

Wisconsin Student Advocacy Project

Student Discipline Rights and Procedures Manual

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INTRODUCTION

This manual is designed to provide an overview of the legal rights and procedures associated with the Wisconsin statutory student discipline process. It does not constitute legal advice. Each school district may have additional policies and procedures that slightly modify the process. The manual is divided into sections according to different forms of student discipline (removal from the classroom, suspension, and expulsion) and student status (general education or special education). The manual is supplemented by appendices containing applicable statutory language, relevant case law, and Madison Metropolitan School District discipline policies and procedures.

PART I: GENERAL EDUCATION LAWS AND PROCEDURES

SOURCES OF STUDENT DISCIPLINE LAW

Student discipline law comes from a variety of sources. First, the Wisconsin Constitution mandates that the legislature establish a tuition free, nonsectarian public school system for students between the ages of four and twenty.¹ Although not explicitly stated in the Wisconsin Constitution, the Wisconsin Supreme Court has interpreted Article X, §3 to mean that equal opportunity to access a public education is a constitutional right for all children.² Second, school discipline is governed by state and federal statutes. Wisconsin statutes grant school boards the authority to initiate school disciplinary procedures and outline the specific grounds and procedures required for removal from a classroom, suspension, and expulsion.³ Federal statutes play a more limited role in governing student discipline, but are most relevant to the discipline of special education students.

There are no state regulations pertaining to the student discipline process directly. However, the state superintendent has made hundreds of decisions regarding student discipline appeals. Although not binding, the state superintendent has, at least since 1982, followed previous decisions as though they constitute precedent.⁴ School districts and the Wisconsin Department of Public Instruction are bound, however, by state and federal court decisions related to school discipline. Finally, school districts are required to adopt codes of classroom conduct that address student behavior and discipline.⁵

¹ “The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years; and no sectarian instruction shall be allowed therein; but the legislature by law may, for the purpose of religious instruction outside the district schools, authorize the release of students during regular school hours.” WIS. CONST. art. X. § 3.

² See *Buse v. Smith*, 274 N.W.2d 141, 149 (1976) (“When the legislature has provided for each child the privileges of a district school, which he or she may freely enjoy, that constitutional requirement in Wis. Stat. art. X, § 3 is complied with. Equality of opportunity for education is equated with the right of all school children to attend a public school free of charge and without charge for tuition.”).

³ Likely need to cite multiple statutory sections here.

⁴ Wisconsin Expulsion Digest, page iii

⁵ Wis. Stat. § 120.13 (1) (a)

CODES OF CLASSROOM CONDUCT

School boards must adopt classroom codes of conduct. The codes must be developed in consultation with a committee consisting of parents, students, school board members, school administrators, teachers, student services professionals, and any other school district residents appointed to the committee by the school board.⁶ The codes must identify what “constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively.”⁷ They must also identify any additional grounds for removing a student from the classroom, the procedures that must be followed to determine an appropriate educational placement for a removed student, and the procedure for notifying the student’s parent or guardian of the removal.⁸

School boards must also adopt policies that prohibit bullying.⁹ The policies must be provided annually to all students, parents, and guardians.¹⁰ They must also be made available to any person upon request.¹¹

REMOVAL FROM A CLASSROOM

Grounds for Removal

A teacher may remove a student from his or her class if:

- a. the student violates the student code of conduct adopted under Wis. Stat. § 120.13 (1) (a);
- b. the student is dangerous;
- c. the student is unruly or disruptive;
- d. or the student exhibits behavior that interferes with the teacher’s ability to teach effectively, as specified in the classroom code of conduct.¹²

Notice & Procedure

If a student is removed from a classroom, the teacher must:

- a. send the student to the school principal or the principal’s designee;

⁶ *Id.*

⁷ Wis. Stat. § 120.13 (1) (a) 1.

⁸ Wis. Stat. § 120.13 (1) (a) 2.-4.

⁹ Wis. Stat. § 118.46 (2)

¹⁰ *Id.*

¹¹ *Id.*

¹² Wis. Stat. § 118.164 (2)

- b. immediately notify the principal or the principal's designee of the reasons for removal;
- c. and, within 24 hours, must provide the principal or the principal's designee with a written explanation for removal.¹³

Placement Options

The principal or the principal's designee has four options for student placement following removal:

- a. an alternative education program as defined by Wis. Stat. § 115.28 (7) (e) 1.;
- b. another classroom in the school or another appropriate place in the school, as determined by the principal or the principal's designee;
- c. another instructional setting;
- d. the classroom from which the student was originally removed if, after weighing the interests of the student, the other students, and the teacher, the principal or the principal's designee finds that readmission to the class is the best or only option.¹⁴

Note: A teacher, school board, school district administrator, school principal, or the principal's designee is not prohibited from further disciplining students removed from a class by this procedure.¹⁵

SUSPENSION

Grounds for Suspension

A teacher, school principal, or school district administrator may suspend a student for any of the following reasons:

- a. noncompliance with rules adopted under Wis. Stat. § 120.13 (1) or school board rules;
- b. 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;
- c. 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;

¹³ *Id.*

¹⁴ Wis. Stat. § 118.164 (3) (a)

¹⁵ Wis. Stat. § 118.164 (3) (b)

- d. 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;
- e. 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 school board member of the school district in which the student is enrolled;¹⁶

Note: 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.¹⁷

A teacher, school principal, or school district administrator **must** suspend a student for the following reason:

- a. if the student, while at school or under the supervision of a school authority, possessed a firearm as defined in 18 U.S.C. 921 (a) (3).¹⁸

Notice & Procedure

A student must be advised of the reason for suspension before any suspension is enforced. A student may only be suspended if:

- a. it is determined that the student is guilty of noncompliance with a school board rule, the classroom code of conduct, or the conduct charged; and
- b. the suspension is reasonably justified.

The student's parent(s) or guardian(s) (if the student is a minor) must be given prompt notice of the suspension and the reason for the suspension.¹⁹

Substantive Provisions

A student may only be suspended for up to five days, unless a notice of expulsion hearing is properly sent to the student and the student's parent(s) or guardian(s). If a notice of expulsion hearing is properly sent, a student may be suspended for up to fifteen consecutive school days.²⁰

Note: Special rules apply when the student is a child with a disability. Refer to the section below regarding discipline and special education.

School boards must establish written attendance policies that specify the conditions under which a student may be permitted to complete missed coursework or complete missed examinations. A

¹⁶ Wis. Stat. § 120.13 (1) (b) 2.

¹⁷ Wis. Stat. § 120.13 (1) (b) 2m.

¹⁸ Wis. Stat. § 120.13 (1) (bm)

¹⁹ Wis. Stat. § 120.13 (1) (b) 3.

²⁰ Wis. Stat. § 120.13 (1) (b) 2.

student may not be denied the opportunity to take any quarterly, semester, or grading period examinations or to complete course work missed during the suspension period, as provided in the attendance policy. A student may not be denied credit in a course or subject solely because of suspension.²¹

Appealing a Suspension

The student or the student's parent(s) or guardian(s) may, within five days following the commencement of a suspension, have a conference with the school district administrator or the school district administrator's designee. The conference may not be with the principal, a teacher, or an administrator from the student's school. Reference to the suspension will be expunged from the student's record if the school district administrator or the administrator's designee finds that:

- a. the student was suspended unfairly or unjustly;
- b. the suspension was inappropriate given the nature of the alleged offense; or
- c. the student suffered undue consequences or penalties as a result of the suspension.

The school district administrator or the administrator's designee must make his or her finding within fifteen days of the conference.²²

The State Superintendent does not have the authority to review suspensions.²³

MMSD Suspension Procedures

1. Student must be advised of reason for proposed out-of-school suspension & given opportunity to explain his/her version of incident prior to suspension.
2. Student may be suspended if guilt is determined via Behavior Education Plan.
*A first offense should not be resolved by out-of-school suspension unless Behavior Education Plan provides otherwise.
3. If expulsion notice IS NOT sent out, a student may NOT be suspended for more than 5 days.
4. If expulsion notice IS sent out, a student may NOT be suspended for more than 15 days for a *regular education* student OR 10 days for a *special education student*.
5. The parent/guardian must be given prompt notice of the suspension and reason.
 - a. The suspending authority will immediately contact parents/guardian by phone.

²¹ Wis. Stat. § 118.16 (4) (a)-(b); Wis. Stat. § 120.13 (1) (b) 5.

²² Wis. Stat. § 120.13 (b) 4.

²³ *Madison Metropolitan School District v. Wisconsin Department of Public Instruction*, 199 Wis. 2d 1, 543 N.W.2d 843 (Ct. App. 1995).

b. The suspending authority must notify parents/guardian **in writing** of the facts of the suspension.

i. The notice shall specify the beginning and ending times of the suspension, the necessity for a parent-principal conference, and the procedures for arranging the conference.

6. The student/parent/guardian may appeal to the superintendent or their designee within 5 school days following reception of written suspension letter.

a. If the superintendent/designee finds the pupil was suspended unfairly or unjustly, or that the suspension with inappropriate given the nature of the alleged offense, or that the student suffered undue consequences or penalties as a result of the suspension, the suspension shall be removed from the pupil's record.

b. Appeal decision must be made within 15 school days of appeal conference.

7. Suspended student shall not be denied the opportunity to take any test missed during the suspension period. Course work missed during the suspension may be made up through a student's own initiative.

8. The suspension may be terminated early by the principal unless the initial suspension was accompanied by a Recommendation for Expulsion.

9. A student may not be suspended out of school for consecutive five-day periods for one offense.

**See Appendix 1 for full MMSD policies and procedures*

EXPULSION

Grounds for Expulsion

A school board may expel a student for any of the following reasons:

- a. repeated refusal or neglect to obey school rules;
- b. knowingly conveying or causing 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;
- c. 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;
- d. 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;

- e. 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 school board member of the school district in which the student is enrolled;²⁴
- f. if none of the aforementioned grounds apply, a school board may expel a student who is at least 16 years old if it 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 an activity supervised by a school authority.²⁵

Note: 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.²⁶

A school board ***must*** expel a student for at least one year (although the school board may modify the expulsion order on a case by case basis²⁷) for the following reason:

- a. possession of a firearm as defined in 18 U.S.C. 921 (a) (3) while at school or under the supervision of a school authority.²⁸

Note: Special rules apply when the student is a child with a disability. Refer to the section below regarding discipline and special education.

A school board must be satisfied that that the student engaged in the alleged conduct, based upon evidence presented at a hearing, and that the school’s interest demands the student’s expulsion.²⁹

Notice & Procedure

A school board must hold a hearing prior to expelling a student.³⁰ The school district must send written notice of the hearing to the student and, if the student is a minor, separately to the student’s parent(s) or guardian(s) no less than five days before the hearing. The notice ***must*** state all of the following:

- a. the specific statutory grounds and the particulars of the student’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 student’s expulsion;

²⁴ Wis. Stat. § 120.13 (1) (c) 1.

²⁵ Wis. Stat. § 120.13 (1) (c) 2.

²⁶ Wis. Stat. § 120.13 (1) (c) 1.

²⁷ Wis. Stat. § 120.13 (1) (g)

²⁸ Wis. Stat. § 120.13 (1) (c) 2m.

²⁹ Wis. Stat. § 120.13 (1) (c) 1.

³⁰ Wis. Stat. § 120.13 (1) (c) 3.

- d. that the student or, if the student is a minor, the student's parent(s) or guardian(s) may request that the hearing be closed;
- e. that the student and, if the student is a minor, the student's parent(s) or guardian(s) 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 student's expulsion, the school 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);
- h. that if the student is expelled, the student or, if the student is a minor, the student's parent(s) or guardian(s) may appeal the school board's decision to the Department of Public Instruction;
- i. that if the school board's decision is appealed to the Department of Public Instruction, the Department shall review the decision and shall approve, reverse, or modify the decision within 60 days after the date that the Department receives the appeal;
- j. that the decision of the school board shall be enforced while the Department of Public Instruction reviews the decision;
- k. that the Department of Public Instruction's decision may be appealed to the circuit court for the county in which the school is located within 30 days;
- l. and, that the state statutes related to student expulsion are Wis. Stat. §§ 119.25 and 120.13 (1).³¹

The school board must comply with all of the rights and procedures included in the notice, which arise from Wis. Stat. § 120.13 (1) (c) 3.

Alternative Notice & Procedure

Instead of following the hearing process as outlined above, a school board may instead adopt a resolution, effective only during the year it is adopted, that authorizes an independent hearing panel or independent hearing officer, appointed by the board, to make student expulsion decisions.³²

³¹ Wis. Stat. § 120.13 (1) (c) 4.

³² Wis. Stat. § 120.13 (1) (e) 1.

Like the school board, the independent hearing panel or officer may expel a student if the student is found to have engaged in conduct that constitutes grounds for expulsion listed above³³ and must expel a student for at least one year if the student possessed a firearm as defined in 18 U.S.C. 921 (a) (3) while at school or under the supervision of a school authority.³⁴

The independent hearing panel or officer must hold a hearing prior to expelling a student.³⁵ The school district must send written notice of the hearing to the student and, if the student is a minor, separately to the student's parent(s) or guardian(s) no less than five days before the hearing. The notice must state all of the following:

- a. the specific statutory grounds and the particulars of the student'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 student's expulsion;
- d. that the student or, if the student is a minor, the student's parent(s) or guardian(s) may request that the hearing be closed;
- e. that the student and, if the student is a minor, the student's parent(s) or guardian(s) may be represented at the hearing by counsel;
- f. *that the hearing officer or panel shall keep a full record of the hearing and, upon request, the hearing officer or panel shall direct that a transcript be given to the student and, if the student is a minor, to the student's parent(s) or guardian(s);*
- g. *that if the hearing officer or panel orders the student's expulsion, the school district shall mail a copy of the order to the school board, the student and, if the student is a minor, to the student's parent(s) or guardian(s);*
- h. *that within 30 days after the expulsion order is issued, the school board shall review the order and shall approve, reverse, or modify the order;*
- i. *that if the student is expelled by the hearing officer or panel, the expulsion order shall be enforced while the school board reviews the order;*
- j. that if the student's expulsion is approved by the school board, the student or, if the student is a minor, the student's parent(s) or guardian(s) may appeal the school board's decision to the Department of Public Instruction;

³³ Wis. Stat. § 120.13 (1) (e) 2. a.

³⁴ Wis. Stat. § 120.13 (1) (e) 2. b.

³⁵ Wis. Stat. § 120.13 (1) (e) 3.

- k. that if the school board's decision is appealed to the Department of Public Instruction, the Department shall review the decision and shall approve, reverse, or modify the decision within 60 days after the date that the Department receives the appeal;
- l. that the decision of the school board shall be enforced while the Department of Public Instruction reviews the decision;
- m. that the Department of Public Instruction's decision may be appealed to the circuit court for the county in which the school is located within 30 days;
- n. and, that the state statutes related to student expulsion are Wis. Stat. §§ 119.25 and 120.13 (1).³⁶

Note: The provisions listed in italics above vary from the expulsion process under Wis. Stat. § 120.13 (1) (c) 3.-4.

The independent hearing officer or panel and the school board must comply with all of the rights and procedures included in the notice, which arise from Wis. Stat. § 120.13 (1) (e) 3.

Early Reinstatement

A school board or an independent hearing office or panel may specify early reinstatement conditions in the expulsion order as long as the conditions are related to the reason for the student's expulsion.³⁷

- a. *Early reinstatement* means the reinstatement to school of an expelled student before the term of expulsion specified in the expulsion order expires.³⁸
- b. *Early reinstatement condition* means a condition that a student is required to meet before he or she may be granted early reinstatement or a condition that a student must meet after his or her early reinstatement but before the term of expulsion expires.³⁹

Appeal

³⁶ Wis. Stat. § 120.13 (1) (c) 4.

