



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0397/1
TKK:kjf/amn/emw

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 821**

February 26, 2018 - Offered by Senator CRAIG.

1 **AN ACT** *to renumber and amend* 118.21 (1); and *to create* 118.21 (1) (b), 118.40
2 (1m) (b) 16., 118.40 (2r) (b) 2. fm., 118.40 (2x) (b) 2. fm. and 119.16 (16) of the
3 statutes; **relating to:** right of a teacher in a public school, including a charter
4 school, or an instructional staff member at an independent charter school to
5 terminate his or her employment under certain circumstances.

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

6 **SECTION 1.** 118.21 (1) of the statutes is renumbered 118.21 (1) (a) and amended
7 to read:

8 118.21 (1) (a) The school board shall contract in writing with qualified teachers.
9 The school board shall file a contract, with a copy of the teacher's authority to teach
10 attached, ~~shall be filed~~ with the school district clerk. Such contract, in addition to
11 fixing the teacher's wage, may provide for compensating the teacher for necessary

1 travel expense. A teaching contract with any person not legally authorized to teach
2 the named subject or at the named school shall be void. All teaching contracts shall
3 terminate if, and when, the authority to teach terminates.

4 **SECTION 2.** 118.21 (1) (b) of the statutes is created to read:

5 118.21 (1) (b) 1. In this paragraph, “physical assault” means the knowing or
6 intentional touching of another person, by the use of any body part or object, with the
7 intent to cause physical harm to that person or another and without the consent of
8 the person harmed. “Physical assault” does not include the reasonable and
9 necessary use of force for the purpose of self-defense or the defense of others under
10 s. 939.48.

11 2. Beginning on the effective date of this subdivision [LRB inserts date], the
12 school board shall include in each contract under this section a provision authorizing
13 the teacher to terminate his or her contract without penalty, including the penalty
14 of the payment of liquidated damages, if the teacher is the victim of a physical assault
15 by a pupil or of a violent crime, as defined in s. 939.632 (1) (e), committed by a pupil
16 while the teacher is on school premises, at a school-sponsored activity, or otherwise
17 engaged in official duties on behalf of the school district. The provision required
18 under this subdivision shall specify that a teacher may terminate his or her contract
19 as provided under this subdivision only if the teacher provides the school board with
20 a law enforcement report documenting the physical assault or violent crime and both
21 the law enforcement report and a request to terminate the contract are submitted to
22 the school board within 2 months of the incident covered in the report.

23 **SECTION 3.** 118.40 (1m) (b) 16. of the statutes is created to read:

24 118.40 (1m) (b) 16. Beginning on the effective date of this subdivision [LRB
25 inserts date], a provision authorizing a teacher employed in the charter school to

1 terminate his or her employment with the person operating the school without
2 penalty, including the penalty of the payment of liquidated damages, if the teacher
3 is the victim of a physical assault, as defined in s. 118.21 (1) (b) 1., by a pupil or of
4 a violent crime, as defined in s. 939.632 (1) (e), committed by a pupil while the teacher
5 is on school premises, at a school-sponsored activity, or otherwise engaged in official
6 duties on behalf of the charter school. The provision required under this subdivision
7 shall specify that a teacher may terminate his or her contract as provided under this
8 subdivision only if the teacher provides the governing board with a law enforcement
9 report documenting the physical assault or violent crime and both the law
10 enforcement report and a request to terminate the contract are submitted to the
11 governing board within 2 months of the incident covered in the report.

12 **SECTION 4.** 118.40 (2r) (b) 2. fm. of the statutes is created to read:

13 118.40 (2r) (b) 2. fm. Beginning on the effective date of this subd. 2. fm. [LRB
14 inserts date], a provision authorizing an instructional staff person employed in the
15 charter school to terminate his or her employment with the person operating the
16 school without penalty, including the penalty of the payment of liquidated damages,
17 if the instructional staff person is the victim of a physical assault, as defined in s.
18 118.21 (1) (b) 1., by a pupil or of a violent crime, as defined in s. 939.632 (1) (e),
19 committed by a pupil while the instructional staff person is on school premises, at
20 a school-sponsored activity, or otherwise engaged in official duties on behalf of the
21 charter school. The provision required under this subd. 2. fm. shall specify that an
22 instructional staff person may terminate his or her contract as provided under this
23 subd. 2. fm. only if the instructional staff person provides the governing board with
24 a law enforcement report documenting the physical assault or violent crime and both

1 the law enforcement report and a request to terminate the contract are submitted to
2 the governing board within 2 months of the incident covered in the report.

3 **SECTION 5.** 118.40 (2x) (b) 2. fm. of the statutes is created to read:

4 118.40 (2x) (b) 2. fm. Beginning on the effective date of this subd. 2. fm. [LRB
5 inserts date], a provision authorizing an instructional staff person employed in the
6 charter school to terminate his or her employment with the person operating the
7 school without penalty, including the penalty of the payment of liquidated damages,
8 if the instructional staff person is the victim of a physical assault, as defined in s.
9 118.21 (1) (b) 1., by a pupil or of a violent crime, as defined in s. 939.632 (1) (e),
10 committed by a pupil while the instructional staff person is on school premises, at
11 a school-sponsored activity, or otherwise engaged in official duties on behalf of the
12 charter school. The provision required under this subd. 2. fm. shall specify that an
13 instructional staff person may terminate his or her contract as provided under this
14 subd. 2. fm. only if the instructional staff person provides the governing board with
15 a law enforcement report documenting the physical assault or violent crime and both
16 the law enforcement report and a request to terminate the contract are submitted to
17 the governing board within 2 months of the incident covered in the report.

18 **SECTION 6.** 119.16 (16) of the statutes is created to read:

19 119.16 (16) TEACHER EMPLOYMENT CONTRACTS. Beginning on the effective date
20 of this subsection [LRB inserts date], the board shall include in any employment
21 contract with a teacher a provision authorizing the teacher to terminate his or her
22 contract without penalty, including the penalty of the payment of liquidated
23 damages, if the teacher is a victim of a physical assault, as defined in s. 118.21 (1)
24 (b) 1., by a pupil or of a violent crime, as defined in s. 939.632 (1) (e), committed by
25 a pupil while the teacher is on school premises, at a school-sponsored activity, or

1 otherwise engaged in official duties on behalf of the school district. The provision
2 required under this subsection shall specify that a teacher may terminate his or her
3 contract as provided under this subsection only if the teacher provides the school
4 board with a law enforcement report documenting the physical assault or violent
5 crime and both the law enforcement report and a request to terminate the contract
6 are submitted to the school board within 2 months of the incident covered in the
7 report.

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(END)