

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Expulsion of

A [REDACTED] P [REDACTED]

by Tri County Area School District
Board of Education

Decision and Order – Petition for Rehearing.
Decision and Order No.: 450
Appeal No.: 00/01 EX 24

On February 7, 2002, the pupil filed a “petition for rehearing” alleging that the school board failed to consider alternatives to expulsion when Adam was expelled. The pupil also alleges that the principal failed to exercise discretion when he recommended expulsion.

When considering a petition for rehearing, the state superintendent applies the procedures for a petition for rehearing contained in Wis. Stats. §227.49. In other words, the aggrieved party must allege the original decision was either 1) a material error of law; 2) a material error of fact; or 3) the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

The petitioner has not alleged any of the three bases for granting a petition for rehearing. Therefore, the petition is denied.

Dated this 11 day of February 2002.



Anthony S. Evers, Ph.D.
Deputy State Superintendent of Public Instruction

Parties to this appeal are:



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Madison, WI 53703-2866

James Erdman
District Administrator
Tri County Area School District
PO Box 67
Plainfield, WI 54966-0067

APPEAL RIGHTS

Wis. Stats. § 120.13(1)(c) specifies that an appeal from the Decision and Order may be taken within 30 days to the circuit court of the county in which the school is located. Strict compliance with the service provisions of § 227.53 is required. In any such appeal, the State Superintendent of Public Instruction shall be named as respondent.

COPIES MAILED TO:



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