

CONDUCT - CAUSES AND PROCEDURES FOR DISCIPLINARY ACTION

PURPOSE

- To outline clearly the types of conduct for which the student, may be liable for disciplinary action.
- To indicate procedures for handling student discipline cases.
- To ensure due process in matters of student suspension and expulsion action.

PROCESS

All disciplinary actions, including suspension and expulsion, will comply with the School District of New Berlin's Nondiscrimination Policy 5110.

The Board will follow all state and federal laws when considering a student with a disability for discipline, suspension or expulsion.

Students will comply with the rules for government of schools and pursue the prescribed and approved course of study. Every effort will be made to inform students and parents of the school rules, the procedures by which schools are governed, and the discipline invoked.

All decisions affecting the discipline, records, and continuance of a student in school will be based on careful and reasoned investigations of the facts and the consistent application of rules and regulations.

Causes for disciplinary action shall include, but not be limited to the following:

1. Noncompliance with the Code of Classroom Conduct (Policy 5131.10) or with School Board rules;
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 (including making a threat to the health or safety of a person or making a threat to damage property);
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 school district in which the student is enrolled (including making a threat to the health or safety of a person or making a threat to damage property).
5. Disruption of school -- A student will not disrupt or attempt to disrupt a school function.
6. Theft of private or school property -- A student will not steal or attempt to steal private or school property.
7. Assault on any person, possession of weapons and dangerous instruments --A student will not endanger any person, or possess, handle or transmit any object that can be reasonably considered a weapon:

- a. On the school grounds and in the school building including daily and extracurricular bus transportation;
- b. Off the school grounds at any school sponsored activity;

In addition, student hazing or unauthorized initiations will not be allowed.

8. Drug and chemical substances -- A student will not possess, use, sell, be under the influence of, or transmit in any form; alcoholic beverages; chemical substances that are stimulants, depressants, hallucinogens, narcotic, volatile substances, or cannabis derivatives of any kind.
 - a. On the school grounds and in the school building including daily and extracurricular bus transportation;
 - b. Off the school grounds at any school sponsored activity;
9. A student will not possess, use or sell tobacco products of any kind.
 - a. On the school grounds and in the school building including daily and extracurricular bus transportation;
 - b. Off the school grounds at any school sponsored activity;
10. The possession of drug paraphernalia.
11. Absences and tardiness -- A student shall not be tardy or absent from school without reasonable cause. This shall include in-school truancy.
12. A student will not repeatedly obstruct or fail to comply with directions of teachers, or other authorized school personnel during any period of time when he or she is properly under the authority of the school. Students who do not respond to guidance or minor discipline must accept the consequences of such action. Willful disobedience, open defiance of a teacher's authority, or the use of profane, obscene, derogatory ethnic, derogatory racial, or other similar inflammatory language, or inflammatory gestures, is also sufficient cause for discipline.

Summary Procedure

It is recommended that a principal or teacher use the following guidelines in dealing with minor infractions:

1. Deal with the student in a positive manner
2. Involve parents in disciplinary procedures
3. Seek alternate solutions to solve problems

Suspension Procedure

The principal may suspend any student whenever he/she finds the student guilty any of the following conduct and becomes satisfied that the best interests of the child and the school demand the student's suspension:

- Noncompliance with the Code of Classroom Conduct (Board Policy #5131.10) or with School Board rules;
- 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;

- 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 (including making a threat to the health or safety of a person or making a threat to damage property);
- 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 school district in which the student is enrolled (including making a threat to the health or safety of a person or making a threat to damage property).

The principal shall suspend a student if the school district administrator, principal or teacher determines that the student, while at school or while under the supervision of a school authority, possessed a firearm, provided the student was not legally hunting in a school forest if allowed by the School District.

A student will have notice of charge(s) in such terms as will permit him/her to change his/her course of conduct, or show that he is innocent of the conduct charge.

Before ordering the suspension, the principal or his designee shall:

1. Inform the student of the charge, including the specific acts that support the charge, and of the suspension. On out-of-school suspensions, the student may be sent home for no longer than a five-day period.
2. Notify the parents or guardians immediately by telephone, if possible, of the suspension and the reasons for the action.

