

StEPP Attorney Manual
Oregon School District
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Rights and Responsibilities 432 Code of Conduct

432.01 Statement of Principle

The District provides appropriate educational opportunities for all District students and endeavors to maintain a safe and supportive learning environment for them. Students should have the opportunity to attend school free from conduct which interferes with their education.

432.02 Grounds for Disciplinary Removal from Class

Each school shall annually publish a Student Handbook that establishes, defines and explains the rules and behavioral expectations in the building. These rules shall incorporate and be consistent with federal and state law and District policies. Staff shall clearly communicate these rules and behavioral expectations to students.

432.03 Removal of a Student From Class

A staff member may remove a student from class as set forth in this policy for conduct which violates the rules and behavioral expectations set forth in the Student Handbook, which includes, but is not limited to conduct which:

- Violates the rights of others;
- Creates safety issues;
- Disrupts the learning environment;
- Cause damage to person or property; or
- Threatens or harasses another.

A "class" is defined for purposes of this policy as any activity related to a school function regardless of location.

432.04 Short-term Removal

432.04.01 Prior to the beginning of the school year, each building administrator shall designate a room or other suitable space where students will report to and remain when they are removed from class.

432.04.02 If a student is engaged in conduct which warrants removal from class, the staff member shall inform the student that continued behavior will lead to removal from class, except where that behavior creates a risk of danger to property or person.

432.04.03 If the staff member decides that removal from class is appropriate, the student shall be taken to the designated room. Upon arrival at the room, the building administrator or designee shall speak with the student as soon as practicable.

432.04.04 A student removed from class will not be returned to that class for the same period from which they were removed without agreement of the staff member.

432.04.05 The student will stay in the designated room or, in the building administrator or designee's discretion after talking with the student, be sent to another appropriate class, program or educational setting provided that setting is appropriately supervised.

432.04.06 The staff member and building administrator shall discuss the removal as soon as practicable and attempt to reach an agreement as to when the student can be returned to class.

In the event that it is determined that it is not appropriate to return the student to regular classes, the student shall be retained in the designated area or be sent home upon proper notification of parents

432.05 Long-term Removal

432.05.01 If the staff member believes that long-term removal is warranted, the staff member shall communicate this to the building administrator or designee in writing. The recommendation shall address the following points:

The basis for the belief;

The alternatives, approaches or other steps considered or taken to avoid long-term removal; and

The positive or negative impact on the student and the class.

432.05.02 Upon receipt of such request, the building administrator or designee shall consult with:

the teacher and other appropriate staff or administrators; and the student and the student's parent/guardian to discuss the removal request and alternatives being considered. The staff member may be included in this consultation.

432.05.03 Following such consultation, the building administrator or designee shall take one of the following actions:

Place the student in an alternative education program as defined by law;

Place the student in another class or appropriate educational setting in the building;
or

Return the student to the claim from which the student was removed.

432.05.04 The building administrator or designee's decision is not subject to appeal. The student and the parent/guardian may communicate in writing with the Superintendent their disagreement with the removal decision and the Superintendent or designee shall respond as the Superintendent deems appropriate.

432.06 Communication to Parents and Students

A copy of this policy shall be included in the Student Handbook in each building to be distributed to each parent of a District student. Staff shall communicate this policy to students.

Rights and Responsibilities

434 Suspension And Expulsion

434.01 Suspension

The Oregon School District shall comply with all Wisconsin Statutes pertaining to the suspension of students from its schools. This policy is intended to comply with Wisconsin Statute Sec. 120.13(1)(b). and shall be interpreted in a manner consistent with that statute.

434.01.1 Suspension Conditions

The Superintendent or any building administrator designated by the Superintendent may suspend a student for not more than five (5) school days, or, if a notice of expulsion hearing has been sent under paragraph (c)4 or (e)4, Sec. 120.13(1), Wis. Stats., for not more than a total of fifteen (15) consecutive school days for:

- (A) noncompliance with Board of Education rules,
- (B) 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, or
- (C) conduct not at school or not under the supervision of a school authority that endangers the property, health or safety of others at school or those under the supervision of a school authority, endangers the property, health or safety of any District employee or Board member.

Conduct that endangers a person or property includes making a threat to the health or safety of a person or a threat to damage property.

Prior to any suspension, the student shall be advised of the reason for the proposed suspension. The student may be suspended if it is determined that the student is guilty of noncompliance with the rule, or the conduct at issue.

434.01.2 Suspension for Possession of Firearm on School Premises

The Superintendent, or any building administrator or teacher designated by the Superintendent, shall suspend a student under 434.01.1 whenever the Superintendent or building administrator or teacher determines that the student while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 U.S.C. § 921(a)(3) and proceed consistent with Policy 437.

