

MARSHALL PUBLIC SCHOOLS

SERIES 400 STUDENTS

Board Rule 447.3

STUDENT SUSPENSIONS/EXPULSIONS

1. Since current legal opinion does not view suspension as a change in placement, Wisconsin Statutes Section 120.13(1) applies to all students regardless of handicapping condition.

A. SUSPENSION CONDITIONS

The school district administrator or any principal or teacher designated by the school district administrator also may make rules, with the consent of the school board, and may suspend a pupil for not more than five (5) school days or, if a notice of expulsion hearing has been sent under par. (c) or (e) or s.120.13 for not more than a total of 15 consecutive days for noncompliance with such rules or school board rules, or for 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, 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, or for conduct while not at school or while not at school or while not under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of non-compliance with such rule, or of the conduct charge, and that the pupil's suspension is reasonably justified."

B. PARENT NOTIFICATION

The parent or guardian of a suspended student shall be given prompt notice of the suspension and the reason for the suspension.

C. RIGHT TO A CONFERENCE

The suspended student or his parent or guardian may, within 5 school days following commencement of the suspension, have a conference with the school district administrator or his designee who shall be someone other than a principal, administrator or teacher in the suspended student's school.

D. CONDITIONS FOR EXPUNGING STUDENT RECORDS

If the school district administrator or his designee finds that the pupil was suspended unfairly or unjustly or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered under consequences or penalties as a result of the suspension, reference to the suspension on the student's school record shall be expunged. Such finding shall be made within 15 days of said conference.

E. EXAMINATION PRIVILEGES

A student suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

F. REQUIRED MEETING

A meeting is required between the administrator/designee suspending the student, the student and a parent/guardian of the student prior to the student returning to school. The results of this meeting must indicate an agreement by all parties that the student is ready to come back to school.

2. Current legal opinion indicates that the intent of legislation mandates regarding a free appropriate public education for all handicapped students is to assure the availability of educational programs and services, not to limit a school district's right to expel. Thus in accordance with Wisconsin law, "the school board may expel a student from school whenever it finds him/her guilty of repeated refusal or neglect to obey the rules, or finds that he/she engaged in conduct while at school or while under the supervision of a school authority which endangers the property, health or safety of others, or endangers the property, health or safety of any employee or school board member of the school district in which the pupil enrolled and is satisfied that the interest of the school demands his/her expulsion." Since expulsion clearly represents a change in special education placement, however, the following procedures must be utilized in the case of a student suspected of or identified as being handicapped:
 - A. For student suspected, but not identified, as being handicapped, screening procedures are to be employed to determine the appropriateness of a referral to a Multi-Disciplinary Team (M-Team)
 - a. If the student's misconduct is judged not to be related to an existing exceptional educational need(s), the expulsion procedures stipulated in Wisconsin Statutes, section 120.13(1)(c), may be initiated.
 - b. If the student's misconduct is judged to be related to existing exceptional educational needs, referral should be made to an M-Team for recommendation as to appropriate educational programming and placement. (Parent consent is required prior to M-Team evaluation)

- 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.
- a. If no casual relationship is found between the student's handicapping condition(s) and the misconduct in question, the expulsion procedures stipulated in Wisconsin Statutes 120.13(c) may be initiated.
 - b. If a casual relationship is found to exist between the student's handicapping condition(s) and his/her misconduct, a re-evaluation of the child is to be made by an M-Team to determine whether an alternate placement would better meet his/her educational needs. Parental permission for changes in special education placement must be obtained prior to action by the school district.

Federal statutes prohibit changing a child's special education placement during a pending complaint proceeding. Suspension may be utilized as a short-term alternative.

Legal References:

Cross Reference:

Date of Adoption:

Date of Revision: