

## **STUDENT SUSPENSION AND EXPULSION**

### **STUDENT SUSPENSION**

The district administrator or any principal or teacher designated by him/her shall have the power to suspend a student for not more than five school days. Except as otherwise specifically provided by law, a student may be suspended for up to 15 school days, or up to ten days if the student has a disability, when an expulsion hearing is pending. The student will be suspended if it is determined that he/she is guilty of noncompliance with the school rule or of the conduct charged, and that his/her suspension is reasonably justified.

A student may be suspended for:

1. A violation of school or Board of Education rules;
2. 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;
3. Conduct while at school or under the supervision of a school authority which endangers the health, safety or property of others;
4. Conduct while not at school or under supervision of a school authority that endangers the property, health or safety of others at school or under supervision of a school authority or endangers the property, health or safety of any employee or Board of Education member of the school district in which the student is enrolled.
5. A student shall be suspended for possession and/or use of any firearm on Colby School District property, school, buses, or at any school related event; or 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.




A student's suspension from school constitutes an imposed absence by the district. Therefore, a suspended student shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension. Procedures for make-up of missed work while a student is suspended are the same as provided for a student with an unexcused absence (any absence not in accordance with legally defined "good cause" reasons for missing school). See attendance policy 431.

Prior to the suspension, the student shall be advised of the reason for the proposed suspension. The parent or guardian of a suspended minor student shall be given prompt notice of the suspension and the reason for the suspension.

The suspended student or the student's parent or guardian may, within 5 school days, following the commencement of the suspension, have a conference with the district administrator or his/her designee (someone other than administrator or teacher in the suspended student's school building). If the district administrator or his/her designee finds the student was suspended unfairly or unjustly, or that the suspension was inappropriate given the nature of the 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 records shall be expunged.

### **STUDENT EXPULSION**

The Board of Education may expel a student from school when it finds:

-  The student guilty of repeated refusal or neglect to obey school rules or regulations;
-  That a 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 destroy any school property by means of explosives;
-  That 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; or

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- ✎ That a student while not at school or 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 Board of Education member of the school district in which the student is enrolled.
- ✎ If a student is at least 16 years old and 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 education atmosphere at school or at any activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under 120.13 (1)(c)(1), Wisconsin Statutes; and is satisfied the interest of the school 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.

No school board is required to enroll a pupil during the term of his/her expulsion from another school district.

### **SUSPENSION AND EXPULSION OF STUDENTS WITH A DISABILITY**

Students with a disability are expected to abide by the district's student rules. However, consideration is given to a student's disability relative to the behavior in question.

#### **Suspension**

The district administrator or any principal may suspend a student with a disability for not more than five days for noncompliance with rules governing student conduct in accordance with s.120.13(1), Wis.Stats. An IEP meeting is convened by the student's IEP manager, including the parents of the student, within five days following commencement of the suspension to consider whether the conduct is attributable to the disability and, if so, whether a change in educational programming may be warranted.

#### **Expulsion**

As decided by the U.S. Supreme Court, a student with a disability may not be expelled from school if the conduct in question can be shown to have a relationship to his/her disability. Prior to any expulsion hearing, a student with a disability is evaluated by an IEP Team to determine if there is a relationship between the child's behavior in question and his/her disability. Based on the Supreme Court decision which permits up to 10 days of suspension for a handicapped child and the provision of Wisconsin Stats., which provides the option of an immediate change of placement by the school board if the health or safety of the child or others is threatened which supersedes the limit of five days under s.120.13 (1)(b), Wis. Stats., the district may then suspend the pupil without expulsion, for up to 10 days, if the health or safety of the pupil or others in the school is threatened. During that 10 days, the district will meet with the child's parents to review and revise, if necessary, the child's IEP and consider alternative placements. Also, a hearing officer may order removal to an alternative setting for 45 days where the district demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others. All appropriate interim settings must provide for certain services and modifications, including services and modifications to address the problem behavior and to allow participation in the general curriculum.

In any case, the district will not cease providing a free appropriate public education to any child with EEN.

LEGAL REFERENCE: Wisconsin Stats. 120.13(1)