434.01.3 Parent Notification

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

434.01.4 Right to a Conference

The suspended student or his/her parent or guardian may, within (five) (5) school days following the commencement of the suspension, have a conference with the Superintendent or designee, (provided that designee does not work in the suspended student's school).

If the Superintendent or his/her designee finds that the student was suspended unfairly or unjustly or that the suspension was inappropriate given the nature of the alleged offense, or that the student suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the student's school record may be expunged.

434.01.5 A student 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.

434.02 Expulsion

The District shall comply with all Wisconsin Statutes pertaining to consideration and expulsion of students from its schools. This policy is intended to comply with Wisconsin Statute Sec. 120.13(1)(c) and shall be interpreted in a manner consistent with that statute.

434.02.1 Expulsion Conditions

The Board may expel a student from school whenever it finds:

- A. the student has engaged in repeated refusal or failure to obey the rules,
- B. the student knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to damage or destroy any school property by means of explosives,
- C. the student engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others,
- D. the student while not at school or 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 school authority, or
- E. a student endangered the property, health or safety of any District employee or Board member, and

The interest of the District demands the student's expulsion.

Conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

434.02.2 In addition to the grounds for expulsion under 434.02.1, the Board may expel from school a student who is at least 16 years old,

- A. if the Board finds that the student repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the District's ability 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

434.02.1, and

- B. that the Board finds that the interest of the District demands the student's expulsion.

434.02.3 Expulsion Procedures

Prior to expelling a student, the Board shall hold a hearing in accordance with the provisions of Sec. 120.13(1)(c)3 of the Wisconsin Statutes. The text of Sec.

120.13(1)(c)3 shall be provided to the student and, if the student is a minor, to the student's parent or guardian, prior to the hearing.

434.02.4 The Board may determine in the Expulsion Order that a student's file pertaining to expulsion be expunged if the student meets certain conditions as set forth in the expulsion order.

434.03 Expulsion of Students with Disabilities

Expulsion represents a change in special education placement. The following procedures will be utilized in the event a student with identified special education

needs is alleged to have engaged in conduct which could be the basis for expulsion under these policies.

A. A manifestation determination meeting shall be convened as soon as reasonably possible.

B. If the student's alleged conduct is determined not to be a manifestation of the student's disability, an expulsion proceeding may move forward.

C. If the student's alleged conduct is determined to be a manifestation of the student's disability, any scheduled or anticipated expulsion proceeding will be withdrawn and the appropriate individuals shall determine what, if any, modification of the student's IEP is necessary.

434.04 In the event a student without identified special needs is alleged to have engaged in conduct which could be the basis for expulsion under these policies, the following principles apply:

A. A request for assessment for special education needs submitted after the date a student is alleged to have engaged in misconduct will be processed according to established procedures. Such a request does not automatically forestall the commencement or continuation of expulsion consideration.

B. If a determination of eligibility for special education services is made as a result of a referral or request submitted after the date of the student's alleged misconduct, but before the expulsion hearing is held, a manifestation determination shall also be made.

C. If a determination of special education needs is made after a Board expulsion order has been determined, such expulsion order shall be implemented consistent with special education law and the findings of the manifestation determination hearing held under §434.03.

434.05 Admission of Expelled Students

Under Wisconsin law, Sec. 120.13(1)(f), Wis. Stats., the Board is not required to enroll a student during the term of his/her expulsion from another Wisconsin public school district. If a student seeks to enroll in the District during the term of his/her expulsion from a public school district in Wisconsin, the Superintendent will request the school board of the student's former school district to provide the District with the following information: a copy of the expulsion findings and order; a written explanation of the reasons why the student was expelled; and the length of the term of the expulsion.

Legal References:

Wi. Stats. 120.13(1)(c)

1995 Wi. Act 29

1995 Wi. Act 32

1995 Wi. Act 33

Rights and Responsibilities

435 Pre-Expulsion Conference

435.01 When a student has committed an expellable offense, the Superintendent or designee shall schedule a pre-expulsion conference for the purpose of exchanging facts related to the incident, insuring the rights of students and parents and assisting the administration in making its decision concerning the incident. The student and the parents/guardians will be invited and encouraged to attend, but are not legally required to appear.

435.02 At the end of each semester, the Superintendent shall provide the Board of Education with a summary of the pre-expulsion conferences that did not result in a recommendation for an expulsion hearing.