³⁷ Wis. Stat. § 120.13 (1) (h) 2.

³⁸ Wis. Stat. § 120.13 (1) (h) 1. am.

³⁹ Wis. Stat. § 120.13 (1) (h) 1. b.

Within 15 days after the date on which an independent hearing office or panel issues an expulsion order, the student or, if the student is a minor, the student's parent(s) or guardian(s) may appeal to the school board the determination that an early reinstatement condition is related to the reason(s) for the student's expulsion. Early reinstatement conditions imposed by a school board are final and may not be appealed.⁴⁰

Meeting Conditions

If the school district administrator or the administrator's designee (someone other than a principal, administrator, or teacher in the student's school) finds that the student has met the early reinstatement conditions, the administrator or the administrator's designee **may** grant the student early reinstatement. The determination is final.⁴¹

Revocation

If a student granted early reinstatement violates an early reinstatement condition before the term of expulsion expires, the school district administrator or a principal or teacher designated by the school district administrator may revoke the student's early reinstatement.

Prior to revocation, the school district administrator or the administrator's designee must:

- a. advise the student of the reason for the proposed revocation, including the early reinstatement condition allegedly violated;
- b. provide the student an opportunity to present an explanation of the alleged violation;
and
- c. make a determination that the student violated the early reinstatement condition and that revocation is appropriate.

If early reinstatement is revoked, the school district administrator or the administrator's designee must give prompt written notice of the revocation, including the condition violated, to the student and, if the student is a minor, to the student's parent(s) or guardian(s).⁴²

Generally, if early reinstatement is revoked, the student's expulsion will continue until the expulsion term specified in the expulsion order expires. The student or, if the student is a minor, the student's parent(s) or guardian(s) may enter into a written agreement with the school board or independent hearing officer or panel to modify the expulsion order.⁴³

⁴⁰ Wis. Stat. § 120.13 (1) (h) 2.

⁴¹ Wis. Stat. § 120.13 (1) (h) 3.

⁴² Wis. Stat. § 120.13 (1) (h) 4.

⁴³ Wis. Stat. § 120.13 (1) (h) 5.

The student, or if the student is a minor, the student's parent(s) or guardian(s) may request a conference with the school district administrator or the administrator's designee, who must be someone other than a principal, administrator, or teacher in the student's school. The request must be made within five days after the student's early reinstatement is revoked. The conference must be held within five days after the request is made. The student shall be reinstated if the administrator or the administrator's designee finds:

- a. that the student did not violate an early reinstatement condition; or
- b. that revocation was inappropriate.

Reinstatement will be according to the same reinstatement conditions under the original expulsion order and the revocation will be expunged from the student's record.

If the administrator or the administrator's designee finds that the student did violate an early reinstatement condition and that revocation was appropriate, the administrator must mail separate copies of the decision to the student and, if the student is a minor, to the student's parent(s) or guardian(s). The administrator's decision is final.⁴⁴

Appealing an Expulsion

Conditional Enrollment

MMSD Expulsion Procedure

1. Teacher or staff member advises administrator when he/she has information regarding a student violating Behavior Education Plan.
2. Administrator shall investigate and evaluate the facts of the situation and review the complete record of the student.
3. If student has a disability, the administrator shall involved the Executive Director of Student Services/designee to determine how disability impacts the decision to recommend expulsion.
4. Administrator will make a good faith effort to notify student/parents/guardian of the possibility of expulsion.
5. When student IS NOT ultimately recommended for expulsion, the administrator shall make a reasonable effort to consider interventions that have the goal of providing behavioral support, facilitating reengagement within the school community, and finding solutions to any problems that may be identified.

⁴⁴ Wis. Stat. § 120.13 (1) (h) 6.

6. When student IS recommended for expulsion, the schools shall consider available options within the process that will ultimately facilitate the student's future reengagement in the school community, including proposing possible conditions for early reinstatement.

7. When student IS recommended for expulsion, the administrator shall send a letter to the student/parents/guardian that administrator is recommending expulsion.

8. When expulsion IS NOT mandated, the Coordinator for Expulsions may approve the recommendation for the expulsion and submit it to the board; When expulsion IS mandated, the Coordinator for Expulsions shall approve the recommendation and submit it to the board
UNLESS:

- a. The superintendent/designee dismissed the student's suspension associated with the expulsion recommendation.
- b. There is insufficient, credible evidence to prove the alleged violation.
- c. In instances where the student is accused of engaging in physical contact with a staff member, the staff member inappropriately provoked the student.
- d. In cases where the student has a disability, their Individual Education Plan (IEP) or evaluation is out of date or their Behavioral Intervention plan (BIP) was not appropriately implemented.
- e. In cases where there has been a request for the special education evaluation following the recommendation for expulsion, the expedited evaluation is not completed in a timely manner.

9. A recommendation to the board shall be accompanied by appropriate documentation (may include psychological and/or psychiatric examination, records and/or assistance, suspension report, conference and/or meeting summaries, violence risk assessment, etc.)

10. When student is suspend and sent a written notice of expulsion hearing, the student shall be placed into Off Campus Neutral Site programming. Placement shall continue until student is not expelled and returns to school or is expelled.

11. Prior to expulsion, the board shall hold a hearing.

a. Not less than 5 days prior to the date of the expulsion hearing, written notice shall be sent specifying the particulars of the alleged refusal, neglect, or conduct stating the time, date, and place of the hearing. The notice shall also advice that:

- i. Upon request, the hearing shall be closed.
- ii. Student/parent/guardian shall be given the names of attorneys who provide representation at no cost.

- iii. Student/parent/guardian may be represented by counsel and may cross-examine any witness, present a defense, and be given at least 24 HOURS prior to the hearing to inspect the exhibits that will be presented in evidence.
- iv. Student/parent/guardian has a right to a transcript or board minutes at the board's expense.
- v. If board orders expulsion, clerk shall mail a copy of the order.
- vi. If expelled, student may appeal to the superintendent.
- vii. An appeal from the decision of the superintendent may be taken to the circuit court with 30 days.

b. Administrator and other personnel selected by the Coordinator for Expulsions shall be present to offer evidence in support of recommendation for expulsion of pupil.

12. At the hearing, the board must

- a. Find that the student
 - i. 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
 - ii. 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 others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled; and
- b. Be satisfied that the interest of the school demands the student's expulsion; and
- c. Make any other finding as required by law.

**See Appendix 1 for full MMSD policies and procedures*

PART II: SPECIAL EDUCATION LAWS AND PROCEDURES

Procedures Required to Change Educational Placement:

Due Process Hearings

APPENDIX 1: MMSD Policies

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4035: REDUCED SCHEDULE

Policy:

1. A pupil may be provided with a reduced schedule when it is in the best interest of the pupil.

Procedure:

1. The initial steps to provide a pupil with a reduced or modified schedule shall be taken by the appropriate staff of the school which the pupil attends.
 - a. Teachers and other staff members may be used by the PRINCIPAL in the study of all pertinent available reasons why it may be in the pupil's best interest to be provided a reduced schedule.
 - b. Resources of the DIRECTOR OF EDUCATIONAL SERVICES and the OFFICE OF REGISTRAR shall be utilized as necessary.
 - c. The proposed reduced schedule shall be discussed with and agreed to, in writing, by parents or guardian and the pupil.

- d. Whenever possible or expedient, the reduced schedule should provide or recommend gainful endeavor for the pupil.
- e. To reduce the schedule of a child with a disability, the special education procedure must be followed.

2. The PRINCIPAL will make the decision.

a. Written record of the PRINCIPAL'S decision and the data to support the decision, such as, but not limited to, the following shall be maintained at the school:

- 1. Student attendance records;
- 2. Student disciplinary records;
- 3. Test and achievement data;
- 4. Records of student, parent and staff conferences;
- 5. Previous attempts to solve the problem;
- 6. Record of outside agency staff involvement.

b. The APPROPRIATE ASSISTANT SUPERINTENDENT or the SUPERINTENDENT'S designee shall be furnished a copy of the PRINCIPAL'S decision.

3. The reduced schedule plan is subject to review at the end of each semester, at which time the school staff, student, and parents will determine whether it shall be continued.

4043: OUT-OF SCHOOL SUSPENSION

Policy:

1. The SUPERINTENDENT or any PRINCIPAL, ASSISTANT PRINCIPAL, PRINCIPAL DESIGNEE, DEAN OF STUDENTS, ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program, or teacher expressly designated by the SUPERINTENDENT, may make rules with the consent of the school board and may (1) suspend a pupil for not more than 5 school days, or (2) if a notice of expulsion hearing has been sent, for not more than a total of 15 consecutive school days for a regular education student or 10 days for a special education student (a) for non-compliance with such rules or school board rules, or (b) 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 (c) 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 (d) for 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 endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled and for any other reason provided by law.

s. 120.13(1)

2. In accordance with the BOARD's statutory authority to establish rules for pupil conduct and to suspend a pupil from school attendance, the BOARD has adopted BOARD Policies 4502b (Behavior Education Plan- Elementary) and 4502c (Behavior Education Plan- Secondary), which set forth the behaviors that may result in a pupil being subject to an out-of-school suspension.

3. The SUPERINTENDENT will regularly report of out-of-school suspensions to the BOARD

Procedure:

1. When a pupil is being considered for an out-of-school suspension as a disciplinary consequence, as set forth in BOARD Policies 4502b and 4502c, the pupil shall be advised of the reason for her/his proposed out-of-school suspension and be given the opportunity to explain her/his version of the incident prior to being suspended out of school.

2. A pupil may be suspended out of school if it is determined that s/he is guilty of non-compliance with written rules of conduct set forth in BOARD Policies 4502b and 4502c that permit an out-of-school suspension. A first offense by a pupil which necessitates disciplinary action should be resolved by action other than out-of-school suspension unless Policy 4502b or 4502c provides otherwise.

3. When a pupil is suspended out of school:

a. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason therefor.

1. The suspending authority (SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, PRINCIPAL DESIGNEE, DEAN OF STUDENTS, ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any public service or program or designated teacher) shall immediately contact the parents or guardian by telephone, if possible, and notify them of her/his decision to suspend the pupil.

2. The suspended pupil shall remain at school until the end of the day unless arrangements can be made with the parents or guardian to take custody of the pupil prior to the end of the day.

3. The suspending authority shall notify the parents or guardian in writing by U.S. mail, hand delivery or e-mail (with express consent from the parent or guardian) of the facts of the suspension. The notice shall specify the beginning and ending times of the suspension, the necessity for a parent-principal conference, and the procedures for arranging such conference. The notification to the parent or guardian should also indicate that a pupil or her/his parent or guardian may, within five (5) school days following mailing or delivery of the written suspension letter, have a conference with the SUPERINTENDENT or SUPERINTENDENT'S designee (generally an ASSISTANT SUPERINTENDENT), who shall be someone other than a principal, administrator, or teacher in the suspended pupil's school.

4. The PRINCIPAL shall send a copy of the notification letter to the appropriate ASSISTANT SUPERINTENDENT and place a copy of the notification letter in the pupil's record.

4. If the parent requests a conference with the SUPERINTENDENT or SUPERINTENDENT's designee, and after such conference the SUPERINTENDENT or SUPERINTENDENT's designee finds that the pupil was suspended out of school unfairly or unjustly, or that the out-of-school suspension was inappropriate in the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of the out-of-school suspension, reference to the out-of-school suspension shall be removed from the pupil's school record and the resulting absences shall be changed to reflect an excused absence. The decision regarding the appeal of an out-of-school suspension shall be made within fifteen (15) school days of the appeal conference.

5. A pupil suspended out of school shall not be denied the opportunity to take any examination missed during the suspension period. Course work missed during the period of suspension may be made up through a student's own initiative.

6. The out-of-school suspension may be terminated early by the PRINCIPAL unless the initial suspension was accompanied by a Recommendation for Expulsion.

7. A pupil shall not be suspended out of school for consecutive five-day periods for one offense.

4045: EXPULSION

Policy:

1. The BOARD may expel a pupil from school whenever it finds the pupil (1) guilty of repeated refusal or neglect to obey the rules, or (2) 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 (3) 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 (4) 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 others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled, and (5) is satisfied that the interest of the school demands the pupil's expulsion.

In addition to the grounds set forth in paragraph 1 above, and for any other reason provided by law, the school board 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 paragraph 1 above, and is satisfied that the interest of the school demands the pupil's expulsion.

s. 120.13(1)(c)

2. In accordance with the BOARD's statutory authority to expel a pupil from school, the BOARD has adopted BOARD Policies 4502b (Behavior Education Plan- Elementary) and 4502c (Behavior Education Plan- Secondary), which set forth the behaviors that will result in a pupil being recommended for expulsion and subject to the Procedure set forth below.

Procedure:

1. Expulsion recommendations shall originate with and remain the responsibility of the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program.
2. A teacher or staff member shall advise the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program when s/he has information regarding a pupil engaging in inappropriate or disruptive behaviors that violated BOARD Policy 4502b or 4502c and will result in a pupil being recommended for expulsion.
3. The PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall investigate and evaluate the facts of the situation and shall review the complete record of the student if such record is available in the District.
4. If the pupil has been identified as having a disability, the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall involve the EXECUTIVE DIRECTOR OF STUDENT SERVICES or her/his designee to determine how such identification and/or needs impact on the decision to recommend expulsion of the student.
5. The PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall make a good faith effort to notify the pupil and if the pupil is a minor, the pupil's parent or guardian listed in district records, of the possibility of expulsion and shall keep a record either that the pupil and/or her/his parent or guardian were so notified or a record of the efforts that were made to contact the pupil and/or her/his parent or guardian.
6. In those cases in which the BOARD has permitted, but not mandated that a pupil be recommended for expulsion for particular behavior, and where the pupil is not ultimately recommended for expulsion, the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall make a reasonable effort to seek the cooperation of the pupil, and

if the pupil is a minor, the pupil's parent or guardian, to consider interventions that have the goal of providing behavioral support, facilitating reengagement within school community, and finding solutions to any problems that may be identified.

7. In all cases in which a student is ultimately recommended for expulsion, the schools shall consider available options within the process that will ultimately facilitate the pupil's future reengagement in the school community, including but not necessarily limited to, proposing possible conditions for early reinstatement.

8. In all cases where a decision is made to recommend an expulsion, the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall send a letter to the pupil and, if the pupil is a minor, the pupil's parent or guardian as listed in the District records, stating that she/he is recommending that the pupil be expelled from school.

