



## 1997 SENATE BILL 274

August 14, 1997 – Introduced by Senators C. POTTER, RUDE, CLAUSING, ROSENZWEIG and SHIBILSKI, cosponsored by Representatives UNDERHEIM, KRUSICK, LADWIG, GOETSCH, BAUMGART and MUSSER. Referred to Committee on Education.

1     **AN ACT to amend** 119.04 (1), 120.13 (1) (a) and 120.13 (1) (b); and **to create**  
2             118.164, 119.25 (2) (a) 3., 119.44 (2) (a) 2. c., 120.12 (25), 120.13 (1) (c) 2g., 120.13  
3             (1) (e) 2. c. and 120.18 (1) (gr) of the statutes; **relating to:** removal of disruptive  
4             pupils from the class and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

Current law provides that a school board may adopt a code of conduct for pupils. Current law also provides that a pupil may be suspended for not more than 5 days for any of the following reasons: noncompliance with school rules; knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; conduct while at school or while under the supervision of a school authority that endangers the property, health or safety of others; conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority; or conduct that endangers the property, health or safety of any employe or school board member of the school district in which the pupil is enrolled. Before any suspension, the pupil must be advised of the reason for the proposed suspension. In addition, the parent or guardian of a minor pupil must be given prompt notice of the suspension and an opportunity within 5 school days following the commencement of the suspension to have a conference with the school district administrator.

A school board may expel a pupil from school if it finds: that the pupil engaged in any of the conduct described above; that the pupil is guilty of repeated refusal to obey the rules, and the school board is satisfied that the interest of the school demands the pupil's expulsion; or that a pupil who is at least 16 years old has repeatedly engaged in conduct while at school or under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at a school-supervised activity, and the school

board is satisfied that the interest of the school demands the pupil's expulsion. If a school board finds that a pupil, while at school or while under supervision of a school authority, possessed a firearm, the school board must commence expulsion proceedings and expel the pupil for not less than one year. Before expelling the pupil, the school board must hold a hearing.

This bill requires a school board to adopt a code of conduct for pupils. This bill also provides that a teacher may remove a pupil who is enrolled in a grade from 5 to 12 from the 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 the class, the teacher must send the pupil to the school principal. A removed pupil may not return to the class until he or she and 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. The school principal must schedule this meeting not later than 3 days after the removal of the pupil from the class.

If the teacher refuses to readmit the pupil to the class, a placement review committee consisting of 3 teachers, the school principal and a 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 class.

Finally, this bill requires a school board to expel a pupil from school for one year if the pupil possesses on school property or at a school-sponsored event a dangerous weapon, controlled substance, or drug paraphernalia or if the pupil is convicted of certain crimes or adjudged delinquent for violating certain criminal statutes. In addition, these acts are grounds for suspension from school.

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

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

2           **118.164 Removal of pupils from the class.** (1) In this section, "teacher"  
3 means a person holding a license or permit issued by the department whose  
4 employment by a school district requires that he or she hold that license or permit  
5 but does not include a short-term substitute, as defined by the department by rule.

6           (2) Except as provided in sub. (5), a teacher may remove a pupil who is enrolled  
7 in a grade from 5 to 12 from the teacher's class if the teacher determines that the  
8 pupil is so unruly, disruptive, abusive or dangerous that the pupil interferes with the

1 ability of the teacher to teach effectively. The teacher shall send the pupil to the  
2 school principal, who shall decide where to send the pupil pending readmission to the  
3 class or the decision of the placement review committee under sub. (4).

4 (3) A pupil who has been removed from a class under this section may not  
5 return to the class unless the pupil and, if the pupil is a minor, the pupil's parent or  
6 guardian, have attended a conference with the teacher in which the teacher explains  
7 the standards of behavior that he or she expects the pupil to meet and the teacher  
8 has given his or her written consent to the pupil's return, or the teacher waives the  
9 required meeting under this subsection. The school principal shall schedule the  
10 meeting at a time convenient for all the parties but not later than 3 days after the  
11 removal of the pupil from the class. If the teacher refuses to readmit the pupil or the  
12 pupil or the pupil's parent or guardian fails to attend the meeting, the placement  
13 review committee under sub. (4) shall determine the placement of the pupil not later  
14 than 15 days after the meeting.

15 (4) (a) Each school board shall establish in each school in which grades 5 to 12  
16 are taught a placement review committee that is composed of 3 teachers chosen by  
17 teachers from their school, the school principal and one additional person licensed  
18 under s. 115.28 (7) or (7m) and employed by the school district. If the placement  
19 review committee is convened to review the removal of a pupil from the class of a  
20 teacher who serves on the placement review committee, the school principal shall  
21 appoint a different teacher to replace the teacher for that review.

22 (b) If the teacher refuses to readmit the pupil to the class under sub. (3), the  
23 placement review committee shall place the pupil in an alternative education  
24 program, as defined under s. 115.28 (7) (e) 1., another class or another school or shall  
25 readmit the pupil to the class if, after weighing the interests of the removed pupil,

1 the other pupils in the class and the teacher, the placement review committee  
2 determines that readmission is the best or only alternative.

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

6 (6) Before the beginning of each school term, each school board shall mail a  
7 written notice of a teacher's authority to remove a pupil under this section to each  
8 pupil enrolled in grades 5 to 12 in the school district or, if the pupil is a minor, to the  
9 pupil's parent or guardian.

10 **SECTION 2.** 119.04 (1) of the statutes is amended to read:

11 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
12 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
13 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to  
14 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
15 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 120.12  
16 (5) and (15) to ~~(24)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),  
17 (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

18 **SECTION 3.** 119.25 (2) (a) 3. of the statutes is created to read:

19 119.25 (2) (a) 3. Shall commence proceedings under par. (b) and expel a pupil  
20 from school for the time specified under s. 120.13 (1) (c) 2g. whenever that hearing  
21 officer or panel finds that the pupil engaged in conduct that constitutes grounds for  
22 expulsion under s. 120.13 (1) (c) 2g.

23 **SECTION 4.** 119.44 (2) (a) 2. c. of the statutes is created to read:

24 119.44 (2) (a) 2. c. The number of incidents in which teachers removed pupils  
25 from the classroom under s. 118.164.

1           **SECTION 5.** 120.12 (25) of the statutes is created to read:

2           120.12 **(25)** CODE OF CONDUCT. Adopt a code of conduct for pupils.

3           **SECTION 6.** 120.13 (1) (a) of the statutes is amended to read:

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

9           **SECTION 7.** 120.13 (1) (b) of the statutes is amended to read:

10          120.13 **(1)** (b) The school district administrator or any principal or teacher  
11 designated by the school district administrator also may make rules, with the  
12 consent of the school board, and may suspend a pupil for not more than 5 school days  
13 or, if a notice of expulsion hearing has been sent under par. (c) 4, or (e) 4. or s. 119.25  
14 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with  
15 such rules or school board rules, or for knowingly conveying any threat or false  
16 information concerning an attempt or alleged attempt being made or to be made to  
17 destroy any school property by means of explosives, or for conduct by the pupil while  
18 at school or while under the supervision of a school authority which endangers the  
19 property, health or safety of others, or for conduct while not at school or while not  
20 under the supervision of a school authority which endangers the property, health or  
21 safety of others at school or under the supervision of a school authority or endangers  
22 the property, health or safety of any employe or school board member of the school  
23 district in which the pupil is enrolled, or for possession on school property or at a  
24 school-sponsored event of a dangerous weapon, as defined under s. 939.22 (10),  
25 controlled substance, as defined under s. 961.01 (4), a controlled substance analog.

1 as defined under s. 961.01 (4m), or drug paraphernalia, as defined under s. 961.571,  
2 or for the conviction of a crime under or an adjudication of delinquency on the basis  
3 of a violation of ss. 940.02 (2), 940.08, 940.09 (1g), 940.24, 941.20 to 941.298, 948.55,  
4 948.60, 948.605, 948.61, 961.41 to 961.50 and 961.571 to 961.577. Prior to any  
5 suspension, the pupil shall be advised of the reason for the proposed suspension. The  
6 pupil may be suspended if it is determined that the pupil is guilty of noncompliance  
7 with such rule, or of the conduct charged, and that the pupil's suspension is  
8 reasonably justified. The parent or guardian of a suspended minor pupil shall be  
9 given prompt notice of the suspension and the reason for the suspension. The  
10 suspended pupil or the pupil's parent or guardian may, within 5 school days following  
11 the commencement of the suspension, have a conference with the school district  
12 administrator or his or her designee who shall be someone other than a principal,  
13 administrator or teacher in the suspended pupil's school. If the school district  
14 administrator or his or her designee finds that the pupil was suspended unfairly or  
15 unjustly, or that the suspension was inappropriate, given the nature of the alleged  
16 offense, or that the pupil suffered undue consequences or penalties as a result of the  
17 suspension, reference to the suspension on the pupil's school record shall be  
18 expunged. Such finding shall be made within 15 days of the conference. A pupil  
19 suspended under this paragraph shall not be denied the opportunity to take any  
20 quarterly, semester or grading period examinations or to complete course work  
21 missed during the suspension period, as provided in the attendance policy  
22 established under s. 118.16 (4) (a).

23 **SECTION 8.** 120.13 (1) (c) 2g. of the statutes is created to read:

24 120.13 (1) (c) 2g. In addition to the grounds for expulsion under subd. 1., the  
25 school board shall commence proceedings under subd. 3. and expel a pupil from

1 school for one year if the pupil has in his or her possession on school property or at  
2 a school-sponsored event a dangerous weapon, as defined under s. 939.22 (10); a  
3 controlled substance, as defined under s. 961.01 (4); a controlled substance analog,  
4 as defined under s. 961.01 (4m); or drug paraphernalia, as defined under s. 961.571.  
5 A school board shall commence proceedings under subd. 3. and expel a pupil from  
6 school who has been convicted of a crime under or adjudicated delinquent on the  
7 basis of a violation of ss. 940.02 (2), 940.08, 940.09 (1g), 940.24, 941.20 to 941.298,  
8 948.55, 948.60, 948.605, 948.61, 961.41 to 961.50 and 961.571 to 961.577 for a period  
9 of one year beginning from the date of the conviction.

10 **SECTION 9.** 120.13 (1) (e) 2. c. of the statutes is created to read:

11 120.13 (1) (e) 2. c. Shall commence proceedings under subd. 3. and expel a pupil  
12 for the time specified under par. (c) 2g. whenever that hearing officer or panel finds  
13 that the pupil engaged in conduct that constitutes grounds for expulsion under par.  
14 (c) 2g.

15 **SECTION 10.** 120.18 (1) (gr) of the statutes is created to read:

16 120.18 (1) (gr) The number of incidents in which teachers removed pupils from  
17 the classroom under s. 118.164.

18 **SECTION 11. Effective date.**

19 (1) This act takes effect on the first day of the 6th month beginning after  
20 publication.

21 (END)