

## THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

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In the Matter of the Expulsion from  
the D.C. Everest Area School District  
of DAVID H [REDACTED],

OPINION AND  
FINAL ORDER

Appellant.

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THE NATURE OF THE CASE

This is an appeal pursuant to sec. 120.13(1)(c), Stats., of a decision of respondent's board of education, hereinafter the board, to expel appellant from schools of the respondent school district from May 21, 1981, for the remainder of the 1980-81 school year. Now having fully reviewed all matters of record, the State Superintendent of Public Instruction makes the following:

FINDINGS OF FACT

After a hearing on May 21, 1981, appellant was expelled from attendance in the high school of the school district for second offense of having [smoked marijuana.] Although appellant denied having smoked marijuana the second time as charged, the board made the following determinations;

1. Dave H [REDACTED] should be given a formal statement in writing from the Board of Education that he is expelled from school for the remainder of the 1980-81 school year for the [second offense of possession/use of marijuana on school grounds.]
2. Dave's teachers, guidance counselor, and we recommend that Dave be permitted to complete his coursework in the three subjects in which he is currently enrolled. The burden of responsibility will be on Dave to contact his guidance counselor and teachers to submit assignments, complete projects, etc., after school hours, in lieu of class attendance.

3. Dave H [redacted] should not be permitted to participate in the commencement ceremony for students in the Class of 1981 on Sunday, June 7, 1981.

Appellant's father only appealed from point 3 of the Order and was called by this office prior to the graduation ceremony on June 7, 1981, and informed orally that the State Superintendent would not reinstate appellant pending the appeal.

Because respondent school district was permitting appellant to graduate, but after his class, after making up the work missed because of the expulsion there was no irreparable harm necessary to grant temporary relief, even assuming that other aspects were present.<sup>1</sup>

THEREFORE, BY ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, point 3 of the appeal of the board's decision having become moot, the appeal is hereby dismissed.

Dated this 6<sup>th</sup> day of July, 1981.

Barbara Thompson  
Barbara Thompson  
State Superintendent

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<sup>1</sup>57 Opinions of the Attorney General 182 (1968)