



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

March 10, 1998 - Offered by COMMITTEE ON EDUCATION.

1 **AN ACT to amend** 119.04 (1) and 120.13 (1) (a); and **to create** 118.164 and 120.12
2 (25) 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:

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

4 **118.164 Removal of pupils from the class.** (1) In this section, "teacher"
5 means a person holding a license or permit issued by the state superintendent whose
6 employment by a school district requires that he or she hold that license or permit.
7 (2) Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher may
8 remove a pupil from the teacher's class if the pupil violates the code of classroom
9 conduct adopted under s. 120.12 (25) or is dangerous, unruly or disruptive or
10 interferes with the ability of the teacher to teach effectively, as specified in the code
11 of classroom conduct. The teacher shall send the pupil to the school principal and

1 provide to the principal within 24 hours after the pupil's removal from the class a
2 written explanation of the reasons for the removal.

3 **(3)** (a) Pending the educational placement of the pupil, as provided in the code
4 of classroom conduct, the school principal shall place the pupil temporarily in one of
5 the following:

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

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

9 3. Another instructional setting.

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

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

16 **(4)** If a collective bargaining agreement entered into under subch. IV of ch. 111
17 specifies a different pupil disciplinary procedure from the procedure in this section,
18 the procedure in that collective bargaining agreement shall govern.

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

21 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
22 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
23 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to
24 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
25 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30

1 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(24)~~ (25), 120.125, 120.13 (1),
2 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a
3 1st class city school district and board.

4 **SECTION 3.** 120.12 (25) of the statutes is created to read:

5 120.12 **(25)** CODE OF CLASSROOM CONDUCT. (a) By January 1, 1999, and subject
6 to 20 USC 1415 (k), adopt a code to govern pupils' classroom conduct beginning in
7 the 1999-2000 school year. The code shall be developed in consultation with a
8 committee of school district residents that consists of parents, pupils, members of the
9 school board, school administrators, teachers, pupil services professionals and other
10 residents of the school district who are appointed to the committee by the school
11 board. The code shall include all of the following:

12 1. A specification of what constitutes dangerous, disruptive or unruly behavior
13 or interference with the ability of the teacher to teach effectively under s. 118.164 (2).

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

16 3. The procedures for determining the appropriate educational placement of a
17 pupil who has been removed from the class under s. 118.164 (2) and has been
18 assigned an interim educational placement by the school principal under s. 118.164
19 (3).

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

22 (b) The code of classroom conduct may provide different standards of conduct
23 for different schools and may provide additional interim educational placement
24 options under s. 118.164 (3).

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

1 120.13 (1) (a) Make rules for the organization, gradation and government of
2 the schools of the school district, including rules pertaining to conduct outside the
3 classroom and dress of pupils in order to maintain good decorum and a favorable
4 academic atmosphere, which shall take effect when approved by a majority of the
5 school board and filed with the school district clerk.

6 **SECTION 5. Nonstatutory provisions.**

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

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

12 (b) Alternative educational placement options.

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

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

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

18 (f) The discipline of children with disabilities.

19 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

21 (1) The treatment of section 120.13 (1) (a) of the statutes takes effect on
22 January 1, 1999.

23

(END)