9.

a. In those cases in which the BOARD has not mandated that a student be recommended for expulsion, after reviewing the written expulsion recommendation, which may be done in consultation with an ASSISTANT SUPERINTENDENT, GENERAL COUNSEL and/or the EXECUTIVE DIRECTOR FOR STUDENT SERVICES, as appropriate, the COORDINATOR FOR EXPULSIONS may approve the recommendation for the expulsion of the pupil and submit it to the BOARD or its designee; and

b. In those cases in which the BOARD has mandated that a student be recommended for expulsion, after reviewing the written expulsion recommendation, which may be done in consultation with an ASSISTANT SUPERINTENDENT, GENERAL COUNSEL and/or the EXECUTIVE DIRECTOR FOR STUDENT SERVICES, as appropriate, the COORDINATOR FOR EXPULSIONS shall approve the recommendation for the expulsion of the pupil and submit it to the BOARD or its designee unless the COORDINATOR FOR EXPULSIONS determines one or more of the following factors is/are applicable, in which case the expulsion recommendation shall be dismissed:

1. the appropriate ASSISTANT SUPERINTENDENT dismissed the student's out-of-school suspension associated with the expulsion recommendation pursuant to the suspension appeal procedures;
2. there is insufficient, credible evidence to prove the alleged violation of the Behavior Education Plan;
3. in instances where the student is accused of engaging in physical contact with a staff member, and the staff member inappropriately provoked the student;
4. in cases where the student has been identified as a student with a disability, the student's Individualized Education Plan (IEP) or evaluation is out of date or the student's Behavioral Intervention Plan (BIP) was not appropriately implemented; and/or
5. in cases where there has been a request for the special education evaluation following the recommendation for expulsion, the expedited evaluation is not completed in a timely manner.

10. A recommendation of expulsion to the BOARD or its designee shall be accompanied by the appropriate documentation. Such documentation may include existing psychological and/or psychiatric examinations, records and/or assistance, suspension reports, conference and/or meeting summaries, violence risk assessment, etc.

11. A pupil may be suspended for not more than five (5) school days or, if a notice of expulsion hearing has been sent, for not more than a total of 15 consecutive school days for a regular education student or 10 days for a special education student for inappropriate and/or disruptive behaviors as set forth in BOARD Policies 4502b and 4502c.

12. The PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall suspend a pupil for five (5) days, unless otherwise limited by state and/or federal laws pertaining to students with a disability, while the District is determining whether or not to seek the expulsion of the student.

13. When a pupil is suspended and, pursuant to paragraph 14 below, is sent a written notice of an expulsion hearing, the pupil shall be placed into Off Campus Neutral Site programming and such placement shall continue either until the decision of the BOARD or hearing examiner/panel does not expel the pupil and the pupil returns to school, the BOARD reviews and affirms the hearing examiner's/panel's order to expel the pupil or until the BOARD decides to expel the pupil.

14. Prior to such expulsion, the BOARD shall hold a hearing thereon.

a. The investigating PRINCIPAL, ASSISTANT PRINCIPAL, ASSISTANT DIRECTOR OF STUDENT SERVICES responsible for serving as the administrator of any pupil service or program and/or other personnel selected by the COORDINATOR FOR EXPULSIONS shall be present at the BOARD hearing to offer evidence in support of recommendation for expulsion of the pupil.

b. Not less than 5 days prior to the date of the expulsion hearing, written notice of the hearing shall be sent, by Certified Mail, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian specifying the particulars of the alleged refusal, neglect, or conduct stating the time, date, and place of the hearing and stating that the hearing may result in the pupil's expulsion. The notice shall also advise that:

1. Upon the request of the pupil, and if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.

2. The pupil and, if the pupil is a minor, the parent or guardian, shall be given the names of attorneys or organizations, if available, who can provide indigent pupils with legal representation at no cost to the pupil or her/his parent or guardian.

3. The pupil and, if the pupil is a minor, the parent or guardian may be represented by counsel and may confront and cross-examine any witness against the pupil, present a defense and that the pupil or the designated counsel shall be

allowed to inspect at least 24 hours prior to the hearing the exhibits which will be presented in evidence.

4. The pupil and, if the pupil is a minor, the parent or guardian, have a right to a transcript or BOARD minutes that shall be made of the hearing at the BOARD's expense.

5. If the 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.

6. If the pupil is expelled by the BOARD, the expelled pupil or, if the pupil is a minor, her/his parent or guardian, may appeal the expulsion to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION.

7. The decision of the BOARD shall be enforced while the STATE SUPERINTENDENT of PUBLIC INSTRUCTION reviews the BOARD'S decision.

8. An appeal from the decision of the STATE SUPERINTENDENT of PUBLIC INSTRUCTION may be taken within thirty (30) days to the CIRCUIT COURT of the county in which the school is located.

9. The state statutes related to pupil expulsion are ss. 119.25 and 120.13(1).

15. At the hearing, prior to expelling the student, the SCHOOL BOARD must

a. find that the pupil

1. 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

2. 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 others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled; and

b. be satisfied that the interest of the school demands the pupil's expulsion; and

c. make any other finding as required by law.

16. After the hearing, if the BOARD either orders the expulsion of the pupil or if the BOARD does not order the expulsion of the pupil, the SCHOOL DISTRICT CLERK or his/her designee shall provide a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

a. The expelled pupil or, if the pupil is a minor, her/his parent or guardian, may appeal the expulsion to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION.

b. An appeal from the decision of the STATE SUPERINTENDENT of PUBLIC INSTRUCTION may be taken within thirty (30) days to the CIRCUIT COURT of the county in which the school is located.

17.

a. At the option of the BOARD, instead of using the process described above, the BOARD may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing the appointment of a hearing officer or hearing panel to determine pupil expulsion from school. During any school year in which a resolution has been adopted, the hearing officer or panel appointed by the BOARD may expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion in accordance with the grounds that are set forth in this policy and that the interest of the school demands expulsion.

b. Should the BOARD adopt a resolution authorizing the use of a hearing examiner/panel, pursuant to paragraph 16.a above, the following procedure for assigning a hearing examiner/panel to an expulsion case shall be followed:

1. At the time the pupil has been sent a written notice of her/his expulsion hearing pursuant to paragraph 18 below, the COORDINATOR FOR EXPULSIONS shall send to the pupil and, if the pupil is a minor, to the pupil's parent/guardian a notice:

a. That the COORDINATOR FOR EXPULSIONS or her/his designee shall randomly select and assign a hearing examiner/panel to the pupil's case from among the names of all hearing examiners/panelists authorized and available for such assignment.

18. Prior to such expulsion, the hearing officer or panel shall hold a hearing thereon.

a. The investigating PRINCIPAL, ASSISTANT PRINCIPAL, ASSISTANT DIRECTOR OF STUDENT SERVICES responsible for serving as the administrator of any pupil service or program and/or other personnel selected by the COORDINATOR FOR EXPULSIONS shall be present at the hearing to offer evidence in support of the recommendation for expulsion of the pupil.

b. Not less than 5 days prior to the date of the expulsion hearing, written notice of the hearing shall be sent, by Certified Mail, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian specifying the particulars of the alleged refusal, neglect, or conduct stating the time, date, and place of the hearing and stating that the hearing may result in the pupil's expulsion. The notice shall also advise that:

1. Upon the request of the pupil, and if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.

2. The pupil and, if the pupil is a minor, the parent or guardian, shall be given the names of attorneys or organizations, if available, who can provide indigent pupils with legal representation at no cost to the pupil or her/his parent or guardian.

3. The pupil and, if the pupil is a minor, the parent or guardian may be represented by counsel and may confront and cross-examine any witness against the pupil, present a defense and that the pupil or the designated counsel shall be allowed to inspect at least 24 hours prior to the hearing the exhibits which will be presented in evidence.

4. The pupil and, if the pupil is a minor, the parent or guardian, have a right to a transcript that shall be made of the hearing at the BOARD's expense.

5. If the hearing examiner/panel orders the expulsion of the pupil, LEGAL SERVICES shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
6. If the pupil is expelled by the hearing examiner/panel, the expelled pupil or, if the pupil is a minor, her/his parent or guardian, may appeal the expulsion to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION.
7. The decision of the hearing officer/panel shall be enforced while the STATE SUPERINTENDENT of PUBLIC INSTRUCTION reviews the BOARD'S decision.
8. An appeal from the decision of the STATE SUPERINTENDENT of PUBLIC INSTRUCTION may be taken within thirty (30) days to the CIRCUIT COURT of the county in which the school is located.
9. The state statutes related to pupil expulsion are ss. 119.25 and 120.13(1).

19. At the hearing, prior to ordering the expulsion of the student, the hearing officer or panel must:

- a. find that the pupil
 1. 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
 2. 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 others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled; and
- b. be satisfied that the interest of the school demands the pupil's expulsion; and
- c. make any other finding as required by law.

20. After the hearing, the hearing officer or panel shall issue an Order and the SCHOOL DISTRICT shall provide:

- a. A copy of the order to the BOARD, the pupil and, if the pupil is a minor, the pupil's parent or guardian; and provide a letter to the pupil, and if the pupil is a minor, the pupil's parent or guardian, which indicates the date that the Board will meet to review the Hearing Examiner's Order.

21. Within thirty (30) days after the date on which the order is issued, the BOARD shall review the expulsion order and shall, upon review, approve, reverse, or modify the order. The order of the hearing officer or panel shall be enforced while the BOARD reviews the order. After the BOARD issues an Order, a copy of the BOARD'S Order shall be provided to the pupil and if the pupil is a minor, to the pupil's parent or guardian.

22. If the pupil's expulsion is approved by the BOARD, the expelled pupil and, if the pupil is a minor, the pupil's parent or guardian, may appeal the SCHOOL BOARD'S decision to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION. The BOARD'S decision shall be

enforced until the STATE SUPERINTENDENT of PUBLIC INSTRUCTION renders his/her decision.

23. An appeal from the decision of the STATE SUPERINTENDENT may be taken within thirty (30) days to the Circuit Court of the County in which the school is located

BOARD OF EDUCATION Standard of Review of Hearing Officer/Panel Decisions:

1. The BOARD will review:
 - a. Whether the record contains sufficient evidence to support the decision by the hearing officer/panel , and if necessary, the BOARD may add, delete or modify findings as appropriate; and
 - b. The hearing officer's/panel's conclusion that the interest of the school demands the expulsion of the pupil; and
 - c. The supplemental information contained in the Expulsion Off-Campus Instruction Form and the Case Summary from the Office of Legal Services on the issue of the length of the expulsion and the terms and conditions of early readmission.
2. The BOARD will ultimately decide:
 - a. Whether the decision of the hearing officer/panel to expel the pupil should be approved, reversed or modified; and
 - b. If the hearing officer's decision is modified, what the specific modification(s) will be.

DEFINITIONAL NOTE: (1) The "record" in an expulsion hearing consists of the transcript of the hearing proceeding, the exhibits received into evidence during the expulsion hearing, and the written decision of the Hearing Officer. The "supplemental information" that may be considered in an expulsion review consists of the Expulsion Off-Campus Instruction Form and the Case Summary from the Office of Legal Services.

4047: EXPUNGEMENT

Policy:

1. A student's record of expulsion may be expunged in accordance with the procedure that is set forth below.

Procedure:

1. The SUPERINTENDENT or his/her designee shall expunge (erase or wipe out) an expulsion from a student's record on the last day of the first complete semester following the student's return to school from a term of expulsions if (1) the underlying expulsion did not result from the student possessing a firearm, possessing a bomb or other explosive device, or engaging in non-

consensual sexual contact with another student while using force, a weapon, threats or coercion; (2) he/she has not been suspended or recommended for expulsion since the student's return from expulsion; (3) he/she, since returning from being expelled, has earned a cumulative grade point average of at least 2.0 as documented by the MMSD or is in good standing in an MMSD alternative program, as determined by the SUPERINTENDENT or designee; and (4) he/she has not had more than 5 unexcused absences each semester after returning from being expelled.

2. If the student meets the necessary conditions, set forth in paragraph 1 above, to warrant an expungement, such expungement shall be effective on the last day of school during the school year the student qualifies for expungement.

3. Expungement is defined as the removal from the student's individual school record (including electronic records) the documentation of the expulsion. Expungement does not apply to District records (including records kept and maintained by the Expulsion Office), records sent to another school or school district prior to the date of the expungement, or if a student is referred for an expulsion a second time. The underlying suspension, of up to five (5) days, and the reason for underlying suspension shall remain in the student's individual school record and all other District records.

4. Should a student be expelled subsequent to the expungement of his/her expulsion record, the expulsion record shall be reinstated.

5. Expungement means that any information about the expulsion in the student's individual school records is expunged and that the school's administrative staff and guidance department staff will not disclose any information concerning the expulsion.

6. LEGAL COUNSEL or his/her designee shall include in his/her correspondence to the student and his/her parent(s), at the time of his/her recommendation for expulsion, (1) a copy of the Expungement Policy and (2) a Notice that the student's expulsion record may be expunged in accordance with such Policy.

7. The SUPERINTENDENT or his/her designee shall send to the student and his/her parent(s) a letter stating that in accordance with the BOARD'S Expungement Policy, the student's expulsion record has been expunged.

8. When an order of expulsion of a student is reversed by the STATE SUPERINTENDENT of PUBLIC INSTRUCTION or a court, and such reversal is not appealed by the BOARD, the student's record shall be expunged in accordance with paragraphs 3, 5 and 7 above.

4150: STUDENT RECORDS—CONFIDENTIALITY

Policy:

1. All student records maintained by the Madison Metropolitan School District shall be confidential and are designed to ensure compliance with federal and state legislation. Such student records shall be open for inspection only in accordance with Board Policy.

Procedure:

1. Except as required by law, an employee of the School District shall not give testimony in any civil proceedings as to any conversation between that employee and a student which relates to the personal affairs of or if disclosed, would tend to damage or incriminate the student or the student's family unless such testimony is provided to ensure the welfare of the student.

2. Employees of the School District shall at all times protect the confidentiality of the student records under their care or control.

4151: STUDENT RECORDS—DEFINITIONS

Policy:

1. In order to be consistent with federal and state definitions relating to student records, the Madison Metropolitan School District adopts the following terms for use in Student Record Policies and Procedures.

Procedure:

1. Behavioral Records - means those pupil records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil's behavior, tests relating specifically to achievement or measurement of ability, the pupil's physical health records other than his or her immunization records, or any lead screening records required under s. 254.162, law enforcement officers' records obtained under s. 48.396(1) or s. 938.396(1) or (1m) and any other pupil records which are not progress records.

2. Custodian of the Records - means the individual responsible for safeguarding, proper maintenance, and insuring legal access to student records.

3. Directory Data/Information - means those student records which include the student's name, present address, telephone listing (unless the number is unlisted), date and place of birth, major field of study (e.g. 3rd grade elementary education at Leopold School), dates of attendance, participation in officially recognized activities and sports, weights and heights of members of athletic teams, student's photograph, the most recent previous educational agency or institution attended by the student, and degrees and awards received.

118.125(1)(b)

4. Education Records - FERPA 99.3 - means any information or data recorded in any medium, including but not limited to handwriting, print, tapes, computer media film, microfilm, and microfiche which:

- a. Are directly related to the student; and
- b. Are maintained by the Madison Metropolitan School District, or by a party acting for the District.
- c. Education Records do not include:
 1. Records which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute;
 2. An employment record which is used only in relation to a student's employment by the District; (This does not include activities for which a student receives a grade or credit in a course.)
 3. Alumni records which relate to the student after that student withdraws from the Madison Metropolitan School District and the records do not relate to the person as a student.

s. 118.125(1)(a)

5. Eligible Student - means a student who has reached eighteen years of age or is attending an institution of post-secondary education.

FERPA Sec. 99.3

6. Legitimate Educational Interests - are defined as a school official's need to review or know the contents of an educational record in order to fulfill his or her professional or District-authorized responsibilities related to the performance of institutional services or functions. For example, a school official may need to access or review an education record in order to:

- a. Perform an administrative or clerical task required in a school employee's position;
- b. Perform a supervisory or instructional task directly related to the student's education;
- c. Perform a service or benefit for the student or the student's family, such as health care, counseling, student job placement, transportation, and other support services; or
- d. Ensure the safety of pupils.

