Decision and Order No.: 808

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Expulsion of [redacted] by Oshkosh Area School District Board of Education	DECISION AND ORDER Appeal No.: 22-EX-01

NATURE OF THE APPEAL

This is an appeal to the State Superintendent of Public Instruction pursuant to Wis. Stat. § 120.13(1)(e) from the order of the Oshkosh Area School District Board of Education to expel the above-named pupil from the Oshkosh Area School District. This appeal was filed by the pupil's attorney and received by the Department of Public Instruction on January 18, 2022.

In accordance with the provisions of Wis. Admin. Code § PI 1.04(5), 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 Wis. Stat. § 120.13(1)(e)3.

FINDINGS OF FACT

The record contains a letter entitled "Notice of Expulsion Hearing," dated November 8, 2021, from the executive director of administration of the Oshkosh Area School District. The letter advised that a hearing would be held on November 15, 2021 that could result in the pupil's expulsion from the Oshkosh Area School District through his 21st birthday. The letter was sent separately to the pupil and his mother by certified mail. The letter alleged that the pupil was

guilty of repeated refusal or neglect to obey the rules; engaged in conduct while at school or under the supervision of a school authority which endangered the property, health, or safety of others; and endangered the property, health or safety of any employee or school board of the school district in which the pupil is enrolled. The letter specifically alleged that the expulsion proceedings were based upon:

> An incident that occurred on October 27, 2021, during a school dance, where you were involved in an argument accusing another student of taking a cell phone. The argument escalated into a physical assault with the principal and assistant principal. See attached incident report. This endangered the students and staff at the middle school.
>
> You have been involved in 29 total behavior referrals since you began school, including: insubordination, aggressive behavior, disruptions, assault, inappropriate language. See Behavior Detail Report (attached) and Behavioral Information Summary, which both indicate your repeated refusal to obey school rules.

The hearing was held before an independent hearing officer on November 22, 2021.[1] The pupil, his mother and his sister appeared at the hearing with counsel. At the hearing, the school district administration presented evidence concerning the grounds for expulsion. The pupil's counsel was given the opportunity to present evidence, to cross-examine witnesses, and to respond to the allegations.

The hearing officer found that the pupil endangered the health and safety of others including students and employees of the school district, while on school property, and that the pupil engaged in conduct constituting repeated refusal and neglect to obey school rules and district policy. The hearing officer further found that the interests of the school and district demand the pupil's expulsion. The order for expulsion containing the findings of fact of the hearing officer, dated December 2, 2021, was mailed separately to the pupil and his mother. The order stated the pupil was expelled through the last day of the 2023-2024 school year. The order

[1] The hearing was rescheduled from November 15, 2021 to November 22, 2021 at the request of the pupil's mother.

provided that the pupil may apply for early readmission as early as the first semester of the 2022-2023 school year, if certain conditions are met.

The decision of the independent hearing officer was reviewed by the school board on December 15, 2021. The board approved the recommendation of the hearing officer, with one modification to a condition of early readmission, and notified the pupil and his mother of that approval by mail on December 17, 2021. A transcript of the hearing is part of the record.[2]

DISCUSSION

The expulsion statute –Wis. Stat. § 120.13(1)(c) and (e) – gives school boards the authority to expel a student when specific substantive standards are met and specific procedures have been followed. *Madison Metro. Sch. Dist. v. Burmaster*, 2006 WI App. 17, ¶ 19, 288 Wis. 2d 771. In reviewing an expulsion decision, the state superintendent must ensure, among other things, that the required statutory procedures were followed, that the school board's decision is based upon one of the established statutory grounds, and that the school board is satisfied that the interest of the school district demand the pupil's expulsion.

The appeal letter in this case raises five issues which require consideration. First, the pupil contends that the district failed to conduct a manifestation hearing before initiating expulsion proceedings.[3] The state superintendent has consistently held that an expulsion appeal is not the appropriate context within which to challenge a school district's application of special education provisions to a particular student. *Middleton-Cross Plains Area Sch. Dist. Bd. of Educ.*, Decision and Order No. 794 (June 26, 2020); *R.M. v. Oak Creek-Franklin Joint Sch. Dist.*

[2] The pupil attached several exhibits with his briefs submitted on this appeal. Those exhibits are not part of the hearing record and have not been considered because my review is limited to the exhibits made a part of the record at the expulsion hearing. *See, e.g., John J.D. v. Whitehall Sch. Dist. Bd. of Educ.*, Decision and Order No. 406 (Feb. 15, 2000).

