



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 811**

February 13, 1996 – Offered by COMMITTEE ON EDUCATION.

1 **AN ACT to renumber** 120.13 (1) (c) 2.; **to renumber and amend** 120.13 (1) (f);
2 **to amend** 119.25 (2) (a) 1., 119.25 (2) (a) 2., 119.25 (2) (b), 120.13 (1) (b), 120.13
3 (1) (c) 3., 120.13 (1) (e) 2. a., 120.13 (1) (e) 2. b. and 120.13 (1) (e) 3.; and **to create**
4 119.25 (2) (c), 120.13 (1) (c) 4. and 120.13 (1) (e) 4. of the statutes; **relating to:**
5 notices of pupil expulsion hearings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 119.25 (2) (a) 1. of the statutes, as affected by 1995 Wisconsin Acts
7 32 and 75, is amended to read:

8 119.25 (2) (a) 1. May expel a pupil from school whenever the hearing officer or
9 panel finds that the pupil engaged in conduct that constitutes grounds for expulsion
10 under s. 120.13 (1) (c) 1. or ~~2.~~ 2m.

11 **SECTION 2.** 119.25 (2) (a) 2. of the statutes, as created by 1995 Wisconsin Act
12 75, is amended to read:

13 119.25 (2) (a) 2. Shall commence proceedings under par. (b) and expel a pupil
14 from school for not less than one year whenever the hearing officer or panel finds that

1 the pupil engaged in conduct that constitutes grounds for expulsion under s. 120.13
2 (c) ~~2.~~ 2m.

3 **SECTION 3.** 119.25 (2) (b) of the statutes, as affected by 1995 Wisconsin Acts 32
4 and 75, is amended to read:

5 119.25 (2) (b) No administrator may be designated to participate in an
6 expulsion hearing if he or she was involved in the incident that led to the expulsion
7 proceeding. Prior to expelling a pupil, the hearing officer or panel shall hold a
8 hearing. ~~Not less than 5 days' written notice of the hearing shall be sent to the pupil~~
9 ~~and, if the pupil is a minor, to the pupil's parent or guardian, specifying the~~
10 ~~particulars of the alleged conduct, stating the time and place of the hearing and~~
11 ~~stating that the hearing may result in the pupil's expulsion. This section shall be~~
12 ~~printed in full on the face or back of the notice.~~ Upon request of the pupil and, if the
13 pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil
14 and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the
15 hearing by counsel. The hearing officer or panel shall keep a full record of the
16 hearing. The hearing officer or panel shall inform each party of the right to a
17 complete record of the proceeding. Upon request, the hearing officer or panel shall
18 direct that a transcript of the record be prepared and that a copy of the transcript be
19 given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon
20 the ordering by the hearing officer or panel of the expulsion of a pupil, the school
21 district shall mail a copy of the order to the board, the pupil and, if the pupil is a
22 minor, the pupil's parent or guardian. A school board, hearing officer or panel may
23 disclose the transcript to the parent or guardian of an adult pupil, if the adult pupil
24 is a dependent of his or her parent or guardian under section 152 of the internal
25 revenue code. Within 30 days after the date on which the order is issued, the board

1 shall review the expulsion order and shall, upon review, approve, reverse or modify
2 the order. The order of the hearing officer or panel shall be enforced while the board
3 reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or
4 guardian may appeal the board's decision to the department. If the board's decision
5 is appealed to the department, within 60 days after the date on which the department
6 receives the appeal, the department shall review the decision and shall, upon review,
7 approve, reverse or modify the decision. The decision of the board shall be enforced
8 while the department reviews the decision. An appeal from the decision of the
9 department may be taken within 30 days to the circuit court for the county in which
10 the school is located.

11 **SECTION 4.** 119.25 (2) (c) of the statutes is created to read:

12 119.25 (2) (c) Not less than 5 days' written notice of the hearing under par. (b)
13 shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
14 The notice shall include all of the information specified in s. 120.13 (1) (e) 4.