Wis. Stats., s. 118.125(2)(d)

7. Parent - means either natural parent of a student unless his or her rights under the FERPA have been removed by a court order, a guardian, or an individual acting as a parent in the absence of the student's parent or guardian.

FERPA Sec. 99.3

8. Patient Health Care Records - means all records related to the health of a patient prepared by or under the supervision of a health care provider.

9. Personally Identifiable - means that the data or information includes (a) the name of the student, the student's parent, or other family members, (b) the address of the student or the student's family, (c) a personal identifier, such as the student's social security number or student

number, and (d) a list of personal characteristics or other information which would make the student's identity easily traceable.

FERPA Section 99.3

10. Progress Records - means those pupil records which include the pupil's grades, a statement of courses the pupil has taken, the pupil's attendance record, the pupil's immunization records, any lead screening records required under s. 254.162 and records of the pupil's school extracurricular activities.

s. 118.125(1)(c)

11. Pupil Physical Health Records - means those pupil records that include basic health information about a pupil, including the pupil's immunization records, an emergency medical card, a log of first aid and medicine administered to the pupil, an athletic permit card, a record concerning the pupil's ability to participate in an education program, any lead screening records required under s. 254.62, the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow-up to such test, and any other basic health information, as determined by the state superintendent.

s. 118.125(1)(cm)

12. Pupil Records - means all records relating to individual pupils maintained by a school but does not include notes or records maintained for personal use by a teacher or other person who is required by the state superintendent under 115.28(7) to hold a certificate, license or permit if such records and notes are not available to others, nor does it include records necessary for, and available only to persons involved in, the psychological treatment of a pupil. Any pupil record that relates to a pupil's physical health and that is not a pupil physical health record shall be treated as a patient health care record.

s. 118.125(1)(d)

13. School Officials - A school official is:

a. A person employed by the School District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel);

b. A member of the School Board; or

c. A person or entity with whom the School District has contracted to perform institutional services or functions (such as an attorney, independent hearing officer, bus contractor, auditor, consultant, therapist, data hosting entity, etc); a law enforcement officer who is individually designated by the School Board and assigned to the School District (commonly referred to as an Educational Resource Officer or ERO); or a volunteer, fieldwork student, student teacher, unpaid intern or official committee member expressly authorized by the District to assist another school official in performing institutional services or functions that require access to education records, provided that:

1. The individual or entity performs an institutional service or function for which the District would otherwise use employees;

2. The individual's or entity's use of any disclosed information from education records remains under the direct control of the District; and
3. The individual or entity and its agents, employees, and officers shall use the information from education records solely for the purpose for which the information was disclosed and shall not disclose the information/records to any other party without prior written consent of the parent or adult student.

14. Student - means any individual who attends or has attended a program of instruction sponsored by the BOARD of the Madison Metropolitan School District.
FERPA Sec. 99.3

15. Registrar's Office or Registrar - means the person responsible for all student records and the office in which the records are stored. The REGISTRAR is the District's custodian of the records.

4153: STUDENT RECORDS—RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

Policy:

1. Parents of students and eligible students may inspect and review the student's educational record upon request.

Procedure:

1. Parents or eligible students should submit to the Custodian of the Records (PRINCIPAL, REGISTRAR, DIRECTOR OF EDUCATIONAL STUDENT SERVICES) a written request which identifies as precisely as possible the record(s) they wish to inspect.

2. The Custodian of the Record(s) will notify the parents or eligible student of the time and place where the record(s) may be inspected.

a. Since a student's records may be maintained in several locations, the Custodian of the Records will collect all records so they may be inspected in one location with the following exception: since the official record of a student with a disability is located in the EDUCATIONAL SERVICES Department, arrangements for reviewing records of this type must be made with that Department.

b. This procedure should be completed in fourteen (14) days, but no more than forty-five (45) days from the receipt of the request for review and inspection.

3. Student behavioral records shall be open for inspection only in the presence of District personnel qualified to explain or interpret such records. The Custodian of the Records shall make the necessary arrangements.

a. Copies of the student's behavioral records will be provided only after they have been reviewed in the presence of District personnel qualified to explain or interpret such records.

4. The District will presume that either parent of the student has authority to inspect and review the education records of the student, unless the District has been provided evidence that there is a legally binding instrument, state law, or court order which provides to the contrary.

5. Copies of records generated by an institution or agency other than the Madison Metropolitan School District will not be provided. However, in the case where the Madison Metropolitan School District has the only copy of a record, copies may be provided upon receipt of a signed release from the originating institution or agency.

4154: STUDENT RECORDS—FEES FOR COPYING

Policy:

1. The Madison Metropolitan School District will provide copies of student records in compliance with Federal and State legislation. The District reserves the right to charge a reasonable fee for providing services.

Procedure:

1. Parents and eligible students will be provided with a copy of all student records upon request.

2. All student records will be forwarded within five (5) working days to another school or school district without charge if the transferring school district has received written notice from the parent or eligible student that the student intends to enroll in the other school or school district, or written notice from the other school or school district that the student has enrolled.

s. 118.125(4)

3. The fee for all other copies, such as copies forwarded to third parties with prior consent, will be 25 cents per page plus postage if applicable.

4155: STUDENT RECORDS—TYPES AND LOCATIONS OF EDUCATIONAL RECORDS

Policy:

1. The Madison Metropolitan School District in compliance with Federal and State legislation will maintain a list of the types and locations of educational records and the titles and addresses of the Custodian of the Records at each location.

Procedure:

1. The Madison Metropolitan School District maintains the following types of records for actively enrolled students:

<u>RECORDS</u>	<u>LOCATION</u>
a. Progress	Current school
b. Non-Special Education Behavioral	Current school
c. Special Education Behavioral	Educational Services Dept. Current school

2. The Madison Metropolitan School District maintains the following types of records for inactive students who last withdrew from an elementary or middle school:

<u>RECORDS</u>	<u>LOCATION</u>
a. Progress/Transcript	School last attended (alternate high schools in school of residence)
b. Behavioral Non-Special Education	School last attended
c. Special Education Behavioral	OFFICE OF REGISTRAR (Student Records)

3. The Madison Metropolitan School District maintains the following types of records for inactive students who last withdrew from a high school:

<u>RECORDS</u>	<u>LOCATION</u>
a. Progress	OFFICE OF REGISTRAR(Student Records) or forward to new school
b. Behavioral Non-Special Education	OFFICE OF REGISTRAR (Student Records)
c. Behavioral Special Education	DEPARTMENT OF EDUCATIONAL SERVICES (Student Records)

4. The title and addresses of the Custodian of the Records at each location in the Madison Metropolitan School District may be reviewed at the PUBLIC INFORMATION OFFICE located in the Central Administration Building, or in the school office at each individual school.

4156: STUDENT RECORDS—DIRECTORY DATA/INFORMATION

Policy:

1. The Madison Metropolitan School District will not disclose student records, including personally identifiable student information from the educational records of the student without the prior written consent of the parent or eligible student, except as otherwise permitted by state and federal legislation.

FERPA 34 CFR 99.30, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37, 99.38, 99.39 s. 118.125(2)

Procedure:

1. When parental consent is provided, the District will presume that the parent giving consent is authorized to do so, unless the District has been provided evidence that a legally binding instrument, state law, or court order provides to the contrary.

The parental consent must include:

- a. The legal name and birth date of the student;
- b. A description of the specific type of record(s) to be released;
- c. The name and address of the person(s) or organization to whom the disclosure is to be made;
- d. The date of the consent and its expiration criteria;
- e. The signature of the parent or eligible student.

2. The parent or eligible student may obtain a copy of any records disclosed under this provision. Such copies are subject to the copy fee under Policy 4154.

3. When the Madison Metropolitan School District releases information other than directory information contained in the student's educational record to any third parties, the following statement shall be included:

ALL THESE RECORDS ARE CONFIDENTIAL AND MAY NOT BE RELEASED TO ANY OTHER PERSON OR AGENCY WITHOUT THE WRITTEN CONSENT OF THE PARENT OR ELIGIBLE STUDENT.

4. Student records will be transferred to another school or school district without consent of the parent or eligible student upon receipt of written notification from the other school district that the student has enrolled in that school district. All student records sent to other school districts (with the exception of those records of a student in the high schools) will be processed in the OFFICE OF THE REGISTRAR.

5. The Madison Metropolitan School District's Custodian of the Records may release personally identifiable student record information without the consent of the student's parents or the eligible students in the following cases:

- a. To persons employed in the school which the pupil attends who are required by the department under s. 115.28(7) to hold a certificate, license, or permit and other school officials who have been determined by the school board to have legitimate educational interests as defined under Policy 4151;

118.125(2)(d)

b. To certain federal and state officials who need information in order to audit or enforce legal conditions related to federally or state supported education programs;

118.125(2)(g)2

c. To certain public officials seeking information required to be maintained by state law;

118.125(2)(g)

d. To organizations conducting studies for the District, provided such studies will not permit the personal identification of students and their parents, and that such personally identifiable information will be destroyed when no longer needed for the study;

34 CFR 99.31(a)(6)(i)

e. To accrediting organizations to carry out their accrediting functions;

34 CFR 99.31(a)(7)

f. To parents of eligible dependent students as determined by the Internal Revenue Code of 1954;

1. Parents shall submit a written and signed statement to be filed in the student's record, cosigned by the student, indicating that the student is classified as a dependent student by the Internal Revenue Code of 1954. (The student is claimed as a dependent on income tax returns.)

34 CFR 99.31(a)(8)

g. To comply with a judicial order in the following cases:

1. The judge of a court of this state or of the United States shall, upon request, be provided by the School District Clerk with a copy of all progress records of a pupil who is subject of any proceedings in such court.

118.125(2)(c)

2. Names of dropouts shall be provided in response to an order.

s. 118.125(2)(c)2

3. Education records shall be provided to a court in response to a subpoena by parties to an action for in-camera inspection to be used only for the purposes of impeachment of any witness who has testified in the action.

118.125(2)(f)

4. All subpoenas of education records shall be presented to the District's Legal Counsel for review prior to compliance with such order or subpoena.

5. The Custodian of the Records shall make a reasonable effort to notify the parents or eligible student prior to compliance with such order or subpoena.

34 CFR 99.31(a)(9)(ii)

h. Directory information under conditions specified in Policy 4156.

i. To an investigating law enforcement agency or district attorney if the person to whom the records are released certifies in writing that the records concern the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student, relate to an ongoing investigation or pending delinquency petition, and will not be released to any other person except as otherwise authorized by law without the prior written consent of the parent of the student.

j. If there is an emergency situation in which knowledge of student record information is necessary to protect the health or safety of a student or other persons. If the District determines that it is appropriate to disclose education records pursuant to this exception, the District shall document:

1. The articulable and significant threat to the health and safety of a student or other individual that formed the basis for the disclosure; and
 2. The parties to whom the information was disclosed.
- 34 CFR 99.31(a)(10)

4160: STUDENT RECORDS—RETENTION OF RECORDS

Policy:

1. Student records shall be maintained in accordance with the time periods and procedure set forth below.

s. 118.125(3)(4)

Procedure:

1. Upon withdrawal of a student from the Madison Metropolitan School District, the retention of the student's educational record will be managed as follows:

a. Elementary and Middle Schools:

1. The student's record (Educational and Behavioral) will be retained at the SCHOOL for ONE CALENDAR YEAR from the student's last date of attendance.

a. Upon receipt of written notice from the pupil, if he or she is an adult, or his or her parent or guardian, if the pupil is a minor, that the pupil intends to enroll in another school or school district or written notice from the other school or school district that the pupil has enrolled, the school district shall transfer to the other school or school district all pupil records relating to a specific pupil within five (5) working days. Upon transfer of the pupil records, a note shall be made on the student management system as to which school and the date the records have been sent.

b. Unless Educational Records are transferred as set forth above:

i. The School District will destroy the BEHAVIORAL RECORDS after one (1) year from the pupil's last date of attendance unless the pupil, if he or she is an adult, or his/her parent/guardian, if the pupil is a minor, requests the BEHAVIORAL RECORDS be maintained for a specific period of time. The School District will maintain the BEHAVIORAL RECORDS for at least one (1) year from the pupil's last date of attendance even if the pupil or his/her

parent or guardian requests that the BEHAVIORAL RECORDS be maintained for a period of time shorter than one (1) year.

ii. The School District will maintain all the Educational Records for seven (7) years from the pupil's last date of attendance unless the pupil, if he or she is an adult, or his/her parent or guardian, if the pupil is a minor, requests that such Records be maintained for a longer period of time.

c. After maintaining all educational records at the school for one (1) calendar year from the pupil's last date of attendance, the following records shall be forwarded to the Central Office Department designated to maintain pupil records, hereinafter "Student Records Office."

i. Educational Records

ii. The BEHAVIORAL RECORDS that have been requested to be maintained for a specified period of time exceeding one (1) year from the pupil's last date of attendance at the school.

d. If no request has been made to maintain the Educational Records for more than seven (7) years, the Educational Records shall be maintained in the Student Records Office for the remaining six (6) years unless a WRITTEN NOTICE is received prior to conclusion of the six (6) year period, from the pupil, if he or she is an adult, or his or her parent or guardian, if the pupil is a minor, that the pupil intends to enroll in another school or school district or receives written notice from the other school or school district that the pupil has enrolled. If such a notice is received, the school district shall transfer to the other school or school district all pupil records relating to a specific pupil within five (5) working days. Upon transfer of the pupil records, a note shall be made on the student management system as to which school and date the records have been sent.

e. The Educational Records that the pupil or his/her parent or guardian specified be maintained for more than seven (7) years shall be maintained for the time period specified by the pupil, if he or she is an adult, or his or her parent or guardian, if the pupil is a minor. If the school district receives a WRITTEN NOTICE from a pupil, if he or she is an adult, or his parent or guardian if the pupil is a minor, that the pupil intends to enroll in another school or school district or receives written notice from another school or school district that the pupil has enrolled, the school district shall send COPIES of the Educational Records that the pupil, or his/her parent/guardian, specified be maintained for a specific period of time to the other school or school district and keep the original Educational Records for the period requested by the pupil or his/her parent/guardian.

f. The BEHAVIORAL RECORDS that the pupil or his/her parent or guardian specified be maintained shall be maintained for the time period specified by the pupil or his/her parent/guardian. If the school district

receives a WRITTEN NOTICE from a pupil, if he or she is an adult, or his parent or guardian if the pupil is a minor, that the pupil intends to enroll in another school or school district or receives written notice from another school or school district that the pupil has enrolled, the school district shall send COPIES of the BEHAVIORAL RECORDS that the pupil, or his/her parent/guardian, specified be maintained for a specific period of time to the other school or school district and keep the original BEHAVIORAL RECORDS for the period requested by the pupil or his/her parent/guardian.

b. High Schools:

1. The student's Record (Educational and Behavioral) will be retained at the high school.

a. Upon receipt of written notice from the pupil, if he or she is an adult, or his or her parent or guardian, if the pupil is a minor, that the pupil intends to enroll in another school or school district or written notice from the other school or school district that the pupil has enrolled, the school district shall transfer to the other school or school district all pupil records relating to a specific pupil within five (5) working days. Upon transfer of the pupil records, a note shall be made on the student management system as to which school and the date the records have been sent.

b. Unless educational records are transferred as set forth above:

i. The School District will destroy the BEHAVIORAL RECORDS after one (1) year from the pupil's last date of attendance unless the pupil, if he or she is an adult, or his/her parent or guardian if the pupil is a minor, requests the BEHAVIORAL RECORDS be maintained for a specific period of time. The School District will maintain the BEHAVIORAL RECORDS for at least one (1) year from the pupil's last date of attendance even if the pupil or his/her parent or guardian requests that the BEHAVIORAL RECORDS be maintained for a period of time shorter than one (1) year.