[3] In his reply brief, the pupil disavows his challenge to the expulsion based on the district's failure to conduct a manifestation hearing: "Fourth, the District wrongly asserts that Appellant is attempting to raise special education issues on appeal. This is not accurate." (App.'s Reply Br. at 2.)

Bd. of Educ., Decision and Order No. 711 (January 30, 2014). Such challenges are beyond the scope of the state superintendent's review when, as is the case here, there is no evidence in the record that the pupil was identified as a child with a disability. *Middleton-Cross Plains Area Sch. Dist. Bd. of Educ.*, Decision and Order No. 794 (June 26, 2020); *S.R. v. Chippewa Falls Area Unified Sch. Dist. Bd. of Educ.*, Decision and Order No. 723 (February 25, 2015).

Second, the pupil contends the district failed to give him adequate notice of the charges against him. It has long been precedent that the notice requirements of the statute are mandatory in nature, and failure to comply with the statutory requirements renders the expulsion void. *See, e.g., Alex H. v. Eleva-Strum Sch. Dist. Bd. of Educ.*, Decision and Order No. 438 (July 20, 2001). "[A] student facing expulsion is entitled to timely and adequate notice of the charges against him so as to allow him a meaningful opportunity to be heard." *Keller v. Fochs,* 385 F. Supp. 262, 265 (E.D. Wis. 1974). Proper notice must inform the pupil of the time frame during which the misconduct occurred, where the misconduct occurred, and a description of the conduct to be considered. *Janesville Sch. Dist. Bd. of Educ.*, Decision and Order No. 797 (July 27, 2020); *Lake Geneva-Genoa City Union High Sch. Dist. Bd. of Educ.*, Decision and Order No. 785 (Oct. 1, 2019); *A.S. v. Milwaukee Public Sch. Dist. Bd. of Educ.*, Decision and Order No. 674 (Dec. 21, 2010). The purpose of this notice is to allow a student to adequately prepare for the expulsion hearing. *Janesville Sch. Dist. Bd. of Educ.*, Decision and Order No. 797 (July 27, 2020); A.*S. v. Milwaukee Public Sch. Dist. Bd. of Educ.*, Decision and Order No. 674 (Dec. 21, 2010). Among other things, the notice of expulsion hearing must state "[t]he specific grounds, under par. (c) 1., 2. or 2m, and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based." Wis. Stat. § 120.13(1)(e)4.a.

The pupil suggests that the incident report that was attached to the notice of expulsion hearing did not provide sufficient notice to the pupil of the actions of which he was accused. That argument is unconvincing. The incident report includes the following statements:

> When Ms. Levy came around the corner and into the MPR, she immediately saw Ms. Hughes struggling to remove [the pupil] from the MPR. [The pupil] was clearly escalated and as Mrs. Hughes attempted to put her arm up to prevent him from shoving past her, [the pupil] swung at her to hit her arm away and shoved her in an attempt to go back into the MPR. In addition to being physical with Mrs. Hughes, at that time, he also forcefully threw a full water bottle into a crowd of students…[The pupil] became extremely combative with Ms. Levy. [The pupil] punched Ms. Levy in the torso numerous times and continued to fight.

These statements from the incident report were sufficient notice of the specific allegations that the pupil endangered staff and others.

The pupil further contends that the district did not specify in the notice of expulsion hearing what actions of his violated various district policies and failed to discuss how minor incidents and incidents in which the pupil was not the perpetrator played into the decision. The pupil also contends that some of the policies cited in the notice do not establish any behavioral standards for students. The pupil has no right to an "explanation" of the evidence against him prior to the expulsion hearing. *Timothy W. v. Greenfield Sch. Dist. Bd. of Educ.*, Decision and Order No. 315 (Mar. 21, 1997). Two violations of school rules constitute repeated refusal or neglect to obey the rules within the meaning of Wis. Stat. § 120.13(1)(c). *Niles T.S. v. Webster Sch. Dist. Bd. of Educ.*, Decision and Order No. 317 (Apr. 3, 1997). The notice of expulsion hearing referred to the attached Behavior Detail Report for a description of the pupil's repeated refusal to obey school rules. Although the Behavior Detail Report does list some incidents in which the pupil was a victim, the report contains details of more than two instances where the pupil violated school rules, including the October 27, 2021 incident at the school dance and a May 11, 2021 incident involving gang-related behavior for which the pupil was issued a half-day

