

FOR IMMEDIATE RELEASE:

## Court of Appeals Finds Student Wrongly Expelled from School

St. Paul, MN - July 20, 2015 - Today the Minnesota Court of Appeals issued a decision reversing the Commissioner of the Minnesota Department of Education's determination that a Minnesota school could expel a student for unintentionally bringing a pocketknife to school.

Student Alyssa Drescher of Wells, Minnesota, was a junior in high school in April of 2014 when a search of student lockers turned up a pocketknife she forgot in her purse after completing farm chores. The United South Central school district expelled Alyssa for the rest of the school year, arguing that Alyssa's behavior constituted willful endangerment, and a willful violation of school rules, under Minn. Stat. § 121A.45.

The School Law Center represented Alyssa in an appeal to the Commissioner of the Minnesota Department of Human Services, where the Commissioner affirmed the expulsion decision. The School Law Center also represented Alyssa in an appeal of the Commissioner's decision to the Court of Appeals. The Court's reversal of the Commissioner's decision clarifies that students in Minnesota cannot be suspended or expelled for unintentionally violating a school rule, or for creating only the possibility but not probability of harm.

The Court of Appeals' decision in this case is the first to examine the plain language of the law as well as the Legislature's intent when drafting the grounds for student dismissal under the law since the Minnesota Pupil Fair Dismissal Act was passed in 1974. Zero-tolerance policies that automatically impose severe punishment regardless of circumstances have been shown to increase the risk of a variety of harms to students.

The School Law Center, LLC, is a law firm specializing in the rights of students in all areas of education law, including bullying and harassment, truancy, athletic eligibility, special education, discrimination, discipline, and other issues that affect students in Minnesota and Wisconsin.

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