



Milwaukee Public Schools

Guidelines for Teachers Testifying at MPS Student Disciplinary Hearings

1. A teacher who is battered by a student has the opportunity to testify at the student's disciplinary hearing.
2. If the teacher decides to be a witness at the student's disciplinary hearing, the teacher should notify the school administrator/school leader as soon as possible.
3. If the teacher decides to be a witness, the interaction the teacher has with the student, parent, hearing officer, etc., will be different depending on the type of disciplinary hearing. See A. and B. below.
4. The school administrator/school leader may request that a conference be held at Central Services if necessary.

A. Central Services Conference, Preliminary Expulsion Hearing and Investigative Review:

The Student Services Coordinator (SSC) serves as the Hearing Officer at the Central Services Conference, Preliminary Expulsion Hearing and Investigative Review. Under existing procedures, the SSC receives a teacher's "testimony" by way of written statements, the MPS Teacher Assault Form, and the Incident Referral Form provided to the school principal conducting the investigation. These documents are part of the Principal's Packet prepared for the conference. The SSC takes these statements into account when rendering a decision.

The teacher will provide a verbal statement in the event of an appearance. The teacher may refer to information contained in the Principal's Packet and personal notes. If the teacher refers to personal notes, the notes become part of the student's records. Again, attendance by the teacher at the Central Services Conference, Preliminary Expulsion Hearing or Investigative Review is optional. If the teacher chooses to attend, he/she will only be present for the part of the conference dealing with the teacher's statement.

Since the results of a Central Services Conference, Preliminary Expulsion Hearing or Investigative Review will not deprive the student of a free and appropriate education, the student has no statutory or constitutional right to question or cross-examine the teacher. Due process at the suspension level requires only notice of the charge and an opportunity to be heard. The student, parent/legal guardian, their representative, if any, and the principal may not cross-examine the teacher nor may the teacher cross-examine

others in attendance. At the Central Services Conference, Preliminary Expulsion Hearing or Investigative Review, all communications are directed to the SSC who will be able to question the participants. The SCC conducts the conference and renders a decision.

B. Expulsion Procedures (Independent Hearing Panel):

The procedures required at an expulsion hearing are different from those at a Central Services Conference, Preliminary Expulsion Hearing and Investigative Review. The protocol for student expulsion hearings is dictated by state law, Department of Public Instruction (DPI) decisions, and Milwaukee Public Schools' Administrative Policy and Procedure.

At an expulsion hearing, the presenting administrator may, and frequently does, call district employees as witnesses when they have relevant information to offer.

If the teacher attends, he/she will be called as a witness and is expected to testify. The teacher will have the option to attend. The written material, the Principal's Packet provided at the Preliminary Expulsion Hearing, Central Services Conference, or Investigative Review will be used at the hearing. The witness shall respond to questions from the presenting administrator, the panel members, the parent, or the student's representative.

Once the teacher testifies, the student, parent/legal guardian, their representative and the independent hearing panel will have the opportunity to cross-examine the teacher. The student, parent/legal guardian and their representative also have the opportunity to call and question witnesses at an expulsion hearing.

After the teacher testifies, the teacher will wait in an adjoining room until the hearing is concluded.

5. All costs associated with a teacher appearing as a witness will be the responsibility of the teacher's school.
6. These procedures for teachers witnessing at MPS student disciplinary hearings are effective immediately.