in-school suspension. The notice listed and attached specific policies that the pupil was alleged to have violated, including 3362.01 – Threatening Behavior Towards Staff Members, 5520 – Disorderly Conduct, 5602 – Management of Aggressive Student Behavior, and 8462.01 – Threats of Violence. Therefore, the pupil received sufficient notice to support his expulsion on the basis of repeated refusal or neglect to obey the rules. Further, where a notice alleges both conduct endangering property, health or safety of others, and repeated refusal and neglect to obey rules, only the former need be found to support a decision to expel. *Matthew C.M. v. Cedarburg Sch. Dist. Bd. of Educ.*, Decision and Order No. 274 (Feb. 14, 1996).

Third, the pupil contends that the district violated his due process rights by denying him reasonable pre-hearing discovery. The pupil did not pursue this argument in either of his appeal briefs. The Wisconsin expulsion statute does not provide for discovery. All that is required is that the notice of expulsion hearing state the specific statutory grounds and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based. Wis. Stat. § 120.13(1)(c)4.a and (e)4.a. Expulsion hearings are administrative proceedings and are not subject to the civil procedure provisions found in Wisconsin statutes, including the discovery provisions of Wis. Stat. ch. 804. *See, e.g., B.J. v. Nicolet Union High Sch. Dist. Bd. of Educ.*, Decision and Order No. 647 (July 17, 2009). Similarly, constitutional due process does not require prehearing discovery. *Timothy W. v. Greenfield Sch. Dist. Bd. of Educ.*, Decision and Order No. 315 (Mar. 21, 1997) (rejecting argument that *Goss v. Lopez*, 419 U.S. 565 (1975), supports the proposition that more formal pre-hearing discovery type procedures must be used in expulsion cases).

In a footnote, the pupil contends that the district's failure to provide him with a hearing transcript prior to the school board's review of the decision fails to comport with the intent of Wis. Stat. § 120.13(1)(e)3. The relevant portion of the statute states:

> …The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. Within 30 days after the date on which the order is issued, the school board shall review the expulsion order and shall, upon review, approve, reverse or modify the order….

Wis. Stat. § 120.13(1)(e)3. Nothing in the statute suggests that the transcript must be provided to the pupil before the school board's review of the expulsion order. The pupil has no statutory right to present further evidence or argument to the school board when it reviews an expulsion order issued by a hearing officer. *K.K. v. Madison Metro. Sch. Dist. Bd. of Educ.*, Decision and Order No.670 (Sep. 23, 2010). Therefore, whether the pupil receives a transcript before or after the board's review is irrelevant. If the legislature intended to require school boards to review a hearing transcript as part of the board's review of an expulsion order, the statutory language would say that and would require that a transcript be prepared regardless of pupil request and be provided to the board. The legislature included several deadlines in the statute, so the absence of a statutory time period within which the transcript must be provided to the pupil must be given meaning.

Fourth, the pupil contends that the hearing officer improperly excluded mitigating evidence and evidence relevant to the "interest of the District" prong of the expulsion analysis. In his brief, the pupil contends that the hearing officer "explicitly stat[ed] that his authority was limited to deciding whether [the pupil] had engaged in conduct that satisfied the first prong of the statutory expulsion analysis." (Br. in Supp. of Appeal at 9 (citing Tr. at, *e.g.*, 30-32, 112-13).) The cited transcript pages do not contain any such explicit statement. Instead, the hearing officer stated:

> what I'm hearing is essentially blaming the District for the conduct of [the pupil], which, um, again, I, I, I hesitate to prevent you from making a record. I respect the fact that you're doing your job and you're representing your client and you're trying to make a record, but I don't know that this is a fault based determination that I'm being asked to make. By what I mean by that is I'm asked to look at specific conduct under special circumstances and determine whether it meets the statutory criteria for expulsion, which in this case is endangering the health and safety of students and staff at the school dance, on the one hand, and then whether or not there has been repeated refusal or neglect to obey the school rules which, uh, again is a determination I need to make based on the conduct of the student as reflected in this record. So, I don't find it relevant to my determination as to whether or not school District policy, frankly, may have played a role in any of this. My question, the questions that I'm being asked is to determine whether or not the conduct meets the statutory criteria. There's also interest of time, and expediting with the hearing. Under again the fairly narrow parameters that I have. So that's what I'm struggling with, just so you know. Um, and getting into DPI policy and how the District applies DPI policy, I think runs a little far afield of the specific questions that I'm being asked and that's where I'm running into some relevance, running into balancing relevance and moving the case forward and allowing you to make a record in order for you to be able to present if need be, this argument of the failure of being able to identify his disability status.

(Tr. at 31.) The hearing officer continued:

> Getting into a broader policy, again moral determination as to whether this is a worthwhile exercise, or in some way unfair to [the pupil] is outside the scope of what I'm asked to do. And again, I appreciate the argument, and I'm listening, I'm taking notes, but I do have to confine, I think the testimony to some degree to stick to the facts of this case. So with those concerns, if you have additional questions for the witness, as to how you contend her behavior escalated [the pupil]'s conduct on the night, on the afternoon of the dance you may ask those questions.

(Tr. at 32.) At the conclusion of the hearing, the hearing officer stated:

> So, a couple of, couple of preliminary comments of things I'm not here to do. One is to make determination as to racial equality or moral judgements, um, I am not here to make a determination as to whether [the pupil] is suffering from a disability, whether [the pupil] was uh, properly or not properly referred for special education services, uh, and I am confined, again, by the role that I have been given by the Oshkosh Area School District to determine whether or not the conduct of [the pupil] meets the Wisconsin Statutory criteria for expulsion. I also don't decide which students are referred for expulsion and for what reasons, I only attempt to do my best to listen to the evidence, to see whether or not the evidence provided by The District reports with those statutory guidelines, and I believe my role to be fairly narrow, and I believe that the School District has in this case presented sufficient evidence to meet their burden of proof. That the

> conduct displayed by [the pupil] on October 27th, 2021, while at the school dance, as shown on videotape, as testified by the witnesses, did in fact endanger the health and safety of other students, and staff, and administrators at the dance that were present, um, and that in addition uh, again, without judging uh, all of the different reasons why everything happened, I am here to determine whether or not there has been a repeated refusal or neglect to obey school rules. Uh, and I find that there has been. Uh, again there may be reasons but not justifications for uh, [the pupil]'s behavior. Uh there may be criticism of how the school District made a determination as to whether this matter should be referred for expulsion, but my role is to rule on what has been before me and I find that there is a basis for expulsion based upon the grounds set forth in the notice of expulsion. I, uh, have heard all of the evidence I find that there has been adequate notice, both as, for as far as the time period by which notice must be given and that the student has been given adequate notice of the grounds for the expulsion that were being sought and has now has an opportunity to be fully heard, I believe that these (inaudible) issues contain in the notice of expulsion and I also again reiterate that I do not believe that I have authority to, nor does this record uh, support a determination that uh, [the pupil] has a, a student who is a disability to qualify him for special education, I believe those issues are to be determined in another forum and not by me. So simply stated, I am granting the District's request for expulsion.

(Tr. at 112-13.) Contrary to the pupil's assertion, at no point does the hearing officer suggest that he will not consider whether the interests of the district demand the pupil's expulsion. Instead, he correctly noted that an expulsion hearing officer does not have authority to determine whether the pupil is a student with a disability or whether the pupil was subject to racial discrimination. The hearing officer's rejection of the pupil's attempt to shoehorn a race discrimination claim into the interests of the district prong does not mean that the hearing officer failed to properly consider whether the interests of the district demand expulsion.

