

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Expulsion of



by Maple School District
Board of Education

DECISION AND ORDER

Appeal No.: 24-EX-07

NATURE OF THE APPEAL

This is an appeal to the State Superintendent of Public Instruction pursuant to Wis. Stat. § 120.13(1)(c) from the order of the Maple School District Board of Education to expel the above-named pupil from the Maple School District. This appeal was filed by the pupil's parents and received by the Department of Public Instruction on April 8, 2024.

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)(c) and has been delegated to me under Wis. Stat. § 15.02(4).

FINDINGS OF FACT

The record contains a letter entitled "Notice of Pupil Expulsion Hearing," dated February 27, 2024, from the district administrator of the Maple School District. The letter advised that a hearing would be held on March 6, 2024 that could result in the pupil's expulsion from the Maple School District through his 21st birthday. The letter was sent separately to the pupil and

his parents by certified mail. The letter alleged that the pupil engaged in conduct while at school or while under supervision of school authority which endangered the property, health, or safety of others. The letter specifically alleged that the pupil:

arrang[ed] to sell vapes/vape carts (cartridges) containing a controlled substance (THC) to another student/other students on or about Thursday, February 22, 2024. [The pupil], using social media messaging, made plans between February 14, 2024 and February 22, 2024 to deliver the vapes/vape carts (cartridges) containing a controlled substance (THC) while on school property (in the boy's restroom in the high school commons and/or boy's restroom in the "art hallway"). Upon investigation, [the pupil] signed an Affidavit acknowledging that on or about Thursday, February 22, 2024 he was planning to deliver vapes/vape carts (cartridges) containing a controlled substance (THC) to another student/other students on school property (in the boy's restroom in the high school commons and/or boy's restroom in the "art hallway") and that he previously sold vapes/vape carts (cartridges) containing a controlled substance (THC) and nicotine to another student/other students while on school property (Northwestern High School). Additionally, on Thursday, February 22, 2024, [the pupil] was found in possession of two additional vaping devices, a bottle of alcohol and other tobacco products in his vehicle parked on school property (in the Northwestern High School student parking lot)."

The hearing was held in closed session on March 6, 2024. The pupil and his parents appeared at the hearing without counsel. At the hearing, the school district administration presented evidence concerning the grounds for expulsion. The pupil and his parents were 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 that the pupil did engage in conduct while at school or while under the supervision of a school authority that endangered the property, health, or safety of others. The school board further found that the interests of the district demand the pupil's expulsion. The order of expulsion containing the findings of fact and conclusions of law of the school board, dated March 8, 2024, was mailed separately to the pupil and his parents. The order stated the pupil was expelled until age 21.

Minutes of the school board expulsion hearing and an audio recording of the hearing are part of the record.

DISCUSSION

The expulsion statute – Wis. Stat. § 120.13(1)(c) – 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 demands the pupil’s expulsion.

The appeal letter in this case raises one issue which requires consideration. Appellants ask for the pupil to be provided “a second chance to prove he can attend school and graduate successfully while following the rules, with the support of his family behind him.” Specifically, appellants request that the pupil’s expulsion term be modified to finish at the end of the pupil’s junior year so that the pupil could return to either the Maple School District or another school for his senior year. Appellants note their concern that pulling him out of a regular school setting will be detrimental to his education and will impact his future greatly. The pupil admits selling and possessing a vaping device on school grounds and that a vaping device he possessed contained THC. The state superintendent has the authority to “approve, reverse, or modify” the school board’s decision. Wis. Stat. § 120.13(1)(c)3. However, because the school board is in the best position to know and understand what its community requires as a response to school misconduct, the state superintendent has historically chosen not to second-guess the appropriateness of a school board’s determination. *See, e.g., Raymond #14 Sch. Dist. Bd. of*

Educ., Decision and Order No. 841 (Sep. 19, 2023); *Appleton Area Sch. Dist. Bd. of Educ.*, Decision and Order No. 820 (Nov. 15, 2022). I see no circumstance here that would prompt me to overrule the determination of the board that expulsion is an appropriate response to the pupil's actions.

In reviewing the record in this case, I find that 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)(c).

ORDER

IT IS THEREFORE ORDERED that the expulsion of [REDACTED] by the Maple School District Board of Education is affirmed.

Dated this 17th day of May, 2024



Sachin Chheda
Executive Director, Office of State Superintendent
Department of Public Instruction

APPEAL RIGHTS

Wis. Stat. § 120.13(1)(c) 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]

[REDACTED]

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