

STUDENT EXPULSION

Reasons a student “may” be expelled from school:

In accordance with state law, students may be expelled from school by the Board for any one of the following reasons:

1. For repeatedly refusing or neglecting to obey the rules of the school/district.
2. For conduct at school or under school authority which endangers or threatens to endanger the property, health or safety of others.
3. For conduct while not at school or under school authority which endangers or threatens to endanger the property, health or safety of students, employees, board members or others who are at school or under the supervision of a school authority.
4. If the School Board finds that a pupil, at least 16 years old, 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 and that such conduct does not otherwise constitute grounds for expulsion, and the School Board is satisfied that the interest of the school demands the pupil's expulsion.
5. Conveying, or causing to be conveyed any threat of false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by any means including explosives.
6. Possessing a dangerous weapon while at school or while under the supervision of a school authority. The term “dangerous weapon” means a weapon, device, instrument, material or substance, animate or inanimate that is used for, or readily capable of, causing death or serious bodily injury.

Reasons a student “shall” be expelled from school:

In accordance with state law, students shall be expelled from school by the Board for not less than one year whenever it finds that the student, while at school or while under the supervision of a school authority, possessed a firearm as defined in federal law. The Board may modify this requirement on a case-by-case basis.

Procedures and Due Process:

1. An expulsion hearing may be called after the following procedures have been carried out:
 - a. Prior to the expulsion of a student with disabilities, the Individualized Education Program Committee must determine that the behavior for which the child is being expelled is neither a manifestation of the child's disability nor due to an inappropriate Individualized Education Plan (IEP) or placement offer. A record of deliberations and findings will be maintained.
 - b. If the group determines additional evaluations are necessary in order to determine whether the child's misbehavior is a manifestation of the disability or due to an inappropriate IEP or placement offer, then evaluations should be performed prior to any such determination.

- c. If the behavior is a manifestation of the disability or the behavior is the result of an inappropriate IEP or placement offer, then the district may not expel the child. The district must revise the child's IEP and placement offer to address the misbehavior.
 - d. If the group determines the behavior for which the child is being expelled is not a manifestation of the child's disability and not due to an inappropriate IEP or placement offer, then the School Board may expel the child. However, the district may not cease providing special education and related services to the child, even after the expulsion. Therefore, the district must revise the child's IEP and placement offer as needed to ensure the continued provision of services. A reasonable time prior to expelling the child, the district must provide the child's parent/guardian a placement offer meeting the requirements of the law. If the child's parent/guardian requests a due process hearing then the district may not unilaterally change the child's placement.
2. If a pupil who has been expelled seeks to enroll in another school district during the term of his or her expulsion, upon request, the district shall provide the School Board of the other school district with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled, and the length of the term of the expulsion.
3. At least five days before the expulsion hearing the student and, if the student is a minor, his/her parent(s)/guardian(s) will be sent written notice where the hearing is held by the School Board. The notice will include the following information:
 - a. The specific grounds, under the expulsion statute, and the stated 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 the hearing will be in closed session.
 - e. That the student and, if the student is a minor, the student's parent or guardian may be represented at the hearing by counsel.
 - f. That the School Board shall keep written minutes of the hearing.
 - g. That if the School Board orders the expulsion of the student the school district clerk shall mail a copy of the order to the student and, if the student is a minor, to the student's parent or guardian.
 - h. That if the student is expelled by the School Board the expelled student, or if the student is a minor, the student's parent or guardian may appeal the School Board's decision to the Department of Public Instruction (DPI).
 - i. That if the School Board's decision is appealed to the DPI, within 60 days after the date of which the DPI receives the appeal, the DPI shall review the decision and shall, upon review, approve, reverse or modify the decision.
 - j. That the decision of the School Board shall be enforced while the DPI reviews the School Board's decision.

- k. 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.
- l. That state statutes related to student expulsion are Wis. Stats. Sections 119.25 and 120.13(1).

Expulsion Reinstatement Conditions:

The Board may specify one or more early reinstatement conditions in the expulsion order if the early reinstatement conditions are related to the reasons for the pupil's expulsion. "Early reinstatement" means the reinstatement to school of an expelled student before the expiration of the term of the expulsion specified in the pupil's expulsion order. "Early reinstatement condition" means a condition that a student is required to meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the student's expulsion order. The Board and the administration will follow the requirements of section 120.13(1)(h) when ordering and applying early reinstatement conditions.

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LEGAL REF.: Wisconsin Statutes: 120.13(1)
120.44(2)
Individuals with Disabilities Education Act

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