The pupil quotes the expulsion order's conclusion that "based on the foregoing findings and because it is in the best interest of the District, it is ordered that [the pupil] be expelled," arguing that the language is not consistent with the statutory requirement that "the interest of the school demands the pupil's expulsion." This argument is disingenuous at best. The Findings of Fact section of the expulsion order contains the statutory language:

> 6. That the IHO finds that there is a statutory basis for expulsion pursuant to Sec. 120.13(1)(c)1 as the student is guilty of endangering the health and safety of

> others including students and employees of the School District in which he was enrolled, while on school property and further engaged in conduct constituting repeated refusal and neglect to obey school rules and District policy. The interest of the school and District demand expulsion based upon the following:
>
> > [listing eight district polices that the pupil violated and explaining, for each violation, why the violation justifies expulsion].

(emphasis added). Regardless, the exact statutory words need not be used. *See, e.g.*, *Todd N. V. Elmwood Sch. Dist. Bd. of Educ.*, Decision and Order No. 477 (Aug. 22, 2002) (noting that a board's conclusion that the interests of the school are best served by expulsion has the same meaning as the statutory language that the interests of the school demand expulsion).

The pupil contends that the district did not present any evidence or argument at the hearing directed to the "interest of the school" prong of the expulsion analysis. Arguments concerning the sufficiency of the evidence are generally beyond the scope of review. *T.S. v. West Allis-West Milwaukee Sch. Dist. Bd. of Educ.*, Decision and Order No. 684 (May 20, 2011); *A.D. v. Silver Lake J1 Sch. Dist. Bd. of Educ.*, Decision and Order No. 665 (June 28, 2010). A school board's findings will be upheld if any reasonable view of the evidence sustains them. *Muskego-Norway Sch. Dist. Bd. of Educ.*, Decision and Order No. 804 (June 28, 2021); *St. Croix Falls Sch. Dist. Bd. of Educ.*, Decision and Order No. 793 (May 15, 2020). The board has wide discretion in determining whether the interests of the school demand expulsion. Conduct that endangers the health, safety or property of others is more than sufficient to establish that the interests of the school demand expulsion. *T.S. v. West Allis-West Milwaukee Sch. Dist. Bd. of Educ.*, Decision and Order No. 684 (May 20, 2011); *G.J. v. Medford Area Sch. Dist. Bd. of Educ.*, Decision and Order No. 683 (May 17, 2011); *D.S. v. Cedar Grove-Belgium Area Sch. Dist.*, Decision and Order No. 552 (July 11, 2005) (noting that pupil chose to engage in misconduct in a very public way by appearing at dance after using marijuana). In this case, the pupil publicly assaulted two staff members in addition to other misconduct. Thus, it was not

unreasonable for the hearing officer and the board to determine that the interests of the school demand expulsion.

Fifth, the pupil contends that the hearing officer applied an incorrect standard for the "interest of the District" prong of the analysis. The pupil contends that the district failed to protect him, his younger sister, and other students of color from bullying and racial harassment, and argues that the school's interests—"which presumably include providing a supportive, nondiscriminatory school environment free from racial harassment"—do not "demand" the pupil's expulsion. The pupil argues that "'interest demands' implies no feasible alternative to expulsion, or material harm to the district without expulsion." (Br. In Supp. of Appeal at 13.)

The pupil contends that the district should not have expelled him because it did not need to do so to avoid harm to its interests and could protect its interests by complying with its own stated policies and practices. The pupil argues that the district has an interest in preventing racial harassment and that it was the pupil's response to repeated incidents of racial harassment that precipitated the actions that led to the expulsion. The pupil also argues that the district has an interest in eliminating racial disparities and improving outcomes for students from underrepresented groups. Because expulsions are considered on a case-by-case basis, the treatment of other students is not relevant to this review. *Muskego-Norway Sch. Dist. Bd. of Educ.*, Decision and Order No. 804 (June 28, 2021); *St. Croix Falls Sch. Dist. Bd. of Educ.*, Decision and Order No. 793 (May 15, 2020); *J.H. v. West Bend Sch. Dist. Bd. of Educ.*, Decision and Order No. 721 (Aug. 18, 2014). As a general rule, and one that applies in this case, I do not have the authority to address issues of fairness and unevenness of disciplinary measures. *Muskego-Norway Sch. Dist. Bd. of Educ.*, Decision and Order No. 804 (June 28, 2021); *St. Croix Falls Sch. Dist. Bd. of Educ.*, Decision and Order No. 793 (May 15, 2020); *J.H. v. West Bend*

Sch. Dist. Bd. of Educ., Decision and Order No. 721 (Aug. 18, 2014). This does not minimize the seriousness of the student's allegations. If the pupil believes he was discriminated against or subject to harassment on the basis of his race, he may follow the district's non-discrimination policy and procedure to file a complaint with the district. If he does so and receives a negative determination from the district, he may file an appeal under Wis. Stat. § 118.13(2)(b). *D.N. v. Germantown Sch. Dist. Bd. of Educ.*, Decision and Order No. 586 (Feb. 6, 2007).

