



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 SENATE BILL 274**

April 21, 1998 – Offered by COMMITTEE ON EDUCATION.

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

1 of classroom conduct. The teacher shall send the pupil to the school principal or his
2 or her designee and notify the school principal or his or her designee immediately of
3 the reasons for the removal. In addition, the teacher shall provide to the principal
4 or his or her designee within 24 hours after the pupil's removal from the class a
5 written explanation of the reasons for the removal.

6 **(3)** (a) The school principal or his or her designee shall place the pupil in one
7 of the following:

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

9 2. Another class in the school or another appropriate place in the school, as
10 determined by the school principal or his or her designee.

11 3. Another instructional setting.

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

16 (b) This subsection does not prohibit the teacher who removed the pupil from
17 the class or the school board, school district administrator, school principal or their
18 designees from disciplining the pupil.

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), 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 1st
3 class city school district and board.

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

6 120.13 (1) (a) (intro.) Make rules for the organization, gradation and
7 government of the schools of the school district, including rules pertaining to conduct
8 and dress of pupils in order to maintain good decorum and a favorable academic
9 atmosphere, which shall take effect when approved by a majority of the school board
10 and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board
11 shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000
12 school year. The code shall be developed in consultation with a committee of school
13 district residents that consists of parents, pupils, members of the school board, school
14 administrators, teachers, pupil services professionals and other residents of the
15 school district who are appointed to the committee by the school board. The code of
16 classroom conduct may provide different standards of conduct for different schools
17 and may provide additional placement options under s. 118.164 (3). The code shall
18 include all of the following:

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

20 120.13 (1) (a) 1. A specification of what constitutes dangerous, disruptive or
21 unruly behavior or interference with the ability of the teacher to teach effectively
22 under s. 118.164 (2).

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

