



2023 SENATE BILL 1091

March 18, 2024 - Introduced by Senator TESTIN. Referred to Committee on Education.

1 **AN ACT** *to amend* 120.13 (1) (a) (intro.); and *to create* 120.13 (1) (a) 5. of the
2 statutes; **relating to:** school board rules related to pupil discipline and
3 requiring a reintegration process in a school board's code of classroom conduct.

Analysis by the Legislative Reference Bureau

Under current law, school boards may do all things reasonable to promote the cause of education, including make rules pertaining to conduct of pupils to maintain good decorum and a favorable academic atmosphere in the schools of the school district. For purposes of rules related to pupil discipline, this bill expressly authorizes school boards to take into account certain conduct that occurs while a pupil is not at school or under school supervision. Off-campus pupil conduct that may be considered for pupil discipline is conduct that 1) is not off-campus conduct that is a basis for suspension or expulsion under current law, 2) is egregious, and 3) endangers the safety of a child. Under current law, a pupil may be suspended or expelled for conduct that does not occur at school or under the supervision of a school authority if the conduct 1) endangers the property, health, or safety of others at school or under school supervision or 2) endangers the property, health, or safety of any school district employee or school board member.

Current law also requires each school board to adopt a code that governs classroom conduct and specifies that each code of classroom conduct must include various items related to removing a pupil from a classroom. The bill requires that a school board's code of classroom conduct must also include a reintegration process that applies when a pupil returns to the classroom from a suspension or expulsion

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that was the result of an act of violence against another pupil. Under the bill, the reintegration process must include a notice to the parent of a pupil who was a victim of the violence; an opportunity for the pupil who was a victim of the violence to make recommendations about the pupil returning to the classroom or school; and a requirement that the school board take all reasonable and practicable steps to ensure the emotional and physical safety of a pupil who was a victim of the violence in reintegrating the pupil to the classroom or school.

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

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

2 120.13 (1) (a) (intro.) Make rules for the organization, gradation and
3 government of the schools of the school district, including rules pertaining to conduct
4 and dress of pupils in order to maintain good decorum and a favorable academic
5 atmosphere, which shall take effect when approved by a majority of the school board
6 and filed with the school district clerk. For purposes of rules related to pupil
7 discipline, a school board may take into account conduct that occurs while the pupil
8 is not at school or under the supervision of a school authority that is not conduct
9 under par. (b) 2. d. if the conduct is egregious and endangers the safety of a child.

10 Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils'
11 classroom conduct beginning in the 1999-2000 school year. The code shall be
12 developed in consultation with a committee of school district residents that consists
13 of parents, pupils, members of the school board, school administrators, teachers,
14 pupil services professionals and other residents of the school district who are
15 appointed to the committee by the school board. The code of classroom conduct may
16 provide different standards of conduct for different schools and may provide
17 additional placement options under s. 118.164 (3). The code shall include all of the
18 following:

