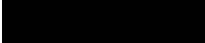


THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

<p>In the Matter of the Expulsion of</p> <p></p> <p>by Alma Center-Humbird-Merrillan School District Board of Education</p>	<p>DECISION AND ORDER</p> <p>Appeal No.: 24-EX-05</p>
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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 Alma Center-Humbird-Merrillan School District Board of Education to expel the above-named pupil from the Alma Center-Humbird-Merrillan School District. This appeal was filed by the pupil’s mother by email on April 3, 2024.

In its response, the school district argues for summary dismissal of this appeal because the pupil was over 18 years old when the pupil’s mother filed the appeal. Documents in the record confirm the district’s assertion regarding the pupil’s age. Wisconsin Statute § 120.13(1)(c)3. contains the statutory authority for expulsion appeals: “The expelled pupil or, if the pupil is a minor, the pupil’s parent or guardian may appeal the expulsion to the state superintendent.” In this case, because the pupil is not a minor, only the pupil may appeal the expulsion. The pupil’s parent does not have standing to file an appeal. The district’s letter-brief raising this procedural defect with the appeal was filed on May 1, 2024 and states that it was sent to both the pupil and to appellant. The scheduling order in this case allowed appellant to file a

reply brief by May 9, 2024. No communication from appellant or the pupil has been received since the district pointed out appellant's lack of standing to file the appeal. Because the appellant does not have standing to appeal the expulsion and the pupil has not asked to appeal the expulsion, the appeal is dismissed.

CONCLUSIONS OF LAW

The pupil's parent does not have standing to file an appeal on behalf of the pupil because the pupil is not a minor. Wis. Stat. § 120.13(1)(c)3. *See also RN v. Green Bay Area Sch. Dist. Bd. of Educ.*, Decision and Order No. 546 (June 3, 2005); *Michael W. v. Boyceville Comm. Sch. Dist. Bd. of Educ.*, Decision and Order No. 123 (Nov. 28, 1984).

ORDER

IT IS THEREFORE ORDERED that the appeal is dismissed.

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]

Drew Semingson
District Administrator
Alma Center-Humbird-Merrillan School District
124 South School Street
Alma Center, WI 54611

COPIES MAILED TO:

[REDACTED]

[REDACTED]

Sven W. Strutz
Weld Riley, S.C.
3624 Oakwood Hills Pkwy, P.O. Box 1030
Eau Claire, WI 54702-1030