



## 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

**ASSEMBLY BILL 447**

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:

**ASSEMBLY BILL 447**

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.

**ASSEMBLY BILL 447****SECTION 1**

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

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

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

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

**ASSEMBLY BILL 447**

1           120.13 (1) (h) 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. (c) 3. or (e) 3.

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 (c) 3. or (e) 3.

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

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

**ASSEMBLY BILL 447****SECTION 2**

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

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

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

**ASSEMBLY BILL 447**

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.

**SECTION 3. Initial applicability.**

11  
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.

**ASSEMBLY BILL 447**

**SECTION 3**

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)