In his brief, the pupil contends that the district failed to provide him Positive Behavioral Interventions and Supports (PBIS) and instead took a punitive approach to the pupil's behavior, "consistent with a documented pattern of overwhelming racial disparity in the District's application of discipline." (Br. in Supp. of Appeal at 1.) Whether the hearing officer and the board could have determined that the school's interest did not demand expulsion is not the question here. Instead, the relevant question is whether the board could reasonably have determined, based on the evidence presented at the hearing, that the interest of the school demands the pupil's expulsion. As discussed above, it was reasonable to determine that the school's interest in addressing the pupil's conduct of striking two staff members demanded expulsion. An argument that expulsion of the pupil is not good public policy is not a basis for reversal.

The decision to expel a student and for how long are within the complete discretion of the school board as long as it complies with all the procedural requirements of Wis. Stat. § 120.13(1)(c). *Muskego-Norway Sch. Dist. Bd. of Educ.*, Decision and Order No. 804 (June 28, 2021); *St. Croix Falls Sch. Dist. Bd. of Educ.*, Decision and Order No. 793 (May 15, 2020). The school board is in the best position to know and understand what its community requires as a response to school misconduct. It would be inappropriate for me, absent an extraordinary

circumstance or a violation of procedural requirements, to second-guess the appropriateness of a school board's determination. *Muskego-Norway Sch. Dist. Bd. of Educ.,* Decision and Order No. 804 (June 28, 2021); *St. Croix Falls Sch. Dist. Bd. of Educ.*, Decision and Order No. 793 (May 15, 2020); *C.T. v. Milwaukee Pub. Schs.*, Decision and Order No. 718 (May 22, 2014); *A.M. v. West Allis-West Milwaukee Sch. Dist. Bd. of Educ.*, Decision and Order No. 703 (Feb. 18, 2013). The pupil contends that extraordinary circumstances, including the racial harassment the pupil suffered in the weeks prior to the dance and the district's failure to follow its anti-harassment and PBIS policies with regard to the pupil, justify a reversal of the expulsion. The school board's policies in this situation are irrelevant to my determination. I am not authorized to review, approve or disapprove of school policy. *B.S. v. Marshall Sch. Dist. Bd. of Educ.*, Decision and Order No. 626 (July 11, 2008); *Curtis O. v. St. Croix Central Sch. Dist. Bd. of Educ.*, Decision and Order No. 489 (Apr. 17. 2003). As already discussed, an expulsion appeal is not the proper venue for addressing any racial harassment that may have occurred. I see no extraordinary circumstance here that would prompt me to overrule the determination of the board that expulsion is the appropriate response to the pupil's actions. The pupil hit two administrators after refusing repeated directives to leave the area. Although the district could have chosen not to pursue expulsion despite such actions, or the board could have chosen not to expel the pupil, I cannot say that the board's decision to expel the pupil was so extraordinary under the circumstances that it requires reversal.

In reviewing the record in this case, I find the school district complied with all of the procedural requisites. I, therefore, affirm this expulsion.

CONCLUSIONS OF LAW

Based upon my review of the record in this case and the findings set out above, I conclude that the school board complied with all of the procedural requirements of Wis. Stat. § 120.13(1)(e).

ORDER

IT IS THEREFORE ORDERED that the expulsion of [redacted] by the Oshkosh Area School District Board of Education is affirmed.

Dated this 16th day of March, 2022

John W. Johnson, Ph.D.
Deputy State Superintendent of Public Instruction

APPEAL RIGHTS

Wis. Stat. § 120.13(1)(e)3 specifies that an appeal from this 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 Wis. Stat. § 227.53 is required. In any such appeal, the State Superintendent of Public Instruction shall be named as respondent.
Parties to this appeal are:

[redacted]

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