15 **SECTION 5.** 120.13 (1) (b) of the statutes, as affected by 1995 Wisconsin Acts 32,
16 33 and 75, is amended to read:

17 120.13 (1) (b) The school district administrator or any principal or teacher
18 designated by the school district administrator also may make rules, with the
19 consent of the school board, and may suspend a pupil for not more than 5 school days
20 or, if a notice of expulsion hearing has been sent under par. (c) ~~3~~, 4, or (e) 4, or s. 119.25
21 (2) ~~(b)~~ (c), for not more than a total of 15 consecutive school days for noncompliance
22 with such rules or school board rules, or for knowingly conveying any threat or false
23 information concerning an attempt or alleged attempt being made or to be made to
24 destroy any school property by means of explosives, or for conduct by the pupil while
25 at school or while under the supervision of a school authority which endangers the

1 property, health or safety of others, or for conduct while not at school or while not
2 under the supervision of a school authority which endangers the property, health or
3 safety of others at school or under the supervision of a school authority or endangers
4 the property, health or safety of any employe or school board member of the school
5 district in which the pupil is enrolled. Prior to any suspension, the pupil shall be
6 advised of the reason for the proposed suspension. The pupil may be suspended if
7 it is determined that the pupil is guilty of noncompliance with such rule, or of the
8 conduct charged, and that the pupil's suspension is reasonably justified. The parent
9 or guardian of a suspended minor pupil shall be given prompt notice of the
10 suspension and the reason for the suspension. The suspended pupil or the pupil's
11 parent or guardian may, within 5 school days following the commencement of the
12 suspension, have a conference with the school district administrator or his or her
13 designee who shall be someone other than a principal, administrator or teacher in
14 the suspended pupil's school. If the school district administrator or his or her
15 designee finds that the pupil was suspended unfairly or unjustly, or that the
16 suspension was inappropriate, given the nature of the alleged offense, or that the
17 pupil suffered undue consequences or penalties as a result of the suspension,
18 reference to the suspension on the pupil's school record shall be expunged. Such
19 finding shall be made within 15 days of the conference. A pupil suspended under this
20 paragraph shall not be denied the opportunity to take any quarterly, semester or
21 grading period examinations or to complete course work missed during the
22 suspension period, as provided in the attendance policy established under s. 118.16
23 (4) (a).

24 **SECTION 6.** 120.13 (1) (c) 2. of the statutes, as created by 1995 Wisconsin Act
25 75, is renumbered 120.13 (1) (c) 2m.

1 **SECTION 7.** 120.13 (1) (c) 3. of the statutes, as affected by 1995 Wisconsin Acts
2 32 and 75, is amended to read:

3 120.13 (1) (c) 3. Prior to expelling a pupil, the school board shall hold a hearing.
4 ~~Not less than 5 days' written notice of the hearing shall be sent to the pupil and, if~~
5 ~~the pupil is a minor, to the pupil's parent or guardian, specifying the particulars of~~
6 ~~the alleged refusal, neglect or conduct, stating the time and place of the hearing and~~
7 ~~stating that the hearing may result in the pupil's expulsion.~~ Upon request of the
8 pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall
9 be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian may
10 be represented at the hearing by counsel. The school board shall keep written
11 minutes of the hearing. Upon the ordering by the school board of the expulsion of a
12 pupil, the school district clerk shall mail a copy of the order to the pupil and, if the
13 pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil
14 is a minor, the pupil's parent or guardian may appeal the expulsion to the
15 department. If the school board's decision is appealed to the department, within 60
16 days after the date on which the department receives the appeal, the department
17 shall review the decision and shall, upon review, approve, reverse or modify the
18 decision. The decision of the school board shall be enforced while the department
19 reviews the decision. An appeal from the decision of the department may be taken
20 within 30 days to the circuit court of the county in which the school is located. ~~This~~
21 ~~paragraph shall be printed in full on the face or back of the notice.~~

22 **SECTION 8.** 120.13 (1) (c) 4. of the statutes is created to read:

23 120.13 (1) (c) 4. Not less than 5 days' written notice of the hearing under subd.
24 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or
25 guardian. The notice shall state all of the following:

1 a. The specific grounds, under subd. 1., 2. or 2m., and the particulars of the
2 pupil's alleged conduct upon which the expulsion proceeding is based.

3 b. The time and place of the hearing.

4 c. That the hearing may result in the pupil's expulsion.

5 d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent
6 or guardian, the hearing shall be closed.

7 e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may
8 be represented at the hearing by counsel.

9 f. That the school board shall keep written minutes of the hearing.

10 g. That if the school board orders the expulsion of the pupil the school district
11 clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the
12 pupil's parent or guardian.

13 h. That if the pupil is expelled by the school board the expelled pupil or, if the
14 pupil is a minor, the pupil's parent or guardian may appeal the school board's decision
15 to the department.

16 i. That if the school board's decision is appealed to the department, within 60
17 days after the date on which the department receives the appeal, the department
18 shall review the decision and shall, upon review, approve, reverse or modify the
19 decision.

20 j. That the decision of the school board shall be enforced while the department
21 reviews the school board's decision.

22 k. That an appeal from the decision of the department may be taken within 30
23 days to the circuit court for the county in which the school is located.

