MODEL POLICY #11

STUDENT DISCIPLINE (WISCONSIN)

Why Adopt This Policy?

It is important to have clear, up-to-date, and specific procedures when it comes to the discipline of students. School boards should consider adopting a policy that ensures regular review and updates of discipline guidelines and procedures, helping the district to make informed decisions and remain in compliance with applicable laws, while prioritizing a learning environment with minimal disruptions and learning loss.

Note: *This policy is designed to be able to be implemented in Wisconsin. WILL has also published a model policy on Student Discipline that is designed to be able to be implemented in any state.*

Policy

In the use of disciplinary authority, including suspension and expulsion authority, neither the Board nor any employee or school administrator may discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability.

Before the beginning of the school year, the School Board shall determine:

1. A specification of what constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively under Wis. Stat. § 118.164(2);
2. Any grounds in addition to those under subd. 1. for the removal of a pupil from the class under Wis. Stat. § 118.164(2);
3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under Wis. Stat. § 118.164;
4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under Wis. Stat. § 118.164(2).

A description of the above-referenced determinations regarding discipline shall be provided to parents at least once annually, at the beginning of the school year, such as in the student handbook.

The School Board endorses alternatives to out-of-school suspension when appropriate. Such alternatives may include, but are not limited to, before-school detention, lunch/recess detention, after-school detention, Saturday detention, and in-school suspension.

In-school discipline alternatives to out-of-school suspension may be offered at the discretion of the principal for inappropriate conduct pursuant to District policy.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. No student shall be refused transportation services until the parent has been notified and other suitable transportation arrangements have been made. Notification to the parent is the responsibility of District personnel and should be made prior to the departure of school buses. If a parent cannot be contacted, the child should be detained on another day.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under state law.

Legal Analysis

Wisconsin law specifically addresses requirements for student discipline by school districts including school board powers for suspension and expulsion and requirements related to the removal of a student from class. *See* Wis. Stat. § 120.13; Wis. Stat. § 118.164. Federal law also limits disciplinary options for students with disabilities, such as when conduct in violation of school policy is determined to be a manifestation of the disability of a student. *See* 20 U.S.C. § 1415(k)(1)(E); 34 C.F.R. § 300.530.

WISCONSIN INSTITUTE FOR LAW & LIBERTY

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