it still goes into effect in 99-2000 school year.
5. The collective bargaining section is out.

I told Georgia in Luther's office you were planning to testify.

Paul



SCHOOL ADMINISTRATORS ALLIANCE

4797 Hayes Road
2nd Floor
Madison, WI 53704
(608) 242-1370
FAX (608) 242-1290

James M. Lynch
Director of
Government Relations

February 24, 1998

An Alliance of:

Association of
Wisconsin School
Administrators
Tim Laatsch
Executive Director

Wisconsin Association
of School District
Administrators
Miles Turner
Executive Director

Wisconsin Association
of School Business
Officials
Don Mrdjenovich
Executive Director

Wisconsin Council for
Administrators of
Special Services
Chuck Hastert
President

Russ Whitesel
6 3830

Senator Calvin Potter
PO Box 7882
Madison, WI 53707

VIA FAX 267-6796

Dear Senator Potter:

I am writing regarding Senate Bill 274, which the Senate Education Committee is scheduled to take executive action on tomorrow, February 25. The SAA opposes the Senate Substitute Amendment to SB 274 in its current form.

SB 274 Background

The original version of SB 274 sought to establish one state procedure for removing a disruptive student from a classroom. The SAA opposed SB 274 because this one-size-fits-all approach to classroom discipline would create inconsistent behavioral standards within buildings, require teachers to spend time in placement review committee, etc., rather than teaching or in instructional preparation, and not address core problems involving school order.

The SAA has advocated for ensuring that districts have policies dealing with classroom dismissal and for a Legislative Council study to identify contributing factors of disruptive behavior and recommend how the state can help districts address these factors.

Senate Substitute Amendment to SB 274

The Senate Substitute Amendment moves in this direction. However, section 1, of the substitute amendment contains the components of the original bill which would mandate one state procedure for removing a student from a classroom (e.g. definition of teacher, procedure for removal, documentation, and enumerated options for principals). The provisions in section 1, would prevent local school boards and residents from establishing the most effective procedure for removing disruptive students (as required under section 3, of the bill). For example, what if a district wanted to establish a process for substitute teachers to remove disruptive students from their classrooms? Under section 1, the procedure would not include short term substitute teachers? This is one example of many that can be cited to demonstrate how section 1, of the bill would undercut the effectiveness of the code of conduct established at the local level.

Senator Potter
February 24, 1998
Page Two

Section 3, in the substitute amendment would require school districts to adopt codes of conduct that establish a procedure for teachers to remove disruptive students from their classrooms. If Section 1, of the substitute amendment was removed Section 3, would allow districts in consultation with residents, to establish the most effective procedure(s) for their schools.

If you have any questions regarding the SAA's position on SB 274 please contact me at (608) 242 1370.

Sincerely,



James M. Lynch
Director of Government Relations



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
Fax (608) 266-3830

DATE: March 9, 1998 (Revised March 10, 1998)

TO: SENATOR CALVIN POTTER; MEMBERS OF THE SENATE EDUCATION COMMITTEE; AND OTHERS

FROM: Russ Whitesel, Senior Staff Attorney

SUBJECT: Senate Substitute Amendment 1 to 1997 Senate Bill 274, Relating to Removal of Disruptive Pupils From the Class and Granting Rule-Making Authority

This memorandum provides a description of Senate Substitute Amendment 1 to 1997 Senate Bill 274, relating to removal of disruptive pupils from the class. The memorandum also provides a brief legislative history.

A. LEGISLATIVE HISTORY

1997 Senate Bill 274 was introduced on August 14, 1997 by Senators Potter, Rude, Clausing, Rosenzweig and Shibilski; cosponsored by Representatives Underheim, Krusick, Ladwig, Goetsch, Baumgart and Musser. The Bill was referred to the Senate Committee on Education and a public hearing was held before that Committee on August 27, 1997. At an executive session held February 25, 1998, the Committee voted to introduce and adopt Senate Substitute Amendment 1 to Senate Bill 274 on a vote of Ayes, 7; Noes, 1. The Committee voted to recommend passage of the Bill, as amended, on a vote of Ayes, 7; Noes, 1.

B. PROVISIONS OF ORIGINAL BILL

Senate Bill 274, as originally introduced, requires a school board to adopt a code of conduct for pupils. Senate Bill 274 also provides that a teacher could remove a pupil who is enrolled in a grade from 5 to 12 from a teacher's class if the teacher determines that the pupil is so unruly, disruptive, abusive or dangerous that the pupil interferes with the ability of the teacher to teach effectively. If a teacher removes a pupil from a class, Senate Bill 274 requires that the teacher must send the pupil to the school principal. A removed pupil may not return to the class until he or she or his or her parent or guardian, if the pupil is a minor, have attended a conference with the teacher in which the teacher explains the standards of behavior that he or she expects the pupil to meet and until the teacher gives his or her written consent to the pupil's return. Under the original Bill, the school principal is required to schedule this meeting for not later than three days after the removal of the pupil from the class.

