BILL HISTORY FOR ASSEMBLY BILL 447 (LRB –3490)

An Act to create 119.25 (2) (d) and 120.13 (1) (h) of the statutes; relating to: the conditional early reinstatement to school of a pupil who has been expelled from school. (FE)

1999

09–07. A. Introduced by Representatives **Olsen, Kestell, Musser, Ladwig, M. Lehman, Plouff, Albers, Handrick** and **Porter**; cosponsored by Senators **Darling, Rosenzweig, Welch** and **Huelsman.**

09–07. A. Read first time and referred to committee on Education 309

09–07. A. Fiscal estimate received.

09–07. A. Public hearing held.

09–07. A. Executive action taken.

09–14. A. Report passage recommended by committee on Education, Ayes 15, Noes 0 316

09–14. A. Referred to committee on Rules 316

09–15. A. Placed on calendar 9–21–1999 by committee on Rules.

09–21. A. Read a second time 330

09–21. A. Ordered to a third reading 330

09–21. A. Rules suspended 330

09–21. A. Read a third time and **passed** 330

09–21. A. Ordered immediately messaged 330

09–23. S. Received from Assembly 269

09–23. S. Read first time and referred to committee on Education 270

10–13. S. Public hearing held.

10–13. S. Executive action taken.

10–20. S. Report concurrence recommended by committee on Education, Ayes 11, Noes 0 292

10–20. S. Available for scheduling.

2000

03–14. S. Read a second time 502

03–14. S. Ordered to a third reading 502

03–14. S. Rules suspended 502

03–14. S. Read a third time and **concurred in** 502

03–14. S. Ordered immediately messaged 503

03–15. A. Received from Senate concurred in.

1999
ENROLLED BILL

99en A B- 447

ADOPTED DOCUMENTS:

☒ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **99** - 34901 1

Amendments to above (if none, write "NONE"): None

Corrections – show date (if none, write "NONE"): None

Topic Conditional early reinstatement to school

3/15/01
Date

Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling

DISTRIBUTION:

HOUSE OF ORIGIN:

- **11 copies plus bill jacket**
- **Secretary of State's envelope containing 4 copies plus newspaper notice**

REVISOR OF STATUTES:

- **5 copies**

DEPARTMENT OF ADMINISTRATION:

- **2 copies**

LRB:

- **Drafting file** ..... **original**
- **Drafting attorney** ..... **1 copy**
- **Legal section editors** ..... **1 copy each**
- **Reference section** ..... **1 copy**
- **Bill index librarian** ..... **1 copy**

[rev: 6/5/98 1999enroll(fm)]

1999 ASSEMBLY BILL 447

September 7, 1999 – Introduced by Representatives OLSEN, KESTELL, MUSSER, LADWIG, M. LEHMAN, PLOUFF, ALBERS, HANDRICK and PORTER, cosponsored by Senators DARLING, ROSENZWEIG, WELCH and HUELSMAN. Referred to Committee on Education.

1 AN ACT *to create* 119.25 (2) (d) and 120.13 (1) (h) of the statutes; **relating to:** the
2 conditional early reinstatement to school of a pupil who has been expelled from
3 school.

Analysis by the Legislative Reference Bureau

This bill authorizes a school board, or independent hearing panel or independent hearing officer authorized by the school board to make expulsion decisions, to impose one or more early reinstatement conditions under which a pupil who is expelled from school may be reinstated to school before the end of the term of his or her expulsion. An early reinstatement condition may be: 1) a condition that a pupil is required to meet before he or she may be granted early reinstatement; or 2) a condition that a pupil is required to meet after his or her early reinstatement but before the end of the term of the expulsion specified in the pupil's expulsion order. The early reinstatement conditions must be related to the reasons for the pupil's expulsion and must be specified in the expulsion order.

The determination by an independent hearing panel or independent hearing officer regarding whether a reinstatement condition is related to the reasons for the pupil's expulsion may be appealed to the school board. The school board's decision regarding that determination is final.

If the school district administrator or his or her designee, who must be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she must meet before being granted early reinstatement, the school district administrator or designee may

grant the pupil early reinstatement. The determination of the school district administrator or designee is final.

If a pupil violates an early reinstatement condition that applies after his or her early reinstatement but before the end of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Before revoking the early reinstatement, the school district administrator or his or her designee must advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation and make a determination that the pupil violated the early reinstatement condition and that revocation of the early reinstatement is appropriate.

If the school district administrator or designee determines to revoke the early reinstatement, the school district administrator or designee must give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, and may exclude the pupil from school. Within five school days after the revocation, the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who must be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it must be held within five school days following the request.

If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil must be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation must be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she must mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or designee on the revocation is final.

If the pupil's early reinstatement is revoked, the pupil's expulsion continues to the end of the expulsion term specified in the expulsion order, unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

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:

1 **SECTION 1.** 119.25 (2) (d) of the statutes is created to read:

1 119.25 **(2)** (d) 1. In this paragraph:

2 a. "Early reinstatement" means the reinstatement to school of an expelled pupil
3 before the expiration of the term of expulsion specified in the pupil's expulsion order
4 under par. (b).

