

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

<p>In the Matter of the Expulsion of</p> <p>A: C</p> <p>by Hudson School District Board of Education</p>	<p>DECISION AND ORDER</p> <p>Appeal No.: 06 EX-03</p>
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**NATURE OF THE APPEAL**

This is an appeal to the State Superintendent of Public Instruction from the order of the Hudson School District Board of Education to revoke the early readmission of the above named pupil. This appeal was filed by the pupil's parents<sup>1</sup> and received by the Department of Public Instruction on February 6, 2006.

The pupil was expelled by the school district on May 20, 2004. Pursuant to the district's expulsion order, the pupil was given the opportunity of early readmission if certain conditions were met. The pupil was admitted, conditionally in the 2005-06 school year. The pupil was issued an underage drinking citation on October 28, 2005. The school district revoked the pupil's early readmission and reinstated the original term of expulsion. The pupil's parents filed an appeal of the decision that revoked the early readmission with the state superintendent. The

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<sup>1</sup> The pupil never joined with the appeal. An attorney filed a brief on behalf of the pupil, however there is nothing in the record to indicate that this attorney is actually representing the pupil as opposed to the parents who filed the appeal. According to the district, the pupil is over the age of 18. An appeal must be filed by the pupil if he or she is over 18. Wis. Stats. §120.13(1)(c)3.

parents are also appealing the board's refusal to reconsider the length of the expulsion order. The pupil did not appeal the original expulsion order.

The state superintendent has no jurisdiction over this appeal. Pursuant to Wis. Stats. §120.13(1)(h)6., the district's determination that the conditions of readmission were violated are final and are not subject to appeal. Regarding the "appeal" of the board's refusal to reconsider the length of expulsion, there is no obligation on the school board to reconsider an expulsion or term of the expulsion. Therefore the decision is not subject to appeal to the state superintendent.

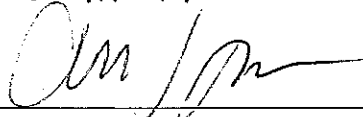
### CONCLUSIONS OF LAW

The State Superintendent does not have jurisdiction to review the revocation of early readmission or the refusal by the board to reconsider the term of the expulsion.

### ORDER

IT IS THEREFORE ORDERED that the appeal filed by A C is dismissed.

Dated this 27<sup>th</sup> day of March 2006.

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