

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Expulsion of Michael N [REDACTED] by the Wonewoc Union Center School District Board of Education	DECISION AND ORDER 97/98-EX-28
----------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------

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 May 7, 1998 order of the Wonewoc Union Center School District Board of Education to expel the above named pupil from the Wonewoc Union Center School District the 1997-98 school year and the 1998-99 school year. This appeal was filed by the pupil's parents and was received by the Department of Public Instruction on May 28, 1998.

FINDINGS OF FACT

On May 28, 1998, the Department of Public Instruction sent a letter to the pupil's parents and the District Administrator of Wonewoc Union Center School District advising them of the appeal and procedures to be followed. Following that letter, the pupil's principal at Wonewoc Schools, W. Carl Robbins, contacted the department to indicate that a special education needs evaluation was completed, that Michael (Brandon) was identified as Emotionally Disturbed and in need of special education, and that his behavior resulting in his expulsion was the manifestation of his disability. He further indicated that a placement at the Juneau County Adolescent Needs

center was being offered for the 1998-99 school year and that the expulsion would be rescinded.¹ By letter dated June 5, 1998, the parents wrote to the Department also indicating that Michael's expulsion was rescinded. Their remaining objection was to restrictions placed on Michael that prohibited him from being on school grounds for any reason. Dr. Juanita Pawlisch, Assistant State Superintendent, responded to the parents' letter advising them of the range of school district authority to restrict access, consistent with Michael's IEP.

Based upon the information provided by both the school district and the parents, I find that Michael's expulsion has been rescinded.

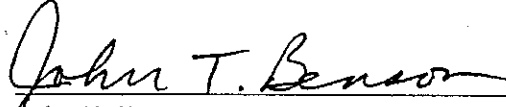
CONCLUSIONS OF LAW

Based upon my review of the record in this case and the findings set out above, I conclude because the expulsion has been rescinded, the appeal is moot. Therefore, this appeal is dismissed.

ORDER

IT IS THEREFORE ORDERED that the appeal of Michael (Brandon) N [REDACTED] s expulsion be dismissed.

Dated this 27th day of July, 1998.



John T. Benson
State Superintendent of Public Instruction

¹ School District Clerk, Nancy Dieck, sent a letter dated June 10, 1998 confirming Michael's diagnosis and placement for the 1988-99 school year.