

Tri-County Area School District

I. Pre-Suspension Procedures

A. Student Notice. Prior to a suspension, the student should be advised of:

1. The reason for the suspension;
2. The basis of the accusation; and
3. Be provided an opportunity to explain.

B. Grounds for Suspension. The grounds for student suspension include, but are not limited to:

1. Non-compliance with 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 by the student while at school or while under the supervision of a school authority which endangers the property, health, or safety of others;
4. 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; or
5. Conduct while not at school or while not under the supervision of a school authority which endangers the property, health, or safety of any employee or Board member of the District.
6. A student shall be suspended for firearms possession while at school or under school supervision as required by law.

- C. Notice of Suspension. If a student is suspended, the student, and if the student is a minor, the student's parent(s) or guardian(s), must be provided with prompt notice of the suspension and the reason for the suspension.
- D. Conference. Within 5 days following commencement of suspension, the student, and if a minor, the student's parent(s) or guardian(s), are entitled to have a conference conducted with the District Administrator or his/her designee. The designee must be someone other than a Principal, administrator or teacher in the suspended student's school. A finding must be made within fifteen days of the conference as to whether:
1. The student was suspended unfairly or unjustly;
 2. The suspension was inappropriate given the nature of the alleged offense;
 3. The student suffered undue consequences or penalties as a result of the suspension.

If any such finding is made, reference to the suspension shall be expunged from the student's school record.

- E. Time Period of Suspension. A student may be suspended for a maximum of five school days, or if a notice of an expulsion hearing has been sent to the student and, if the student is a minor, the student's parent(s) or guardian(s) as well, for a maximum of 15 consecutive school days.

Special Education Students. Students with disabilities should not be suspended for conduct which is related to their disability and, in any event, should not be suspended for more than 10 days in a school year since a longer suspension may be deemed a change in placement without compliance with the special education placement procedures. (Students may be placed in interim alternative educational settings for not more than 45 school days under conditions specified in State and Federal law.)

- F. Examinations. A suspended student cannot be denied the opportunity to take any quarterly, semester, or grading period examinations, or to complete course work missed during the suspension.

II. Expulsion Procedures

A. Grounds for Expulsion. Grounds for expulsion under Section 120.13(1)(c) include:

1. The student is guilty of *repeated* refusal or neglect to obey school rules;
2. The student 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 (e.g., bomb threat);
3. The student engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health, or safety of others;
4. The student, while not at school or while not under the supervision of school authority, engaged in conduct which endangered the property, health, or safety of others at school or under the supervision of a school authority;
5. The student engaged in conduct while not at school or while not under the supervision of a school authority that endangered the property, health, or safety of any employee or Board member of the District;
6. The student is at least 16 years old and the Board finds that the student 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 any activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under above items "1" through "5"; and/or
7. The interests of the school demand the student's expulsion.
8. The student, while at school or while under supervision of a school authority, possessed a firearm, as defined in 18 U.S.C. 921 (a) (3) (one year expulsion).

B. Notice of Hearing. Section 120.13(1)(c) specifies the statutory due process expulsion procedures.

1. Prior to any expulsion, the Board must hold an expulsion hearing.
2. The Board must provide not less than 5 days' notice of the hearing. The 5-day notice requirement is satisfied if the notice of the hearing is sent at least 5 days prior to the hearing. The notice should be sent by mail to:
 - a. The student and (separately),
 - b. If the student is a minor (under age 18), also to the student's parent(s) or guardian(s).
3. Other than mailing, the notice may also be personally served by anyone over the age of 18.
4. If available, return receipts of the certified mail or the Notice of Proof of Personal Service should be included in the record developed at the expulsion hearing.

C. Notice. The notice of the expulsion hearing must be in writing and state:

1. The specific charges and statutory grounds for the student's expulsion;
 - a. Adequate Notice. Adequate notice is an essential element to the validity of all proceedings which adjudicate the rights of individuals. Without adequate notice of the specific charges being brought against a student, he/she cannot prepare a meaningful defense. The absence of adequate notice may void what would otherwise be a meritorious case against the student.
 - b. A notice simply stating that the student is charged with "repeated refusal or neglect to obey the rules" is inadequate on its face. Without more specific information, the student will be unable to prepare or provide a defense at the expulsion hearing. This would violate due process.
2. The time, date, and place of the hearing.

3. The hearing may result in the student's expulsion from school (through age 21);
4. Upon request of the student and, if the student is a minor, the student's parent(s) or guardian(s), the hearing shall be closed;
5. The student and, if student is a minor, the student's parent(s) or guardian(s), may be represented by counsel at the hearing;
6. The Board shall keep written minutes of the hearing;
7. If the Board orders the expulsion of the student, the District Clerk shall mail a copy of the order to the student and if the student is a minor, to the student's parent(s) or guardian(s);
8. If the student is expelled by the Board, the expelled student or, if the student is a minor, the student's parent(s) or guardian(s), may appeal the Board's decision to the Department of Public Instruction.
9. 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;
10. The decision of the Board shall be enforced while the Department reviews the Board's decision;
11. 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; and
12. The state statutes related to student expulsion re Sections 119.25 and 120.13(1);

The notice should also advise the student and the student's parent(s) or guardian(s) that they may review the student's complete disciplinary and academic record which may be used by the Board in determining the length of the expulsion period, if any.

Legal Reference: Section 120.13(1)(c), Wisconsin Statutes

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