

# ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

## ADMINISTRATIVE POLICY 8.31 STUDENT SUSPENSION AND EXPULSION

### (1) GENERAL

The Board recognizes that exclusion from educational programs of the School District, by suspension or expulsion, is a substantial sanction and that such action must comply with the student's due process rights. Exclusionary discipline is appropriate to address serious misconduct or when alternatives, such as in school discipline or restorative practices, have been ineffective to address a student's repeated refusal or neglect to obey school rules. The Board supports utilizing developmentally appropriate interventions and supports rather than exclusionary discipline for students in fifth grade or below except for situations where the physical, mental, or emotional safety and well-being of specific students and/or staff is at imminent danger.

#### (a) Suspension

For purposes of this policy, "suspension" shall be the short-term exclusion of a student from a regular District program.

1. The Superintendent, any principal, or a teacher designated by the Superintendent may suspend a student for up to five (5) school days or, if a notice of expulsion hearing has been sent, for up to fifteen (15) consecutive school days. Students identified with a disability may be suspended in accordance with Administrative Policy 8.28: Student Discipline.
2. The suspension must be reasonably justified based upon the grounds authorized under 120.13, Wis. Stats., which include, but are not limited to: noncompliance with school rules or Board rules; 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; conduct by the student while at school or while under the supervision of a school authority that endangers the property, health, or safety of others; conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of others at school or under the supervision of a school authority; or conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of any employee or Board member of the District in which the student is enrolled.
3. The Superintendent, any principal, or a teacher designated by the Superintendent shall suspend a student if the student possessed a firearm, as defined in 18 U.S.C. 921(a)(3), while at school or while under the supervision of a school authority.
4. The parent of a suspended minor must be given prompt notice of the suspension and the reason for the suspension. The student's suspension from school shall be entered in the student's record as required by the rules adopted by the Board concerning the content of student records. The suspended student or the student's parent may, within five (5) school days following the commencement of the suspension, have a conference with the Superintendent or designee, who shall be someone other than a principal, administrator, or teacher in the suspended student's school, to discuss removing reference to the suspension from the student's records. Reference to the suspension on the student's school record shall be removed if the designated administrator finds that the student was suspended unfairly or unjustly; the suspension was inappropriate, given the nature of the alleged offense; or the student suffered undue consequences or penalties as a result of

the suspension. The Superintendent or designee shall make a finding within fifteen (15) days of the conference.

5. A suspended student shall not be denied the opportunity to take any quarterly, semester, or grading period examinations or to complete coursework missed during the suspension period. Such work shall be completed pursuant to the procedures established by the Board.
6. In the event a student is classified as homeless, the building principal shall consult with the Homeless Coordinator to determine whether the conduct is a result of homelessness. The Homeless Coordinator will assist administration and the student's parents in correcting conduct subject to disciplinary action that is caused by homelessness.

**(b) Expulsion**

1. Under this policy, expulsion shall mean the Board will not permit a student to attend school at all, including any school-sponsored events or activities, for a specified period of time. If the student is expelled, the Board will determine the length of the expulsion period, which may extend at a maximum to the student's 21st birthday. The Board's expulsion order may include the opportunity for the student to return to school prior to the expiration of the term of expulsion under a specified set of early reinstatement condition(s) which are related to the conduct for which the student was expelled. The condition(s), once set forth in an expulsion order, shall be administered at the discretion of the Superintendent who shall have the authority to deny early reinstatement if any early reinstatement condition is not met prior to reinstatement or to revoke it for the remainder of the expulsion period if any enrollment conditions applicable to the student's attendance during a period of expulsion under early reinstatement, or conditional enrollment, are deemed by the Superintendent to have been violated. The decision to revoke a student's conditional enrollment shall be explained in writing. The student or student's parent may request a conference with the Superintendent within five (5) school days of a decision to revoke early reinstatement. The Superintendent shall meet with the student and/or parents within five (5) school days of a request. The Superintendent's decision is final.
2. The Superintendent may designate another School District employee to perform the functions pertaining to a student's early reinstatement, but may not designate someone that is an administrator or teacher in the student's school.
3. The Board may expel a student only when it is satisfied that the interest of the school demands the student's expulsion and only when the student: repeatedly refused or neglected to obey the rules established by the School District; 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; engaged in conduct while at school while under the supervision of a school authority that endangered the property, health, or safety of others; 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 others at school or under the supervision of a school authority or endangered the property, health, or safety of any employee or Board member of the District in which the student is enrolled; or was at least sixteen (16) years old and had 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 did not otherwise constitute grounds for expulsion. For purposes of this policy, 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. The Board shall hold an expulsion hearing in the event a student is in possession of a firearm while at school or under the supervision of school authorities and shall expel a student from school for not less than one (1) year whenever it finds that the student brought a firearm to school or, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 U.S.C. 921(a) (3), unless the Board finds that the punishment should be reduced based upon the circumstances of the incident. Any such finding by the Board shall be in writing. This does not include any circumstance in which a student possessed a firearm while lawfully hunting on school forest land.
5. The District shall refer any student who brings a firearm (as defined in 18 U.S.C. 921(a)(3)) or a weapon to school to law enforcement.
6. As required by 20 U.S.C. 7151, the Superintendent will ensure that the following information is sent to the Wisconsin Department of Public Instruction (DPI): a copy of this policy; a description of the circumstances surrounding any expulsion(s) for violating the above-stated firearms policy; the name of the school; the number of students expelled; and the types of firearms involved.
7. Prior to expelling a student, the Board shall provide the student with a hearing. Prior written notice of the hearing must be sent separately to both the student and if the student is a minor, to their parent(s). The notice must be sent at least five (5) days prior to the date of hearing, not counting the date notice is sent. The notice must also satisfy the requirements of 120.13(1)(c)4, Wis. Stats.
8. An expelled student or, if the student is a minor, the student's parent(s) may appeal the Board's expulsion decision to the DPI. An appeal from the decision of the DPI may be taken within thirty (30) days to the circuit court for the county in which the school is located.
9. In the event a student is classified as homeless, the building principal shall consult with the Homeless Coordinator to determine whether the legal conduct is a result of homelessness. The District will not expel a homeless student for legal conduct that is caused by the student's homelessness. The Homeless Coordinator will assist the administration and the student's parents in correcting conduct subject to disciplinary action that is caused by homelessness. If the conduct in question is determined not to be caused by the student's homelessness, the District shall proceed with expulsion proceedings as outlined in this policy.

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| <b>History:</b>         | Adopted 6-30-76; revised 1980, 8-28-85,3-29-95, 10-25-95; 6-24-21; 6-29-23; 12-18-25                           |      |                       |
| <b>Previous Coding:</b> | Admin. Policy JGD, prior to May 1995; Admin. Policy 10.31, May 1995-August 1996                                |      |                       |
| <b>Legal Ref.:</b>      | Wis. Stats. 119.25;<br>Wis. Stats. 120.13<br>18 U.S.C. 921(a)(3);<br>20 U.S.C. 7151<br>42 U.S.C. 11431 et seq. |      |                       |
| <b>Cross Ref.:</b>      | Admin. Policy  | 8.24 | Students of Legal Age |
|                         |  | 8.28 | Student Discipline    |

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