Senate Bill 274 requires that if the teacher refuses to admit the pupil to the class, a placement review committee consisting of three teachers, the school principal and the school district professional must, not later than 15 days after the meeting, place the pupil in an alternative education program, another class or another school in the school district or, if no better alternative exists, back in the original class.

Under Senate Bill 274, if a collective bargaining agreement specifies a different pupil disciplinary procedure from this procedure, the procedure in the collective bargaining agreement shall govern.

Finally, Senate Bill 274 requires a school board to expel a pupil from school for one year if that pupil possesses on school property or at a school-sponsored event, a dangerous weapon, controlled substance or drug paraphernalia or if the pupil was convicted of certain crimes or adjudged delinquent for violating certain criminal statutes. These acts are also made grounds for suspension from school under the Bill.

C. PROVISIONS OF SENATE SUBSTITUTE AMENDMENT 1

Under the Substitute Amendment, a teacher is authorized to remove a pupil from the teacher's class if the pupil violates a code of conduct adopted in accordance with certain procedures or if the student is dangerous, unruly or disruptive or interferes with the ability of the teacher to teach effectively as specified in that code of conduct. The Substitute Amendment applies to all grades, not just grades 5 to 12 as provided in the original legislation. The original Bill excluded short-term substitute teachers from the definition of "teacher"; the Substitute Amendment deletes the language excluding substitute teachers. The Substitute Amendment directs the teacher to send the pupil removed from the classroom to the school principal to provide to the principal, within 24 hours after the pupil's removal from the class, a written explanation of the reasons for the removal.

The Substitute Amendment provides that pending the educational placement of the pupil, as provided in the code of conduct, the school principal must place the pupil temporarily in one of the following:

1. An alternative education program;
2. Another class in the school or another appropriate place in the school, as determined by the school principal;
3. Another instructional setting; or
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 determines that readmission is the best or only interim alternative.

The Substitute Amendment requires each school district to adopt a code of classroom conduct by January 1, 1999. The code would govern pupils' conduct beginning in the 1999-2000 school year. The code must 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 Substitute Amendment provides that the code must include all of the following:

1. A specification of what constitutes dangerous, disruptive or unruly behavior or interference with the ability of the teacher to teach effectively.
2. Any grounds in addition to those in item 1. for the removal of a pupil from the class.
3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and has been assigned an interim educational placement by the school principal.
4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class.

The code of classroom conduct as well as the removal of a pupil from a classroom by a teacher must comply with the federal statutes relating to removal from class of a child with a disability. [20 U.S.C. s. 1415 (k).]

The Substitute Amendment also authorizes the school board to adopt different standards for different schools. The Substitute Amendment reinstates statutory language authorizing schools to adopt codes of conduct and retains the language of the original Bill relating to disciplinary procedures contained in collective bargaining agreements..

The Substitute Amendment also requests that the Joint Legislative Council study a series of issues relating to school discipline and report its findings, conclusions and recommendations to the 1999 Legislature. Items to be included in the study are as follows:

1. The procedures for placement of unruly, disruptive or dangerous pupils.
2. Alternative educational placement options.
3. Adequacy of data collection regarding suspension, expulsion and other discipline of unruly, disruptive or dangerous pupils.
4. Training school district staff to manage the behavior of pupils.
5. Limiting the liability of school district staff, school board members and the school board for disciplining pupils.
6. The discipline of children with disabilities.

If you have any questions regarding this legislation, please feel free to contact me directly at the Legislative Council Staff offices.



SCHOOL ADMINISTRATORS ALLIANCE

4797 Hayes Road
2nd Floor
Madison, WI 53704
(608) 242-1370
FAX (608) 242-1290

James M. Lynch
Director of
Government Relations

February 2, 1998

An Alliance of:

Senator Calvin Potter
PO Box 7882
Madison, WI 53707

Via Fax: 267-6796

Association of
Wisconsin School
Administrators
Tim Laatsch
Executive Director

Dear Cal:

Wisconsin Association
of School District
Administrators
Miles Turner
Executive Director

Thank you for seeking the School Administrators Alliance' input on the Senate Substitute Amendment to Senate Bill 274, and your interest in establishing a consensus on this issue.

Wisconsin Association
of School Business
Officials
Don Mrdjenovich
Executive Director

The SAA recommends several changes to the amendment. First, the Alliance recommends eliminating all references in the substitute amendment which would mandate one state procedure for removing a student from a classroom (e.g. mandated procedure for teacher removal, documentation, principal's statutory options, placement review committee, etc.).

Wisconsin Council for
Administrators of
Special Services
Chuck Hastert
President

Second, the SAA recommends deleting the provision in the substitute amendment that would mandate that a student be expelled for one year if they are found to be in possession of a dangerous weapon, controlled substance, or controlled substance analog.

While the intent of this provision is laudatory, we believe its impact would actually be negative. We believe that decisions related to individual expulsions are best made by those with the facts surrounding individual cases. There may be instances where the needs of the community and the student are best served by an expulsion of greater than one year. In other instances a school board may choose to allow a student to return to school after serving a shorter expulsion. For example, a board may allow a student expelled for being in possession of a controlled substance to return after one semester if the student has successfully completed a drug abuse program.

In addition to these changes the SAA would support an amendment which contained the following provisions:

1. School District Policy: (s. 118.13) Require school districts' policies regarding standards and rules of behavior include a policy on removing disruptive or disorderly students from a classroom. These policies should include a statement regarding how information related to school and classroom discipline is shared among staff, parents, school board members, others.

Senator Potter
February 2, 1998
Page Two

Goal: Assure that all districts have policies in place for removing disorderly or disruptive students from a classroom, that are most effective for each district.

2. State Data Collection: Require the Department of Public Instruction to collect expulsion data; using existing reports (e.g. the School Performance Report that is filed annually by all school districts).

Goal: Collect more data at the state level regarding student expulsion.

3. Legislative Council Study: The study should include but not be limited to:
- alternative education programs (options, costs, funding)
 - staff training
 - discipline as it relates to students with exceptional needs.

Goal: To identify contributing factors of disorderly and disruptive conduct; barriers schools face in preventing disruptive behavior; and to make recommendations to address these issues.

These changes would assure that all districts have policy in place regarding classroom removal and allow for more in depth data collection at the state level regarding expulsion. In addition, it would require a study aimed at giving our schools more tools to effectively combat disruptive behavior.

If you have any questions regarding the SAA's suggested changes to the substitute amendment please contact me at (608)242-1370.

Sincerely,



James M. Lynch
Director of Government Relations

cc: Representative Luther Olsen
Russ Whitsell, Legislative Council
Association Executive Directors and WCASS President

Wisconsin Association of School Boards, Inc.
serving advocates for boys and girls

KEN COLE, EXECUTIVE DIRECTOR

11/29/98

Senator Potter,

Thanks for requesting our comments on draft LRBs 0253/2. For many of the ^{some} reasons we mentioned in our meeting with you in your office, we ^{are} strongly oppose this latest draft (LRBs 0253/2). We suggest respectfully that a better approach would be along the lines of the attached. Thank you. Senon

SECTION 1. 120.13(1)(b) of the statutes is amended to read:

120.13(1)(b) The school district administrator or any principal or teacher . . . and may suspend or assign, as provided in par. (bx), a pupil . . . Prior to any suspension or assignment . . . proposed suspension or assignment. The pupil may be suspended or assigned . . . the pupil's suspension or assignment . . . suspended or assigned minor . . . notice of the suspension or assignment . . . the suspension or assignment. The suspended or assigned pupil . . . suspension or assignment, . . . suspended or assigned unfairly . . . the suspension or assignment was inappropriate, . . . result of the suspension or assignment, reference to the suspension or assignment . . . A pupil suspended or assigned . . . suspension or assignment period, . . .

SECTION 2. 120.13(1)(bx) is created to read:

120.13(1)(bx) Under par. (b) and consistent with school district policies, if any:

1. A school district administrator or principal may assign a pupil to an alternative education program, as defined in s. 115.28(7)(e)1., to another school in the school district, to another class or to a supervised, directed study program.

2. If a pupil has not been suspended under par. (b) or assigned under subd. 1., a teacher may assign a pupil in the teacher's class to a supervised study program, other than the pupil's regular class, that is under the direction of the teacher and that is intended to meet the objectives of the pupil's regular class.

Madison Metropolitan School District

Doyle Administration Building
545 West Dayton Street
Madison, Wisconsin 53703-1995

Cheryl H. Wilhoite, Ph.D., Superintendent



February 2, 1998

Senator Calvin Potter
P.O. Box 7882
Madison, WI 53707

Dear Cal:

Thank you for the opportunity to work with you on refining student discipline legislation, specifically, the Senate Substitute Amendment to Senate Bill 274. The Madison Metropolitan School District appreciates your efforts towards consensus on this issue.

Unfortunately, there are still critical elements of the proposal that we cannot support. The procedure of establishing a review committee [Page 2, line 23 (4)(a)] is cumbersome and defeats one of the basic tenets of discipline -- swift and certain punishment. The review committee raises other concerns. Will the committee meet during school hours? If so, will the state pay for substitute teachers? Or, if the committee meets after school, will the state compensate the teachers for time spent reviewing the case, deliberating and making a decision?

The bill fails to address the need for staff development related to student discipline. Student behavior that is disruptive and cause for dismissal for one teacher, may be merely a minor annoyance for another. There is no teacher accountability factor in the draft. To remedy this subjective interpretation, require all school districts to have a policy in place that specifically stipulates what student conduct is cause for removal. The policy should include how the information is shared among staff, parents, school board members and others and the ramifications to the student for violating the code.

When Superintendent Benson testified in opposition to SB 274, he noted that failure to address the need for alternative education programs would result in a band-aid approach to student discipline. In fact, in Texas, the model for this concept, funds are appropriated for alternative education programs. The substitute amendment allows for placement in an alternative education program, but doesn't provide resources.

