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## STUDENT DISCIPLINE: DETENTION, SUSPENSION AND EXPULSION

The Evansville Community School District Board of Education expects each school to establish a safe and nurturing learning environment. In order to maintain a positive school environment for all, student detention, suspension or expulsion may be necessary.

### Detention

Detention is defined as detaining a student for inappropriate behavior as outlined in the Student and Family Handbooks. Detention rules and regulations shall be established by the building principal and published in the Student and Family Handbooks. Student detentions shall occur either before or after school hours or on Saturday and shall be supervised by a person assigned to that duty by the building principal or the District Administrator. All students must provide their own transportation when serving detentions. Students who fail to serve assigned detentions may be suspended from school. Failure to serve an attendance related detention may result in a referral to the Evansville Police Department.

### Suspension

Suspension is defined as a disciplinary action that is issued by an administrator or their designee as a consequence of a student's inappropriate behavior and requires that a student not attend classes and school activities, be on school grounds and/or utilize school transportation services for a specified period of time.

An administrator or designee may suspend a student for not more than five (5) school days (or, if a Notice of Expulsion Hearing has been sent to the student and the student's parent(s)/guardian(s), for not more than a total of fifteen (15) consecutive school days) for any of the following reasons:

1. Noncompliance with school rules or school board policies and guidelines.
2. Knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.
3. Conduct by the student while at school or while under the supervision of a school authority that endangers the property, health or safety of others.
4. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the District in which the student is enrolled.

Prior to any suspension, the student shall be provided due process and advised of the reason for the proposed suspension. The student may be suspended if it is determined that the student is guilty of noncompliance with a school or District policy, or of the conduct charged, and that the student's suspension is reasonably justified. The Administration will provide the parent(s)/guardian(s) of a suspended minor student with prompt notice of the suspension and the reason for the suspension.

A suspended student shall not be denied the opportunity to take any assessments or to complete course work missed during the suspension period, as provided in the attendance policy.

The Administration may offer suspended students an opportunity to participate in a particular support program or intervention activity related to their misconduct in addition to suspension. The Administration, in its sole discretion and consistent with applicable law, may offer these options at either District or family expense.

The District will follow applicable state and federal law regarding due process, student discipline, and suspensions.

### Suspension Appeal

The suspended student or the student's parent(s)/guardian(s) may, within five (5) school days following the commencement of the suspension, have a conference with the District Administrator or designee who shall be someone other than a principal, administrator or teacher in the suspended student's school.

If the District Administrator or designee finds that the student was suspended unfairly or unjustly, or that the suspension was inappropriate, given the nature of the alleged offense, or that the student suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the student's school record shall be expunged. The District Administrator or designee shall make a finding within fifteen (15) days of the conference.

### Suspension Review Meeting

When deemed appropriate by an Administrator, a Suspension Review Meeting will be requested before recommending expulsion. The Administration will invite the student and the student's parent(s)/guardian(s) to the suspension review meeting, and the following administrators will attend: District Administrator and administrator(s) involved in the incident. During this meeting, the Administrator(s) involved will present the facts of the case and supporting documentation. The review panel (District Administrator and up to two administrator designees) may ask questions of the Administrator(s). This meeting will also provide the student and parent(s)/guardian(s) another opportunity to hear, refute and/or present any additional information pertaining to the offense. The review panel may ask questions of the student and parent(s)/guardian(s). This is not an expulsion hearing so witnesses will not be called.

The purpose of the meeting is an administrative review of the facts related to a student suspension. Possible outcomes include, but are not limited to, referral for expulsion.

### Expulsion

Expulsion means an action taken by the Board to prohibit a student from further enrollment in the District, presence on school grounds and presence at school-sponsored/school-related activities, and/or prohibited school transportation services for a period of time determined by the Board. Before expelling a student, the Board must hold an expulsion hearing.

### Grounds for Expulsion

Students may be expelled from school or school transportation services if the Board determines that the continued safety of the school necessitates the student's expulsion. In making the decision to expel a student, the Board shall evaluate the case of student misconduct using the following list of grounds for expulsion:

1. Repeated refusal or neglect to obey the rules, or school board policies and guidelines.

2. Knowingly conveying or causing 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 means of explosives.
3. Conduct while at school, on school transportation services, or while under the supervision of a school authority which endangered the property, health or safety of others.
4. Conduct while not at school or while not under the supervision of a school authority engaged in conduct which 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 employee or school board member of the District in which the student is enrolled.

Note: Conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

5. Students at least 16 years old who repeatedly engage in conduct while at school, on school transportation services, or while under the supervision of a school authority that disrupt the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority, that does not constitute grounds for expulsion under steps 1-4, above.

The District will follow applicable state and federal law regarding due process, student discipline, suspensions, and expulsions.

#### Notice of Expulsion Hearing

The District shall send written notice of the expulsion hearing to the student and, if the student is a minor, to the student's parent(s)/guardian(s) not less than five (5) days before the hearing. The notice shall state all of the following:

1. The specific statutory grounds for the expulsion and the particulars of the student's alleged conduct upon which the expulsion proceeding is based.
2. The time and place of the hearing.
3. That the hearing may result in the student's expulsion.
4. That, upon request of the student and, if the student is a minor, the student's parent(s)/guardian(s), the hearing shall be closed.
5. That the student and, if the student is a minor, the student's parent(s)/guardian(s) may be represented at the hearing by counsel.
6. That the Board shall keep written minutes of the hearing.
7. That if the Board orders the expulsion of the student the District clerk shall mail a copy of the order to the student and, if the student is a minor, to the student's parent(s)/guardian(s).
8. That if the student is expelled by the Board the expelled student or, if the student is a minor, the student's parent(s)/guardian(s) may appeal the Board's decision to the Department of Public Instruction (the DPI)
9. That if the Board's decision is appealed to the DPI within 60 days after the date on which the DPI receives the appeal, the DPI shall review the decision and shall, upon review, approve, reverse or modify the decision.
10. That the decision of the Board shall be enforced while the DPI reviews the school Board's decision.
11. That an appeal from the decision of the DPI may be taken within 30 days to the circuit court for the county in which the school is located.
12. The state statutes related to student expulsion.

Legal Ref.: Sections 115.787(3) Wisconsin Statutes (Individualized Education Programs)  
118.13 (Pupil Discrimination Prohibited)  
118.127 (Law Enforcement Agency)  
118.31 (Corporal Punishment)  
118.16(4) (School Attendance Enforcement)  
119.25 (Expulsion of Pupils)  
120.13(1) (School Board Powers)  
PI 9.03(1) of the Wisconsin Administrative Code  
Federal Laws: 18 U.S.C. 921 (a)(3)  
Individuals With Disabilities Education Act (IDEA)

Local Ref.: Policy #447.1 – Use of Seclusion and Physical Restraint by Staff  
Policy #411.1 – Prohibition of Student Discrimination and Harassment  
Policy #411.3 – Prohibition of Student Bullying