

POLICY 5474
STUDENT EXPULSION

A School Board/designated expulsion hearing officer(s) may expel a student from school for reasons outlined in state law. A hearing shall be conducted in order to determine that the interests of the school demands the student's expulsion.

Expulsion of students shall be in accordance with state law and established District procedures.

The District shall not discriminate in student expulsions on the basis of sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation, physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

The District shall not deny any rights afforded under state and federal laws to any student excluded from school.

The District will provide a special school program for the purpose of providing a last chance for students who have been expelled from school. The District will make every effort to coordinate this program with new or existing county programs. This program will be evaluated and a report submitted to the Board annually. After expelling a student and determining the length of the expulsion, the Hearing Officer may recommend enrolling the student in a special school for educational and/or counseling purposes.

LEGAL REF.: Wisconsin Statutes
Sections 118.13 Student discrimination prohibited
120.13(1) Board powers; expulsion hearing officer(s) authorized;
expulsion requirements]
Wisconsin Administrative Code
PI 9.03(1) Student nondiscrimination policy requirement
PI 11 Change of Placement for EEN Students
Individuals with Disabilities Education Act [Removal of EEN students from school
setting for disciplinary reasons]

CROSS REF.: 5110 Pupil Discrimination Complaint and Appeal Procedure
5430 Student Conduct and Discipline
5473 Student Suspensions
5475 Discipline of Students with Exceptional Educational Needs
Special Education Policy and Procedure Handbook

AFFIRMED: August 13, 1991

REVISED: February 10, 1998

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A. Reasons for Expulsion

The School Board/designated expulsion hearing officer(s) may expel a student when it is determined that the student has engaged in any of the following conduct and is satisfied that the interests of the school demands expulsion:

1. repeatedly refused or neglected to obey rules;
2. engaged in conduct which endangered the property, health or safety of others while at school or under the supervision of a school authority;
3. engaged in conduct while not at school or under the supervision of a school authority which endangered the property, health or safety of others at school or under the supervision of a school authority;
4. engaged in conduct while not at school or under the supervision of a school authority which endangered the property, health or safety of a District employee or School Board member;
5. knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
6. repeatedly 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 or at an activity supervised by a school authority (This last reason for expulsion only applies to students 16 years of age or older.)
7. A student shall be expelled from school when required by state law.

B. Expulsion Hearing

1. Written notice of an expulsion hearing shall be sent to the student and to the student's parent/guardian if the student is a minor. This notice shall be sent not less than five days prior to the hearing and shall include the following information:
 - a. the specific grounds for expulsion under state law and the particulars of the student's alleged conduct upon which the expulsion proceeding is based;
 - b. the time and place of the hearing;
 - c. that the hearing may result in the student's expulsion;
 - d. that upon request of the student and, if the student is a minor, the student's parent/guardian, the hearing shall be closed;
 - e. that the student and, if the student is a minor, the student's parent/guardian, may be represented at the hearing by counsel;
 - f. that the School Board/designated hearing officer(s) shall keep a full record of the hearing and, upon request, the School Board/designated hearing officer(s) shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the student and, if the student is a minor, the student's parent/guardian;
 - g. that if the hearing officer(s) orders the expulsion of the student which may include a recommendation regarding enrollment in a special school program, the District shall mail a copy of the order to the School Board, the student and, if the student is a minor, to the student's parent/guardian;
 - h. that within 30 days of issuance of an expulsion order, the Board shall review the order and shall, upon review, approve, reverse or modify the order;

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- i. that if the student is expelled by the hearing officer(s), the order of the hearing officer(s) shall be enforced while the Board reviews the order;
 - j. that if the student's expulsion is approved by the Board, the expelled student or, if the student is a minor, the student's parent/guardian may appeal the Board's decision to the Department of Public Instruction (DPI);
 - k. that if the Board's decision is appealed to the DPI, within 60 days after the date on which the DPI receives the appeal, the DPI shall review the decision and shall, upon review, approve, reverse or modify the decision;
 - l. that the decision of the Board shall be enforced while the DPI reviews the Board's decision;
 - m. that an appeal from the decision of the DPI may be taken within 30 days to the circuit court for the county in which the school is located; and
 - n. that the state statutes related to student expulsion are sections 119.25 and 120.13(1).
2. The student, parent/guardian may be represented by counsel at the hearing.
 3. Written minutes, or stenographic records, shall be kept by the School Board/designated expulsion hearing officer(s).
 4. If an expulsion is ordered by the expulsion hearing officer(s), the District shall mail a copy of the order to the School Board, student and the student's parent/guardian, if the student is a minor. The expulsion order shall specify the length of the expulsion.
 5. The Board shall act on the expulsion order within 30 days after its issuance by the expulsion hearing officer(s). Appeals of the Board's decision may be made as outlined in the notice of the expulsion hearing described above.

C. Post Expulsion

1. A student who, after an expulsion proceeding is held is expelled from school, can be referred by the parent/guardian or the principal, for multi-disciplinary team evaluation. No more than 90 days shall elapse between the initial receipt of the referral form by the assigned multidisciplinary team and the receipt by the parent/guardian of the notice of placement decision pursuant to state law.
2. The Board, after approving an expulsion order as outlined above, may enroll the student in a special school for remedial and/or counseling purposes. Special education services will be provided to students with exceptional education needs.