24 **SECTION 9.** 120.13 (1) (e) 2. a. of the statutes, as affected by 1995 Wisconsin Acts
25 32 and 75, is amended to read:

1 120.12 (1) (e) 2. a. May expel a pupil from school whenever the hearing officer
2 or panel finds that the pupil engaged in conduct that constitutes grounds for
3 expulsion under par. (c) 1. or 2.

4 **SECTION 10.** 120.13 (1) (e) 2. b. of the statutes, as created by 1995 Wisconsin
5 Act 75, is amended to read:

6 120.13 (1) (e) 2. b. Shall commence proceedings under subd. 3. and expel a pupil
7 from school for not less than one year whenever that hearing officer or panel finds
8 that the pupil engaged in conduct that constitutes grounds for expulsion under par.
9 (c) ~~2.~~ 2m.

10 **SECTION 11.** 120.13 (1) (e) 3. of the statutes, as affected by 1995 Wisconsin Act
11 75, is amended to read:

12 120.13 (1) (e) 3. Prior to expelling a pupil, the hearing officer or panel shall hold
13 a hearing. ~~Not less than 5 days' written notice of the hearing shall be sent to the pupil~~
14 ~~and, if the pupil is a minor, to the pupil's parent or guardian, specifying the~~
15 ~~particulars of the alleged conduct, stating the time and place of the hearing and~~
16 ~~stating that the hearing may result in the pupil's expulsion. This paragraph shall~~
17 ~~be printed in full on the face or back of the notice.~~ Upon request of the pupil and, if
18 the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The
19 pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented
20 at the hearing by counsel. The hearing officer or panel shall keep a full record of the
21 hearing. The hearing officer or panel shall inform each party of the right to a
22 complete record of the proceeding. Upon request, the hearing officer or panel shall
23 direct that a transcript of the record be prepared and that a copy of the transcript be
24 given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon
25 the ordering by the hearing officer or panel of the expulsion of a pupil, the school

1 district shall mail a copy of the order to the school board, the pupil and, if the pupil
2 is a minor, the pupil's parent or guardian. Within 30 days after the date on which
3 the order is issued, the school board shall review the expulsion order and shall, upon
4 review, approve, reverse or modify the order. The order of the hearing officer or panel
5 shall be enforced while the school board reviews the order. The expelled pupil or, if
6 the pupil is a minor, the pupil's parent or guardian may appeal the school board's
7 decision to the department. If the school board's decision is appealed to the
8 department, within 60 days after the date on which the department receives the
9 appeal, the department shall review the decision and shall, upon review, approve,
10 reverse or modify the decision. The decision of the school board shall be enforced
11 while the department reviews the decision. An appeal from the decision of the
12 department may be taken within 30 days to the circuit court of the county in which
13 the school is located. This paragraph does not apply to a school district operating
14 under ch. 119.

15 **SECTION 12.** 120.13 (1) (e) 4. of the statutes is created to read:

16 120.13 (1) (e) 4. Not less than 5 days' written notice of the hearing under subd.
17 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or
18 guardian. The notice shall state all of the following:

19 a. The specific grounds, under par. (c) 1., 2. or 2m., and the particulars of the
20 pupil's alleged conduct upon which the expulsion proceeding is based.

21 b. The time and place of the hearing.

22 c. That the hearing may result in the pupil's expulsion.

23 d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent
24 or guardian, the hearing shall be closed.

1 e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may
2 be represented at the hearing by counsel.

3 f. That the hearing officer or panel shall keep a full record of the hearing and,
4 upon request, the hearing officer or panel shall direct that a transcript of the record
5 be prepared and that a copy of the transcript be given to the pupil and, if the pupil
6 is a minor, the pupil's parent or guardian.

7 g. That if the hearing officer or panel orders the expulsion of the pupil the school
8 district shall mail a copy of the order to the school board, the pupil and, if the pupil
9 is a minor, to the pupil's parent or guardian.

10 h. That within 30 days of the issuance of an expulsion order the school board
11 shall review the order and shall, upon review, approve, reverse or modify the order.

12 i. That, if the pupil is expelled by the hearing officer or panel, the order of the
13 hearing officer or panel shall be enforced while the school board reviews the order.

14 j. That, if the pupil's expulsion is approved by the school board, the expelled
15 pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school
16 board's decision to the department.

17 k. That if the school board's decision is appealed to the department, within 60
18 days after the date on which the department receives the appeal, the department
19 shall review the decision and shall, upon review, approve, reverse or modify the
20 decision.

21 L. That the decision of the school board shall be enforced while the department
22 reviews the school board's decision.

23 m. That an appeal from the decision of the department may be taken within
24 30 days to the circuit court for the county in which the school is located.