Much of the "evidence" surrounding classroom discipline issues is anecdotal. Requiring the Department of Public Instruction to include useful data related to expulsions/suspensions to be filed with the existing School Performance Report should provide important information.

A Legislative Council study could examine alternative education programs (cost, options,

Success for All

funding), staff development needs for dealing with difficult students, and discipline problems with special education students and the options available to local school districts given federal law.

Requiring each school district to adopt a code of conduct, reliable data collection and a Legislative Council study to examine in-depth the difficult issues surrounding and potential approaches to student discipline are ways to a more comprehensive approach to student discipline. Thank you again for this opportunity to comment.

Sincerely,

Joe Quick

c: Rep. Luther Olsen
Russ Whitesel, Legislative Council



SCHOOL ADMINISTRATORS ALLIANCE

4797 Hayes Road
2nd Floor
Madison, WI 53704
(608) 242-1370
FAX (608) 242-1290

James M. Lynch
Director of
Government Relations

February 2, 1998

An Alliance of:

Association of
Wisconsin School
Administrators
Tim Laatsch
Executive Director

Senator Calvin Potter
PO Box 7882
Madison, WI 53707

Via Fax: 267-6796

Wisconsin Association
of School District
Administrators
Miles Turner
Executive Director

Dear Cal:

Thank you for seeking the School Administrators Alliance' input on the Senate Substitute Amendment to Senate Bill 274, and your interest in establishing a consensus on this issue.

Wisconsin Association
of School Business
Officials
Don Mrdjenovich
Executive Director

The SAA recommends several changes to the amendment. First, the Alliance recommends eliminating all references in the substitute amendment which would mandate one state procedure for removing a student from a classroom (e.g. mandated procedure for teacher removal documentation, principal's statutory options, placement review committee, etc.).

Wisconsin Council for
Administrators of
Special Services
Chuck Hastert
President

Second, the SAA recommends deleting the provision in the substitute amendment that would mandate that a student be expelled for one year if they are found to be in possession of a dangerous weapon, controlled substance, or controlled substance analog.

While the intent of this provision is laudatory, we believe its impact would actually be negative. We believe that decisions related to individual expulsions are best made by those with the facts surrounding individual cases. There may be instances where the needs of the community and the student are best served by an expulsion of greater than one year. In other instances a school board may choose to allow a student to return to school after serving a shorter expulsion. For example, a board may allow a student expelled for being in possession of a controlled substance to return after one semester if the student has successfully completed a drug abuse program.

In addition to these changes the SAA would support an amendment which contained the following provisions:

1. School District Policy: (s. 118.13) Require school districts' policies regarding standards and rules of behavior include a policy on removing disruptive or disorderly students from a classroom. These policies should include a statement regarding how information related to school and classroom discipline is shared among staff, parents, school board members, others.

Senator Potter
February 2, 1998
Page Two

Goal: Assure that all districts have policies in place for removing disorderly or disruptive students from a classroom, that are most effective for each district.

- 2 State Data Collection: Require the Department of Public Instruction to collect expulsion data; using existing reports (e.g. the School Performance Report that is filed annually by all school districts).

Goal: Collect more data at the state level regarding student expulsion.

- 3 Legislative Council Study: The study should include but not be limited to:

- alternative education programs (options, costs, funding)
- staff training
- discipline as it relates to students with exceptional needs.

Goal: To identify contributing factors of disorderly and disruptive conduct; barriers schools face in preventing disruptive behavior; and to make recommendations to address these issues.

These changes would assure that all districts have policy in place regarding classroom removal and allow for more in depth data collection at the state level regarding expulsion. In addition, it would require a study aimed at giving our schools more tools to effectively combat disruptive behavior.

If you have any questions regarding the SAA's suggested changes to the substitute amendment please contact me at (608)242-1370.

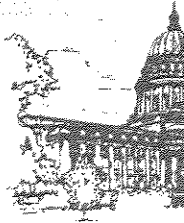
Sincerely,



James M. Lynch
Director of Government Relations

cc: Representative Luther Olsen
Russ Whitsell, Legislative Council
Association Executive Directors and WCASS President

CALVIN J. POTTER
State Senator



Post-It™ brand fax transmittal memo 7671		# of pages ▶ 6	
To	Jack Coe	From	Paul Rusk
Co.		Co.	Sen Potter
Dept.		Phone #	266 2056
Fax #	276-8203	Fax #	

MEMO

Wisconsin State Senate

TO: Working Group on Student Discipline Bill (SB 274)

FROM: Paul Rusk, Committee Clerk

RE: Written Responses To Previous Draft

DATE: February 3, 1998

Here are the written responses we received from several education groups in reply to the most recent draft. I thought you might want to read them before the meeting tomorrow.

Remember we will meet tomorrow (**February 4 at 1 p.m.**) in Hearing Room 1 in Martin Luther King.

Thank you.



