

## THE STATE OF WISCONSIN

BEFORE

## THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Expulsion of

CHERYL T [REDACTED]

by the Winter School District  
Board of Education

DECISION AND ORDER

94/95-EX-6

**Nature of the Appeal**

This is an appeal to the State Superintendent of Public Instruction pursuant to sec. 120.13(1)(c), Wis. Stats., from the action of the Winter School District Board of Education to expel Cheryl T [REDACTED] from the Winter School District effective November 29, 1994. This appeal was filed on behalf of the pupil by Ms. Sharon K [REDACTED] the mother of the pupil, and was received by the Department of Public Instruction on December 19, 1995.

In light of communications from James Ward of Weld, Riley, Prens & Ricci, counsel for the Winter School District, it is no longer necessary to process this appeal further. Accordingly I make the following

**Findings of Fact**

1. The Department received the above referenced appeal letter from Sharon K [REDACTED] on December 19, 1994.

2. On December 21, 1994 the Department sent a letter acknowledging receipt of the appeal to Ms. K [REDACTED] and District Administrator James Schuchardt.

3. By letter dated January 5, 1995, Attorney James Ward, on behalf of the Winter School District Board of Education, advised the Department that in reviewing the records of the expulsion proceedings in this matter a reversible error was discovered and that the Board intended to notify the appellant that it would be reconsidering the expulsion proceedings and rescinding the expulsion order.

4. By letter dated March 1, 1995 Attorney Ward notified the Department that the Winter School District Board of Education held a special meeting on January 30, 1995, during which the Board rescinded the expulsion order of Cheryl T [REDACTED]. A copy of the special meeting minutes is attached hereto and incorporated herein as Exhibit A.

#### Conclusions of Law

1. Pursuant to sec. 120.13(1)(c), Wis. Stats., this Department has jurisdiction of this appeal.

2. The Winter School District Board of Education's rescision of the expulsion of Cheryl T [REDACTED] renders this expulsion appeal moot.

Order

IT IS THEREFORE ORDERED that the above entitled expulsion of Cheryl T. [REDACTED] is dismissed.

Dated this 6th day of March, 1995.



John T. Benson  
State Superintendent of Public Instruction

SPECIAL MEETING OF THE SCHOOL DISTRICT OF WINTER  
BOARD OF EDUCATION  
Monday, January 30, 1995  
Winter High School Resource Center, Winter, WI 54896

The meeting was called to order by President Borrie at 6:30 p.m.

Roll call - Members present: Borrie, R. Granica, Olsen, Roberts,  
Kinsley, Ryan, Wirsing (arrived during  
closed session)

Members absent: D. Granica, Marten

Also present: Mr. Schuchardt, Mr. Sheridan and three  
people in the audience

Motion was made by R. Granica seconded by Ryan to approve the agenda.  
Motion carried.

Motion was made by R. Granica seconded by Ryan to go into closed  
session per par 19.85 (1)(c)(f) for the purpose of conducting student  
expulsion from school hearing and student suspension from bus riding  
privileges hearing per section 120.13 (1)(c) of the Wisconsin Statutes.

Roll call:

Borrie	yes	R. Granica	yes	Roberts	yes
Ryan	yes	Kinsley	yes	Olsen	yes

Motion carried.

Motion was made by Roberts seconded by Kinsley to reconvene into open  
session. Motion carried.

From closed session, the Board found the facts in order and that the  
student violated the bus rules on three occasions.

Motion was made by Roberts seconded by R. Granica to accept  
administrator's recommendation that a middle school student be  
suspended from bus riding privileges for the remainder of the school  
year because of three prior violations. Roll call vote:

Borrie	yes	R. Granica	yes	Roberts	yes
Ryan	yes	Kinsley	yes	Olsen	yes
Wirsing	Abstained (wasn't there for full discussion)				

Motion carried and the principal will advise the parents that they are  
still responsible for the student attending school on a daily basis.

Motion was made by Ryan seconded by Wirsing to rescind the November 21,  
1994 expulsion order involving the student who was scheduled for the  
expulsion hearing for this evening. Roll call vote:

Borrie	yes	R. Granica	yes	Roberts	yes
Ryan	yes	Kinsley	yes	Olsen	yes
Wirsing	yes				

Motion carried.

Motion was made by Ryan seconded by Wirsing to postpone indefinitely  
the expulsion hearing initially scheduled for this evening due to the  
student's withdrawal from school in Winter in order to enroll in  
another school District in which she now resides. Motion carried.

Motion was made by Olsen seconded by Roberts to adjourn. Motion  
carried. Adjournment was at 7:25 p.m.

**Exhibit A**