**WALWORTH POLICY: 447.4**

**STUDENT SUSPENSIONS AND EXPULSIONS**

**SUSPENSIONS:**

A. Walworth Jt. District #1 will follow the laws of the State of Wisconsin, State Statute 120.13:

(1), and any other applicable statute relating to the suspension and expulsion of students. A complete copy of this law is on file at the district office and available upon request to interested parties.

B. The District Administrator and/or Principal may suspend a student from school for the

period of time authorized by law for any of the following reasons:

1. noncompliance with District policies or school rules;

2. knowingly conveying 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;

3. conduct while at school or under the supervision of a school authority which

endangers the health, safety or property of others; or

4. conduct while not at school or while not under the supervision of a school authority which endangers the health, safety or property of others at school or under the supervision of a school authority, or of any District employee or School Board member.

In addition, a student shall be suspended from school when required by law (e.g., possessing a firearm in violation of state law and Board policy).

All student suspensions from school must be reasonably justified and shall be administered in accordance with state law requirements and the policy provisions contained herein.

Students may be offered an opportunity to voluntarily participate in a particular support program or intervention activity related to their misconduct as an alternative to suspension, or as an alternative consequence to serving a full suspension period, at the discretion of the District Administrator/Principal.

C. The following steps and guidelines will be implemented or considered relating to the suspension of a pupil enrolled in Walworth Jt. District #1:

1. The Principal may suspend a pupil.

2. The student will be given the reason for the proposed suspension.

3. The student will be given the opportunity to present his/her interpretation of the

issue to the person considering suspension.

4. Attempts are made by the Principal and/or his/her designee to notify the parent(s) or guardian(s) following the suspension decision.

5. Written notice will be provided to the parent(s) or guardian(s) relating to the

suspension and will include the reason for the suspension and the length of the suspension.

6. Suspensions will ordinarily be made for a maximum of five (5) days or as permitted by state statute unless the pupil has been recommended for expulsion as referenced below in paragraph D.

7. Suspended students shall be allowed to make up any quarterly or semester or

grading period examinations or coursework missed during the suspension period in accordance with the district’s attendance procedures.

8. Should the suspended pupil, or his parent(s) or guardian(s) feel the suspension was unfair, unjust, or inappropriate, they may, within five (5) days of receipt of the written notice of suspension, have a conference with the District Administrator. The District Administrator will then make a finding within fifteen (15) days of the conference held with the pupil’s parent(s) or guardian(s).

D. Except as otherwise specifically provided by law, a student may be suspended for up to

fifteen (15) school days when notice of an expulsion hearing has been sent. A student will only be suspended if it is determined that he/she is guilty of noncompliance with school rules or of the conduct charged, and that his/her suspension is reasonably justified. Students and their parent(s) or guardian(s) shall be notified of the reason(s) for the suspension and given an opportunity to request a conference to discuss the suspension.

**EXPULSIONS:**

A. Students may be recommended to the Walworth Jt. District #1 Board of Education for

expulsion from school if they have engaged in any of the types of conduct listed in paragraph B, below.

B. The Walworth Jt. District #1 Board of Education may expel a student from school

whenever it finds that the student engaged in any of the following conduct and is satisfied that the interest of the school demands the student's expulsion:

1. repeated refusal or neglect to obey school or Board rules or regulations;

2. knowingly conveying 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;

3. engaging in conduct while at school or while under the supervision of a school

authority which endangered the property, health, or safety of others;

4. engaging in conduct while not at school or while not under the supervision of a

school authority which endangers the property, health, or safety of others at school or under the supervision of a school authority;

5. engaging in conduct which endangered the property, health or safety of an

employee or a school board member of the school district;

6. is at least age 16 and repeatedly has engaged in conduct while at school or while

under the supervision of a school authority that has 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 such conduct does not constitute other grounds for expulsion under s120.12(1)(c) of the Wisconsin Statutes, and/or; 7. while at school or while under the supervision of a school authority, possessed a firearm (as defined by 18 U.S.C. 921(a)(3).

C. Oral counseling and supervision would normally occur prior to an expulsion based upon

repeated refusal or neglect to obey school rules.

D. The following steps will be followed in all expulsion cases:

1. Proper notice- Not less than five (5) days written notice of the hearing shall be sent to the pupil and if the pupil is a minor, to his/her parent(s) or guardian(s). The notice will be sent by registered letter to include the following:

a. The specific grounds, under subd. 1., 2., or 2m., and the particulars of the

pupil’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 pupil’s expulsion.

d. That, upon request of the pupil and, if the pupil is a minor, the pupil’s parent

or guardian, the hearing shall be closed.

e. That the pupil and, if the pupil is a minor, the pupil’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 pupil the school district

clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil’s parent or guardian.

h. That if the pupil is expelled by the school board, the expelled pupil or, if the pupil is a minor, the pupil’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 department, within 60 days after the date on which the department receives the appeal, the department 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 department reviews the school board’s decision.

k. That an appeal from the decision of the department may be taken within 30 days to the circuit court for the county in which the school is located.

l. That the state statutes related to pupil expulsion is 120.13(1).

2. Hearing:

a. Should be a regularly scheduled or properly called Special Board meeting.

b. Should be a closed meeting unless the parent requests an open meeting and the Board agrees to conduct the hearing in an open session. Such request should be part of the recorded minutes.

c. The Board President, District Administrator, or district’s legal counsel should read the letter stating the charges.

d. The student, parent(s) or guardian(s) and/or legal counsel should be given the opportunity to refute, admit, or defend the violation.

e. The student, parent(s) or guardian(s) and/or legal counsel may present evidence, may cross-examine witnesses, and may review and obtain copies of evidentiary materials.

f. Following step e, the Board of Education should discuss the matter and take a definite action. Such action should be by properly recorded motion and vote.

g. Record the entire proceeding in the official Board meeting record.

h. Upon the ordering by the school Board of the expulsion of the pupil, the school district clerk shall mail a copy of the order to the pupil, and, if the pupil is a minor, to his/her parent(s) or guardian(s).

An expulsion may be carried out only by the Walworth Jt. District #1 Board of Education. The length of the expulsion is at the discretion of the Walworth Jt. District #1 Board of Education. The Board may specify conditions in a student’s expulsion order that would allow the student to be reinstated to school early before the end of the term of his/her expulsion. The early reinstatement condition(s) shall be related to the reason(s) for the expulsion and shall be enforced in accordance with state law requirements.

Walworth Jt. District #1 does not discriminate on admissions to any school, class, program, or activity on the basis of sex, race, religion, national origin, creed, pregnancy, marital status, parental status, sexual orientation, or physical, learning, emotional, or mental disability. All discrimination complaints shall be processed in accordance with established procedures.

**LEGAL REFERENCE: Wisconsin Statutes**

Section 118.127 [use of law enforcement records as sole basis for suspending or expelling students from school prohibited]

Section 118.16(4)(b)[conditions for making up examinations and coursework missed during suspensions as per student attendance policy]

Section 120.13(1) [board power to suspend or expel students from school]

PI 9.03(1) of the Wisconsin Administrative Code

**Federal Laws**

Individuals with Disabilities Education Act [programs and services for students with disabilities; includes requirements related to change of placements and providing continued educational services during period of expulsion]

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