



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 484**

November 27, 2007 - Offered by Representative BALLWEG.

1 **AN ACT** *to renumber and amend* 118.164 (2); *to amend* 118.164 (title), 118.164
2 (3) (a) (intro.), 118.164 (3) (a) 4. and 120.13 (1) (a); and *to create* 118.164 (2) (a)
3 4., 118.164 (2m) and 120.13 (1) (a) 5. of the statutes; **relating to:** removal of a
4 pupil from class and sending a pupil from any portion of school district property
5 to the principal.

Analysis by the Legislative Reference Bureau

Current law generally allows a teacher to remove a pupil from his or her class and send the pupil to the principal if the pupil violates the code of classroom conduct adopted by the school board; is dangerous, unruly, or disruptive; or exhibits behavior that interferes with the teacher's ability to teach effectively, as specified by the code of classroom conduct.

This bill makes removal of a pupil from class subject to a pupil's individualized education program. The bill extends to any school district employee the ability to remove a pupil from a class and send the pupil to the principal. The bill also allows a school district employee to send a pupil from any portion of school district property to the principal. Under the bill, the code of classroom conduct must specify the kinds of behavior that interfere with the ability of a school district employee to perform his or her job effectively and that would warrant removal from class. The bill also permits a school district to specify, in any code of conduct other than the code of

classroom conduct, behavior that would warrant sending a pupil from school district property to the principal, including behavior that interferes with the ability of a school district employee to effectively perform his or her job.

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

1 **SECTION 1.** 118.164 (title) of the statutes is amended to read:

2 **118.164** (title) **Removal of pupils a pupil from the class or sending a**
3 **pupil from any portion of school district property.**

4 **SECTION 2.** 118.164 (2) of the statutes is renumbered 118.164 (2) (a) (intro.) and
5 amended to read:

6 118.164 **(2)** (a) (intro.) Subject to 20 USC 1415 (k) and ~~beginning~~
7 ~~August 1, 1999, and a pupil's individualized education program under s. 115.787, a~~
8 ~~teacher school district employee~~ may remove a pupil from ~~the teacher's~~ class if the
9 pupil violates does any of the following:

10 1. Violates the code of classroom conduct adopted under s. 120.13 (1) (a) ~~or is,~~

11 2. Exhibits behavior that is dangerous, unruly, or disruptive ~~or exhibits.~~

12 3. Exhibits behavior that interferes with the ability of ~~the~~ a teacher to teach
13 effectively, as specified in the code of classroom conduct under s. 120.13 (1) (a).

14 **(b)** ~~The teacher school district employee~~ shall send ~~the~~ a pupil removed from
15 class to the school principal or his or her designee and notify the school principal or
16 his or her designee immediately of the reasons for the removal. In addition, the
17 ~~teacher school district employee~~ shall provide to the principal or his or her designee
18 within 24 hours after the pupil's removal from ~~the~~ class a written explanation of the
19 reasons for the removal.

20 **SECTION 3.** 118.164 (2) (a) 4. of the statutes is created to read:

1 118.164 (2) (a) 4. Exhibits behavior that interferes with the ability of a school
2 district employee to effectively perform his or her job in class, as specified in the code
3 of classroom conduct under s. 120.13 (1) (a).

4 **SECTION 4.** 118.164 (2m) of the statutes is created to read:

5 118.164 (2m) (a) A school district employee may send a pupil from any portion
6 of school district property other than class to the school principal or his or her
7 designee if the pupil does any of the following:

8 1. Violates any code of conduct, other than the code of classroom conduct,
9 adopted under s. 120.13 (1) (a) .

10 2. Exhibits behavior that is dangerous, unruly, or disruptive.

11 3. Exhibits behavior that interferes with the ability of a school district
12 employee to effectively perform his or her job, as specified in any code of conduct,
13 other than the code of classroom conduct, adopted under s. 120.13 (1) (a).

14 (b) If a school district employee sends a pupil to the school principal or his or
15 her designee under this subsection, the school district employee shall immediately
16 notify the school principal or his or her designee of the reasons for sending the pupil
17 and shall provide to the principal or his or her designee a written explanation of the
18 reasons within 24 hours after sending the pupil.

19 **SECTION 5.** 118.164 (3) (a) (intro.) of the statutes is amended to read:

20 118.164 (3) (a) (intro.) The Subject to s. 115.79, the school principal or his or
21 her designee shall place the a pupil who has been removed from class under sub. (2)
22 in one of the following:

23 **SECTION 6.** 118.164 (3) (a) 4. of the statutes is amended to read:

24 118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing
25 the interests of the removed pupil, the other pupils in the class and, the teacher of

1 the class from which the pupil was removed, and the school district employee if the
2 school district employee removed the pupil, the school principal or his or her designee
3 determines that readmission to the class is the best or only alternative.

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

5 120.13 (1) (a) Make rules for the organization, gradation and government of
6 the schools of the school district, including rules pertaining to conduct and dress of
7 pupils in order to maintain good decorum and a favorable academic atmosphere,
8 which shall take effect when approved by a majority of the school board and filed with
9 the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a
10 code to govern pupils' classroom conduct ~~beginning in the 1999-2000 school year.~~

11 ~~The. Except for that portion of the code of classroom conduct required under subd.~~
12 ~~5., the code of classroom conduct~~ shall be developed in consultation with a committee
13 of school district residents that consists of parents, pupils, members of the school
14 board, school administrators, teachers, pupil services professionals and other
15 residents of the school district who are appointed to the committee by the school
16 board. The code of classroom conduct may provide different standards of conduct for
17 different schools and may provide additional placement options under s. 118.164 (3).
18 The code of classroom conduct shall include all of the following:

19 1. A specification of what constitutes dangerous, disruptive, or unruly behavior
20 under s. 118.164 (2) (a) 2. or behavior that interferes with the ability of the teacher
21 to teach effectively under s. 118.164 (2) (a) 3.

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

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

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

6 **SECTION 8.** 120.13 (1) (a) 5. of the statutes is created to read:

7 120.13 **(1)** (a) 5. A specification of what constitutes behavior that interferes
8 with the ability of a school district employee to effectively perform his or her or job
9 in class under s. 118.164 (2) (a) 4.

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(END)