



State of Wisconsin
2007 - 2008 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 251**

March 4, 2008 - Offered by Senator LEHMAN.

1 **AN ACT** *to renumber and amend* 118.164 (2); *to amend* 118.164 (title), 118.164
2 (3) (a) (intro.), 118.164 (3) (a) 4. and 120.13 (1) (a); and *to create* 118.164 (2) (a)
3 4., 118.164 (2m), 118.164 (4), 118.164 (5) and 120.13 (1) (a) 5. of the statutes;
4 **relating to:** removal of a pupil from class and sending a pupil from any portion
5 of school district property to the principal.

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

6 **SECTION 1.** 118.164 (title) of the statutes is amended to read:

7 **118.164** (title) **Removal of pupils a pupil from the class or sending a**
8 **pupil from any portion of school district property.**

9 **SECTION 2.** 118.164 (2) of the statutes is renumbered 118.164 (2) (a) (intro.) and
10 amended to read:

11 118.164 **(2)** (a) (intro.) Subject to sub. (4), 20 USC 1415 (k) and ~~beginning~~
12 ~~August 1, 1999~~, and a pupil's individualized education program under s. 115.787, a

1 teacher or teacher's aide may remove a pupil from ~~the teacher's~~ class if the pupil
2 violates does any of the following:

3 1. Violates the code of classroom conduct adopted under s. 120.13 (1) (a) ~~or is~~,

4 2. Exhibits behavior that is dangerous, unruly, or disruptive ~~or exhibits~~,

5 3. Exhibits behavior that interferes with the ability of ~~the a~~ teacher to teach
6 effectively, as specified in the code of classroom conduct under s. 120.13 (1) (a).

7 (b) The teacher or teacher's aide shall send ~~the a~~ pupil removed from class to
8 the school principal or his or her designee and notify the school principal or his or her
9 designee immediately of the reasons for the removal. In addition, the teacher or
10 teacher's aide shall provide to the principal or his or her designee within 24 hours
11 after the pupil's removal from ~~the~~ class a written explanation of the reasons for the
12 removal.

13 **SECTION 3.** 118.164 (2) (a) 4. of the statutes is created to read:

14 118.164 **(2)** (a) 4. Exhibits behavior that interferes with the ability of a teacher's
15 aide to effectively perform his or her job in class, as specified in the code of classroom
16 conduct under s. 120.13 (1) (a).

17 **SECTION 4.** 118.164 (2m) of the statutes is created to read:

18 118.164 **(2m)** (a) Subject to sub. (4), a teacher or teacher's aide may send a pupil
19 from any portion of school district property other than class to the school principal
20 or his or her designee if the pupil does any of the following:

21 1. Violates any code of conduct, other than the code of classroom conduct,
22 adopted under s. 120.13 (1) (a) .

23 2. Exhibits behavior that is dangerous, unruly, or disruptive.

1 3. Exhibits behavior that interferes with the ability of a teacher or teacher's
2 aide to effectively perform his or her job, as specified in any code of conduct, other
3 than the code of classroom conduct, adopted under s. 120.13 (1) (a).

4 (b) If a teacher or teacher's aide sends a pupil to the school principal or his or
5 her designee under this subsection, the teacher or teacher's aide shall immediately
6 notify the school principal or his or her designee of the reasons for sending the pupil
7 and shall provide to the principal or his or her designee a written explanation of the
8 reasons within 24 hours after sending the pupil.

9 **SECTION 5.** 118.164 (3) (a) (intro.) of the statutes is amended to read:

10 118.164 (3) (a) (intro.) The Subject to s. 115.79, the school principal or his or
11 her designee shall place the a pupil who has been removed from class under sub. (2)
12 in one of the following:

13 **SECTION 6.** 118.164 (3) (a) 4. of the statutes is amended to read:

14 118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing
15 the interests of the removed pupil, the other pupils in the class and, the teacher of
16 the class from which the pupil was removed, and the teacher's aide if the school
17 teacher's aide removed the pupil, the school principal or his or her designee
18 determines that readmission to the class is the best or only alternative.

19 **SECTION 7.** 118.164 (4) of the statutes is created to read:

20 118.164 (4) A teacher's aide may act under sub. (2) or (2m) only when he or she
21 is not under the direct supervision of a teacher.

22 **SECTION 8.** 118.164 (5) of the statutes is created to read:

23 118.164 (5) The school board shall establish policies specifying what
24 constitutes dangerous, disruptive, or unruly behavior under sub. (2m) (a) 2. or
25 behavior that interferes with the ability of a teacher or teacher's aide to effectively

1 perform his or her job under sub. (2m) (a) 3. The policies may also specify additional
2 grounds for sending a pupil to the school principal or his or her designee under sub.
3 (2m) (a).

4 **SECTION 9.** 120.13 (1) (a) of the statutes is amended to read:

5 120.13 (1) (a) Make rules for the organization, gradation and government of
6 the schools of the school district, including rules pertaining to conduct and dress of
7 pupils in order to maintain good decorum and a favorable academic atmosphere,
8 which shall take effect when approved by a majority of the school board and filed with
9 the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a
10 code to govern pupils' classroom conduct ~~beginning in the 1999–2000 school year.~~

11 ~~The. Except for that portion of the code of classroom conduct required under subd.~~
12 ~~5., the code of classroom conduct~~ shall be developed in consultation with a committee
13 of school district residents that consists of parents, pupils, members of the school
14 board, school administrators, teachers, pupil services professionals and other
15 residents of the school district who are appointed to the committee by the school
16 board. The code of classroom conduct may provide different standards of conduct for
17 different schools and may provide additional placement options under s. 118.164 (3).
18 The code of classroom conduct shall include all of the following:

19 1. A specification of what constitutes dangerous, disruptive, or unruly behavior
20 under s. 118.164 (2) (a) 2. or behavior that interferes with the ability of the teacher
21 to teach effectively under s. 118.164 (2) (a) 3.

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

