



## 1995 SENATE BILL 282

August 2, 1995 - Introduced by Senators WEEDEN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Committee on Education and Financial Institutions.

1 **AN ACT to amend** 120.13 (1) (b) and 120.13 (1) (c) 1. of the statutes; **relating to:**  
2 suspension and expulsion of pupils from school.

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### *Analysis by the Legislative Reference Bureau*

Current law provides that a pupil may be suspended from school for noncompliance with school rules, or for 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, or for conduct while at school or while under the supervision of a school authority that endangers the property, health or safety of others, or for conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employe or school board member of the school district in which the pupil is enrolled.

A school board may expel a pupil from school if it finds that the pupil engaged in any of the conduct described above or finds the pupil guilty of repeated refusal or neglect to obey the rules, and is satisfied that the interest of the school demands the pupil's expulsion.

This bill provides that a pupil may be suspended or expelled for conduct while going to or coming from school that endangers the property, health or safety of others.

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

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

3 **SECTION 1.** 120.13 (1) (b) of the statutes, as affected by 1995 Wisconsin Acts ....  
4 and .... (Assembly Bills 116 and 117), is amended to read:

1           120.13 (1) (b) The school district administrator or any principal or teacher  
2 designated by the school district administrator also may make rules, with the  
3 consent of the school board, and may suspend a pupil for not more than 5 school days  
4 or, if a notice of expulsion hearing has been sent under par. (c) 3. or (e) or s. 119.25,  
5 for not more than a total of 15 consecutive school days for noncompliance with such  
6 rules or school board rules, or for knowingly conveying any threat or false  
7 information concerning an attempt or alleged attempt being made or to be made to  
8 destroy any school property by means of explosives, or for conduct by the pupil while  
9 at school or while under the supervision of a school authority which endangers the  
10 property, health or safety of others, or for conduct while not at school or while not  
11 under the supervision of a school authority which endangers the property, health or  
12 safety of others at school or under the supervision of a school authority or endangers  
13 the property, health or safety of any employe or school board member of the school  
14 district in which the pupil is enrolled, or for conduct while going to or coming from  
15 school that endangers the property, health or safety of others. Prior to any  
16 suspension, the pupil shall be advised of the reason for the proposed suspension. The  
17 pupil may be suspended if it is determined that the pupil is guilty of noncompliance  
18 with such rule, or of the conduct charged, and that the pupil's suspension is  
19 reasonably justified. The parent or guardian of a suspended minor pupil shall be  
20 given prompt notice of the suspension and the reason for the suspension. The  
21 suspended pupil or the pupil's parent or guardian may, within 5 school days following  
22 the commencement of the suspension, have a conference with the school district  
23 administrator or his or her designee who shall be someone other than a principal,  
24 administrator or teacher in the suspended pupil's school. If the school district  
25 administrator or his or her designee finds that the pupil was suspended unfairly or

1 unjustly, or that the suspension was inappropriate, given the nature of the alleged  
2 offense, or that the pupil suffered undue consequences or penalties as a result of the  
3 suspension, reference to the suspension on the pupil's school record shall be  
4 expunged. Such finding shall be made within 15 days of the conference. A pupil  
5 suspended under this paragraph shall not be denied the opportunity to take any  
6 quarterly, semester or grading period examinations or to complete course work  
7 missed during the suspension period, as provided in the attendance policy  
8 established under s. 118.16 (4) (a).

9 **SECTION 2.** 120.13 (1) (c) 1. of the statutes, as affected by 1995 Wisconsin Act  
10 ... (Assembly Bill 116), is amended to read:

11 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it  
12 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a  
13 pupil knowingly conveyed or caused to be conveyed any threat or false information  
14 concerning an attempt or alleged attempt being made or to be made to destroy any  
15 school property by means of explosives, or finds that the pupil engaged in conduct  
16 while at school or while under the supervision of a school authority which  
17 endangered the property, health or safety of others, or finds that a pupil while not  
18 at school or while not under the supervision of a school authority engaged in conduct  
19 which endangered the property, health or safety of others at school or under the  
20 supervision of a school authority or endangered the property, health or safety of any  
21 employe or school board member of the school district in which the pupil is enrolled,  
22 or finds that a pupil while going to or coming from school engaged in conduct that  
23 endangered the property, health or safety of others, and is satisfied that the interest  
24 of the school demands the pupil's expulsion.

25 (END)