



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Senate Bill 251**

**Senate Substitute  
Amendment 1**

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Current law generally allows a teacher to remove a pupil from his or her class if a 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.

Senate Bill 251, as originally drafted, extended the ability to remove the pupil from class to any **school district employee** and allowed a school district employee to remove a pupil from school property or from a school-sponsored activity supervised by that employee. Under the bill, the code of conduct was also required to specify the kinds of behavior that interfere with the ability of a school district employee to perform his or her job effectively and would warrant removal of a pupil from school or from a school-sponsored activity.

Senate Substitute Amendment 1 makes the following changes:

1. Limits the additional authorization to remove a pupil from class or school district property to a teacher's aide. Thus, either the teacher or teacher's aide could remove a pupil from class or school district property. Other school employees would not be authorized to take such actions.
2. Provides that a teacher's aide may take action only when he or she is not under the direct supervision of a teacher.
3. Limits the authority to remove a pupil only from class or school property; eliminating the express authority to remove a pupil from a school-sponsored activity.
4. Expressly provides that a teacher or a teacher's aide may send a pupil from any portion of school property other than class to the school principal or his or her designee if the pupil exhibits behavior that is a violation of the code of conduct, or exhibits that is dangerous,

unruly, or disruptive. Action may also be based on behavior that interferes with the ability of a teacher or teacher's aide to effectively perform his or her job, as specified in the code of conduct.

**Legislative History**

Senate Bill 251 was introduced on August 13, 2007 by Senator Lehman and others; and cosponsored by Representative Ballweg and others. The bill was referred to the Senate Education Committee and that committee held a public hearing on the bill on February 21, 2008.

Senator Lehman offered Senate Substitute Amendment 1 on March 4, 2008 and the Senate Education Committee recommended adoption of Senate Substitute Amendment 1 on a vote of Ayes, 7; Noes, 0. The committee recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 1.

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