



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 274**

March 26, 1998 - Offered by Representative OLSEN.

1 **AN ACT** *to renumber and amend* 120.13 (1) (a); *to amend* 119.04 (1); and *to*
2 *create* 118.164, 120.13 (1) (a) 1. to 4. and 120.13 (1) (am) of the statutes;
3 **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:

4 **SECTION 1.** 118.164 of the statutes is created to read:

5 **118.164 Removal of pupils from the class.** (1) In this section, "teacher"
6 means a person holding a license or permit issued by the state superintendent whose
7 employment by a school district requires that he or she hold that license or permit.
8 (2) Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher may
9 remove a pupil from the teacher's class if the pupil violates the code of classroom
10 conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or
11 interferes with the ability of the teacher to teach effectively, as specified in the code
12 of classroom conduct. The teacher shall send the pupil to the school principal and

1 notify the school principal immediately of the reasons for the removal. In addition,
2 the teacher shall provide to the principal within 24 hours after the pupil's removal
3 from the class a written explanation of the reasons for the removal.

4 **(3)** (a) The school principal shall place the pupil in one of the following:

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

6 2. Another class in the school or another appropriate place in the school, as
7 determined by the school principal.

8 3. Another instructional setting.

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

13 (b) This subsection does not prohibit the teacher who removed the pupil from
14 the class or the school principal from further disciplining the pupil.

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

17 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
18 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
19 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to
20 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
21 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30
22 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (24), 120.125, 120.13 (1), (2)
23 (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st
24 class city school district and board.

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

3 120.13 **(1)** (a) (intro.) Make rules for the organization, gradation and
4 government of the schools of the school district, including rules pertaining to conduct
5 and dress of pupils in order to maintain good decorum and a favorable academic
6 atmosphere, which shall take effect when approved by a majority of the school board
7 and filed with the school district clerk. By January 1, 1999, and subject to 20 USC
8 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct
9 beginning in the 1999-2000 school year. The code shall be developed in consultation
10 with a committee of school district residents that consists of parents, pupils,
11 members of the school board, school administrators, teachers, pupil services
12 professionals and other residents of the school district who are appointed to the
13 committee by the school board. The code shall include all of the following:

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

15 120.13 **(1)** (a) 1. A specification of what constitutes dangerous, disruptive or
16 unruly behavior or interference with the ability of the teacher to teach effectively
17 under s. 118.164 (2).

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

20 3. The procedures for determining the appropriate educational placement of a
21 pupil who has been removed from the class and assigned a placement by the school
22 principal under s. 118.164.

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

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

1 120.13 (1) (am) The code of classroom conduct may provide different standards
2 of conduct for different schools and may provide additional placement options under
3 s. 118.164 (3).

4 **SECTION 6. Nonstatutory provisions.**

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

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

10 (b) Alternative educational placement options.

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

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

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

16 (f) The discipline of children with disabilities.

17 **(END)**