

STUDENT EXPULSION

447.4

Independent Hearing Officer

The Waunakee Community School District Board of Education has adopted a resolution under Sec. 120.13(1)(e) to appoint an independent hearing officer to determine pupil expulsion from school. The resolution to appoint an independent hearing officer must be renewed annually. The hearing officer shall expel a pupil from school whenever he/she finds that the pupil engaged in conduct that constitutes grounds for expulsion under Wisconsin Statutes §§120.13(1)(c)1 or 2, or 120.13(1)(c)2m.

Prior to expelling a pupil, the hearing officer shall hold a hearing in accordance with state statute and District policy.

The hearing officer shall keep a full record of the hearing and shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if a minor, the pupil's parent or guardian.

The hearing officer shall issue a ruling at the conclusion of the expulsion hearing, if possible, but in any event, the hearing officer shall issue a ruling and a final written decision concerning the student's expulsion no later than prior to the end of the applicable statutory time limit on the student's suspension from school. If the expulsion hearing is held within five (5) school days of the end of the applicable statutory time limit on the student's suspension from school, the hearing officer may utilize the student's remaining suspension days plus five (5) additional school days to issue a final written expulsion decision following the expulsion hearing, provided that a ruling on the expulsion has been issued at the conclusion of the expulsion hearing.

The Board of Education student expulsion policy shall be in accordance with state law and, in the event of any inconsistency between Board policy and state law, state law shall control.

1. The school board or appointed independent hearing officer may expel a pupil from school whenever it finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil 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, or finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others, or finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled, and is satisfied that the interest of the school demands the pupil's expulsion.

2. In addition to the grounds for expulsion under subd. 1., the school board or appointed independent hearing officer may expel from school a pupil who is at least 16 years old if the school board finds that the pupil 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 constitute grounds for expulsion under subd. 1., and is satisfied that the interest of the school demands the pupil expulsion.

(2m) The school board or appointed independent hearing officer shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921(a)(3). Annually, the school board shall report to the department the information specified under 20 USC 8921(d)(1) and (2)*.

3. For purposes of expulsion conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.
4. Prior to expelling a pupil, the school board or appointed independent hearing officer shall hold a hearing. Not less than 5 days' written notice of the hearing shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, specifying the following:
 - a. The specific grounds, under ss. 120.13 (1)(c) 1, 2 or 2m of the Wisconsin Statutes 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 hearing officer shall keep a full record of the hearing and, upon request, the hearing officer shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian;
 - g. That if the hearing officer orders the expulsion of the pupil the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, to the pupil's parent or guardian;
 - h. That within 30 days of the issuance of an expulsion order the school board shall review the order and shall, upon review, approve, reverse or modify the order;
 - i. That, if the pupil is expelled by the hearing officer or the order of the hearing officer shall be enforced while the school board reviews the order;
 - j. That, if the pupil's expulsion is approved 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);

- k. That if the school 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 school board shall be enforced while the DPI reviews the school 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;
- n. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13(1) of the Wisconsin Statutes.

Legal Ref.: Sections 120.13(2)(c) Wisconsin Statutes
118.13
Individual with Disabilities Education Act
PI 9.03(1), Wisconsin Administrative Code

Cross. Ref.: 411-Rule (1), Student Discrimination /Harassment Complaint Procedures
447.4-Rule, Early Reinstatement from Expulsion
447.5, Discipline of Students with Disabilities

Adopted: 12/13/82

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Waunakee Community School District