5 b. "Early reinstatement condition" means a condition that a pupil is required
6 to meet before he or she may be granted early reinstatement or a condition that a
7 pupil is required to meet after his or her early reinstatement but before the
8 expiration of the term of expulsion specified in the pupil's expulsion order under par.
9 (b).

10 2. An independent hearing panel or independent hearing officer appointed by
11 the board may specify one or more early reinstatement conditions in the expulsion
12 order under par. (b) if the early reinstatement conditions are related to the reasons
13 for the pupil's expulsion. Within 15 days after the date on which the expulsion order
14 is issued, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian
15 may appeal the determination regarding whether an early reinstatement condition
16 specified in the expulsion order is related to the reasons for the pupil's expulsion to
17 the board. The decision of the board regarding that determination is final and not
18 subject to appeal.

19 3. If the superintendent of schools or his or her designee, who shall be someone
20 other than a principal, administrator or teacher in the pupil's school, determines that
21 a pupil has met the early reinstatement conditions that he or she is required to meet
22 before he or she may be granted early reinstatement, the superintendent of schools
23 or designee may grant the pupil early reinstatement. The determination of the
24 superintendent of schools or designee is final.

4. If a pupil violates an early reinstatement condition that the pupil was required to meet after his or her early reinstatement but before the expiration of the term of expulsion, the superintendent of schools or a principal or teacher designated by the superintendent of schools may revoke the pupil's early reinstatement as provided in s. 120.13 (1) (h) 4.

5. Except as provided in subd. 6., if the pupil's early reinstatement is revoked under subd. 4., the pupil's expulsion shall continue to the expiration of the term specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

6. Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the superintendent of schools or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the superintendent of schools or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the superintendent of schools or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the superintendent of schools or her designee is final.

SECTION 2. 120.13 (1) (h) of the statutes is created to read:

120.13 **(1)** (h) 1. In this paragraph:

a. "Early reinstatement" means the reinstatement to school of an expelled pupil before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (c) 3. or (e) 3.

b. "Early reinstatement condition" means a condition that a pupil is required to meet before he or she may be granted early reinstatement or a condition that a pupil is required to meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (c) 3. or (e) 3.

2. A school board, or an independent hearing panel or independent hearing officer acting under par. (c), may specify one or more early reinstatement conditions in the expulsion order under par. (c) 3. or (e) 3. if the early reinstatement conditions are related to the reasons for the pupil's expulsion. Within 15 days after the date on which an expulsion order is issued by an independent hearing panel or independent hearing officer, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the pupil's expulsion to the school board. The decision of a school board regarding that determination is final and not subject to appeal.

3. If the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.

4. If a pupil violates an early reinstatement condition that the pupil was required to meet after his or her early reinstatement but before the expiration of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Before revoking the pupil's early reinstatement, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation and make a determination that the pupil violated the early reinstatement condition and that revocation of the pupil's early reinstatement is appropriate. If the school district administrator or designee revokes the pupil's early reinstatement, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

5. Except as provided in subd. 6., if a pupil's early reinstatement is revoked under subd. 4., the pupil's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

6. Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following

1 the request. If, after the conference, the school district administrator or his or her
2 designee finds that the pupil did not violate an early reinstatement condition or that
3 the revocation was inappropriate, the pupil shall be reinstated to school under the
4 same reinstatement conditions as in the expulsion order and the early reinstatement
5 revocation shall be expunged from the pupil's record. If the school district
6 administrator or his or her designee finds that the pupil violated an early
7 reinstatement condition and that the revocation was appropriate, he or she shall
8 mail separate copies of the decision to the pupil and, if the pupil is a minor, to the
9 pupil's parent or guardian. The decision of the school district administrator or his
10 or her designee is final.

11 **SECTION 3. Initial applicability.**

12 (1) The treatment of sections 119.25 (2) (d) and 120.13 (1) (h) of the statutes first
13 applies to expulsion orders issued on the effective date of this subsection, except as
14 follows:

15 (a) If a pupil is serving a term of expulsion on the effective date of this
16 paragraph, the pupil or, if the pupil is a minor, the pupil's parent or guardian and the
17 board of school directors, school board, independent hearing panel or independent
18 hearing officer may agree, in writing, to modify the applicable expulsion order to
19 incorporate one or more early reinstatement conditions as provided in section 119.25
20 (2) (d) 2. or 120.13 (1) (h) 2. of the statutes, as created by this act. If such modification
21 is made, section 119.25 (2) (d) 3. to 5. or 120.13 (1) (h) 3. to 6. of the statutes, as created
22 by this act, applies to the modified order.

23 (b) If a pupil is serving a term of expulsion on the effective date of this
24 paragraph and the applicable expulsion order contains one or more early
25 reinstatement conditions as defined in section 119.25 (2) (d) 1. b. or 120.13 (1) (h) 1.

1 b. of the statutes, as created by this act, which meet the requirements of section
2 119.25 (2) (d) 2. or 120.13 (1) (h) 2. of the statutes, as created by this act, section 119.25
3 (2) (d) 3. to 5. or 120.13 (1) (h) 3. to 6., as created by this act, applies to the order.
4 **(END)**