SCHOOL ADMINISTRATORS ALLIANCE

4797 Hayes Road
2nd Floor
Madison, WI 53704
(608) 242-1370
FAX (608) 242-1290

James M. Lynch
Director of
Government Relations

February 2, 1998

An Alliance of:

Senator Calvin Potter
PO Box 7882
Madison, WI 53707

Via Fax: 267-6796

Association of
Wisconsin School
Administrators
Tim Laatsch
Executive Director

Wisconsin Association
of School District
Administrators
Miles Turner
Executive Director

Wisconsin Association
of School Business
Officials
Don Mrájenovich
Executive Director

Wisconsin Council for
Administrators of
Special Services
Chuck Hastert
President

Dear Cal:

Thank you for seeking the School Administrators Alliance' input on the Senate Substitute Amendment to Senate Bill 274, and your interest in establishing a consensus on this issue.

The SAA recommends several changes to the amendment. First, the Alliance recommends eliminating all references in the substitute amendment which would mandate one state procedure for removing a student from a classroom (e.g. mandated procedure for teacher removal documentation, principal's statutory options, placement review committee, etc.).

Second, the SAA recommends deleting the provision in the substitute amendment that would mandate that a student be expelled for one year if they are found to be in possession of a dangerous weapon, controlled substance, or controlled substance analog.

While the intent of this provision is laudatory, we believe its impact would actually be negative. We believe that decisions related to individual expulsions are best made by those with the facts surrounding individual cases. There may be instances where the needs of the community and the student are best served by an expulsion of greater than one year. In other instances a school board may choose to allow a student to return to school after serving a shorter expulsion. For example, a board may allow a student expelled for being in possession of a controlled substance to return after one semester if the student has successfully completed a drug abuse program.

In addition to these changes the SAA would support an amendment which contained the following provisions:

1. School District Policy: (s. 118.13) Require school districts' policies regarding standards and rules of behavior include a policy on removing disruptive or disorderly students from a classroom. These policies should include a statement regarding how information related to school and classroom discipline is shared among staff, parents, school board members, others.

Senator Potter
February 2, 1998
Page Two

Goal: Assure that all districts have policies in place for removing disorderly or disruptive students from a classroom, that are most effective for each district.

2. State Data Collection: Require the Department of Public Instruction to collect expulsion data; using existing reports (e.g. the School Performance Report that is filed annually by all school districts).

Goal: Collect more data at the state level regarding student expulsion.

3. Legislative Council Study: The study should include but not be limited to:

- alternative education programs (options, costs, funding)
- staff training
- discipline as it relates to students with exceptional needs.

Goal: To identify contributing factors of disorderly and disruptive conduct; barriers schools face in preventing disruptive behavior; and to make recommendations to address these issues.

These changes would assure that all districts have policy in place regarding classroom removal and allow for more in depth data collection at the state level regarding expulsion. In addition, it would require a study aimed at giving our schools more tools to effectively combat disruptive behavior.

If you have any questions regarding the SAA's suggested changes to the substitute amendment please contact me at (608)242-1370.

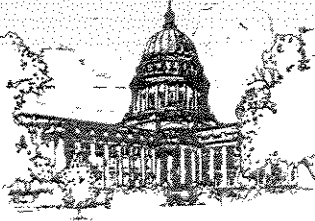
Sincerely,



James M. Lynch
Director of Government Relations

cc: Representative Luther Olsen
Russ Whitsell, Legislative Council
Association Executive Directors and WCASS President

CALVIN J. POTTER
State Senator



Wisconsin State Senate

MEMO

TO: Ken Cole, Senn Brown, Doug Haselow, Jim Lynch, Jane Shibilski, Miles Turner, Cheryl Wilhoyte, Joe Quick, Carol Weidel

FROM: Cal Potter

RE: SB 274 (Student Discipline Bill)

DATE: January 26, 1998

Attached is the latest draft of SB 274. You will notice that there have been significant changes.

Could you please submit any proposed changes to us in writing no later than a week from today, Monday, February 2, 1998. We apologize for the short time period available for your review.

If you have any questions, please let me know. We appreciate your help with this bill.

Joelink

in 120.13 (1)(b) reasons —
and for no more than 5 days —

In accordance with a school board policy, if any, a teacher may remove a pupil from the teacher's class and assign the pupil to a study program under the direction of the teacher designed to meet the objectives of the class from which the pupil has been removed.

DISCUSSION POINTS FOR SCHOOL DISCIPLINE LEGISLATION

1. (s. 118.13) Require school districts' policies regarding standards and rules of behavior include a policy on removing disruptive or disorderly students from a classroom. In addition, these policies should include a statement regarding how information related to school and classroom discipline is shared among staff, parents, school board members, others (e.g. parental notification if student is removed from classroom).
 - NOTE: This assumes that if a school district's code of conduct already addresses this issue no action would be required by such a district.
2. Require the Department of Public Instruction to collect expulsion data; using existing reports (e.g. the School Performance Report that is filed annually by all school districts).
3. Legislative Council Study:
 - Examine contributing factors of disorderly and disruptive conduct in schools and make recommendations addressing school safety and order in Wisconsin. The study should include but not be limited to:
 - alternative education programs (options, costs, funding)
 - staff training to ensure fair/effective treatment of students (e.g. conflict resolution for staff with a high incidence of removing students from class).
 - discipline as it relates to students with exceptional needs.
4. Senn will send information for our review that would amend s. 118.15, to allow school administrator with parents approval or school board to provide curriculum modifications enumerated in s. 118.15.5(d) for disorderly or disruptive students.
5. Examine if it's feasible to wrap classroom discipline solutions into the comprehensive truancy bill.

