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**MILWAUKEE
PUBLIC SCHOOLS**

Expulsion Audit

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Audit Services

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SCOPE AND OBJECTIVES

Scope

- Review period 07/01/22 to 01/31/24.
- Review expelled, early reinstatement, and revocation of early reinstatement students.

Objectives

- Do policies, procedures, guidelines, and manuals exist for the district to follow for student expulsion?
- Are the district's policies, procedures, guidelines, and manuals for student expulsion in compliance with the Wisconsin State Statutes?
- Do the district's expulsion processes agree to the Wisconsin statutory requirements?
- Do the district's early reinstatement and revocation of early reinstatement processes agree to the Wisconsin statutory requirements?

What We Did To Address The Audit Objectives

- Held meetings with the departmental director, manager, and staff as necessary throughout the audit process.
- Conducted interviews with the departmental manager and staff.
- Reviewed the state statues and district administrative policies and procedures.
- Reviewed the departmental guideline and manual also known as internal controls related to student expulsion.
- Reviewed supporting documents including student expulsion records and listened to the expulsion recordings for the sample tested.

Areas that the Department Excels

- The Department of Student Services has guidelines, policies, procedures, and controls in place for the district to review, recommend, and approve student expulsion.
- The process is adequate as designed and operated in accordance with the state statutes and district administrative policies and procedures.
- Student expulsion records are well maintained and made available upon request.
- The department provide training for school administrators and Central Services staff that support school-based discipline.

Recommendations to Enhance Demonstrated Compliance

FINDING, RECOMMENDATION, RESPONSE #1

Audit Finding

There is statutory language in a separate paragraph 120.13 (2) that references students at least 16 years old who may be subject to expulsion. The Administrative Guide to Discipline did not include this reference.

The 2023-24 Administrative Guide to Discipline and Behavior Management Tool did not include specific language from 120.13 (c) (2m) relative to possession of a firearm.

Audit Recommendation

The Department of Student Services should add the missing references from the Wis. State Statute 120.13-School Board Powers (1)(c)(2m) and 120.13 (2) to the department's 2024-25 Administrator Guide to Discipline and Behavior Management Tool.

Management Response

1. The department will update the 2024-25 Administrator Guide to Discipline to include the statement "at least 16 years old" so that the guideline reflects the exact language in the statute.
2. The department will add language from the State Statute to the Administrative Guide to Discipline to address the act of possessing a firearm.

FINDING, RECOMMENDATION, RESPONSE #2

Audit Finding

For 1 of 50 (2%) samples tested, the Notice of Student Expulsion Hearing did not include the statement under Wis. State Statue 120.13(1)(e)(4)(f) related to record keeping.

Audit Recommendation

The Department of Student Services should ensure that all Notices of Student Expulsion Hearing include all the information specified in the Wis. State Statue 120.13(1)(e)(4).

Management Response

As of November 2022, this change was reflected in written communications. The Notice of Student Expulsion Hearing (NSEH) was updated to meet all of the statutory notice requirements by using the exact wording from the statute.

FINDING, RECOMMENDATION, RESPONSE #3

Audit Finding

For seven of 50 (14%) samples tested, the expulsion hearing recording has issues including two samples that did not have a recording on file, two samples had a recording on file but the recording did not have clear video and audio, two samples have a recording on file with video but did not have audio, and one sample has only 5 minutes of the recording toward the end of the expulsion hearing on file.

Audit Recommendation

The Department of Student Services should ensure that all expulsion hearings are properly recorded, and all recordings of the expulsion hearing are maintained with complete video and audio.

Management Response

The Department of Student Services has revised the independent hearing officer's script to require the testing of both the speaker and microphone prior to commencing the hearing and when returning from deliberation. This will ensure that the recording is on and not muted. The technology has been updated, which will result in extremely minimal to zero audio/visual recording errors.

FINDING, RECOMMENDATION, RESPONSE #4

Audit Finding

1. For two of 50 (4%) samples tested, the parent and student were not present at the expulsion hearing and the IHO did not state if the hearing was open or closed.
2. For 17 of 50 (32%) samples tested, the IHO did not comply with Administrative Procedures 8.32 5(b) and 8(a) to keep the hearing open to the public when the student and the parent or guardian were not present.

Audit Recommendation

1. The department should ensure that when the student and parent or guardian are not present at the expulsion hearing, the IHO states for the record that the expulsion hearing is open or closed.
2. The department should update the Administrative Procedures 8.32 5(b) and 8(a) to reflect the department's current practice allowing the IHO to determine if the expulsion hearing is open or closed when the student and parent or guardian are not present at the hearing.

Management Response

The department will consider bringing forth an updated version of Administrative Policy and Procedure 8.32 5(b) and 8(a) during the next round of policy review. In the meantime, the IHO script will be updated to reflect a clear statement rendering the hearing closed in the absence of the parent or student for the purpose of protecting their privacy and student records.

FINDING, RECOMMENDATION, RESPONSE #5

Audit Finding

For 21 of 50 (42%) samples tested, a Preliminary Expulsion Hearing (PEH) or Investigative Review (IR) conference was not held within 5-days from the first day of the student suspension and when the conference was held beyond the 5-day period the student was not returned to school or given temporary placement after the 5-day suspension period ended.

Audit Recommendation

The department should ensure that page 34 of the manual is updated to reflect the department's current practice and to agree to the Wis. State Statue 120.13(1)(b)(4), Administrative Policy 8.31, and Administrative Policy 8.28 including (1) changing language from must to may and (2) the student is returned to school or given temporary placement if the PEH or IR conference was not held within 5-days.

Management Response

The 2024-25 Administrator's Guide to Discipline has been updated to reflect the language from must to may, which will allow the department to continue to meet and honor the requests of parents relative to scheduling.

Student Services will update the Administrator's Guide to Discipline to align temporary placements to the State Statutory requirements which only requires a temporary placement on day 16.

FINDING, RECOMMENDATION, RESPONSE #6

Audit Finding

For 1 of 50 (2%) samples tested, a Special Education student, the expulsion hearing was not held within 15 days and there was no support documentation provided by the Department of Specialized Services to support that the student was given a school placement or homebound instruction, pending the expulsion hearing.

Audit Recommendation

The Department of Specialized Services needs to ensure that if the expulsion hearing is held beyond the 15 days, proper documents are maintained on file to support that the student is given a school placement or homebound instruction, pending the expulsion hearing.

Management Response

The Department of Specialized Services provides school placement for students with an IEP. They are responsible for communicating to the Student Services supervisor the specifics of the educational services to be provided pending the expulsion hearing. By September 6, 2024, the department will coordinate with the Department of Specialized Services to develop a process to ensure that the temporary enrollment and/or plan of provision for services is included in the student expulsion file.

Best Practices

BEST PRACTICE, RECOMMENDATION, RESPONSE #1

Best Practice

For the expulsion hearing, the recording is the only place where the attendees name, position, and title are read into the record. If the recording does not work, there are no other documents that show who attended the expulsion hearing.

Recommendation

The Department of Students Services should have a sign-in sheet for each expulsion hearing and require the attendees to provide their name, position, title, and sign and date the sign-in sheet. The sign-in sheet should be maintained in the student's expulsion file.

Management Response

The department will incorporate a sign-in sheet at expulsion hearings to document who was present during the hearing. The sign-in sheet will be scanned and saved into the student's expulsion file.

BEST PRACTICE, RECOMMENDATION, RESPONSE #2

Best Practice

The 2023-24 Administrator Guide to Discipline and Behavior Management Tool states that “In cases involving students with special needs, the Special Services supervisor or the LEA must attend the conference conducted by the Student Services supervisor.” The Special Services supervisor is from the Department of Specialized Services and the LEA is from the Department of School Administration, two different departments, and only one individual is required to be at the conference.

Recommendation

The Department of Student Service should ensure that there is clear communication between the two departments to ensure that a Special Services supervisor or LEA always attends the conference.

Management Response

We are working in conjunction with the Specialized Services Department to clarify IDEA requirements with students participating in a disciplinary conference. At the time of this writing, the department has not received confirmation from DPI, but this item has been tagged to be addressed and updated in the 2024-25 Administrator Guide to Discipline prior to the final publication.

BEST PRACTICE, RECOMMENDATION, RESPONSE #3

Best Practice

For two of the 50 samples tested, the Student Services supervisor called the parent or guardian to notify them of the temporary placement and there was no documentation on file showing if a school was assigned or online service was provided. The student enrollment history also did not show the assigned temporary placement.

Recommendation

The Department of Student Services should ensure that when a temporary placement is assigned, it is documented on an official letter or the Central Services Conference Disposition form, and the support document is maintained in the student expulsion file.

Management Response

The department utilizes a standard temporary placement document whenever a student exceeds 15 suspension days. To ensure that this documentation cannot be overlooked, the department will add a temporary placement option to our expulsion packet checklist. This checklist will be reviewed prior to every expulsion hearing to ensure that the appropriate documents have been prepared and that due process is followed appropriately.



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Questions?