



1995 ASSEMBLY BILL 811

January 23, 1996 - Introduced by Representatives WARD, COLEMAN, DUFF, NASS, AINSWORTH, OLSEN, LEHMAN, OTTE, HASENOHRL, BRANDEMUEHL, GOETSCH, HANSON, MUSSER, JENSEN, SILBAUGH, LAZICH, HAHN and OTT, cosponsored by Senators RUDE, PANZER, GROBSCHMIDT and FITZGERALD. Referred to Committee on Education.

1 **AN ACT to amend** 119.25 (2) (b) and 120.13 (1) (c) 3. of the statutes; **relating to:**
2 notices of pupil expulsion hearings.

Analysis by the Legislative Reference Bureau

Under current law, before expelling a pupil from school, a school board must hold a hearing. Notice of the hearing must be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice must include certain specified information, and the section of the statutes relating to expulsion must be printed in full on the face or back of the notice.

This bill eliminates the requirement that the statutory section be printed on the notice. Instead, the bill requires the notice to specify that the statutory section is available from the school district clerk upon request.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 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

1 and, if the pupil is a minor, to the pupil's parent or guardian, specifying the
2 particulars of the alleged conduct, stating the time and place of the hearing and
3 stating that the hearing may result in the pupil's expulsion. ~~This section shall be~~
4 ~~printed in full on the face or back of the notice.~~ The notice shall also specify that a
5 copy of this paragraph is available from the school district clerk upon request. Upon
6 request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the
7 hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or
8 guardian, may be represented at the hearing by counsel. The hearing officer or panel
9 shall keep a full record of the hearing. The hearing officer or panel shall inform each
10 party of the right to a complete record of the proceeding. Upon request, the hearing
11 officer or panel shall direct that a transcript of the record be prepared and that a copy
12 of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent
13 or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a
14 pupil, the school district shall mail a copy of the order to the board, the pupil and, if
15 the pupil is a minor, the pupil's parent or guardian. A school board, hearing officer
16 or panel may disclose the transcript to the parent or guardian of an adult pupil, if the
17 adult pupil is a dependent of his or her parent or guardian under section 152 of the
18 internal revenue code. Within 30 days after the date on which the order is issued,
19 the board shall review the expulsion order and shall, upon review, approve, reverse
20 or modify the order. The order of the hearing officer or panel shall be enforced while
21 the board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's
22 parent or guardian may appeal the board's decision to the state superintendent. If
23 the board's decision is appealed to the state superintendent, within 60 days after the
24 date on which the state superintendent receives the appeal, the state superintendent
25 shall review the decision and shall, upon review, approve, reverse or modify the

1 decision. The decision of the board shall be enforced while the state superintendent
2 reviews the decision. An appeal from the decision of the state superintendent may
3 be taken within 30 days to the circuit court for the county in which the school is
4 located.

5 **SECTION 2.** 120.13 (1) (c) 3. of the statutes, as affected by 1995 Wisconsin Acts
6 32 and 75, is amended to read:

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

1 within 30 days to the circuit court of the county in which the school is located. This
2 paragraph shall be printed in full on the face or back of the notice.

3 **SECTION 3. Initial applicability.**

4 (1) This act first applies to notices sent under sections 119.25 (2) (b) and 120.13
5 (1) (c) 3. of the statutes, as affected by this act, on the effective date of this subsection.

6 (END)