

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Expulsion of
CASSANDRA W [REDACTED]
by the Mauston School District
Board of Education

DECISION AND ORDER
97/98-EX-06

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 December 3, 1997 order of the Mauston School District Board of Education to expel the above named pupil from the Mauston School District. This appeal was filed by the pupil's parent and was received by the Department of Public Instruction on December 22, 1997.

In accordance with the provisions of sec. PI 1.04(5), Wis. Adm. Code, this Decision and Order is confined to a review of the record of the school board hearing. The State Superintendent's review authority is specified in sec. 120.13(1)(c), Wis. Stats. The State Superintendent's role is to ensure that the required statutory procedures were followed, that the school board's decision was based upon one or more of the established statutory grounds, and that the school board was satisfied that the interest of the school district demands that the student be expelled.

FINDINGS OF FACT

The record contains a letter entitled "Notice of Expulsion Hearing" dated November 17, 1997 from the district administrator of the Mauston School District. The letter advised that a hearing would be held on December 1, 1997 which could result in the pupil's expulsion from the Mauston School District. The letter was sent separately to the pupil and her parents by certified mail. The letter alleged that the pupil engaged in conduct while on school grounds that endangered the property, health, and safety of others. The letter specifically alleged that Cassandra, an 11th Grade pupil at Mauston High School, possessed a controlled substance (marijuana) and drug paraphernalia while on school property. Minutes of the school board expulsion are also part of the record.

The hearing was held in closed session on December 1, 1997. The pupil's mother appeared at the hearing without counsel. Cassandra was not in attendance as she was being held in secure detention. At the hearing the school district administration presented evidence concerning the grounds for expulsion. The parent was given the opportunity to present evidence, to cross-examine witnesses and to respond to the allegations.

After the hearing, the school board deliberated in closed session. The board found the pupil did engage in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others. The record does not contain a finding that the interests of the school demand the student's expulsion. The order for expulsion containing the Findings of Fact and Conclusions of Law of the school board, dated December 3, 1997, was mailed separately to the pupil and her parents. The order stated Cassandra was expelled, but did not specify the term of expulsion.

Subsequent to the board's decision to expel Cassandra and Cassandra's appeal to the state superintendent, Cassandra appealed directly to Jay Mitchell, District Administrator of Mauston School District. In the course of her appeal to the district Cassandra was allowed to present her case to the school board. As a result, the board reconsidered its decision and reversed Cassandra's expulsion. Therefore, this appeal to the state superintendent is moot.

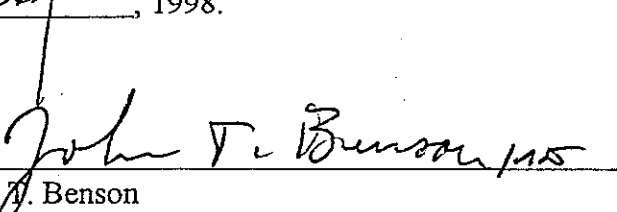
CONCLUSIONS OF LAW

1. Pursuant to sec. 120.13(1)(c), Wis. Stats., this Department has jurisdiction of this appeal.
2. The expulsion appeal is moot based upon the reconsideration of the Mauston School District Board of Education.

ORDER

IT IS THEREFORE ORDERED that the expulsion of Cassandra W [REDACTED] by the Mauston School District Board of Education is dismissed.

Dated this 20th day of February, 1998.



John T. Benson
State Superintendent of Public Instruction