

SCHOOL DISTRICT OF WAUPACA

SERIES 400 STUDENTS

CODE: 446.2-R2

EXPULSION GUIDELINES

1. The Board may expel a student from school for the reasons outlined in state law and Board policy.
  - a. A disabled student may not be expelled from school if the reason for the expulsion is related to his/her disability. Therefore, before a disabled student, or student suspected of having a disability, is considered for expulsion, he/she shall be referred to an IEP-Team for evaluation to determine whether the student's misconduct relates to his/her disability or to a possible inappropriate placement.
2. A written notice of expulsion hearing shall be sent to the student and, if the student is a minor, to his/her parent(s)/guardian at least five days prior to the scheduled hearing. The notice shall:
  - a. state the time, date and place of the hearing;
  - b. state specific charges brought against the student;
  - c. advise that the hearing may result in the student's expulsion from school; and
  - d. contain a verbatim copy of the expulsion law (section 120.13(1)(c) of the state statutes).
3. Hearing
  - a. The student and, if the student is a minor, his/her parent(s)/guardian may be represented at the hearing by counsel. The school district administration and the school board may also be represented by counsel at the hearing.
  - b. The student has the right to refuse to give self-incriminating testimony and to cross-examine witnesses or call witnesses on his/her own behalf. The student shall be specifically advised of these rights at the hearing. The student also has the right to determine if the hearing is to be open to the public or closed.
  - c. The Board shall keep written minutes of the hearing. The hearing may be tape recorded.
4. Deliberation and Decision
  - a. The Board will deliberate in closed session and only consider the evidence presented at the hearing. Only members of the Board of Education and their counsel shall be in attendance at the deliberation session.
  - b. The Board shall issue its decision in the form of a written order. If expulsion is ordered, the order shall:
    - (1) state the length of time the student will be expelled;
    - (2) contain specific findings of fact and conclusions of law in support of the decision; and
    - (3) be sent to the student and, if the student is a minor, a copy of the order shall be sent to the student's parent(s)/guardian.

5. Appeal

- a. The expelled student or the parent(s)/guardian of a minor student may appeal the expulsion to the State Department of Public Instruction.
- b. An appeal from the decision of the State DPI may be taken within 30 days to the Circuit Court of the county in which the school is located.

**ADOPTED:** 041696

**REVISED:** 111098

**REVIEWED:**

**LEGAL REFERENCE:**

**CONTRACT REFERENCE:**

**CROSS REFERENCE:**

The School District of Waupaca does not discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.