ii. The School District will maintain the Educational Records for seven (7) years from the pupil's last date of attendance unless the pupil, if he or she is an adult, or his/her parent or guardian if the pupil is a minor, requests the PROGRESS RECORDS be maintained for a longer period of time.

c. If no request has been made to maintain the Educational Records for more than seven (7) years, the Educational Records shall be maintained for seven (7) years unless a WRITTEN NOTICE is received prior to conclusion of the seven (7) year period, from the pupil, if he or she is an adult, or his or her parent or guardian, if the pupil is a minor, that the pupil intends to enroll in another school or school district or receives written notice from the other school or school district that the pupil has enrolled. If such a notice is received, the school district shall transfer to the other

school or school district all pupil records relating to a specific pupil within five (5) working days. Upon transfer of the pupil records, a note shall be made on the student management system as to which school and date the records have been sent.

d. The Educational Records that the pupil or his/her parent or guardian specified be maintained for more than seven (7) years shall be maintained for the time period specified by the pupil or his/her parent/guardian. If the school district receives a WRITTEN NOTICE from a pupil, if he or she is an adult, or his parent or guardian if the pupil is a minor, that the pupil intends to enroll in another school or school district or receives written notice from another school or school district that the pupil has enrolled, the school district shall send COPIES of the Educational Records that the pupil or his/her parent/guardian specified be maintained for a specific period of time to the other school or school district and keep the original Educational Records for the period requested by the pupil or his/her parent/guardian.

e. The BEHAVIORAL RECORDS that the pupil or his/her parent or guardian specified be maintained for more than one (1) year shall be maintained for the time period specified by the pupil or his/her parent/guardian. If the school district receives a WRITTEN NOTICE from a pupil, if he or she is an adult, or his parent or guardian if the pupil is a minor, that the pupil intends to enroll in another school or school district or receives written notice from another school or school district that the pupil has enrolled, the school district shall send COPIES of the BEHAVIORAL RECORDS that the pupil or his/her parent/guardian specified be maintained for a specific period of time to the other school or school district and keep the original BEHAVIORAL RECORDS for the period requested by the pupil or his/her parent/guardian.

f. High School transcripts will be maintained indefinitely.

g. All student records will be destroyed by shredding.

4211: CONDUCT

Policy:

1. Responsibilities for the education of each child shall be delegated to the administrators and teachers of the several schools of the District. Reasonable rules of conduct are a part of this delegated responsibility.

2. Reasonable rules of conduct shall be so constructed as to permit the maintenance of good order within the schools and in school-related activities without infringing upon the rights of pupils and their parents in areas of personal concern.

s. 120.13

Procedure:

1. Reasonable rules of conduct shall prohibit behavior which disrupts, hinders, or interferes with the education of other pupils and conduct which endangers the health, safety, or welfare of students, faculty, and staff.
2. The BOARD will support the action of any teacher, custodian, supervisor, or administrator which is necessary to prevent disruption of any function of the school system.
 - a. Pupils found to be guilty of such conduct shall be suspended by the PRINCIPAL and may be expelled by the BOARD.

s. 120.13(1)(c)

4235: ALCOHOL AND OTHER DRUG USE/ABUSE

Policy:

1. The Madison Metropolitan School District shares with the community the responsibility to provide an optimal school environment for the intellectual, emotional, and physical development of its students and recognizes that alcohol and other drug use/abuse seriously affects that school environment. The Madison Metropolitan School District will join family and community efforts in providing necessary information, skills, role models, incentives, and experiences which discourage alcohol and other drug abuse and dependency, as well as enabling behaviors in its schools, and will strive to make the school environment supportive to students who are experiencing problems related to alcohol and other drugs.

A definition of terms can be found at the conclusion of the Procedure section for this policy.

Procedure:

I. Definitions

- a. AOD: Alcohol and other drugs.
- b. Alcohol: A drug capable of altering the physical, mental, and emotional state of the user. It is the active ingredient in beer, ale, wine, whiskey, and other distilled liquors.
- c. Behavior of Concern: Specific, observable behavior which is inappropriate, unacceptable, and irresponsible.
- d. Chemical: Alcohol and other drugs.
- e. Dependency: A condition in which the person no longer has the control to reduce or stop using alcohol or other drugs.
- f. Drug: All illegal drugs, controlled substances, narcotics and prescription medications. The definition does not include prescription medications that are possessed 1) while

under the care of a licensed healthcare provider who prescribed the drug to the student AND 2) in conformance with school district policies regarding the administration of medication at school.

g. Drug Use: A reasonable ingestion of a mood-altering chemical or drug for a clearly defined, beneficial purpose and in a manner that is regulated by that purpose.

h. Drug Misuse: An unreasonable ingestion of mood-altering chemical substances that is always potentially harmful to the misuser, is not controlled by a beneficial purpose, and employs the drug inappropriately, improperly, or in a manner outside its intended purpose. Intentional modification.

i. Drug Abuse: An unreasonable ingestion of a mood-altering drug that causes actual harm or injury to the abuser and ordinarily to others.

j. Enabling: Those attitudes, behaviors, and processes in society and interpersonal relationships which allow and encourage AOD consumption in others to progress to later and more serious stages by preventing the dependent person from experiencing the consequences of her/his harmful chemical use.

k. Intervention: The process by which the pattern of chemical dependency is interrupted in a manner intended to bring about change.

a l. Motor Vehicles Used by the School: A motor vehicle used by the school is defined as a motor vehicle owned, rented, or consigned to a school.

m. Prevention: An active process which provides appropriate information and developmental experiences necessary to encourage the development of responsible decision-making skills.

n. Treatment: A structured, supervised experience designed to help a person change behaviors which are creating serious problems for the person.

II. Prevention

All schools will establish an environment that discourages the use and abuse of and dependency on alcohol and other drugs.

1. The implementation of all BOARD Policies and Procedures regarding the use of alcohol and other drugs is the responsibility of the BUILDING ADMINISTRATOR who will:

- a. Publish the Policies and Procedures in the Student Handbook or Newsletter;
- b. Establish a team, which may consist of all or part of the student services team and/or the Student Support and Intervention Team (AOD Team). The AOD Team will:
 1. Select a chairperson who will convene the team, as appropriate when AOD referrals are made;
 2. Ensure that each member has secured, through appropriate training by the Madison Metropolitan School District, knowledge and skill in the area of AOD intervention;
 3. Institute the procedures to process referrals, conduct AOD screenings, and make recommendations (see Intervention below);

4. Cooperate with community agencies which conduct support groups for students who are recovering from chemical dependency. Meeting space may be provided in schools as needed.

2. The Madison Metropolitan School District will continue to offer educational and staff development programs on AOD Use/Abuse for all employees. The K-12 curriculum will continue to be assessed for appropriate contributions to AOD education.

3. Students are encouraged to refer themselves or others for assistance with alcohol and other drug related problems and concerns.

a. Student confidentiality shall be maintained.

b. A student or other concerned person may:

1. Talk with a staff member, who can assist the student with completing a referral and send it to the AOD Team; or

2. Directly contact a AOD Team member; or

3. Make a referral to the AOD Team.

III. Intervention

No student shall possess, consume, or be under the influence of alcohol and/or other drugs in the school, on school grounds, in motor vehicles used by the school, or at school-sponsored events or activities on or off school grounds.

1. Responsibilities related to Medical Emergency Due to Ingestion of Alcohol and Other Drugs (loss of consciousness, disorientation, bizarre behavior, vomiting, seizure, etc.):

a. Employees will:

1. Remain with the person until the person is under professional care;

2. Call or send for needed help from fire rescue and/or nurse and ensure that the BUILDING ADMINISTRATOR has been notified.

a. Madison Fire Rescue Conveyance (911) IN SITUATIONS OF NONVIOLENT BEHAVIOR; request transport of student to a Hospital's Emergency Room.

b. Madison Police Department (911) IF VIOLENT BEHAVIOR HAS BEEN EXHIBITED; request transport of student to a Hospital's Emergency Room.

3. Complete and forward a referral to the AOD Team within one school day.

b. The BUILDING ADMINISTRATOR will:

1. Ensure emergency care is being given as needed;

2. Ensure that appropriate emergency services have been called;

3. Ensure that parent(s) have been notified;

4. Consider intervention and discipline in accordance with the Behavior Education Plan;

5. Ensure that the student has received an AOD assessment; if not, make an appointment for the student and/or parent(s) to see an AOD Team member for an AOD screening or a community agency for an AOD assessment.
6. Request that the parent(s) and student sign consent forms for the release of information from the community AOD agency.
7. When a referral is made for repeated use or possession, the BUILDING ADMINISTRATOR will request that the recommendations of the AOD Team or the community AOD agency be followed, oreither refer to Board Policy 4040 or refer the student for possible disciplinary action in accordance with the Behavior Education Plan. The disciplinary action will be based on the student's use and/or possession of AOD and/or the behavior related thereto.

c. At least one member of the AOD Team will:

1. Confer with the referring person;
2. Conduct an initial screening;
3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer students and their families to community agencies which conduct AOD assessments and/or evaluations, all forms of detoxification, and ongoing treatment for cases of chemical dependency;
4. Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits through independent study. (See Board Policy 3545: Independent Study.)

2. Responsibilities related to witnessed possession and consumption or obvious intoxication from alcohol and other drugs:

(See Board Policy 4132: Locker Inspection, and Board Policy 4400: Investigation, Interrogation, Arrest and Search.)

a. Employees will:

1. Deny entrance of a student to the school-sponsored event, accompany the student to the BUILDING ADMINISTRATOR;
2. Complete and forward a referral to the AOD Team within one school day.

b. The BUILDING ADMINISTRATOR will:

1. Confiscate the alcohol and/or drug and/or paraphernalia, if possible;
2. Notify the parent(s);
3. Consider intervention and discipline in accordance with the Behavior Education Plan;
4. Ensure that the student has received an AOD assessment; if not, make an appointment for the student and/or parent(s) to see a AOD Team member for an AOD screening or a community agency for an AOD assessment;
5. Request that the parent(s) and student sign consent forms for the release of information from the community AOD agency.

6. When a referral is made for repeated use or possession, the BUILDING ADMINISTRATOR will request that the recommendations of the Building AOD Team or the community AOD agency be followed, or either refer to Board Policy 4040 or refer the student for possible disciplinary action in accordance with the Behavior Education Plan. The discipline will be based on the student's use and/or possession of AOD and/or the behavior related thereto.

c. At least one member of the AOD Team will:

1. Confer with the referring person;
2. Conduct an initial screening;
3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer students and their families to community agencies which conduct AOD assessments and/or evaluations, all forms of detoxification, and ongoing treatment for cases of chemical dependency;
4. Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits. (See Board Policy 3545: Independent Study.)

3. Responsibilities related to suspected possession or consumption:

(See Board Policy 4132: Locker Inspection and Board Policy 4400: Investigation, Interrogation, Arrest and Search.)

a. Employees will:

1. Inform the BUILDING ADMINISTRATOR;
2. Complete and forward a referral to the AOD Team with a copy to the BUILDING ADMINISTRATOR.

b. The BUILDING ADMINISTRATOR will:

1. Confer with the employee and representative from the AOD Team to determine the appropriate course of action when the student's behavior is NOT INTERFERING WITH THE FUNCTIONING OF THE CLASSROOM AND/OR SCHOOL-SPONSORED EVENT;
2. Remove the student from the setting WHEN THE STUDENT'S BEHAVIOR IS INTERFERING WITH THE FUNCTIONING OF THE CLASSROOM AND/OR SCHOOL-SPONSORED EVENT; and
 - a. Notify the parent(s) immediately;
 - b. Make an appointment for the student and/or parent(s) to see a AOD Team member for an AOD screening or a community agency for an AOD assessment.

c. At least one member of the AOD Team will:

1. Confer with the referring person;
2. Conduct an initial screening;

3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer students and their families to community agencies which conduct AOD assessments and/or evaluations, all forms of detoxification, and ongoing treatment for cases of chemical dependency; Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits through independent study. (See Board Policy 3545: Independent Study.)

IV. Dispensing Chemicals

No person shall sell or give away alcohol and other drugs to students in the school, on school grounds, in motor vehicles used by the school, or at school-sponsored events or activities on or off school grounds.

1. Responsibilities regarding students who are dispensing AOD:

(See Board Policy 4132: Locker Inspection, and Board Policy 4400: Investigation, Interrogation, Arrest and Search.)

a. Employees will:

1. Accompany the student to the BUILDING ADMINISTRATOR;
2. Complete and forward a referral to the AOD Team within one school day.

b. The BUILDING ADMINISTRATOR will:

1. Confiscate the alcohol and/or other drug and/or paraphernalia, if possible;
2. Notify the parent(s);
3. Refer the student for possible intervention and discipline in accordance with the Behavior Education Plan.

c. At least one member of the AOD Team will:

1. Confer with the referring person;
2. Conduct an initial screening;
3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer the students and their families to community agencies which conduct AOD assessments and/or evaluations, all forms of detoxification, and ongoing treatment for cases of chemical dependency;
4. Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits through independent study. (See Board Policy 3545: Independent Study.)

2. Responsibilities regarding other persons dispensing alcohol or other drugs:

a. Employees will:

1. Call for immediate assistance from law enforcement officials;
2. Notify the BUILDING ADMINISTRATOR.

4400: INVESTIGATION, ARREST AND SEARCH

Policy:

School officials shall cooperate with appropriate law enforcement agencies regarding the investigation, interrogation, arrest and search of students on school property or in the school building according to established procedure.

Procedure:

I. Investigation in Schools

1. By Police, on request of School Authorities

- a. A PRINCIPAL may exercise her/his discretion in determining whether to request assistance of police in investigating a crime, or the allegation of a crime, committed in her/his school building and/or on school grounds during school hours. If assistance is so requested, it shall be directed to the Police Department of the municipality in which the school building and/or grounds are located.
- b. If the PRINCIPAL requests assistance, a police officer may conduct an investigation within the school building and/or on school grounds and interview students as possible witnesses in school during the school day. The PRINCIPAL or her/his representative shall be present during the interview unless the student requests that they not be there. A non-uniformed police officer shall be used if possible.
- c. If the investigation focuses on a particular student as a suspect of a crime, the PRINCIPAL and the police officer will follow the general guidelines herein set forth with respect to Interrogation of Suspects in Schools by police on request of School Authorities, Search, and Arrest.

2. By Police, without request of School Authorities

- a. Police officers will make every effort to interview students outside of school hours and outside of the building and/or school grounds in those cases in which assistance by School Authorities has not been requested. This requirement does not apply to circumstances in which there is an imminent threat to the health or safety of persons or property, including imminent threats to the health, safety or property of MMSD students, staff members or visitors who are at school. If there is not an imminent threat as described above, the police may interview a student if an adult student consents to the interview or the parent(s) or legal guardian of a minor student has given the police permission to do so or in cases of child abuse or neglect in which the parent or legal

guardian or other member of the student's household is suspected of abusing or neglecting the child.

b. If the police deem it absolutely necessary to interview students at school and/or on school grounds, the Police Department shall first contact the PRINCIPAL or her/his representative regarding the planned visit and inform the PRINCIPAL (1) of the reason(s) why the police believe that it is necessary to interview the student(s) at school because of the imminent threat to the health or safety of persons or property, including the imminent threat to the health, safety or property of MMSD students, staff members or visitors who are at school, (2) that an adult student consents to the interview, (3) that the police have been given permission by the minor student's parent(s) or legal guardian to interview the student(s) at school or (4) that there is a child abuse or neglect investigation in which the student's parent(s), legal guardian or member of the student's household is suspected of abusing or neglecting the child. The police officer shall not commence her/his investigation until the approval of the PRINCIPAL has been obtained. If the PRINCIPAL is unavailable, such permission may be secured from either the APPROPRIATE ASSISTANT SUPERINTENDENT or from the SUPERINTENDENT'S OFFICE. The Police Department may appeal to the SUPERINTENDENT if it is deemed that approval was unreasonably withheld.

c. Before the investigation is commenced, if criminal prosecution against a student is contemplated, the PRINCIPAL or his/her designee shall attempt to notify the student's parents or legal guardian and the PRINCIPAL or his/her designee or the police officer shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the child or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights.