1. Removal from class; pupil sent to principal within 24 hours after removal.
2. Principal determines interim placement.
3. Conference to readmit pupil within 3 school days after removal.
4. PRC decides placement within 10 school days after conference.
5. School board member may request school board review of PRC decision within 3 school days after PRC decision.
6. School board must review PRC decision within 30 days after decision.

Questions: Should PRC issue a written decision? What about school board? 30 school days for #6?

Removed -

in school defen
another class room
back in class room

(how
guide)

appeal - panel -

parent/teacher agreement

receive instruction line 19, 20

schedule a conference

"school supervised" instruction

DISCUSSION POINTS FOR SCHOOL DISCIPLINE LEGISLATION

1. Require school districts' policies regarding standards and rules of behavior include a policy on removing disruptive or disorderly students from a classroom. In addition, these policies should include a statement regarding how information related to school and classroom discipline is shared among staff, parents, school board members, others (e.g. parental notification if student is removed from classroom).
2. Require the Department of Public Instruction to collect expulsion data; preferably using existing reports (e.g. the School Performance Report that is filed annually by all school districts).
3. Resources for staff training to ensure fair/effective treatment of students (e.g. conflict resolution for staff with a high incidence of removing students from class).
4. Examine issues related to special education.
5. Provide resources for alternative education programs.
6. Examine if it's feasible to wrap classroom discipline solutions into the comprehensive truancy bill.

all have a code of conduct
put together parents and teachers

language - empowered remove child
on premise

custody of principle - vice prin

in school
another day

disposition - on premise,
what do if don't have option

back in pending appeal -

Dangerous - remedies in law
but not appealable
UP didn't want to call police

(Code) don't dis as discussed in code
include

reference the code - explain action
define consistently

including grounds removal from class -
consistent in

by bl'dy rather district either option

school district any way they want
define distribute dangerous

larger communication / DPI broad in
developing

teacher
as per code / within 24 hrs

1) parent teacher conference

Expulsions

Definition. Expulsions is an absence from school for purposes of discipline as imposed by the school board for violation of school district rules, threats against school property, or conduct which endangers the property, health, or safety of those at school. Expulsion is a formal school board action which is defined in ss. 120.13(1)(c) and 119.25, Wis. Stat., for first class city school districts. Expulsions are collected for the entire school year.

Pupil Category. Report expulsions by ethnic/gender categories for all grade levels.

Number of Pupils Expelled. The number of pupils expelled is the number of students expelled during the school year. Count each individual only once regardless of the number of times he or she was expelled. For example, if two students were expelled for 30 days, one of those students was expelled a second time for 16 days, and three different students were expelled for 50 days. The total number of students expelled would be five.

Number of Days Expelled. The number of days expelled is the total number of days all students were expelled during the school year, no matter how many times an individual was expelled.

Sample Calculation: As in the above example, if two students were expelled for 30 days, one of those students was expelled a second time for 16 days, and three students were expelled for 50 days, the number of days expelled would be calculated thus:

2 students x 30 days = 60 days

1 student x 16 days = 16 days

3 students x 50 days = 150 days

60 days + 16 days + 150 days = 226 is the number of days expelled

Expulsions

Pupil Category		No. of Pupils Expelled	No. of Days Expelled
Grade Level			
Kindergarten (Age 5)			
First Grade			
Second Grade			
Third Grade			
Fourth Grade			
Fifth Grade			
Sixth Grade			
Seventh Grade			
Eighth Grade			
Ninth Grade			
Tenth Grade			
Eleventh Grade			
Twelfth Grade			
Birth Through Age 2			
EEN for Age 3			
EEN for Age 4			
EEN for Age 5			
Chapter 1 Preschool			
Head Start			
4-Year-Old Kindergarten/Preschool			
Total by Grade Level			
Ethnic/Gender			
Asian or Pacific Islander	Female		
	Male		
Black	Female		
	Male		
Hispanic	Female		
	Male		
American or Alaskan Native	Female		
	Male		
White	Female		
	Male		
Total by Ethnic/Gender			

Note: The total by grade-level columns must equal the total by ethnic/gender columns.

Suspensions (Out-of-School)

Definition: Out-of-school suspensions are absences from school imposed by the school administration for noncompliance with school district policy or rules; for threatening to destroy school property; or for endangering the property, health, or safety of those at school. (See s. 120.12(1)(b), Wis. State., in Appendix H.) An out-of-school suspension can be an excused or unexcused absence depending on local district policy. This collection covers the entire school year.

