



State of Wisconsin
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 760**

March 10, 2004 - Offered by Representatives OLSEN and POPE-ROBERTS.

1 **AN ACT** *to amend* 118.164 (2), 118.164 (3) (a) (intro.), 118.164 (3) (a) 4., 118.164
2 (3) (b), 120.13 (1) (a) 1., 120.13 (1) (a) 2., 120.13 (1) (a) 3. and 120.13 (1) (a) 4.;
3 and *to create* 118.164 (4) of the statutes; **relating to:** removal of a pupil from
4 class, from any portion of school property, or from a school-sponsored activity.

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

5 **SECTION 1.** 118.164 (2) of the statutes is amended to read:
6 118.164 (2) Subject to 20 USC 1415 (k) ~~and beginning August 1, 1999,~~ a teacher
7 may remove a pupil from the teacher's class if the pupil violates the code of classroom
8 conduct adopted under s. 120.13 (1) (a) ~~or is dangerous, unruly or disruptive or~~
9 ~~exhibits behavior that interferes with the ability of the teacher to teach effectively~~
10 ~~as specified in the code of classroom conduct.~~ Subject to 20 USC 1415 (k), an
11 individual employed by the school district as a teacher's assistant may remove a
12 pupil from class if the pupil violates the code of classroom conduct adopted under s.

1 120.13 (1) (a); is dangerous, unruly, or disruptive; or exhibits behavior that interferes
2 with the ability of the teacher's assistant to perform his or her job effectively. The
3 teacher or teacher's assistant shall send the pupil to the school principal or his or her
4 designee and notify the school principal or his or her designee immediately of the
5 reasons for the removal. In addition, the teacher or teacher's assistant shall provide
6 to the principal or his or her designee within 24 hours after the pupil's removal from
7 the class a written explanation of the reasons for the removal.

8 **SECTION 2.** 118.164 (3) (a) (intro.) of the statutes is amended to read:

9 118.164 (3) (a) (intro.) The school principal or his or her designee shall place
10 the a pupil who has been removed from class under sub. (2) in one of the following:

11 **SECTION 3.** 118.164 (3) (a) 4. of the statutes is amended to read:

12 118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing
13 the interests of the removed pupil, the other pupils in the class and, the teacher, and
14 the teacher's assistant if the teacher's assistant removed the pupil, the school
15 principal or his or her designee determines that readmission to the class is the best
16 or only alternative.

17 **SECTION 4.** 118.164 (3) (b) of the statutes is amended to read:

18 118.164 (3) (b) This subsection does not prohibit the teacher or teacher's
19 assistant who removed the pupil from ~~the~~ class or the school board, school district
20 administrator, school principal, or their designees from disciplining the pupil.

21 **SECTION 5.** 118.164 (4) of the statutes is created to read:

22 118.164 (4) (a) Subject to 20 USC 1415 (k), a school employee may remove a
23 pupil from any portion of school property or from a school-sponsored activity that is
24 supervised by the school employee, other than from a class under sub. (2), if the pupil
25 is dangerous, unruly, or disruptive or exhibits behavior that interferes with the

1 ability of the school employee to perform his or her job effectively or if there are other
2 grounds for removal, as specified in the code of classroom conduct under s. 120.13 (1)
3 (a) 2. The school employee may send the pupil to the school principal or his or her
4 designee. As soon as feasible, the school employee shall notify the school principal
5 or his or her designee of the removal and provide the principal or designee with an
6 explanation of the reasons for the removal.

7 (b) This subsection does not prohibit the school employee who removed the
8 pupil from school property or a school-sponsored activity or the school board, school
9 district administrator, school principal, or their designees from disciplining the
10 pupil.

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

12 120.13 (1) (a) 1. A specification of what constitutes dangerous, disruptive, or
13 unruly behavior ~~or~~; behavior that interferes with the ability of the teacher to teach
14 effectively or a teacher's assistant to perform his or her job effectively under s.
15 118.164 (2); and behavior that interferes with the ability of a school employee to
16 perform his or her job effectively under s. 118.164 (4).

17 **SECTION 7.** 120.13 (1) (a) 2. of the statutes is amended to read:

18 120.13 (1) (a) 2. Any grounds in addition to those under subd. 1. for the removal
19 of a pupil from the class under s. 118.164 (2) or from school property or a
20 school-sponsored activity under s. 118.164 (4).

21 **SECTION 8.** 120.13 (1) (a) 3. of the statutes is amended to read:

22 120.13 (1) (a) 3. The procedures for determining the appropriate educational
23 placement of a pupil who has been removed from the class and assigned a placement
24 by the school principal or his or her designee under s. 118.164 (2).

25 **SECTION 9.** 120.13 (1) (a) 4. of the statutes is amended to read:

