

Student Suspensions/Expulsions

No. 447.3
(A) 7-8-82
(R) 9-14-92
(R) 6-12-95
(R) 10-9-95
(R) 4-10-00
(R) 3-9-15

I. Suspension:

Authority to suspend students is granted in Wisconsin Statutes 120.13(1)(b): "The School District Administrator or any principal or teacher designated also may make rules with the consent of the school board, and may suspend a pupil for not more than 5 school days or, if a notice of expulsion hearing has been sent, for not more than a total of 15 consecutive school days for non-compliance with such rules, or school board rules, or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others, conduct while not at school or while not under the supervision of a school authority that endangers that property, health, safety of others at school or under the supervision of a school authority, and conduct while not at school or not under the supervision of a school authority that endangers the property, health, or safety of a district employee or school board member. Conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.@

Any student failing to abide by the reasonable rules and regulations of the schools as they pertain to conduct and behavior may be suspended, for up to five days, by a building administrator. The District Administrator and parent/guardian shall be notified in writing immediately upon suspension, including reasons for the suspension.

Before a student is suspended the student must be notified of the charges against him/her, the evidence against him/her, the length and conditions of the suspension, and must be given an opportunity to present his/her version of the story.

During the time a student is on out-of-school suspension, he/she is not to come to school or onto the school grounds. During any suspension a student may not participate in any manner or attend any school activities.

All suspensions, by Board policy, are considered unexcused absences. Suspended students will be allowed to make up any quarter, semester or grading period examinations missed during the suspension period.

In cases of students over the age of 18 all communication, verbal or written, shall be directed to the student. Parents or guardians of students over 18 years of age shall be provided copies of all written communications.

Students shall be permitted to return to school following a suspension in accordance with procedures outlined in each building's student/parent handbook.

Students who have been disciplined under school policy may appeal the decision to a higher authority in accordance with procedures outlined in each building's student/parent handbook.

II. Expulsion:

Authority to expel a student is granted in Wisconsin Statutes 120.13(1)(c): "The school board may expel a pupil from school whenever it finds him/her guilty of repeated refusal or neglect to obey the rules, or finds that the pupil engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school, conduct while not at

school or while not under the supervision of a school authority that endangers that property, health, safety of others at school or under the supervision of a school authority, and conduct while not at school or not under the supervision of a school authority that endangers the property, health, or safety of a district employee or school board member, or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under sub d.1., and is satisfied that the interest of the school demands the pupil's expulsion." Conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

The process of and power to expel lie totally, and exclusively, with the Board of Education. Elements of due process shall be guaranteed to any student considered for expulsion in accordance with state law.

A Board of Education decision to expel a student may be appealed to State Superintendent of Public Instruction and/or to Circuit Court. If an appeal is successful, any reference to the expulsion shall be expunged from the student's record.

III. Suspension and Expulsion of Handicapped Students:

In compliance with the Individuals with Disabilities Education Act, Chapter 115 of the Wisconsin Statutes, and Section 504 of the Rehabilitation Act of 1973 this policy has the following provisions:

- A For students suspected of, but not identified as, being handicapped, screening procedures are to be employed to determine the appropriateness of a referral to a multidisciplinary team (M-Team).
 - 1. If the student's misconduct is judged not to be related to existing exceptional educational need(s), the expulsion procedures stipulated in Wisconsin Statutes, Sec. 120.13(1)(c) may be initiated.
 - 2. If the student's misconduct is judged to be related to existing exceptional educational needs, referral shall be made to an M-Team for recommendation as to appropriate educational programming and placement.
- B. For students currently identified as having exceptional educational needs, determination of the relationship between the student's handicap and misconduct is to be made by an M-Team.
 - 1. If no causal relationship is found between the student's handicapping condition(s) and the misconduct in question, the expulsion procedures stipulated in Wis. Stats. 120.13(c) may be initiated.
 - 2. If a causal relationship is found to exist between the student's handicapping condition(s) and his/her misconduct, the suitability of the child's special education placement should be reviewed and, if necessary, (s)he should be referred to an M-Team for reevaluation.
- C. Pursuant to the Individuals with Disability Education Act a child's special education placement shall not be changed during a pending complaint proceeding although suspension may be used on a short-term basis.
- D. Students who have been disciplined under school policy may appeal the decision to a higher authority in accordance with procedures outlined in each building's student/parent handbook.
- E. A Board of Education decision to expel a student may be appealed to State Superintendent of Public Instruction and/or to Circuit Court. If an appeal is successful, any reference to the expulsion shall be removed from the student's record.

Legal References:

PL94-142

s.115

s.118.175 Wisconsin Statutes

s.120.13(1) Wisconsin Statutes

1993 WI Act 284

SECTION 504 REHABILITATION ACT 1973

SECTION 121 A, 513 RULES IMPLEMENTATION PL94-142