Pupil Category. Report out-of-school suspensions by ethnic/gender categories for all grade levels.

Number of Pupils Suspended. The number of pupils suspended is the number of different students suspended during the year. Count each student only once in the year regardless of the number of times suspended. For example, if six ninth graders were suspended one time each for three days each, three of the same ninth graders were suspended two times each for three days each, and three ninth graders were suspended three times each for one-half day each, the number of pupils suspended would be nine.

Number of Suspensions. The number of suspensions is the total number of out-of-school suspensions that students receive in one year regardless of the number of students suspended. Referring back to the example above (six ninth graders suspended once each, three ninth graders suspended twice each, and three ninth graders suspended three times each), the number of suspensions would be 21.

Number of Days Suspended. The number of days suspended is the total number of days all students suspended during the year were out-of-school (reported to the one-half day).

Note: According to s. 120.13(1)(b), Wis. Stat., a student can be suspended for not more than five school days or, if a notice of expulsion hearing has been sent under (c)4. or (e)4., or s. 119.25(2)(c), for not more than a total of 15 consecutive days.

Sample Calculations: Number of days suspended in the example cited on this page is calculated thus:

$$6 \text{ students} \times 1 \text{ suspension} \times 3 \text{ days} = 18 \text{ days}$$

$$3 \text{ students} \times 2 \text{ suspensions} \times 3 \text{ days} = 18 \text{ days}$$

$$3 \text{ students} \times 3 \text{ suspensions} \times 1/2 \text{ day} = 4-1/2 \text{ days}$$

$$18 \text{ days} + 18 \text{ days} + 4-1/2 \text{ days} = 40-1/2 \text{ days or the number of days suspended}$$

Note: The same structure that applies to attendance also applies to suspensions: One-hour equals one-half day. For example, if a student who attends school in a district that has eight periods (four in the morning and four in the afternoon) is suspended for the last hour, he or she is listed in this report as having been suspended for one-half day.

Because of this unique structure of the School Performance Report, a student could be in attendance for a full day and also suspended for one-half day (accounting for more than a day). If this situation should occur, districts should subtract one-half day from total actual days of attendance. In the example above, the student would be shown in attendance for the morning one-half day and suspended for the afternoon one-half day.

Suspensions (Out-of-School)

Pupil Category		No. of Pupils Suspended	No. of Suspensions	No. of Days Suspended
Grade Level				
Kindergarten (Age 5)				
First Grade				
Second Grade				
Third Grade				
Fourth Grade				
Fifth Grade				
Sixth Grade				
Seventh Grade				
Eighth Grade				
Ninth Grade				
Tenth Grade				
Eleventh Grade				
Twelfth Grade				
Birth Through Age 2				
EEN for Age 3				
EEN for Age 4				
EEN for Age 5				
Chapter 1 Preschool				
Head Start				
4-Year-Old Kindergarten/Preschool				
Total by Grade Level				
Ethnic/Gender				
Asian or Pacific Islander	Female			
	Male			
Black	Female			
	Male			
Hispanic	Female			
	Male			
American or Alaskan Native	Female			
	Male			
White	Female			
	Male			
Total by Ethnic/Gender				

Note: The total by grade-level columns must equal the total by ethnic/gender columns.

M E M O

TO: Senators Darling, Roessler, Rude
FROM: Cal Potter
RE: Student Discipline Bill Meeting Tomorrow
DATE: January 7, 1998

Enclosed is the latest version of the Student Discipline Bill for our meeting tomorrow at **10 o'clock** in the 4th floor conference room (across from the elevator in 100 North Hamilton).

We wanted to be sure you all had seen the latest draft.

Board of Education Madison Metropolitan School District

Juan José López, President
Deborah C. Lawson, Vice President
Ray Allen, Clerk
Mary Jan Rosenak, Treasurer
Carol J. Carstensen
Ruth Robarts
Calvin J. Williams



Success for All

Doyle Administration Building
545 W. Dayton Street
Madison, WI 53703
(608) 261-9000

December 15, 1997

Senator Cal Potter
Senate Education Committee
P.O. Box 7882
Madison, Wisconsin 53708

Representative Luther Olsen, Chair
Assembly Education Committee
P.O. Box 8953
Madison, Wisconsin 53708

Dear Sen. Potter and Rep. Olsen:

I understand that you have under consideration bills AB 423 and SB 102, dealing with expulsion of students from school. The Madison School Board has not discussed this bill and so my comments do not reflect the opinion of the Board, but rather my own views.

During the time that I have served on the Madison School Board, the Board has expelled 120 students. While I have supported the vast majority of those expulsions, I have done so with considerable unhappiness. I have been concerned about the impact on the immediate community in the short term and the long run consequences, for both society and the individual students, of removing students from school and leaving them with no educational services or any required daily activities for periods of time ranging from a few weeks to an entire school year. While removing these students from school makes the school environment safer, expelling students who have already shown a propensity to get into trouble and leaving them without any services makes the community far less safe. From that perspective I was pleased to learn about AB 423 and SB 102.