II. Interrogation of Suspects in Schools

1. By Police, on request of School Authorities:

a. If a PRINCIPAL has requested assistance by a Police Department to investigate a crime involving her/his school building and/or school grounds, or students, the police shall have permission to interrogate a student suspect in school and/or on school grounds during school hours. Unless advised otherwise by an adult student, the PRINCIPAL or the police shall first attempt to notify the parents or legal guardian of the student of the intended interrogation and shall inform the parents or legal guardian of the nature of the crime of which the student is suspected, that the student has a right to remain silent, that anything the student says may be used against her/him in juvenile or criminal court, that the student has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation

at any time. The PRINCIPAL or a Staff member of the student's choice shall be present unless the student requests otherwise.

b. Before the interrogation is commenced, the police officer shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights.

c. If criminal prosecution is contemplated by the police, except as provided below, interrogation shall not commence unless a parent or legal guardian of the student is present. This does not apply if either an adult student consents to the interrogation without his/her parent or legal guardian being present or the parent or guardian of a minor student waives their presence at the interrogation. In situations in which the legal guardian or parents cannot be reached, or are unwilling to attend, it is the PRINCIPAL's decision whether to proceed or not.

d. In certain situations, the use of a female police officer may be desirable in the interrogation of female students. A female staff member of the student's choice may be there unless the student decides otherwise.

2. By Police, without request of School Authorities:

a. Police officers will make every effort to interrogate students outside of school hours and outside the school building and/or school grounds in those cases in which assistance has not been requested by school authorities. This requirement does not apply to circumstances in which there is an imminent threat to the health or safety of persons or property, including an imminent threat to the health, safety or property of MMSD students, staff members or visitors who are at school. If there is not an imminent threat as described in the previous sentence, the police may interrogate an adult student if he/she consents to the interrogation or if a minor student's parent(s) or legal guardian has given the police permission to do so.

b. If the police deem it necessary to interrogate students at school and/or on school grounds, the police shall first contact the PRINCIPAL regarding the planned interrogation, inform the PRINCIPAL (1) of the reason(s) why the police believe that it is necessary to interrogate the student(s) at school because of the imminent threat to the health or safety of persons or property, including an imminent threat to the health, safety or property of MMSD students, staff members or visitors who are at school or (2) that an adult student consents to the interrogation, (3) that the police have been given permission by a minor student's parent(s) or legal guardian to interrogate the student(s) at school. The police officer shall not commence her/his interrogation until the approval of the PRINCIPAL has been obtained. If the PRINCIPAL gives his/her approval, the PRINCIPAL or his/her designee shall attempt to contact the parents or legal guardian of the student. Under circumstances in which the PRINCIPAL is not available to provide

such approval, the approval may be obtained from her/his school representative. If the police believe approval is unreasonably withheld, an appeal may be made to the APPROPRIATE ASSISTANT SUPERINTENDENT and then to the SUPERINTENDENT.

c. Before the interrogation occurs, if criminal prosecution against a student is contemplated, the PRINCIPAL or his/her designee shall attempt to notify the student's parents or legal guardian and the principal or his/her designee or the police officer shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the child or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights.

3. By School Administrators:

a. If upon interrogation relating to school matters, the PRINCIPAL has reason to believe that a crime has been committed and desires police involvement, s/he shall notify the police who will complete the investigation with all constitutional safeguards attached.

III. Arrest by Police Officers

1. No police officer shall arrest or take into custody a student in the school building and/or on school grounds during school hours unless upon lawful request by the PRINCIPAL, or unless the officer has "Probable Cause" to arrest for a felony or misdemeanor, or has an arrest warrant or juvenile commitment order, which the issuing authority or juvenile court directs be served at school.

2. In cases where the student is to be taken into custody, the police officer shall first contact the PRINCIPAL and advise her/him of such fact. The student shall first be summoned to the office by the PRINCIPAL unless this could compromise the safety of the student, other students, staff or visitors to the school. If possible, a non-uniformed police officer shall make the arrest.

3. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by a police officer or if the police officer is in pursuit of a student for such crime, the police shall have the legal right to apprehend such student. However, before removing such juvenile student from the school building and/or school grounds, the police officer shall inform the PRINCIPAL or her/his representative of such apprehension.

4. The PRINCIPAL shall record the name of the police officer, the time of the arrest, the name of the issuing authority of any arrest warrant, the nature of the crime for which apprehension is made, and the place of custody or detention. The parents or legal guardians of the student should

be notified immediately thereof by the PRINCIPAL. It is of course also incumbent upon the police to notify parents immediately after an arrest of a student is made.

IV. Search of School Building or on School Property:

1. By Police, on request of School Authorities

a. If a PRINCIPAL has information that s/he believes to be true, i.e., that evidence of a crime, stolen goods, drugs, weapons, or other items of an illegal or prohibited nature, is located on a student's person, in a student's locker, desk, or student's or non-student's automobile, the PRINCIPAL shall request police assistance.

b. Periodic sweeps of common areas, storage facilities, vehicles parked on school property and lockers owned by the DISTRICT for contraband including drugs, weapons or other items of an illegal or prohibited nature may be conducted with cooperation by police and/or law enforcement.

i. Police-trained K9 teams (scent dogs and officer/handler) may be used to conduct such sweeps where there is a suspicion of illegal drug activity.

(1) K9 sweeps will only be conducted in secondary schools.

(2) K9 sweeps may only be conducted following consultation and coordination with the SUPERINTENDENT or his/her designee.

(3) K9 sweeps will be conducted by a team, including the PRINCIPAL or his/her designee, the school's Educational Resource Officer, if available, and the police-trained K9 team.

(4) K9 sweeps may only be conducted outside regular school hours or while students are in class unless exigent circumstances exist or with approval of the SUPERINTENDENT or his/her designee.

(5) Examination of a student's person, including clothing while the student is wearing such clothing, by a K9 team is prohibited.

(6) If the K9 "alerts" to an item, vehicle or place, the PRINCIPAL or his/her designee will determine, in collaboration with the K9 officer or supervisor, the most appropriate course of action.

(7) If drugs, weapons or other contraband are found, they will be immediately seized and a police investigation will be conducted in compliance with the terms of this Policy with respect to investigation or interrogation.

c. Strip searches shall not be conducted by School District employees.

d. Strip searches shall be conducted by police and off school grounds unless the police determine that such search should be conducted on school premises.

2. By Police, without request of School Authorities:

a. Police officers may not search students' lockers or desks or automobiles unless they have a search warrant or as otherwise provided by law, and may not search a student's person in the school building and/or on school grounds unless the student is under arrest or as otherwise provided by law.

3. By School Administrators:

- a. The school administration maintains control over lockers and desks loaned to students. The PRINCIPAL may search a locker or desk if s/he has reasonable suspicion to believe that missing school materials or items that would endanger the health or safety of the school population may be present or that other material or items are present which would constitute a violation of school rules, Board Policy or the law.
- b. Whenever practicable, a student shall be present when her/his locker and/or desk is being searched.

V. Annual Inservice Training

Annually, Legal Counsel and/or his/her designee shall provide inservice training to all the Principals and Assistant Principals in the District relative to the provisions of this policy regarding the Investigation, Interrogation, Arrest and Search of students in the District. The inservice training shall include, but not be limited to, an in-depth explanation of the specific policy requirements, such as notification of parents and providing students and parents with information about their rights, the basis for the interrogation, search and/or arrest of a student, etc., the importance of complying with the policy and the possible consequences for failing to comply with policy.

4600: STUDENT BILL OF RIGHTS

Preamble

This document pertains to high school students enrolled in the Madison Public Schools and contains most, but not all, rights to which students are entitled.

Conflict, confrontation and controversy will be channeled constructively and positively if the rights and responsibilities of students are recognized and respected. Students have the responsibility to respect rights of all persons involved in the educational process and exercise the highest degree of self-discipline in observing and adhering to legitimate rules and regulations. Responsibility is inherent in the exercise of every right. It is impossible to list all student responsibilities, but it must be emphasized that the lack of responsibility means a weakening of rights. Correspondingly, it is impossible to list all the rights of students. Therefore, the following list of rights shall not be construed to deny or limit others retained by students on their own campus in their capacity as members of the student body or as citizens.

Nothing set forth herein shall be construed as exempting a student from being subject to discipline for engaging in behavior that violates the law, or Board Policies such as the Student Code of Conduct, Harassment, Discrimination, etc. Although the Student Bill of Rights does not exempt a student for being subject to discipline for engaging in behavior that violates the law or

Board Policies, such as the Student Code of Conduct, Harassment, Discrimination, etc., students are still entitled to due process relative to such violations.

I. Freedom of Speech and Press

A. The school shall make no rules respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of people to peaceably assemble, and to petition the government for a redress of grievances.

1. Students shall have the right to post any literature of a noncommercial nature without prior censorship or approval by the Administration or School Board in any designated posting area, provided, however, the principal or designated representative shall be accorded the right to remove posted material they consider obscene, libelous or will cause material disruption of the educational environment. The name and address of the person posting the literature must be listed on the literature itself to underscore its independence of the school. The removal of material by the principal or designee may be appealed to the Assistant Superintendent. The decision of the Assistant Superintendent may be appealed to the Superintendent. The decision of the Superintendent may be appealed to the Board of Education at its next regular meeting after the decision of the principal or designee if the next regular meeting is scheduled to occur more than five days after the removal of the posted material by the principal or designee. If the removal is made within five days of the next regular meeting of the Board, the decision may be subject to appeal at the Board's following meeting.

2. Students shall have the right to distribute newspapers or other printed material of a noncommercial nature both inside and outside the school building on school grounds without prior authorization of the school administration or School Board provided, however, the time, place and manner of distribution may be limited to prevent substantial interference with educational activities. The name and address of the person distributing or posting the literature must be listed on the literature itself to underscore its independence of the school. The principal or designee may curtail distribution of material he/she considers obscene, libelous or will cause material disruption of the educational environment. The decision of the principal or designee may be appealed to the Assistant Superintendent. The decision of the Assistant Superintendent may be appealed to the Superintendent. The decision of the Superintendent may be appealed to the Board of Education at its next regular meeting after the decision of the principal or designee if the next regular meeting is scheduled to occur more than five days after the original decision of the principal or designee. If the original suspension decision is made within five days of the next regular meeting of the Board, the decision may be subject to appeal at the Board's following meeting.

3. All school sponsored student publications shall be produced by students. A school sponsored publication is one in which the school provides the resources to support the publication. Editing shall be done by student editors, chosen by the

publications staff. The principal or designated representative shall be accorded the opportunity to review material to be printed prior to publication and may suspend publication of material he/she considers obscene, libelous, illegal, will cause material disruption of the educational environment or for other reasons related to legitimate pedagogical concerns, e.g., disclosure of confidential student information. The decision of the principal or designee may be appealed to the Assistant Superintendent. The decision of the Assistant Superintendent may be appealed to the Superintendent. The decision of the Superintendent may be appealed to the Board of Education at its next regular meeting after the decision of the principal or designee if the next regular meeting is scheduled to occur more than five days after the original decision of the principal or designee. If the original suspension decision is made within five days of the next regular meeting of the Board, the decision may be subject to appeal at the Board's following meeting. The copy of the procedures should be submitted to all editors and staff members of school publications.

4. Students shall have the right to wear buttons, armbands, and other badges or symbolic expression provided these expressions are not obscene, libelous, or cause material disruption of the educational environment.

5. Students shall have the right to choose their own dress, conduct, and personal appearance, insofar as they do not substantially disrupt, pose a clear and present danger to school operations, present an obscene appearance, or endanger health or safety. Notwithstanding the students' right to choose their own dress, unless otherwise approved by the Principal, hats and other headwear and coats must be kept in lockers during school hours.

6. Students shall have the right to demonstrate dissent in any lawful manner as long as they do not substantially disrupt, or pose a clear and present danger to school operations. Individual students who violate specific school rules or city ordinances are individually responsible for these acts and shall be dealt with according to established procedures.

7. Students have the right to present petitions, complaints, or grievances to school authorities and the right to receive prompt authoritative replies from school authorities regarding the disposition of their petitions, complaints or grievances.

8. Students have the right to respect from teachers and administrators, which would exclude their being subjected to cruel and unusual punishments, especially those which are demeaning or derogatory, or which diminish their self-esteem.

II. Use of School Facilities

A. Any student, or group of students, may use any school facility (e.g., meeting rooms, reproduction machines, etc.) at cost, provided that it is not needed for scheduled educational purpose and pursuant to Board of Education Policy. During school hours, at the discretion of the Principal, students may use District space (e.g., meeting rooms) at no cost.

It is the policy of the Board to encourage and facilitate parental involvement in their children's educational experiences. Communication between parents/guardians and teachers and other staff regarding individual students is appropriate and important to all grade levels. Individual schools also have the responsibility to communicate to parents/families relevant information about school policies, expectations, and activities, as well as to ensure reasonable parental access to their child's classroom, to the school, and to its personnel.

The Board recognizes that parental and family involvement at school-sponsored activities contributes positively to student achievement. Therefore, the Board urges individual schools to facilitate such participation by all families, and specifically to ensure that family members are not prevented from participating in any such activities for financial reasons.

III. Freedom of Political Activity

- A. Students may not in any way be penalized for any political or moral beliefs which they have though they may be held responsible for their actions taken in line with those beliefs.
- B. Students may form political organizations in the school so long as they do not have discriminatory membership restrictions.
- C. Students shall have the privilege to plan and carry out voluntary forums, assemblies, seminars and school programs of a political nature so long as they do not substantially disrupt or pose a clear and present danger to school operations.
- D. Attendance at all assemblies shall be optional for students except those assemblies explicitly called for the efficient operation of the school.

IV. Due Process

- A. All students shall have the right to due process of law.
 - 1. Students shall receive annually, upon the opening of school, a publication including, with reasonable specificity, a list of school rules, procedural rights, and the penalties which may be imposed for the violation thereof.
 - 2. In all cases where major punishment may be the end result but not limited to, forced transfer to another school; refusal to grant a diploma, etc., students shall have the following procedural rights. Major punishment does not include discipline as it pertains to interscholastic athletics or any other disciplinary action set forth in the Student Code of Conduct except expulsion. Students who are accused of violating the Athletic Code are provided with due process under the procedures set forth in the Athletic Code.
 - a. The student shall have the right to at least a three (3) day notice in writing, of any charges against him/her which might result in major punishment and before such major punishment is commenced, with enough specificity if he or she so demands, to allow him or her to respond to said charges.

- b. The student or designated counsel shall be allowed to inspect at least 24 hours prior to any hearing exhibits which will be submitted in evidence.
- c. A student subject to expulsion shall only be entitled to a hearing pursuant to Board Policy and the law. However, if a student is not subject to expulsion and if the student so desires, s/he shall be entitled to a hearing before a Board of Inquiry to be conducted under certain rules, which include but are not limited to such rules as set forth herein in paragraphs a. through l. This Board shall be composed of one person appointed by the student's School Principal; one person appointed by the parent or guardian of the student; and one person appointed by the President of the Board of Education. Any decision of a majority of this Board shall be final. This hearing may be public or private at the option of the student and a written request for such hearing must be submitted to the building principal within seven days after the letter has been mailed. Any heretofore decreed punishment under this section shall be stayed pending this hearing which shall be held at the earliest moment practicable.
- d. The student shall have the right of representation by a lawyer or some other person of his/her own choice at his/her own expense.
- e. The student, and if the student is a minor, the parent or guardian, shall be given the name(s) of attorneys or organizations, if available, who can provide indigent students with legal representation at no cost to the student or his/her parent/guardian.
- f. The burden of proof at the hearing shall be on the school. The school shall present evidence that establishes beyond a reasonable doubt that the student is guilty of the offense. The rules of evidence that would be used in an expulsion hearing shall apply to hearings held by the Board.
- g. The student (and/or counsel) shall have the right to confront and cross examine any witness against him/her; the right to present a defense to charges and to produce oral testimony in his/her behalf.
- h. Determination of guilt or innocence of the charges shall be based solely on evidence presented at the hearing.
- i. If a student requests at least 24 hours before the hearing a written transcript of the hearing record, it shall be made available after the Board has reached a decision with the cost of said transcript to be borne by the Board of Education.
- j. Every student shall be free from forced self-incrimination.
- k. Any student may file a written waiver with the school of any rights under this Section.
- l. All hearings where the ultimate result could lead to expulsion must be held before the Board of Education, or its designee.

3. Short-term suspension (five days or less) may be imposed by the administration of the school only in cases where school rules (as printed) have been violated beyond a reasonable doubt and the stated punishment for violation of these rules

is suspension. The Principal shall notify the parents in writing of the facts of the suspension and that the notification should also indicate that a pupil or his/her parents may, within five school days following commencement of the suspension, have a conference with the Superintendent or his/her designee to appeal the suspension and if the Superintendent or his/her designee determines that the student should not be suspended, that the Superintendent or his/her designee may have the suspension expunged from the student's record. A copy of the letter addressed to parents notifying them of the facts of the suspension shall be on file at the school. Appeals pertaining to suspensions shall be directed to the Superintendent or his/her designee. Work missed during the period of suspension may be made up through a student's own initiative. Work includes homework, class work, tests, and time missed in courses such as physical education. The absence from school during a suspension shall be considered an excused absence.

4. A good faith effort shall be made to hold a conference with the parents of a suspended student following each suspension.

B. The school shall not collect or keep in its files any information which is not necessary for and directly relevant to a student's academic work and the school's education purpose.

1. A student and his/her parents shall have the right to examine his/her files by appointment. Students' records shall be under the supervision of school personnel while being examined. A counselor or other appropriate school officials may be requested to aid in interpreting test scores and related material.

2. Files shall be made available to persons in accordance with student record confidentiality laws and Board Policy 4150 et sequel.

3. Students and their parents shall have the right to write and insert in their files comments or responses to anything contained in the file.

4. Personal behavior files shall not be used as a method of evaluation of academic performance.

C. Decisions concerning students' rights made by local school personnel are subject to review and may be appealed to the Assistant Superintendent, Superintendent of Schools, the Board of Education, and then the courts.

D. Except with respect to participation in athletics and as provided in Board Policies 4502 and 4045, as well as Wis. Stats., Section 120.13(1)(c), students shall be free from the school's jurisdiction in all non-school activities, be it their conduct, their movements, their dress, or expression of ideas. Except with respect to participation in athletics and as provided in Board Policies 4502 and 4045, as well as Wis. Stats., Section 120.13(1)(c), no disciplinary action may be taken by the school for non-school activities provided the student does not claim, without authorization, to speak or act as a representative of the school. When a non-school activity results in police action, it is an infringement on the student's liberty for the school, except with respect to participants in athletics and as provided in Board Policies 4502 and 4045, as well as Wis. Stats., Section 120.13(1)(c), to punish the student for that activity, or to enter it on the school record, or report it to prospective employers or other agencies, unless authorized by the student.

V. Personal Counseling

All students shall have the right to receive information in school on matters of personal concern pursuant to Board of Education policy and statutory limitation.

In accordance with Board Policy and the law, counselors shall maintain confidentiality regarding information they receive from students.

VI. Right to a Quality Education

A. Students shall be afforded the opportunity of representation on curriculum planning committees and to the widest extent possible be included in other decision-making bodies affecting the quality of education.

B. Students shall have the right to comment on the performances of administrators, faculty, and courses, to improve the quality of education. These comments will be available only to the person or course being discussed in the comment.

C. Each student will have the right and responsibility for planning his/her education although students under 18 will require the consent of their parents. The interest, desires and capabilities of each individual student shall be considered in the planning of his/her academic program. The advice of the school professional staff is available to each student in his planning.

D. Students shall have the privilege of open campus where the program presently exists. When determining whether the open campus privilege will be accorded in a particular school, the views of the surrounding community, the Administration, the teachers and the students of the school must be taken into account. The principal or parent has the right to revoke the open campus privilege of any individual.

E. Students are encouraged to bring their concerns and complaints to the attention of their teachers for the purpose of having their concerns and complaints resolved by the teachers. However, a student has the right to either file a complaint under the District's complaint procedures, such as the General or Discrimination Complaint Procedures or file a written complaint with the Principal or his/her designee. If a student files a written complaint with the Principal or his/her designee, the Principal or his/her designee shall respond to the complaint as soon as practicable. Such response may include investigation, mediation, taking or recommending that disciplinary action be taken, referral of the complaint to the appropriate District officials, etc. The resolution to the extent possible shall resolve the problem with respect to all parties involved. No student who files a complaint or expresses a concern shall be subject to recrimination.

F. Students shall be consulted regarding any changes to the Student Bill of Rights. The Student Senate shall be formally consulted regarding any changes to the Student Bill of Rights.

G. With respect to employment and personnel operations the Madison Metropolitan School District (MMSD) does not discriminate on the basis of: religion, race, color, national origin, ancestry, age, sex, physical appearance, marital status, handicap, arrest or conviction record, political belief, sexual orientation, gender identity, gender expression, less than honorable discharge, source of income or the fact that an individual is a student.

Employees shall function in a harassment-free work atmosphere and enjoy working conditions free from physical, verbal or psychological harassment.

[NOTE: The City of Madison defines gender expression in Madison City Ordinance Sec. 3.23 (2)(t) as follows:

Gender Identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth;

This means that gender identity refers to an individual's fundamental sense of themselves as being male or female, masculine or feminine. Gender identity does not always correspond to biological sex.

The City of Madison's Ordinance Sec. 3.23 (2)(t) continues its definition of gender identity with an explanation of what is referred to as gender expression.

3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one's biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous.

This means that gender expression refers to the things like clothing and behavior that manifest a person's fundamental sense of themselves as masculine or feminine, and male or female. This can include but not be limited to dress, posture, hairstyle, jewelry, and vocal inflection.]

H. With respect to educational programs no person shall be denied admission to any MMSD school, or be denied participation in, be denied the benefit of or be discriminated against in any curricular, extra-curricular, pupil services, recreational or other program or activity because of the person's sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression, or physical, mental, emotional or learning disability.

9001: ETHICS

I. Definition

Equity means the deliberate distribution of resources to provide full and meaningful access to comparable educational opportunity to assure that all MMSD students have the academic and interpersonal skills to be successful adults.

II. Assumptions

1. Schools will be excellent only when students of all economic and demographic groups are achieving at high levels.
2. Schools should reflect fairness and high expectations for all learners.
3. Achieving equity often requires an unequal distribution of resources and services in response to the unequal distribution of needs and educational barriers.
4. Strong district and building leaders with a focus on equity are critical factors to achieving district goals.
5. Every Madison school will be equally desirable and of the highest quality.

III. Goals

1. The district will eliminate gaps in access, opportunities, and achievement by recognizing and addressing historic and contemporary inequalities.
2. The district will recognize and eliminate inequitable policies and practices at the district level.
3. The district will recognize and eliminate inequity in and among schools.

IV. Reporting

Administration will report on an annual basis to the Board of Education the extent of progress on specific measures in eliminating gaps in access, opportunities and achievement.

Administration will develop an annual report that will provide data on the distribution of staff, financial, and programmatic resources across all schools.

4502A: CLASSROOM CODE OF CONDUCT

Schools must be places where effective learning can occur. Schools must maintain standards of conduct and discipline because students and school personnel have a right to a safe and orderly learning environment. Therefore, students are prohibited from engaging in behaviors which are illegal, life or health threatening, or which impede the orderly operation of the classroom or school. Prompt and effective disciplinary action must be taken to correct these behaviors.

Fairness requires that all students be treated in a consistent, objective, and non-discriminatory manner. However, the student's grade, maturity, performance in school, and his/her contrition, as well as the gravity of the offense, prior infractions, deterrence, protection of the school community, effectiveness of prior disciplinary intervention strategies, etc., may be factors that are considered that could warrant the use of a certain option including the penalty for a particular offense. Depending upon the above referenced factors and other factors, the minimum penalties for certain offenses set forth in this plan may be exceeded.

I. The Rights and Responsibilities of Students and Parents

Students and parents have rights that schools must observe, but they must also understand that personal responsibilities accompany individual rights. Furthermore, the rights of students must be viewed in relationship to the safety and welfare of the majority of students in the schools. Above all, schools must maintain adequate discipline to conduct a quality educational program.

II. Student and Parent Rights

1. The Right to an Education: Every citizen in the State of Wisconsin has a right to a free, public education, regardless of race, creed, color, sex, or national origin.

2. The Right to Due Process of Law: A student has the right to due process whenever disciplinary actions that deny the right to an education are imposed. These disciplinary actions are suspension or expulsion. Due process in a suspension case includes an explanation to the student of the reason for the suspension and the opportunity for the student to respond. Written notice to the parent or guardian of the suspension and the reason therefor will follow. Procedural due process, in cases of expulsion, includes a notice of charges, a hearing, and an opportunity to challenge or otherwise explain conduct.

3. The Right to Free Speech and Expression: All citizens are guaranteed self-expression by the First and Fourteenth Amendments of the United States Constitution.

4. The Right to Privacy - Property of Students: Students shall have privacy of personal possessions unless appropriate school personnel have reasonable cause to believe a student possesses any object or material which is or could be disruptive or are prohibited by law or school policy. Guarantees of freedom from search and seizure of property are not unlimited, but must be balanced by the responsibility of the school to protect the safety and welfare of students. Lockers are the property of the school system on temporary loan and the principal may inspect student lockers per Board of Education policy 4132.

5. The Right Not to be Discriminated Against: Students shall have the right not to be discriminated against on the basis of the students' sex, race, religion, origin, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or physical, mental or learning disability. If a student or his/her parents feel that the student has been treated in a discriminatory manner, the student or his/her parents can contact the District's Affirmative Action Officer to file a complaint or take other action.

[NOTE: The City of Madison defines gender expression in Madison City Ordinance Sec. 3.23 (2)(t) as follows:

Gender Identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of

the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth;

This means that gender identity refers to an individual's fundamental sense of themselves as being male or female, masculine or feminine. Gender identity does not always correspond to biological sex.

The City of Madison's Ordinance Sec. 3.23 (2)(t) continues its definition of gender identity with an explanation of what is referred to as gender expression.

3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one's biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous.

This means that gender expression refers to the things like clothing and behavior that manifest a person's fundamental sense of themselves as masculine or feminine, and male or female. This can include but not be limited to dress, posture, hairstyle, jewelry, and vocal inflection.]

It should be noted that, depending upon the nature of the offense, the police may be involved. An example of certain offenses for which the police may be involved include possession of a firearm, physical attacks, sexual assaults, bomb threats, arson, etc.

III. Student Responsibilities

Students also have certain responsibilities, both as citizens and as members of the school community. These responsibilities are present whether the student is in the school building or traveling to or from school via transportation provided by the school system. In order to guarantee these rights, each person must assume responsibility for his or her own behavior and refrain from infringing upon the rights of others.

1. Active Participation: Students have the responsibility of actively engaging in the serious business of learning. For example, they must attend school regularly and be on time. They must remain in class until excused, pay attention to instructions, complete assignments to the best of their ability, and exert every effort to achieve mastery of the lessons.

2. Obedience to Laws and Rules: The laws of society and school rules have been created to guarantee every person's rights. Students must assume personal responsibility for obedience to these laws and rules.

3. Responsible Exercise of Free Speech and Expression: While students have rights according to the First Amendment to express themselves they should express opinions in a manner which is not offensive, illegal, obscene, or inconsistent with the educational

goals of the school. The rights of others should be respected, and there can be no interference with the orderly educational process.

4. Avoidance of Illegal or Dangerous Items: Students must not bring materials or objects to school or to school activities that are or could be disruptive or are prohibited by law or school policy. All non-essential educationally related items that are brought to school by students shall be stored in the students' lockers throughout the school day.

IV. Parent Responsibilities

1. Support school officials in their efforts to develop and maintain well-disciplined schools
2. Teach the child socially acceptable standards of behavior
3. Teach the child to have respect for law, authority, and the rights and property of others
4. Teach the child to be accountable for his/her own actions and help the child to grow and develop into a self-controlled, self-disciplined citizen
5. Share the responsibility for student conduct with the school
6. Maintain an active interest in the student's school work and activities
7. Advocate for quality education for the child
8. Require prompt and regular attendance at school

V. Teacher Rights

Removing a Student from Class: A teacher may remove a student from the classroom/class for conduct or behavior which (a) violates the Classroom Code of Conduct or Student Conduct and Discipline Plan; (b) violates the behavioral rules and expectations set forth in the Student Handbook of the respective school; (c) is disruptive, dangerous or unruly; (d) otherwise interferes with the ability of the teacher to teach effectively; or (e) is incompatible with effective teaching and learning in the class.

