

1973 Assembly Bill 252

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**CHAPTER 94 , Laws of 1973**

AN ACT to amend 120.13 (1) of the statutes, relating to suspension and expulsion of pupils from public schools.

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

**SECTION 1. Purpose and findings.** The purpose of this act is to provide access to educational opportunity for pupils, to provide for the orderly operation of public elementary and high schools in this state, and to ensure fairness in the administration of school rules. The legislature finds that suspension of a pupil from school is for the purpose of bringing the pupil, his parent or guardian, teachers, counselors and school officials together to discuss and resolve the pupil's academic and disciplinary problems.

**SECTION 3.** 120.13 (1) of the statutes is amended to read:

120.13 (1) SCHOOL GOVERNMENT RULES; SUSPENSION; EXPULSION. (a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when ~~signed~~ approved by a majority of the school board and filed with the school district clerk.

(b) The school district administrator or a any principal or teacher designated by the school board ~~him~~ also may make rules, with the consent of the school board, and may suspend a pupil for not more than 3 school days or, if a notice of expulsion hearing has been sent under par. (c), for not more than a total of 7 consecutive school days for noncompliance with such rules or school board rules, or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that he is guilty of noncompliance with such rule, or of the conduct charged, and that his suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason therefor. The suspended pupil or his parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school. If the school district administrator or his designee finds that the pupil was suspended unfairly or unjustly, or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the pupil's school record shall be expunged. Such finding shall be made within 15 days of said conference. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

(c) The school board may expel a pupil from school whenever it finds him guilty of ~~persistent~~ repeated refusal or neglect to obey the rules, or finds that he engaged in conduct while at school or while under the supervision of a school authority which endangers the property, health or safety of others, and is satisfied that the interest of the school demands his expulsion. Prior to such expulsion, the school board shall hold a hearing thereon. Not less than 5 days' written notice of the hearing shall be sent to the pupil and, if the pupil is a minor, to his parent or guardian, specifying the particulars of the alleged refusal, neglect or conduct, stating the time and place of the hearing and stating that the hearing may result in the pupil's expulsion. The pupil and, if the pupil is a minor, his parent or guardian may be represented at the hearing by counsel. The school board shall keep written minutes of the hearing. Upon the ordering by the school board of the expulsion of a pupil, the school district clerk shall file mail a notice copy of such the order with to the pupil and, if the pupil is a minor, to his parent or guardian of the pupil. ~~A~~ The expelled pupil or, if the pupil is a minor, his parent or guardian of an expelled pupil may appeal the expulsion to the state superintendent. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph shall be printed in full on the face or back of the notice.