However, there are a number of provisions in AB 423 and SB 102 which I can not support. Unless there exists compelling examples of inappropriate action, local school districts should continue to determine what constitutes grounds for expulsion and the length of that expulsion. Most importantly, I am concerned about the fact that this bill appears to create another mandate from the state without any funds. Given the constraints that all districts face with the state revenue caps, requiring educational services for expelled students without either providing state

Senator Potter and Representative Olsen

December 15, 1997

Page 2

funds, or allowing an exemption from the revenue cap for these costs, would force districts to further cut programs and services for all other students. Lastly the requirements for review, of an expulsion that carries over into a new year and of a expulsion of a student by another district, will require significant additional time from both administrators and school board members in a district such as Madison.

I truly appreciate the concerns you have about expelled students, but I am apprehensive about the state imposing a number of additional requirements without recognizing how it will impact the budget, time and energy of local school districts.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Carol Carstensen".

Carol Carstensen, Member
Madison School Board

Cc: Wisconsin Coalition for Advocacy

WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

MEMORANDUM

TO: Senator Calvin Potter

FROM: John (Jack) W. Coe, Legislative Consultant

DATE: 26 September 1997

RE: Senate Bill SB 274

The Wisconsin Education Association Council has had the opportunity to review the suggested amendments to SB 274 proposed by the Department of Public Instruction. WEAC can accept many of the changes suggested by the DPI. Indeed, many of these changes strengthen the bill.

The following changes are acceptable to WEAC.

- 118.164(2) Page 3, line 2, and 3. ...in a school supervised setting
- Page 3, line 3 and 4. The principal shall notify the pupils' parents as soon as possible of this removal from class.
- 118.164 (3) Page 3, line 17 to line 19. The placement shall be implemented as soon as possible. Education shall be provided the pupil in an interim setting from the time of removal from the classroom until the placement committee's placement is implemented.
- 118.164 (4) (a) Page 3, line 22 and 23. ...a pupil service provider...
- 118.164 (4) (a) Page 3, lines 23 and 24. ...a parent and a community member.
- 118.164 (4) (a) Page 3, lines 24, and 25. The diversity of the community shall be reflected in the composition of the committee.

Jerry Craney, President

Charles N. Lentz, Executive Secretary

The following changes are unacceptable to WEAC:

- 118.64 (2) Page 2, lines 8 and 9; Page 3, line 1. Deleting "...teacher determines that the pupil is so unruly, disruptive, abusive or dangerous that the pupil interferes with the ability of the teacher to teach effectively."

(Comment). The words unruly, disruptive, abusive or dangerous have universally clear meanings and represent unambiguous threshold standards that students should never be allowed to violate in a civil society. Therefore, these standards should and must be independent of any policy a school board may or may not implement.

- 118.64 (3) Page 3, lines 10 to 12. The teacher or parent may waive the required meeting under this subsection if there has been resolution to the pupil's placement.

(Comment). The required meeting occurs prior to placement. Therefore, resolution to placement can not occur before the meeting. Resolution of the issue prior to placement can only happen if the teacher is satisfied that appropriate behavioral changes will occur. Further, this change allows a parent to waive a meeting over which a teacher presides. As worded, the concepts in this change are unacceptable.

- 118.64 (4)(a) Page 3, line 21. This change deletes the ability of teachers to appoint their own representatives to the placement committee.

(Comment). Teachers are capable of exercising professional judgement. This provision suggests otherwise and is therefore unacceptable to WEAC.

DPI has suggested a direction for studying certain funding options and alternative education proposals which WEAC is in support of and would like to pursue.

cc: Terry Craney, Wisconsin Education Association Council
Charles Lentz, Wisconsin Education Association Council
John Stocks, Wisconsin Education Association Council
John Benson, Department of public Instruction

CALVIN J. POTTER
State Senator



Wisconsin State Senate

MEMO

TO: Madeline Lief
FROM: Paul Rusk
RE: Changes in SB 274
DATE: September 30, 1997

Here is a memo from Jack Coe, along with a memo from John Benson with an attachment, pertaining to changes in SB 274. Could you go ahead and make the changes as Jack has agreed to, along with the following he told me verbally:

1. Section 118.164 line 8

Add the words "or the" so it reads "pupil has violated the code of conduct under SA.120.12 or the teacher determines that the pupil is so unruly, disruptive, abusive or dangerous that the pupil interferes with the

2. 118.64 (3) Page 3, lines 10 to 12

Although Jack does not agree that the parent can waive the meeting, he supports waiving the meeting if the teacher agrees to waive the meeting following informal resolution of the problem, probably through the teacher and parent working something out. I'm sure you can come up with appropriate language.

Thank you. Feel free to call Jack if you have questions.

P.S. We are hoping to have a public hearing on the EAB's tuition protection plan on October 22 if it is ready. The plan is to have the committee introduce it by paper ballot prior to preparing the hearing notice. Hopefully Joe Davis has responded to your most recent memo by now.