

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Education(SC-Ed)

Sample:

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WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
Fax (608) 266-3830

DATE: March 10, 1998
TO: REPRESENTATIVE REBECCA YOUNG
FROM: Jane R. Henkel, Deputy Director
SUBJECT: Assembly Substitute Amendment ____ (LRBs0460/4) to 1997 Assembly Bill 423, and Senate Substitute Amendment ____ (LRBs0577/1) to 1997 Senate Bill 192, Relating to Pupil Expulsions

This memorandum provides an analysis of:

1. LRBs0460/3, an Assembly substitute amendment to 1997 Assembly Bill 423, relating to pupil expulsions; and
2. LRBs0577/1, a Senate substitute amendment to 1997 Senate Bill 192, relating to pupil expulsions.

1997 Assembly Bill 423 and 1997 Senate Bill 192 are companion bills. Assembly Bill 423 was introduced by you and others; cosponsored by Senator Adelman. The Assembly Education Committee held a public hearing on the Bill on October 7, 1997. 1997 Senate Bill 192 was introduced by Senator Adelman. The Senate Committee on Education held a public hearing on the Bill on August 13, 1997.

LRBs0460/4 and LRBs0577/1 (hereinafter referred to as "the Substitute Amendments") are identical.

A. EXPULSION FOR TRUANCY

Current law provides that no pupil enrolled in the Milwaukee Public Schools may be suspended or expelled for truancy.

The Substitute Amendments extend this prohibition to all school districts in the state.

B. ALTERNATIVE PROGRAMS

1. During Term of Expulsion

The Substitute Amendments provide that if a pupil is expelled from school, the school board must offer the pupil and, if the pupil is a minor, the pupil's parent or guardian, an opportunity to meet with appropriate school personnel to discuss alternative education programs for the pupil during the term of the pupil's expulsion.

The Bill also provides that the school board *may* offer the pupil an alternative education program. The alternative education program shall do one of the following:

a. If the pupil has attained 9th grade status, allow the pupil to make progress toward meeting the high school graduation requirements specified in the statutes or attaining a declaration of high school graduation equivalency and, if appropriate, assist the pupil in preparing to reenter school in the school district at the end of his or her term of expulsion.

b. If the pupil has not yet attained 9th grade status, assist the pupil in preparing to reenter school in the school district at the end of his or her term of expulsion.

2. In Lieu of Expulsion

The Substitute Amendments also provide that a school board may decide not to pursue an expulsion or not to issue an expulsion order if the pupil, and the parent or guardian of a minor pupil, agrees to a plan in lieu of expulsion. The plan may specify a code of conduct for the pupil and may provide for the pupil to attend an alternative education program, as described under item 1., above. The plan shall specify an expiration date for the plan.

If a pupil agrees to a plan in lieu of expulsion and, subsequently, the school board determines that the pupil has violated that plan, the school board may reinstate the pupil's expulsion proceeding, based on its original grounds, in the following manner:

a. If the school board did not hold a hearing on the pupil's expulsion before agreeing to the plan in lieu of expulsion, the school board shall proceed with a hearing on the original expulsion. Notice of the hearing must include the reasons for reinstatement of the expulsion proceeding.

b. If the school board held a hearing before agreeing to the plan in lieu of expulsion, the school board is not required to hold an additional hearing but must provide at least five days written notice to the pupil and the parent or guardian of a minor pupil of the time and place at which it will consider reinstatement of the expulsion proceeding. The notice must specify the reasons for the reinstatement. After considering reinstatement of the expulsion proceeding, the school board may expel the pupil by issuing an expulsion order if the school board: (1) finds that the pupil engaged in conduct that constitutes grounds for expulsion; and (2) is satisfied that the interest of the school demands the pupil's expulsion. (These two criteria apply to all expulsions).

3. State Aid

The Substitute Amendments create a categorical aid program for the alternative education programs described under items 1. and 2., above.

Beginning in the 1999-2000 school year, the State Superintendent shall pay to each school district an amount equal to the school district's costs for alternative education programs under items 1. and 2., above, in the previous school year multiplied by the percentage of the school district's shared costs that were funded through the equalization aid formula in the previous school year. (These pupils and costs are not counted for the purposes of determining equalization aids.)

These costs and aid payments are included in computing the state's commitment to fund 2/3 of partial school revenues; the aid is outside of a school district's revenue limit. State aid would not be paid during the first year of the program (1998-99), since the aid is paid on a prior year basis. However, the revenue limit otherwise applicable to a school district in that school year is increased by the amount spent by the school district to provide the alternative education programs.

C. REPORTING

The Substitute Amendments create a new provision to require each school district to annually report to the State Superintendent, on a form developed by the State Superintendent, the following information for each *expulsion proceeding* during the previous school year:

1. The age, gender, race and grade of the pupil.
2. The school attended by the pupil.
3. The result of the proceeding.
4. Whether the pupil has been identified as a child with a disability.
5. If the pupil was expelled, the date and term of the expulsion and the grounds for the expulsion.

The report shall also include the number of expelled pupils who were allowed to return to school before the expiration of their terms of expulsion during the previous school year.

D. STUDY

The Substitute Amendments request the Joint Legislative Council to do all of the following:

1. Study strategies and programs used by schools and school districts to assist pupils who are experiencing disciplinary problems and the existing alternatives to suspension and expulsion.

2. Based on the study under item 1., above, identify the strategies and programs that have been successful in reducing disciplinary problems, suspensions and expulsions and that could be replicated by other school districts.

3. Study what happens to pupils who are expelled from school, including whether they return to and successfully complete school, their involvement with the juvenile justice system during and after the period of expulsion according to the length of the expulsion and other factors determined by the Council.

4. Report to the 1999 Legislature its findings and recommendations to implement strategies that have been successful in reducing disciplinary problems, suspensions and expulsions.

E. EFFECTIVE DATES; INITIAL APPLICABILITY

This act takes effect on July 1, 1998 and applies to expulsion proceedings initiated on or after that date. As described under Section B. 3., above, the new state aid for alternative education programs is first paid in the 1999-2000 school year.

JRH:wu:ksm;jt



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
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DATE: March 12, 1998
TO: REPRESENTATIVE REBECCA YOUNG
FROM: Jane R. Henkel, Deputy Director
SUBJECT: LRBa2028/1, An Amendment to Senate Substitute Amendment ____
(LRBs0577/1) to 1997 Senate Bill 192, Relating to Pupil Expulsions

This memorandum provides an analysis of LRBa2028/1, an amendment to Senate substitute amendment ____ (LRBs0577/1) to 1997 Senate Bill 192, relating to pupil expulsions.

Senate substitute amendment ____ (LRBs0577/1) is described in the attached memorandum.

LRBa2028/1 was prepared at your request. It amends the provisions of the substitute amendment relating to state aid.

The substitute amendment creates a categorical aid program for the alternative education programs that may be provided, under the substitute amendment, for pupils during the term of their expulsion or in lieu of expulsion. (See Sections B. 1. and 2. of the attached memorandum.) Under the categorical aid program, *as affected by LRBa2028/1*:

1. Beginning in the 1999-2000 school year, annually, the State Superintendent shall pay to each school district an amount equal to the school district's costs for the alternative education programs in the previous school year multiplied by the percentage of the school district's shared costs that were funded through the equalization aid formula in the previous school year.

2. The costs of the alternative education programs not reimbursed by the categorical aid described under item 1., above, are aidable under the equalization aid formula. Specifically, these pupils are included in the school district's membership count and the costs for the programs not aided under the categorical aid program are included in the school district's shared costs.

3. The categorical aid received for these programs is outside of the school district's revenue limit. (Equalization aid received by the school district for these programs and any property tax support used for these programs are subject to the school district's revenue limit.)

4. These costs are included in computing the state's commitment to fund 2/3 partial school revenues.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

JRH;jt:ksm;jt

Attachment

May 13, 1997

To: Legislative Colleagues
From: Representative Rebecca Young
Re: Co-sponsoring LRB-3007/1, relating to school expulsion procedures

The number of students expelled from Wisconsin schools is increasing at an alarming rate. The Department of Public Instruction's expulsion statistics show that the percentage of students expelled has increased by 195 percent from the 1991-92 school year to the 1995-96 school year. This rate cannot continue to rise if we are to provide a quality public education for all children, giving them equal opportunity to become positive citizens who can participate fully in our society.

We need to reform the expulsion statutes and give school districts pragmatic and effective disciplinary alternatives. These changes are necessary to ensure that too many students are not being removed from the classroom, leaving them without educational opportunities and allowing them to have unstructured time in the community. Toward that end, I plan to introduce LRB-3007/1, a companion bill to Senator Adelman's SB 192, which creates clearer standards for when students can be expelled and creates a council on pupil discipline in the Department of Public Instruction.

If you wish to co-sponsor LRB 3007/1, please contact my office at 266-3784 by Friday, May 30. The Legislative Reference Bureau analysis is provided below.

Analysis by the Legislative Reference Bureau

Under current law, a school board may expel a pupil from school if the school board finds any of the following:

1. That the pupil is guilty of repeated refusal or neglect to obey school district rules.
2. That the pupil 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 explosives.

3. That the pupil engaged in conduct while at school or while under the supervision of a school authority that endangered the property, health or safety of others.
4. That the pupil, while not at school or while not under the supervision of a school authority, engaged in conduct that 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 school district employe or school board member.
5. That the pupil is at least 16 years old and 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.

This bill eliminates all of the above reasons for expulsion. Instead, the bill authorizes a school board to expel a pupil from school whenever the pupil does any of the following on school grounds, at a school-sponsored event or in a vehicle being used for school purpose:

1. Uses violence, force, coercion, threats, intimidation or similar conduct in a manner that constitutes substantial interference with school purposes.
2. Willfully causes or attempts to cause substantial damage to property, steals or attempts to steal property of substantial value, or repeatedly damages or steals school property.
3. Causes or attempts to cause personal injury to any school district official, employe or agent or to any pupil enrolled in the school district, unless the pupil engaged in such conduct by accident or with the reasonable belief that it was necessary to protect a person from harm.
4. Threatens or intimidates any pupil for the purpose of obtaining anything of value from the pupil.
5. Knowingly possesses a dangerous weapon.
6. Engages in the unlawful possession, selling, dispensing or use, or is under the influence of alcohol or a controlled substance (dangerous drug).
7. If the pupil is at least 12 years of age, publicly engages in sexual intercourse or publicly exposes genitals with the intent to alarm another person.
8. Commits a sexual assault.
9. Engages in conduct that is punishable as a felony and that constitutes a danger to other pupils or interferes with school purposes.
10. Repeatedly violates school rules adopted by the school board if the school board has distributed a copy of the rules to each pupil enrolled in the school district and the violations constitute a substantial interference with school purposes.

Current law specifies that no school board is required to enroll a pupil during the term of his or her expulsion from another school district. This bill eliminates that statement. Instead, the bill provides that if an expelled pupil seeks to enroll in another school district, the school board of the latter school district must determine whether it would have expelled the pupil from school and, if so, whether it would have done so for the same term. If the school board determines that it would have expelled the pupil from

school for at least the same term, it may refuse to enroll the pupil during the term of the pupil's expulsion.

The bill provides that if a pupil is expelled from school and does not enroll in another school district, the school board must ensure that the pupil is enrolled in a children-at-risk program or in an appropriate educational program operated by a cooperative educational service agency under contract with the school board. (The bill specifies that pupils who are the subject of an expulsion hearing are eligible for children-at-risk programs.)

Currently, if a pupil is expelled from school, the pupil may appeal the expulsion to the state superintendent of public instruction. This bill provides that the appeal must be made within 30 days after the expulsion order is issued and requires that the state superintendent treat the appeal as a contested case, which means that all parties must be afforded an opportunity for hearing.

Finally, this bill establishes a council on pupil discipline in the department of public instruction. The committee consists of one senator, one representative to the assembly, one member appointed by the governor and 4 members who represent interests of school boards, school administrators, teachers and parents, appointed by the state superintendent.

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

WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

MEMORANDUM

TO: Senator Calvin Potter, Chair
Members, Senate Education Committee

FROM: John (Jack) W. Coe, Legislative Consultant

RE: Senate Bill 192

DATE: August 13, 1997

The Wisconsin Education Association and the Wisconsin Federation of Teachers support the basic concepts expressed in Senate Bill 192. The bill more clearly enumerates the conditions under which a student may be expelled from school and provides additional due process procedures for students who are expelled. The bill also provides for alternative education opportunities for those who may not be able to fit into a traditional school setting.

However, given the current economic environment that public schools find themselves in, we recommend that alternative education programs be established, maintained and adequately funded from resources other than existing school revenues. This bill mandates expenditures of resources without providing funding or relief from revenue controls. The result will be to divert resources from the education of students who are behaving in a responsible manner to those who are not.

While this bill expands certain reasons for expulsion it narrows others, specifically, expulsion for miscreant behavior off school property. For example, a student may destroy a school employee's house or other items of personal property without the school district having recourse to expulsion provided for in current law.

Further this bill creates another layer of state bureaucracy in an area that is best handled at the local level. If the goal of this bill is to ensure a safe and secure environment for all school children, than the decisions should be made swiftly at the local level of school administration.

We also recommend that school districts who expel students from school for infractions that are clearly felonies - stealing school property, causing personal injury, sexual assault, possessing a dangerous weapon or selling narcotics, for example - be required to report these incidents to local law enforcement authorities.

Finally, we urge the committee to begin deliberations over appropriate alternative education opportunities for students who are not able to function in a traditional school setting but who should not be sent to a juvenile correction center.

Terry Craney, President

Charles N. Lentz, Executive Secretary



SCHOOL ADMINISTRATORS ALLIANCE

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James M. Lynch
Director of
Government Relations

Testimony Before the Senate Education Committee on SB 192
August 13, 1997

An Alliance of:

Association of
Wisconsin School
Administrators
Tim Laatsch
Executive Director

Wisconsin Association
of School District
Administrators
Miles Turner
Executive Director

Wisconsin Association
of School Business
Officials
Don Mrdjenovich
Executive Director

Wisconsin Council for
Administrators of
Special Services
Chuck Hastert
President

by
Tim Laatsch, Executive Director
Association of Wisconsin School Administrators.

One of the primary purposes in writing new law that replaces existing statutes, is to correct deficiencies in the existing law. Simply, there is a desire to make the law better. The proposal before you to "reform" or re-write state statutes relative to student expulsion from public schools in Wisconsin fails to make the existing law better. It does not measure up to that standard. That is the reason why I am speaking against SB 192 on behalf of the School Administrators Alliance (SAA).

The School Administrators Alliance is a coalition of school administrators including building principals, assistant principals, school superintendents, pupil service administrators, and business officials. These 3,000 school administrators work with the issue of student discipline in school houses across this state, in their respective positions, each and every day.

As you know, expulsion statutes have developed over the years and have evolved through the work of this committee and others, to meet the needs of local communities in their desire to maintain order in their schools and keep their children safe. Most recently the law was modified on a bi-partisan basis to include the ability of a school board to expel a student who is at least 16 years old if the pupil is persistently disruptive to the process of teaching and learning. In addition, school districts are now permitted to deny admission of a student that has been expelled by another district. Both of these changes, made with the wisdom afforded by educators, legislators, and members of the community, would be weakened with the proposal before you.

We have many concerns with this bill. Among them are the following:

1. **The proposal narrows the reasons for expulsion.** Current law provides that a student can be expelled for an act performed when *not* at school or *not* under the supervision of a school authority which endangered the property, health or safety of others at school or which endangered the property, health or safety of any district employee or board member. Disallowing this as a reason for expulsion would prevent a school board from expelling a student for calling in a bomb scare, vandalizing a teacher's home or car, or attacking other students on the way home from school.
2. **The term of expulsion (the length of time a student could be expelled) is limited to the balance of the current semester.** As proposed, a student who sets off a home made bomb in the cafeteria eleven days before the end of the semester would be allowed to return to school the following semester.

Somehow this doesn't seem to meet the needs of parents who have clearly expressed their desire to have students who commit violent acts excluded from the school grounds.

3. **The proposal requires a new layer in the appeal process.** Currently the state superintendent will review an expulsion decision by a local board to determine if the student has been afforded due process. This proposal would create a quasi-judicial structure within the Department of Public Instruction to allow the department to rule on the substance as well as the form of an appealed expulsion. This portion of the proposal would have significant fiscal impact at both the state and local levels. It well might be regarded as the "full employment for attorneys bill." Surely there are better ways to spend school district resources which are becoming increasingly strained.
4. **The proposal would require school districts to provide alternative education programs for expelled students.** Unfortunately there are no provisions in the bill to provide resources to develop such programs in school districts. Often, students being expelled have already been involved in the cafeteria of educational programs available to students at risk. Modified student schedules, programming adapted to specific needs, alternative education...even home based education programs, serve students with behavioral needs. By the time a student is expelled, in many cases a school district will have exhausted their alternatives. This law would require districts to go beyond that point. These programs can be among the most costly to implement. Under revenue limitations this would cause a drain of resources on other programs throughout the school district. And, while we frequently think of resources being expressed in dollars and cents, one cannot overlook the amount of time and energy that would be required by school personnel to address these serious issues.

As you deliberate this matter, it will be important to keep the statistics relative to expulsion in perspective. While the number of expulsions has increased, a community's tolerance for maintaining disruptive students in school has decreased. But even under those circumstances, please recognize that 55% of school districts (in the last full year for which statistics were available - 1995-96) had no expulsions over the course of the year. When combined with those districts that had only one expulsion, we see that 71% of school districts had a very limited number of expulsions to deal with. This does not reflect serious abuse of the current law. Fully a third of the expulsions in the same year came from only two school districts, and many of those were short-term expulsions of a two week duration. To take a shotgun approach by rewriting the statutes for all districts is simply not warranted.

In my 28.5 years of experience as an assistant principal, a principal, and superintendent of schools, I have found that school boards take their responsibility related to expulsion very seriously. Often board members have said that this is the most difficult decision that they have to make. They have come to recognize however that not all students are ready to learn at the same time. They have learned that sometimes students need a firm hand excluding them from the environment that they have abused. They have learned that while they can provide programs, suggest teaching strategies, and take students by the hand, some students, a very limited few, clearly detract from a school's ability to educate all children and that these students must be dealt with severely.

Discussion of such matters as suspension and expulsion are at the fringes of student behavior. The vast majority of students are not directly affected by these laws. As school administrators we are prepared to address these extremes and work with those who seek to improve conditions for all students.

SB192, if enacted, would hamper school districts in their continuing efforts to maintain safe and orderly schools. School Administrators Alliance (SAA) and the Association of Wisconsin School Administrators (AWSA) respectfully express strong opposition to SB 192.

For additional information, please feel free to contact me at 608-241-0300 (office); 608-877-0523 (home); E-mail: tlatsch@awsa.org

Thank you for your consideration of this important issue.



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**Senate Education Committee
Public Hearing
Testimony for Senate Bill 192
Expulsion of Pupils and Creating a Council on Pupil Discipline
given by the
Wisconsin Council on Children and Families
August 13, 1997**

Senator Potter, members of the Education Committee, thank-you for this opportunity to speak to you on behalf of WCCF, in favor of Senate Bill 192.

Expulsions and suspensions of public school children have risen over the past few years. The increase from school year 1991 to school year 1994-95 was 111%, and the latest statistics that I have for school year 1995-96 indicate almost a 200% increase over the 1991-92 figures of 405 students expelled. These are alarming rates.

Changes in the expulsion/suspension laws over recent years have made expulsions easier. The contributing factor to the increases is unclear however. The increases could be caused by (1) changes in the law itself; (2) stricter discipline policies of the schools; (3) more unruly behavior, with violence or threats of violence; (4) greater availability of weapons or all of the above.

What is clear, is school faculties are reporting an increase in the number of disruptive students in the classroom. No one in this hearing room could disagree that all children have a right to learn in a safe and productive classroom, and that disruptions to this learning are infringements on the rights of those children trying to learn.

How to deliver a safe classroom without crippling the disruptive student is the question we are facing today.

Wisconsin Council on Children and Families supports modifying current public school expulsion policies. Senate Bill 192 contains modifications of current law which will assist the expelled student and not deprive him/her of educational opportunities. Current law has no time limit on the length of an expulsion. SB 192 provides that a student may not, with certain exceptions, be expelled beyond the last day of the semester in which the expulsion takes effect.

Current law holds no requirement of schools to provide any services for students who have been expelled or suspended from school, nor does it require any school board to enroll a student during his/her term of expulsion from another district. SB 192 eliminates this. This bill also provides that if a student does not enroll in another district or if the expulsion/suspension is upheld in that district, the school board must ensure that the pupil is enrolled in a children-at-risk program or in appropriate educational program operated by a cooperative educational service agency under contract with the school board.

Without the provisions of SB 192, youth who are expelled or suspended are on their own and on the streets in the community, often without supervision. The absence of time limits completely shuts many students out from returning to school. Depriving students of the educational and vocational opportunities available to students through children-at-risk or similar programs, will only exacerbate their inability to function in the community -- a handicap they have already demonstrated.

The question can be raised when reading proposed Senate Bill 192 as to the effect this bill would have on Exceptional Educational Needs Students, as they are not specifically mentioned within its language. The Federal Individuals with Disabilities Act (IDEA) 1997 Reauthorization adds substantial provisions to the original IDEA, that directly address the needs and discipline of children with disabilities. The EEN students of Wisconsin will be covered under these federal guidelines as well.

The provisions of Senate Bill 192 that I have presented here support and will positively impact the families and children of Wisconsin. Providing expelled children with schooling and services to improve their personal, social and educational skills and abilities will strengthen and protect the family unit, the community and ultimately the state of Wisconsin.



SUSPENSION AND EXPULSION INITIATIVE

Modify public school expulsion policies as follows:

1. *Require a time limit for the expulsion so that the student may return to school after meeting certain conditions,*
2. *Require that an individual educational service plan be developed for an expelled student. The plan must be developed with the student, parents, school and local agency and must include educational and appropriate work activities. Service plans may include regional off-site alternative schools, electronic tutorial courses, school-to-work/vocational options, multi-agency school-based learning centers and homebound services. (Prohibit home-schooling programs).*
3. *Exempt costs for implementing the services from school district budget caps.*

Problem

Expulsions and suspensions of public school children have risen at an alarming rate in the last few years. In the 1994-95 school year, the number of expulsions was 111% higher than

it was in 1991. Preliminary data for 1995-96 data shows that expulsions reached total of 1,180 students, 325 more than the previous year, almost a 200% increase since 1991.

EXPULSION STATISTICS				
1991-92 through 1994-95 School Years				
School Year	3rd Friday Enrollment	Students Expelled K-8	Students Expelled 9-12	Students Expelled Total
1991-92	814,671	168	237	405
1992-93	831,418	200	336	536
1993-94	843,829	270	450	729
1994-95	859,428	329	526	855
% increase from 91-92 to 94-95	5%	96%	122%	111%

Under current law there is no time limit on the length of an expulsion, nor are schools required to provide services for children who are expelled or suspended from school. Consequently, youth who have been expelled as troublemakers are on

their own in the community and on the streets, often without supervision because their parents are working. And no school district is required to enroll a pupil during the time s/he is expelled from another district.

Since approximately half of the students expelled during the last year were expelled for weapon offenses, violence or threats of violence, putting them on the streets may create a community problem.

Because there are no services made available for these students, opportunities for their rehabilitation are limited. In the absence of time limits on expulsion, many students are completely foreclosed from returning to school. Home schooling is not a viable alternative because there are no state standards or supervision required for these programs.

Background/Facts

Changes in the law in recent years have made expulsion easier, but it is unclear whether the increase in expulsions is due to: 1) changes in the law which relaxed the criteria for expulsion; 2) stricter discipline on the part of schools; 3) more unruly behavior by students; 4) greater availability of guns or all of the above. Certainly, school faculties report an increase in the number of disruptive students in the classroom. And few parents, teachers and other citizens would dispute the notion that all children have a right to learn in a safe and productive classroom; that the presence of disruptive students is an infringement on the rights of those students who are trying to learn. How to deliver a safe classroom without crippling the disruptive student is a conundrum.

Current Law

Changes in the law have definitely added to the number of expulsions. Initially, the only grounds for the suspension or expulsion of a student was that the student engaged in conduct that endangered the property, health or safety of other students or school employees.

The law was first expanded to allow for the suspension or expulsion of students for repeated refusal or "neglect to obey" school rules. Later it was expanded to apply to any consistent violation of school rules.

During the past legislative session the law was further modified to allow a school board to expel a student at least 16 years old if s/he has repeatedly engaged in conduct at school or 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 the other statutory grounds. (120.13(1)(c)2).

Under the Federal Improving America's Schools Act of 1994, all states were required to pass legislation requiring the school board to initiate proceeding for expulsion "for not less than one year for any student who is found to have brought a weapon to school." Wisconsin passed its law late in 1995 in order to comply with this requirement.

Federal law already requires that special attention must be paid to students who are designated as Exceptional Educational Needs Students, EEN. This status is important because such students may not be expelled if it is determined that the child's conduct was caused by the disability. Special services must be offered in lieu of expulsion. Advocates caution that many students, particularly adolescents, may not be enrolled as EEN students because schools and parents are reluctant to label children as emotionally disturbed in the higher grades.

Impact on Families and Children

Depriving children who are expelled or suspended from any opportunities for education, vocational work experiences and other services in order to improve their skills, will exacerbate their inability to function in the community—a handicap they have already demonstrated. They are likely to be candidates for Juvenile Corrections once they hit the streets.

It is unlikely that families of expelled children have parents at home to provide daily supervision. While not all expelled students are from families on welfare, when that is the case the new welfare requirements mandating that all parent/s work will mean that parents will lose their livelihood if they stay home and supervise a child. Supporting families of expelled children with schooling and services to occupy their time and improve their abilities will support the family unit and protect the community.



STATE SENATOR
LYNN ADELMAN

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August 13, 1997

Dear Members of the Senate Committee on Education,

Good Afternoon, Senator Adelman has asked me to read a prepared statement relating to Senate Bill 192 since he is unable to attend the hearing today because of a prior commitment. Senate Bill 192 is the culmination of intensive study by various individuals, groups and agencies concerned with addressing the number of school expulsions in Wisconsin. Senator Adelman feels this legislation advances the goals of providing a safe learning environment for Wisconsin's public schools and maintains the state commitment to public education for every child in Wisconsin.

Senate Bill 192 will help address the dramatic increase in the number of expulsions occurring in the state of Wisconsin. Beginning in 1991, expulsions increased 200% through the 1995-96 school year and this trend is expected to continue. Under current law, expelling a pupil is easier than ever before and there are no time limits on the length of the expulsion. Furthermore, schools are not required to provide educational services to expelled students, and school districts are not required to enroll a pupil during the time he or she is expelled from another district. As a result, youth who are considered troublemakers in the classroom are placed in the community, often without supervision because their parents are working.

In addition, the current system jeopardizes community safety because many of these pupils are expelled for weapons offenses, violence, or threats of violence. The fact that these young people are not offered alternative forms of education during the expulsion period increases the likelihood of future expulsions. Many at risk students under the current system are likely to become unfortunate candidates for Juvenile Corrections. These pupils are also likely to continue to be a problem for the community well into adulthood due to the lack of educational tools necessary to obtain employment.

Senator Adelman feels this bill offers a number of policy changes dedicated to improving the educational opportunities of children throughout the state while maintaining school safety. This bill also addresses the dire consequences expelled students face under the current system. Under the proposed legislation, expelled children would be required to be enrolled in a children-at-risk-program or an appropriate alternative educational program during the term of the expulsion, thereby helping to

ensure the safety of the community and provide children the necessary tools to succeed in school and become a productive member of society.

Senate Bill 192 also clarifies the conditions under which a student may be expelled and requires a copy of the school district rules to be distributed to each pupil who enrolls in a school district and the pupil's parent or guardian. Students who know and understand the rules and consequences will undoubtedly think twice when the opportunity arises to break the rules.

Finally, the bill creates a permanent discipline study council that will be required to report to the legislature on the progress being made on the rate of the of expulsions, school safety and related educational issues.

On behalf of Senator Adelman, I would like to thank you for accepting this testimony. Jeff Spitzer-Resnick from the Wisconsin Coalition for Advocacy who has been instrumental in the creation of this bill would now like to present some brief remarks. I would be happy to answer any questions you may have at the conclusion of Mr. Spitzer-Resnick's testimony.

NORTHWESTERN HIGH SCHOOL

MAPLE, WISCONSIN 54854

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THOMAS HENNING
Principal

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KATHIE MATUSHAK
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Guidance

Testimony before the Senate Education Committee On SB192

August 13, 1997

by

Thomas Henning, Principal
Northwestern High School
Maple, Wisconsin

Northwestern High School is a 9-12 high school of 435 students, drawn from 480 square miles literally on the shores of Gitchee Gumee in the northwest corner of Wisconsin in the School District of Maple. We border on Lake Superior and the school district that serves the City of Superior.

I have been principal of Northwestern High School since 1978. Altogether, I have been a high school educator for 34 years - 12 as a class room teacher and 22 as a principal. I am appearing before you today in opposition to SB192, also called the "School Discipline Reform Bill." There is no one closer to the issue of school discipline than the school principal.

One might think from that title that this bill would bring some needed discipline to our schools when actually it does the opposite. It would make discipline more difficult and reduce our ability to achieve a safe school climate.

I understand that SB192 is a reaction to what some view as an alarming increase in the number of expulsions in Wisconsin Public Schools in recent years. In 1991-92, 405 students were expelled. In 1995-96, the number had jumped to 1,195 - an increase of 195%. That does seem alarming.

But different perspectives on those numbers changes the perception. One way is to view expulsions as a percentage of total enrollment. In 1991-92, the expulsions represented .05% (five one-hundredths of one percent) of the number of students enrolled in Wisconsin Public Schools. For 1995-96, the number is .14% (fourteen one-hundredths of one percent). That gives an entirely different perception.

Another way to view the numbers is to consider the average number of expulsions per district. Even at the 1995-96 level, the average is less than 3 students per district - actually 2.7.

You should also consider the reason that the number of expulsions increased. I believe School Boards were responding to a rather sudden and alarming increase in disruptive and violent behaviors that seemed to escalate rapidly about five years ago - at least that is when I noticed it at

Northwestern High School. We saw guns and other weapons in school, threats of using those weapons, increased drug activity, fights resulting from gang activity, sexual assaults, sexual harassment, etc. Gang-type behavior by a minority of young people increased dramatically and our community became very concerned, as well as others in our area.

Because this concern in the City of Superior, where I reside, we formed the Mayor's Task Force on Youth Violence and the Violence Free Community Committee, both of which I worked on. At the state level, the Urban Initiative was formed and traveled Wisconsin conducting hearings on youth violence. I attended one of those hearings in the City of Superior. Many people across the state were alarmed at the increased violent behavior of young people. That behavior showed up in schools, too.

Parents and communities were and are demanding safe schools and school boards responded in a decisive way.

At Northwestern High School in 1991-92, we had no expulsions. In 1992-93, we had two; and in 1993-94 we had three including two for possession of guns. The numbers have been two or three each year since. We expelled a total of 12 between 1991-92 and 1996-97. We have adopted a zero tolerance policy against violence, drug distribution, and gang behavior.

Here are some things we have expelled for:

- ◇ 15 year old girl - brought a loaded gun to school, threatened to shoot other students.
- ◇ 14 year old boy - brought a loaded gun to school, gave it to another 14 yr. old boy who threatened to shoot other students and used gang symbols.
- ◇ 14 year old boy - had dozens of incidents of assaulting other students and adults; much profanity; and hit a student in head who had recently had brain surgery and a shunt placed in his head.
- ◇ 17 year old boy - 10 incidents of threatening and harassing other students; skipped 18 times; disrupted the classroom 17 times; disrespectful to staff 17 times; fighting 2 times; possession of tobacco twice; and use of gang symbols.
- ◇ 17 year old boy - skipped classes 44 times; obscene language 5 times; disrupted the classroom 19 times; hit, pushed or threatened another student 6 times; and used gang symbols twice.
- ◇ 14 year old boy - possession of and selling of marijuana in school - admitted that he dealt marijuana at school.
- ◇ 15 year old girl - possession of and selling of marijuana at school.

All twelve of those expelled students were offered an alternative education. Four of them refused the alternative. Three others moved to another district. Three returned to school after the expulsions period and showed significant improvement in behavior and performance.

We did not deny education to anyone.

Proponents of this bill have also expressed concern that expelled students are turned loose in the community without supervision to commit more crime and violence, the very things for which they were expelled. This bill has the potential of returning these students to school after only a few weeks. Would we rather have the crime and violence in school where our children are the victims?

What about the rights of students who want an education? Is it fair to have their education disrupted time and again by a few disorderly students?

Should the students who behave properly be placed at risk of harassment, threats, injury, and even death? Should armed guards be placed in our schools to try to keep them safe?

I can tell you of one girl whose grades improved significantly after her harasser was finally taken out of school.

The role of schools is to educate, not to be a day care center or a holding pen.

To some extent schools can do whatever taxpayers are willing to pay for, and very likely schools could do more to help these problem students. But not without more resources. Public schools have had their budgets strictly limited. There is no room to expand current programs or start new ones.

I believe the current laws on expulsion have been working as intended. School Boards have not abused their power. There does need to be a limit. Kids need limits.

The School Discipline Reform Bill would restrict the ability of a school board to hold students accountable for their behavior. It is not needed; it would be detrimental if left in its present form. It should not be passed into law.

**TESTIMONY IN FAVOR OF:
1997 SENATE BILL 192**

Prepared by Jeffrey Spitzer-Resnick
Staff Attorney

The Wisconsin Coalition for Advocacy (WCA), which is the state's designated agency that represents individuals with disabilities, has worked closely with Senator Adelman to bring 1997 Senate Bill 192 to the legislature. We did so, because over the last two years, our agency has been flooded with requests for assistance from parents whose children have been expelled for such a myriad of inconsistent, and at times, trivial reasons, that we realized something needed to change in the way Wisconsin schools are handling discipline problems.

Before developing this bill, nearly two years ago, we pulled together parents, teachers, administrators, and other interested parties into a Behavior in School Task Force, to work collaboratively to try to face the issues of school discipline problems head on. This Task Force came to the conclusion that some of the problems in school needed to be addressed through dissemination of best practices to teachers and administrators, and through a series of small grants a number of Task Force members have helped to put on such trainings in a variety of locations throughout the state. Although these efforts will continue, the Task Force also realized that certain issues related to school discipline cannot be solved by trainings alone.

After the creation of WCA's Task Force, I was appointed to Superintendent Benson's Expulsion Task Force, which gathered some important data, and helped hone some ideas which WCA's Task Force had been working on regarding potential legislation. DPI's Task Force was even broader based than WCA's Task Force as it included school board members as well.

SB 192, therefore, is a culmination of the work of these two broad based task forces. To the extent that some may oppose this bill, we hope that the committee will question how those individuals and groups hope to resolve a situation in which Wisconsin has over 1,000 children per year expelled from school, nearly half of whom have not even reached high school, and most of whom receive no alternative educational programming.

Key provisions of SB 192 are as follows:

- Children who are expelled and do not enroll in another school district must be enrolled in a children-at-risk program or in an appropriate alternative education program operated by the school board or by a cooperative educational service agency (CESA) under contract with the school board.

- This satisfies the state constitutional requirement of providing education for all children. It also provides the student with the tools necessary to become a productive member of society and ensures the safety of the community during the expulsion period.
- The school district of the expelled student must provide the student with an alternative educational program that includes an individualized plan for success (IPS) for the student. The plan includes a strategy for the pupil to return to school in his or her district within one year or at the end of the expulsion period, whichever ever is sooner.
 - This provides the student with attainable goals and may deter the need for future expulsions because it will provide the student with the necessary tools to succeed in school.
- SB 192 provides for specific grounds for expulsion and requires the school board to distribute rules concerning student conduct to students and their parents at the beginning of each school year.
 - This will inform the student and his or her parent or guardian of what conduct is required and places the responsibility on the student and his or her parent or guardian for the student's actions.
- The bill provides for specific guidelines for the duration of the expulsion, thereby eliminating the current proliferation of permanent and indefinite expulsions, which federal courts have ruled are unconstitutional.
- The bill provides for automatic review of an expulsion that carries over into the first semester of the following school year to determine if the expulsion is still necessary or if the pupil should be readmitted into school before the expiration of the expulsion term.
- If the expulsion decision is appealed to the State Superintendent by the student, the expulsion decision is reviewed by the State Superintendent under Ch. 227 standard of review.
 - This will ensure consistency in expulsion decisions and protects against decisions being made arbitrarily.

- If an expelled student moves, SB 192 requires a receiving school district to review the expulsion decision of another school district to determine whether the receiving school board would have expelled the student and, if so, whether it would have done so for the same term. If it is determined that the receiving school district would have expelled the pupil for at least the same term the receiving school district is not required to accept the expelled pupil.
- Creates the Council on Pupil Discipline which will further analyze and develop strategies to deal with the problem of disruptive students in our classrooms.

WCA feels the provisions of SB 192 will address the problem of disruptive students in our classrooms. The bill requires that students and their parents be made aware of the conduct that is required in our schools, it provides students with the education they are entitled to if they are removed from school, and it satisfies the constitutional due process requirements that every student is entitled to prior to being deprived of an education.

Thank you for your attention to this important matter. We urge you to vote for Senate Bill 192, which is the only bill which addresses this urgent need in our schools. I will be glad to answer any questions that you may have about this bill.



State of Wisconsin
Department of Public Instruction

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John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

SENATE BILL 192
Testimony for the Senate Education Committee
August 13, 1997

Good afternoon, Chairperson Pötter and committee members, I am Beth Lewis, an Education Consultant and I am testifying on behalf of State Superintendent John Benson and the Department of Public Instruction. We appreciate the opportunity to provide informational testimony on this important bill.

The Department of Public Instruction has reviewed Senate Bill 192 at length, and I will try to address areas of support and concern in a consistent fashion. Perhaps the areas of concern can be amended so as to develop a proposal that will meet the needs of all students while recognizing the need to provide a safe educational environment within the fiscal constraints that districts are facing.

The department recognizes the merit in more clearly delineated reasons for expulsion as proposed in §120.13 (1) (c)1.; however, the following concerns exist:

- The clearer itemization of the reasons may help to bring clarity to allegations for expulsion for both the school and the student, but may also narrow the existing grounds by which school districts may expel.
- Language was omitted pertaining to threats or harm that occurs to school personnel outside of the school property or school sponsored event. This language currently exists in statute and should be replicated as one of the reasons for expulsion.
- The use of the term "substantial interference with school purposes" as cited in §120.13 (1) (c) 1. j. is widely open to interpretation and could range from serious acts to smoking outside the building too many times.
- The bill would benefit by the addition of language consistent with the present language for Milwaukee Public Schools which excludes habitual truancy as an expellable offense.

While we agree that time limited expulsion would be the most beneficial to students, we would suggest a compromise to the language on time limits and reviews. Instead of what is currently proposed, an alternative might be that the length of expulsion continue to be set by the district, but that a parent/student may request and the school board shall provide a review of expulsions that are longer than one semester for readmittance at each semester break.

The department supports requiring that educational services be provided to expelled students, however, the state must also provide support to school districts in meeting the needs of these children.

- State Superintendent John Benson proposed such a system in his 1997-99 Biennial Budget through the reallocation of Children at Risk funds. He requested the establishment of regional and district service centers for students who are at risk for dropping out of school, are dropouts, or have been suspended or expelled. These service centers could provide a valuable resource for both schools and parents in accessing educational services for expelled students, similar to what is proposed in Senate Bill 192.
- Parameters for educational services to expelled students must be established. One strategy might be limiting educational services to not exceed the average per pupil cost to the district.

The department supports the proposed language requiring distribution of the school district's rules as proposed in §120.12 (25). The applicability date for this provision should be clarified to cover how districts would address this issue during the first year of implementation. Clarification will help to prevent confusion and court challenges when this bill is enacted.

Clarification is also needed regarding the use of chapter 227 hearings:

- Use of chapter 227 hearings, as identified in the bill, may not apply to expulsion decisions. Threshold questions exist about whether an appeal of a district's expulsion qualifies as a "contested case" given that the "agency" under §227.01 (3) (a) - (c) and §227.42 (1) (a) whose action or inaction is reviewed is the state's not a municipality like a school district. These potential legal conflicts should be reviewed with the drafter prior to further action.
- This bill creates a substantial fiscal impact at both the state and local level including change and expansion of the expulsion language, the addition of a second, state level evidentiary hearing under chapter 227 and the extra requirements for local districts. If resources are available to fund changes of this magnitude, the department would rather emphasis be placed on prevention and alternatives to expulsion.

Because a purpose and scope has not been identified for the pupil discipline council, as proposed under §15.377 (8), the department is not in a position to comment.

Because the best solution to expulsion is creating school environments that are safe places for all students and provide the maximum opportunities to succeed, the department is working to stress the importance of preventing the behaviors for which students are being expelled. We thank you for this opportunity to testify; the department is willing to work with you on successful solutions for all students.



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
Fax (608) 266-3830

DATE: March 10, 1998
TO: REPRESENTATIVE REBECCA YOUNG
FROM: Jane R. Henkel, Deputy Director
SUBJECT: Assembly Substitute Amendment ____ (LRBs0460/4) to 1997 Assembly Bill 423, and Senate Substitute Amendment ____ (LRBs0577/1) to 1997 Senate Bill 192, Relating to Pupil Expulsions

This memorandum provides an analysis of:

1. LRBs0460/3, an Assembly substitute amendment to 1997 Assembly Bill 423, relating to pupil expulsions; and
2. LRBs0577/1, a Senate substitute amendment to 1997 Senate Bill 192, relating to pupil expulsions.

1997 Assembly Bill 423 and 1997 Senate Bill 192 are companion bills. Assembly Bill 423 was introduced by you and others; cosponsored by Senator Adelman. The Assembly Education Committee held a public hearing on the Bill on October 7, 1997. 1997 Senate Bill 192 was introduced by Senator Adelman. The Senate Committee on Education held a public hearing on the Bill on August 13, 1997.

LRBs0460/4 and LRBs0577/1 (hereinafter referred to as "the Substitute Amendments") are identical.

A. EXPULSION FOR TRUANCY

Current law provides that no pupil enrolled in the Milwaukee Public Schools may be suspended or expelled for truancy.

The Substitute Amendments extend this prohibition to all school districts in the state.

B. ALTERNATIVE PROGRAMS

1. During Term of Expulsion

The Substitute Amendments provide that if a pupil is expelled from school, the school board must offer the pupil and, if the pupil is a minor, the pupil's parent or guardian, an opportunity to meet with appropriate school personnel to discuss alternative education programs for the pupil during the term of the pupil's expulsion.

The Bill also provides that the school board *may* offer the pupil an alternative education program. The alternative education program shall do one of the following:

a. If the pupil has attained 9th grade status, allow the pupil to make progress toward meeting the high school graduation requirements specified in the statutes or attaining a declaration of high school graduation equivalency and, if appropriate, assist the pupil in preparing to reenter school in the school district at the end of his or her term of expulsion.

b. If the pupil has not yet attained 9th grade status, assist the pupil in preparing to reenter school in the school district at the end of his or her term of expulsion.

2. In Lieu of Expulsion

The Substitute Amendments also provide that a school board may decide not to pursue an expulsion or not to issue an expulsion order if the pupil, and the parent or guardian of a minor pupil, agrees to a plan in lieu of expulsion. The plan may specify a code of conduct for the pupil and may provide for the pupil to attend an alternative education program, as described under item 1., above. The plan shall specify an expiration date for the plan.

If a pupil agrees to a plan in lieu of expulsion and, subsequently, the school board determines that the pupil has violated that plan, the school board may reinstate the pupil's expulsion proceeding, based on its original grounds, in the following manner:

a. If the school board did not hold a hearing on the pupil's expulsion before agreeing to the plan in lieu of expulsion, the school board shall proceed with a hearing on the original expulsion. Notice of the hearing must include the reasons for reinstatement of the expulsion proceeding.

b. If the school board held a hearing before agreeing to the plan in lieu of expulsion, the school board is not required to hold an additional hearing but must provide at least five days written notice to the pupil and the parent or guardian of a minor pupil of the time and place at which it will consider reinstatement of the expulsion proceeding. The notice must specify the reasons for the reinstatement. After considering reinstatement of the expulsion proceeding, the school board may expel the pupil by issuing an expulsion order if the school board: (1) finds that the pupil engaged in conduct that constitutes grounds for expulsion; and (2) is satisfied that the interest of the school demands the pupil's expulsion. (These two criteria apply to all expulsions).

3. State Aid

The Substitute Amendments create a categorical aid program for the alternative education programs described under items 1. and 2., above.

Beginning in the 1999-2000 school year, the State Superintendent shall pay to each school district an amount equal to the school district's costs for alternative education programs under items 1. and 2., above, in the previous school year multiplied by the percentage of the school district's shared costs that were funded through the equalization aid formula in the previous school year. (These pupils and costs are not counted for the purposes of determining equalization aids.)

These costs and aid payments are included in computing the state's commitment to fund 2/3 of partial school revenues; the aid is outside of a school district's revenue limit. State aid would not be paid during the first year of the program (1998-99), since the aid is paid on a prior year basis. However, the revenue limit otherwise applicable to a school district in that school year is increased by the amount spent by the school district to provide the alternative education programs.

C. REPORTING

The Substitute Amendments create a new provision to require each school district to annually report to the State Superintendent, on a form developed by the State Superintendent, the following information for each *expulsion proceeding* during the previous school year:

1. The age, gender, race and grade of the pupil.
2. The school attended by the pupil.
3. The result of the proceeding.
4. Whether the pupil has been identified as a child with a disability.
5. If the pupil was expelled, the date and term of the expulsion and the grounds for the expulsion.

The report shall also include the number of expelled pupils who were allowed to return to school before the expiration of their terms of expulsion during the previous school year.

D. STUDY

The Substitute Amendments request the Joint Legislative Council to do all of the following:

1. Study strategies and programs used by schools and school districts to assist pupils who are experiencing disciplinary problems and the existing alternatives to suspension and expulsion.

2. Based on the study under item 1., above, identify the strategies and programs that have been successful in reducing disciplinary problems, suspensions and expulsions and that could be replicated by other school districts.

3. Study what happens to pupils who are expelled from school, including whether they return to and successfully complete school, their involvement with the juvenile justice system during and after the period of expulsion according to the length of the expulsion and other factors determined by the Council.

4. Report to the 1999 Legislature its findings and recommendations to implement strategies that have been successful in reducing disciplinary problems, suspensions and expulsions.

E. EFFECTIVE DATES; INITIAL APPLICABILITY

This act takes effect on July 1, 1998 and applies to expulsion proceedings initiated on or after that date. As described under Section B. 3., above, the new state aid for alternative education programs is first paid in the 1999-2000 school year.

JRH:wu:ksm;jt



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
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DATE: March 12, 1998
TO: REPRESENTATIVE REBECCA YOUNG
FROM: Jane R. Henkel, Deputy Director
SUBJECT: LRBa2028/1, An Amendment to Senate Substitute Amendment ____
(LRBs0577/1) to 1997 Senate Bill 192, Relating to Pupil Expulsions

This memorandum provides an analysis of LRBa2028/1, an amendment to Senate substitute amendment ____ (LRBs0577/1) to 1997 Senate Bill 192, relating to pupil expulsions.

Senate substitute amendment ____ (LRBs0577/1) is described in the attached memorandum.

LRBa2028/1 was prepared at your request. It amends the provisions of the substitute amendment relating to state aid.

The substitute amendment creates a categorical aid program for the alternative education programs that may be provided, under the substitute amendment, for pupils during the term of their expulsion or in lieu of expulsion. (See Sections B. 1. and 2. of the attached memorandum.) Under the categorical aid program, *as affected by LRBa2028/1*:

1. Beginning in the 1999-2000 school year, annually, the State Superintendent shall pay to each school district an amount equal to the school district's costs for the alternative education programs in the previous school year multiplied by the percentage of the school district's shared costs that were funded through the equalization aid formula in the previous school year.

2. The costs of the alternative education programs not reimbursed by the categorical aid described under item 1., above, are aidable under the equalization aid formula. Specifically, these pupils are included in the school district's membership count and the costs for the programs not aided under the categorical aid program are included in the school district's shared costs.

3. The categorical aid received for these programs is outside of the school district's revenue limit. (Equalization aid received by the school district for these programs and any property tax support used for these programs are subject to the school district's revenue limit.)

4. These costs are included in computing the state's commitment to fund 2/3 partial school revenues.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

JRH:jt:ksm:jt

Attachment