After ordering the suspension, the principal or his designee shall:

1. Mail a letter to the parents or guardians, with a copy to the appropriate superintendents, stating the date, the charge, and the specific acts that support the charge, with procedures to be followed by the student and his parents or guardians for reinstatement.
2. Arrange a conference with the parents or guardians.
3. Within five (5) days following the commencement of the suspension, the suspended student or his/her parents, or guardian may have a conference with the School District administrator or his designee. If it is determined that the suspension was unfair, unjust, or inappropriate, or that the student suffered undue consequences or penalties as a result of the suspension, references to the suspension must be expunged from the student's record.
4. This finding must be made within fifteen (15) days after the conference. A suspended student may not be denied the opportunity to take any quarter, semester or grading period examinations missed during the period of the suspension.
5. After the third suspension in a school year, the Principal shall arrange a pre-expulsion conference.

Pre-Expulsion Conference

Before the implementation of an expulsion procedure, except in cases of a sale or transfer of drugs, the Superintendent of schools or his/her designee, will hold a meeting with the following in attendance: the student, the parent, guardian or legal custodian, the principal or his designee, a psychologist (if necessary) and a guidance counselor. The purpose of the meeting will be:

1. To review the documented persistence of not complying to school rules
2. To review the efforts made to help the student
3. To advise the student that the next step may be a recommendation for expulsion.
4. To summarize the implications of expulsion.

Expulsion Procedures

The Superintendent may waive the pre-expulsion conference if he deems the gravity of the disciplinary offense requires immediate action.

The Board may expel a student whenever it finds the student guilty of any of the following conduct and is satisfied that the interest of the school demands the student's expulsion:

- The student repeatedly refused or neglected to obey rules;
- The student 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 means of explosives;
- The student engaged in conduct while at school or away from school which endangered the property, health or safety of others under the supervision of school authority (including making a threat to the health or safety of a person or making a threat to damage property);
- The student 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 (including making a threat to the health or safety of a person or making a threat to damage property);
- The student engaged in conduct which endangered the property, health or safety of any employee or school board member of the school district in which the student is enrolled (including making a threat to the health or safety of a person or making a threat to damage property); or
- The student is at least 16 years old and has 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.

The Board shall commence expulsion proceedings and expel a student for not less than one year whenever it finds that the student, while at school or while under the supervision of a school authority, possessed a firearm, provided the student was not legally hunting in a school forest if allowed by the School District.

At least 5 days before ordering an expulsion hearing, the Board shall provide the student and parent, guardian, or legal with a written notice that includes all information required by s. 120.13(1)(c)(4), Wis. Stats., or, if the school appoints an independent hearing panel or officer, s. 120.13(1)(e)(4), Wis. Stats.

At the expulsion hearing, the Board shall:

1. Advise the student of his/her privilege to remain silent
2. Permit the student, his/her parent, guardian or legal custodian to present evidence to support their respect
3. To maintain a complete written record of the hearing

After the expulsion hearing, the Board shall:

1. Adjudicate the matter before it with reasonable promptness;
2. Make its findings and conclusions in writing available to all parties;
3. Notify the pupil and parent, guardian, or legal custodian that an expulsion decision may be appealed to the State Superintendent of Schools.

Definitions

1. Summary Procedures - Discipline for minor infractions or infractions of an emergency nature. In repeated cases, a written record will be maintained.
2. Out-of-School Detention –Requiring a student to return to school on a Saturday or other designated non-school days, except Sundays or legal holidays.
3. Out-of-School Suspension –
 - a. A temporary exclusion from school for a period not to exceed five (5) school days.
 - b. Exclusion in cases being investigated pending expulsion after a notice of expulsion hearing has been sent for a period not to exceed fifteen (15) school days.
4. Pre-expulsion Conference
A conference conducted by the superintendent or his/her designee including student, parent, guardian, or legal custodian, the Principal or his/her designee, a psychologist (if necessary) and a guidance counselor.
5. Expulsion
Release of a student from school attendance for a period of time to be determined by the Board of Education.

LEGAL REFERENCE

Wisconsin Statutes § 120.13 (1)

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