

ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

ADMINISTRATIVE POLICY 8.32 STUDENT EXPULSION

(1) In accordance with state statutes, a student may be expelled from school by the Board or by an Independent Hearing Officer (IHO) of the Board if the Board or IHO finds that:

- (a) the student is guilty of repeated refusal or neglect to obey Board or school rules; or
- (b) the student knowingly conveyed, or caused to be conveyed, any threat or false information concerning an attempt or alleged attempt being made to destroy any school property by means of an explosive; or
- (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; or
- (d) the student, 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
- (e) the student endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled; or
- (f) the student who is at least 16 years old 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 sec. 120.13(1)(c), Wis. Stats., and the interest of the school demands the student's expulsion; or
- (g) 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), in which case the student shall be expelled from school for not less than one year.

(2) Expulsion of a student from school is a very drastic step, one which the Board hopes will be rarely necessary in the Milwaukee Public Schools. To be sure that such a step is taken only when absolutely necessary, the IHO shall hold a hearing before it orders an expulsion. Students and their parents or guardians shall be entitled to be represented by a lawyer or other persons of their choice. If the hearing is before an IHO, the Board shall review any expulsion order within 30 days after the date of the order, and the Board may approve, reverse or modify the order.

(3) Notice of a hearing to determine whether an expulsion will be issued shall be sent to the student and the student's parent or guardian. A student may be suspended for up to 15 days if a notice of expulsion hearing is sent. The district must conduct the hearing not less than five days after sending the notice of hearing. The expulsion hearing should occur within 15 days, but if unable to do so, the student should be returned to a school placement or be provided homebound instruction, pending the expulsion hearing.

(4) If a student is expelled, he/she shall not be permitted to return to the Milwaukee Public Schools for the period of expulsion, unless the decision is changed by the Board or the student meets the early-reinstatement conditions specified in the expulsion order.

(5) Students expelled from the Milwaukee Public Schools shall be offered educational services, which may include online academic support. Additionally, if the IHO determines that a student who is receiving educational services for an expellable offense has committed another expellable offense, that student may be expelled with online academic support.

(6) Whenever a student is expelled from school by the Board (after a hearing or after approval of an IHO's order), the decision may be appealed at any time to the state superintendent of the Department

of Public Instruction. The Department of Public Instruction’s decision may be appealed within 30 days to the circuit court of the county in which the school is located.

(7) Every student with an Individualized Education Plan (IEP) shall receive appropriate educational services during an expulsion period.

(8) A report of the Independent Hearing Officer shall be presented to the Board for approval at the Board’s regular monthly meeting and no later than 30 days after the date of an IHO’s expulsion order.

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| History: | Adopted 6-30-75; revised 1980, 5-22-82, 3-29-95, 1-30-01, 1-31-02, 08-28-08, 09-18-14, 5-31-18 | | |
| Previous Coding: | Admin. Policy JGE, prior to May 1995; Admin. Policy 10.32, May 1995-August 1996 Coding | | |
| Legal Ref. | W.S. 120.13(1), 119.25 | | |
| Cross Ref. | Admin. Policy | 8.19 | Student Conduct |
| | | 8.23 | Weapons in the Schools |
| | | 8.24 | Students of Legal Age |
| | | 8.33 | Student Expulsion Independent Hearing Panel |
| | Admin. Proc. | 8.32 | Student Expulsion |