VI. Teacher Responsibilities

1. Maintain an appropriate educational environment for the class as a whole: Teachers have the responsibility to communicate behavior and academic expectations as clearly as possible
2. Be familiar with the IEP of any student in his/her classroom
3. Intervene in minor disruptions while maintaining classroom supervision by interventions such as:
 - a. talking to the student
 - b. communicating with parents/guardians
 - c. referral to an appropriate support services staff person for assessment or intervention
 - d. sending a formal report of needed improvement to parents/guardians
 - e. withholding privileges
 - f. peer separation
4. Follow Procedures for Temporary Removal of a Student From the Classroom
 - a. Warn a student that continued misbehavior might lead to temporary removal

from class, except where the behavior is extreme, then an immediate response is required

b. If determined that short-term removal is appropriate:

- i. instruct the student to go to the principal or other designated staff for the period of removal with a call or a note of explanation, or
- ii. obtain coverage for the class and escort the student to the main office, or
- iii. seek assistance from other available staff and
- iv. within twenty-four hours of the removal, ensure that the parent has been notified and submit to the building principal or designee a short and concise written explanation of the basis for the removal

5. Procedures for Long-Term Removal of a Student From the Classroom

a. After the teacher has removed the child from the class for the short-term and when the teacher believes that long-term removal is necessary, notify the building administrator in writing of:

- i. a record of teacher interventions and parent/guardian contacts
- ii. the basis for the removal recommendation
- iii. the alternatives, approaches and other steps considered or taken to avoid the need for removal
- iv. the impact, positive and negative on the removed student
- v. the impact, positive and negative on the rest of the class

VII. Administrator Responsibilities

1. Follow Procedures for Short-Term Removal of a Student from the Classroom

- a. When the student arrives at the main office, give the student an opportunity to briefly explain the situation
- b. Within 24 hours of the removal, ensure that a good faith effort has been made to inform the student's parents by phone or in person that the student was removed from class; ensure that written notice of the incident which occurred is provided to parents within 72 hours specifying:
 - i. the class from which the student was removed
 - ii. the duration of the removal
 - iii. the basis for the removal as stated by the teacher and any consequences that were imposed
- c. Ensure that the student is supervised during the short-term removal
- d. Refer, if appropriate, to a support services staff person for assessment or intervention
- e. Speak to the student, prior to allowing him/her to resume his/her normal schedule, to determine whether the student is or appears to be ready and able to return to class

2. Follow Procedures for Long-Term Removal of a Student from the Classroom

- a. Consult with the teacher making the recommendation

- b. Inform the student's parents of the request and make a decision within the requisite laws (such as IDEA) and MMSD policies to:
 - i. return the student to the class, or
 - ii. place the student in another instructional setting, or
 - iii. place the student in another class in the school, or
 - iv. recommend to the appropriate Assistant Superintendent placement of the student in an MMSD alternative education program (final placement will be determined by the Assistant Superintendent for Alternative Programs)
- c. Meet with the parents within three business days of the long-term removal request and inform the parents and/or student:
 - i. the basis for the removal
 - ii. the alternatives considered
 - iii. the basis for any decision
 - iv. Inform referring teacher of outcome

3. Notify staff, students and parents of the Code of Conduct including both the I. Classroom Code of Conduct and II. The Student Conduct and Discipline Plan

- a. Annually meet with staff to arrive at a consensus regarding the implementation and application of this plan
- b. Annually publish this plan in the student Handbook and on the MMSD web site
- c. Provide a written brochure

VIII. Definitions

Class / Classroom

A class is any class, immediate area around a classroom door, meeting, or activity, which students attend, or any educational/school environment in which they participate under the control or direction of a school district employee/teacher.

Teacher

A person holding a license or permit issued by the state superintendent whose employment by a school district requires that he or she hold that license or permit.

Long-Term Removal

Removal from class for greater than one day. (Student may also be suspended from the school environment)

Removal

The act by the teacher of separating the student from the instructional provider to another supervised environment within the school setting for violation of the Code of Conduct.

Short-Term Removal

Removal from class for one day or less to another supervised area within the school setting.

APPENDIX 2: Relevant Statutes

Wis. Stat. § 118.16 School attendance enforcement.

...

(4)

- (a) The school board shall establish a written attendance policy specifying the reasons for which pupils may be permitted to be absent from a public school under s. 118.15 and shall require the teachers employed in the school district to submit to the school attendance officer daily attendance reports on all pupils under their charge.
- (b) No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences or suspensions from school. The attendance policy under par. (a) shall specify the conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester or grading period examinations and complete any course work missed during a period of suspension.

Wis. Stat. § 118.164 Removal of pupils from the class.

- (1) In this section, "teacher" means a person holding a license or permit issued by the state superintendent whose employment by a school district requires that he or she hold that license or permit.
- (2) Subject to [20 USC 1415](#) (k) and beginning August 1, 1999, a teacher may remove a pupil from the teacher's class if the pupil violates the code of classroom conduct adopted under s. [120.13 \(1\) \(a\)](#) or is dangerous, unruly or disruptive or exhibits behavior that interferes with the ability of the teacher to teach effectively, as specified in the code of classroom conduct. The teacher shall send the pupil to the school principal or his or her designee and notify the school principal or his or her designee immediately of the reasons for the removal. In addition, the teacher shall provide to the principal or his or her designee within 24 hours after the pupil's removal from the class a written explanation of the reasons for the removal.
- (3)
 - (a) The school principal or his or her designee shall place the pupil in one of the following:
 1. An alternative education program, as defined in s. [115.28 \(7\) \(e\) 1.](#)
 2. Another class in the school or another appropriate place in the school, as determined by the school principal or his or her designee.
 3. Another instructional setting.
 4. The class from which the pupil was removed if, after weighing the interests of the removed pupil, the other pupils in the class and the teacher, the school principal or his or her designee determines that readmission to the class is the best or only alternative.
 - (b) This subsection does not prohibit the teacher who removed the pupil from the class or the school board, school district administrator, school principal or their designees from disciplining the pupil.

Wis. Stat. § 118.46 Policy on bullying.

- (1) By March 1, 2010, the department shall do all of the following:
- (a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:
 - 1. A definition of bullying.
 - 2. A prohibition on bullying.
 - 3. A procedure for reporting bullying that allows reports to be made confidentially.
 - 4. A prohibition against a pupil retaliating against another pupil for reporting an incident of bullying.
 - 5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.
 - 6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.
 - 7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.
 - 8. An identification of the school-related events at which the policy applies.
 - 9. An identification of the property owned, leased, or used by the school district on which the policy applies.
 - 10. An identification of the vehicles used for pupil transportation on which the policy applies.
 - (b) Develop a model education and awareness program on bullying.
 - (c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.
- (2) By August 15, 2010, each school board shall adopt a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall distribute the policy to all pupils enrolled in the school district and to their parents or guardians.

Wis. Stat. § 120.13 School board powers.

The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

- (1) SCHOOL GOVERNMENT RULES; SUSPENSION; EXPULSION.
- (a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to [20 USC 1415](#) (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. [118.164](#) (3). The code shall include all of the following:

1. A specification of what constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively under s. [118.164 \(2\)](#).
2. Any grounds in addition to those under subd. [1.](#) for the removal of a pupil from the class under s. [118.164 \(2\)](#).
3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under s. [118.164](#).
4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under s. [118.164 \(2\)](#).

(b)

1. In addition to rule-making authority granted school boards under par. [\(a\)](#), the school district administrator, or any principal or teacher designated by the school district administrator, may make rules with the consent of the school board.
2. The school district administrator or any principal or teacher designated by the school district administrator may suspend a pupil for not more than 5 school days or, if a notice of expulsion hearing has been sent under par. [\(c\) 4.](#) or [\(e\) 4.](#) or s. [119.25 \(2\) \(c\)](#), for not more than a total of 15 consecutive school days for any of the following reasons:
 - a. Noncompliance with rules adopted under subd. [1.](#) or school board rules.
 - b. 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.
 - c. Conduct by the pupil while at school or while under the supervision of a school authority that endangers the property, health or safety of others.
 - d. 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 endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled.
- 2m. In subdivision 2. c. and d., 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.
3. 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 noncompliance with a school board rule or a rule adopted under subd. [1.](#), or of the conduct charged, and that the pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension.
4. The suspended pupil or the pupil's parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his or her designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school. If the school district administrator or his or her 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 undue consequences or penalties as a result of the suspension, reference to the suspension on the pupil's school record shall be expunged. The administrator, or the administrator's designee, shall make a finding within 15 days of the conference.

5. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension period, as provided in the attendance policy established under s. [118.16 \(4\) \(a\)](#).
- (bm)** The school district administrator or any principal or teacher designated by the school district administrator shall suspend a pupil under par. [\(b\)](#) if the school district administrator, principal or teacher determines 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). This paragraph does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. [120.13 \(38\)](#).
- (c)**
1. The school board 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 others at school or under the supervision of a school authority or 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. In this subdivision, 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.
 2. In addition to the grounds for expulsion under subd. [1.](#), the school board 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's expulsion.
 - 2m.** The school board 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). This subdivision does not apply to the possession of a firearm while legally hunting in a school forest if allowed under s. [120.13 \(38\)](#).
 3. Prior to expelling a pupil, the school board shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel. The school board shall keep written minutes of the hearing. Upon the ordering by the school board of the expulsion of a 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. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the expulsion to the state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the state superintendent reviews the

decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located.

4. Not less than 5 days' written notice of the hearing under subd. 3 shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of 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.
 - 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 are ss. 119.25 and 120.13 (1).

(d) No pupil enrolled in a school district operating under ch. 119 may be suspended or expelled from school for truancy.

(e)

1. The school board may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing any of the following to determine pupil expulsion from school undersubd. 2, instead of using the procedure under par. (c) 3:
 - a. An independent hearing panel appointed by the school board.
 - b. An independent hearing officer appointed by the school board.
2. During any school year in which a resolution adopted under subd. 1 is effective, the independent hearing officer or independent hearing panel appointed by the school board:
 - a. May expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under par. (c) 1, or 2.
 - b. Shall commence proceedings under subd. 3 and expel a pupil from school for not less than one year whenever that hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under par. (c) 2m.
3. Prior to expelling a pupil, the hearing officer or panel shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the

hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel 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. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. Within 30 days after the date on which the order is issued, the school board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the school board reviews the order. 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 state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph does not apply to a school district operating under ch. [119](#).

- 4.** Not less than 5 days' written notice of the hearing under subd. [3](#) shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of the following:
 - a.** The specific grounds, under par. [\(c\) 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 hearing officer or panel shall keep a full record of the hearing and, upon request, the hearing officer or panel 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 or panel 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 panel, the order of the hearing officer or panel 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.
 - k.** 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.
 - L.** That the decision of the school board shall be enforced while the department reviews the school board's decision.

m. 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.

n. That the state statutes related to pupil expulsion are ss. [119.25](#) and [120.13 \(1\)](#).

(f)

1. No school board is required to enroll a pupil during the term of his or her expulsion from another school district. Notwithstanding s. [118.125 \(2\)](#) and [\(4\)](#), if a pupil who has been expelled from one school district seeks to enroll in another school district during the term of his or her expulsion, upon request the school board of the former school district shall provide the school board of the latter school district with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled and the length of the term of the expulsion.

2. No school board is required to enroll a pupil during the term of his or her expulsion from a public school in another state if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under par. [\(c\) 1.](#), [2.](#), or [2m.](#)

3. No school board is required to enroll a pupil during the term of his or her expulsion from a charter school established under s. [118.40 \(2r\)](#) if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under par. [\(c\) 1.](#), [2.](#), or [2m.](#) If a pupil who has been expelled from a charter school established under s. [118.40 \(2r\)](#) seeks to enroll in a school district during the term of his or her expulsion, upon request of the pupil or, if the pupil is a minor, the pupil's parent or guardian, the governing body of the charter school shall provide the school board of the school district with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled, and the term of the expulsion.

(g) The school board may modify the requirement under pars. [\(c\) 2m.](#) and [\(e\) 2. b.](#) on a case-by-case basis.

(h)

1. In this paragraph:

ag. "Conditional enrollment" means enrollment of an expelled pupil in a school district other than the school district or out-of-state public school that expelled the pupil before the expiration of the term of expulsion specified in the pupil's expulsion order issued under par. [\(c\) 3.](#) or [\(e\) 3.](#) or by the out-of-state public school.

am. "Early reinstatement" means the reinstatement to school of an expelled pupil before the expiration of the term of expulsion specified in the pupil's expulsion order under par. [\(c\) 3.](#) or [\(e\) 3.](#)

b. "Early reinstatement condition" means a condition that a pupil is required to meet before he or she may be granted early reinstatement or a condition that a pupil is required to meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order under par. [\(c\) 3.](#) or [\(e\) 3.](#)

c. "Enrollment condition" means a condition that a pupil is required to meet before he or she may be granted conditional enrollment or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion specified in the pupil's expulsion order issued under par. [\(c\) 3.](#) or [\(e\) 3.](#) or by the out-of-state public school.

2. A school board, or an independent hearing panel or independent hearing officer acting under par. [\(e\)](#), may specify one or more early reinstatement conditions in the expulsion order under par. [\(c\) 3.](#) or [\(e\) 3.](#) if the early reinstatement conditions are related to the reasons for the

pupil's expulsion. Within 15 days after the date on which an expulsion order is issued by an independent hearing panel or independent hearing officer, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the pupil's expulsion to the school board. The decision of a school board regarding that determination is final and not subject to appeal.

- 2m.** A school board other than the school board or out-of-state public school that expelled a pupil may specify in a written order one or more enrollment conditions instead of or in addition to the early reinstatement conditions, if any, imposed under subd. 2. by the school board, or independent hearing panel or independent hearing officer acting under par. (e), that expelled the pupil or instead of or in addition to any conditions imposed, if any, by the out-of-state public school that expelled the pupil. Any enrollment conditions established under this subdivision shall relate to the reasons for the pupil's expulsion and may not extend the term of expulsion specified in the expulsion order issued under par. (c) 3. or (e) 3. or by the out-of-state public school. The school district clerk of the school district other than the school district from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian shall sign and return one copy of the order to the school board other than the school board that expelled the pupil. Within 15 days after the date on which the order under this subdivision is issued, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an enrollment condition specified in the order is related to the reasons for the pupil's expulsion to the school board that specified the enrollment condition. The decision of the school board under this subdivision regarding that determination is final and not subject to appeal.
- 3.** If the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.
- 3m.** If the school district administrator, or his or her designee, of a school district other than the school district or out-of-state public school from which a pupil was expelled determines that the pupil has met the enrollment conditions established in a written order under subd. 2m., the school district administrator or designee may grant the pupil conditional enrollment in a school in the school district. The determination of the school district administrator or designee under this subdivision is final.
- 4.** If a pupil granted early reinstatement under subd. 3. violates an early reinstatement condition that the pupil was required to meet after his or her early reinstatement but before the expiration of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Before revoking the pupil's early reinstatement, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation, and make a determination that the pupil violated the early reinstatement condition and that revocation of the pupil's early reinstatement is appropriate. If the school district administrator or designee revokes the pupil's early reinstatement, the school district administrator or designee shall give prompt written notice of the revocation and the reason for

the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

- 4m.** If a pupil granted conditional enrollment under subd. [3m.](#) violates an enrollment condition that the pupil was required to meet after his or her conditional enrollment but before the expiration of the term of expulsion, the school district administrator of the school district in which the pupil is enrolled, or a principal or teacher designated by the school district administrator, may revoke the pupil's conditional enrollment. Before revoking the pupil's conditional enrollment, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the enrollment condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation, and make a determination that the pupil violated the enrollment condition and that revocation of the pupil's conditional enrollment is appropriate. If the school district administrator or designee revokes the pupil's conditional enrollment, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the enrollment condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
- 5.** Except as provided in subd. [6.](#), if a pupil's early reinstatement is revoked under subd. [4.](#), the pupil's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.
- 5m.** Except as provided in subd. [6m.](#), if a pupil's conditional enrollment is revoked under subd. [4m.](#), the pupil's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board that expelled the pupil, or the independent hearing panel or independent hearing officer, or the out-of-state public school, agree, in writing, to modify the expulsion order.
- 6.** Within 5 school days after the revocation of a pupil's early reinstatement under subd. [4.](#), the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.
- 6m.** Within 5 school days after the revocation of a pupil's conditional enrollment under subd. [4m.](#), the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the administrator of the school district in which the pupil is enrolled, or his or her designee, who shall be someone other than a principal, administrator, or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an enrollment condition or that the revocation was inappropriate, the pupil shall be enrolled in school under the same enrollment conditions as in the order issued

under subd. [2m](#). and the conditional enrollment revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an enrollment condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

APPENDIX 3: Relevant Case Law

APPENDIX 4: WSAP Forms