



Disability Rights WISCONSIN

To: Senate Committee on Education

From: Disability Rights Wisconsin (Contact: Joanne Juhnke, Advocacy Specialist, joannej@drwi.org)

Date: January 28, 2026

Re: SB611/AB614: relating to a teacher's authority to manage the teacher's class, parental notification of disruptive or violent behavior at school, and a school district's code of conduct.

Disability Rights Wisconsin (DRW) is the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of individuals with disabilities and keeping them free from abuse and neglect. With this responsibility, DRW encourages your opposition to SB611/AB614.

Inappropriate exclusion of students with disabilities is DRW's top-priority education issue, including suspension, expulsion, restraint & seclusion, shortened school days, and other ways that students with disabilities are removed and set aside. When a student is not in school, they are not getting the education that enables them to be a participating and valuable member of their community. Students with disabilities are all too often targeted for exclusion, and even as amended, the bill would exacerbate these educational losses.

While the amendment purports to address disability-related concerns with the bill, it not only fails to solve the concerns, it creates new concerns in the process. To the detriment of the process of developing an Individualized Education Program, the amendment creates a new required component for each and every IEP. IEP teams would be tasked with predicting the possible range of disability-related behaviors across all potential classroom situations, and pre-judge whether the student should or should not be subjected to the full range of exclusionary sequelae in the bill. IEP teams are not clairvoyant; they are not equipped to predict what might happen if a student is being bullied on a given day, or if the rest of the IEP is not being followed, or the full range of possible contingencies. The amendment also fully fails to take into

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account the needs of students whose disabilities are recognized under Section 504 of the Rehabilitation Act of 1973 but do not have IEPs.

It is unfortunate that today's hearing is the first chance for disability advocates to publicly respond to the amendment, which was created in the short space between the public hearing on AB614 and the executive session in the Assembly Committee on Education last November. Again, this amendment would change the required components of IEPs in Wisconsin, and the proposal was made in the absence of communication with the disability community or the Department of Public Instruction. Legislation affecting the rights and protections of Wisconsinites with disabilities should be developed in consultation and collaboration with people with disabilities, disability advocates, and relevant departments. DRW regrets that such collaboration did not happen here.

The additional reasons why DRW opposed the original version of AB614/SB611 are still relevant. Students with disabilities are more likely than their peers to struggle with behavioral issues, particularly when their disabilities impact social interaction and impulse control. In the 2023-24 school year, students with disabilities represented 15.3% of the statewide student population, yet comprised 80.7% of students who experienced seclusion and 76.1% of students who experienced restraint (DPI, https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/Seclusion_and_Restraint_Report_2_3-24.pdf). Meanwhile, in the same year, the out-of-school suspension to student ratio was 7.9% for students without disabilities, and 23.5% for students with disabilities. (<https://wisedash.dpi.wi.gov/Dashboard/dashboard/20218?filtersetId=be4d3e18-9430-4bfc-a7aa-7d21a61fda20>). Students with disabilities are already removed from education far more than their non-disabled peers.

SB611, even as amended, would create new avenues for disability-related exclusion by creating new powers to eject a student from the classroom for behavior that a teacher says is "boisterous" or "unreasonably loud." Rather than providing the necessary support for students both with disabilities and without, a pattern of underfunding at the state level has resulted in inadequate staffing and support, which then creates challenging classroom situations. Ejecting students from classrooms does not make the need for staffing disappear. Someone else in the building would have to be responsible for a student excluded from the classroom.

The bill also adds time-consuming requirements that can delay a student's return to the classroom. If a student is removed twice in 30 days, they would need a behavior intervention plan (BIP) before being returned to class. Developing an effective BIP can be a lengthy process, and the bill does not indicate what would happen for the student between being removed from the classroom and being allowed to return. Either there will be staffing requirements, or the burden would shift to parents if the student were to be excluded from school altogether during that time. It is unclear how such exclusions would interact with disciplinary protections under the Individuals with Disabilities Education Act (IDEA).

Disability Rights Wisconsin encourages you to oppose SB611.

Thank you for your consideration of these comments. I am happy to respond to any questions you might have.