Legal References:

WI. Stats. 120.13(1)(c)

1995 WI Act 29

1995 WI Act 32

1995 WI Act 33

Rights and Responsibilities

437 Weapons In School, On School Premises, Or At School Events

437.01 No one, including students, shall possess on school property, school buses, or at any school sponsored event, a weapon as defined in Policy 437.02, or any object designed to cause bodily injury or property damage as defined in Policy 437.03. Any student violating these policies shall be expelled, or subject to suspension and/or expulsion.

The Superintendent or building administrator may authorize, in advance and in writing an exception to the prohibitions set forth in 437.03. Law enforcement officers in performance of their official duties are also exempt from 437.02. The Board of Education affirms this policy in light of Wisconsin Concealed Carry Law.

437.02 Any student who has in his/her possession or who has brought a weapon onto the school property, school buses, or any school sponsored event sanctioned by the District shall be expelled from school for a period of not less than one year. The Superintendent may recommend to the Board of Education a modification of such expulsion requirement, and the Board may modify such expulsion requirement on a case-by-case basis. For purposes of this policy, weapon means a firearm as that term is defined in Section 921 of Title 18, U.S.C., including any destructive device as therein defined (explosive, incendiary, or poison gas bomb, grenade, missile, rocket or similar device).

437.03 In addition, any student possessing or who is determined to have brought onto the school property, school buses, or at any school sponsored event sanctioned by the District, an object that by its design and/or use can cause bodily injury or property damage will be subject to disciplinary action including suspension and/or expulsion.

Rights and Responsibilities

442 Distribution/display Materials by Students

442.01 The Oregon School District Board of Education recognizes that students may wish to distribute or display non-school materials. The Board also recognizes that it is the District's responsibility to educate students about the principles of the First Amendment, encourage the expression of student views, and foster the development of understanding of divergent viewpoints. Students are encouraged to author the materials they wish to distribute or display to advance the educational value of the experience. The Board reserves the right to regulate materials in relation to students' age and maturity.

442.02 Students wishing to distribute and/or display non-school materials shall abide by the following policy:

442.02.1 Materials not related to school-sponsored activities, curriculum, or academic programs shall not be distributed or displayed on school property by individual students or groups of students without the approval of the building administrator or the administrator's designee. The materials shall be submitted for review prior to distribution or display.

442.02.2 Materials must include the name of the sponsoring individual or organization displayed in a prominent and legible manner.

442.02.3 Materials that may not be distributed or displayed include but are not limited to those that:

1. Are likely to cause disruption or interfere with normal school activities.
2. Are insulting or degrading to others.
3. Are libelous, indecent, obscene, or vulgar.
4. Advertise any product or service not permitted to minors by law.
5. Are likely to express religious beliefs that students would reasonably believe to be sponsored or endorsed by the District.
6. Are contrary to the educational interests of the students.

442.02.4 Materials may only be distributed in designated areas before school, during lunch periods, and after school. Materials may be displayed in designated areas of the school buildings only.

442.02.5 If the building administrator or the administrator's designee finds that the distribution is interfering with the orderly and efficient operation of the school, the distribution of materials shall be stopped.

442.02.6 Students who distribute or display materials are responsible for the clean-up and removal of the distributed or displayed materials.

442.02.7 The student or group of students shall be charged appropriate production fees if District equipment is used to produce non-school materials.

442.02.8 Organizations approved by the District Administrator in or designee may have web pages or links on the District's web server. The District will not be responsible for page development and will provide only the services necessary to load web pages or links on our system. This work will be done free of charge as long as it requires minimal time expenditures.

442.02.9 Students shall not ask District employees to use contracted time to assist in the development, production, or distribution of non-school materials.

442.02.10 Students violating this policy shall face disciplinary action in accordance with the school's disciplinary policy.

Rights and Responsibilities

441 Electronic Communication Devices

441.01 In order to expand opportunities for student learning through the use of technology, students are allowed to bring their own electronic communication devices to school for use within specified classes and/or for identified projects

441.02 All information and guidelines for appropriate use contained in Policy 771– Electronic Communications Policy and in the Student Handbook, apply to the use of personally-owned devices.

441.03 Students are prohibited from using any personally owned electronic devices or electronic communication devices in locations where there is an expectation of privacy such as restrooms or locker rooms. Students are prohibited from using any personally-owned electronic communication devices where the device distracts others, or where it interferes with the operations of the school or classroom, including any rules established by District staff.

441.04 The District is not responsible for any cost associated with personally-owned electronic communication devices, such as accrued data charges, loss, theft, damages, repairs or misuse of any device.

441.05 District staff may examine personally-owned devices and search their content as permitted by state statute.

Legal References:

Wis. Stats. 118.258