



# The State of Wisconsin

## DEPARTMENT OF PUBLIC INSTRUCTION

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THE STATE OF WISCONSIN

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BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of an Appeal Filed with the State Superintendent of Public Instruction by E. B. O [REDACTED], Appealing from the Expulsion of James Patrick O [REDACTED] from Delavan-Darien Union High School, Delavan, Wisconsin.

O R D E R

Facts related to the above entitled expulsion appeal were determined by the Deputy State Superintendent of Public Instruction (acting in the absence of the State Superintendent of Public Instruction) at a conference held at the State Superintendent's direction by Robert C. Van Raalte, Assistant Superintendent, State Department of Public Instruction, and Max C. Ashwill, Legal Consultant for the Department of Public Instruction, on March 12, 1968, at Delavan-Darien Union High School.

Persons attending the conference were:

Mr. R. G. Richardson, Jr., Attorney for School Board  
Mr. E. B. O [REDACTED], Parent  
J. Patrick O [REDACTED], Student  
Mrs. E. B. O [REDACTED], Parent  
Sgt. David A. Tomko, Delavan Juvenile Officer  
C. G. Poulos, Principal  
Thomas W. O'Brien, Attorney for Appellant  
Wilbur J. Scott, School Board  
I. C. Llewellyn, School Board  
Alice Behlman, School Board Clerk  
Russell L. Stewart, School Board  
R. G. Manske, District Administrator

The following appears from information submitted at said conference of March 12, 1968:

On February 12, 1968, the School Board of Delavan-Darien High School, hereinafter known as the Board, voted to expel James Patrick O [REDACTED], hereinafter known as

Pat, 18 years of age and a high school Senior, from the Delavan-Darien High School.

The disciplinary incidents involving Pat's attendance at said high school for the 1967-1968 school year and which were thoroughly considered by the Board prior to Pat's expulsion were as follows:

On the evening of September 22, 1967, Pat was removed from a school dance held in said high school building because of his attendance thereat in an intoxicated condition for which the authorities of said school suspended Pat from school attendance for 3 days and a parental conference was held with Pat's parents.

On or about November 6, 1967, Pat was absent from said school for 5 days having taken off with other students to drive in an automobile to Florida for which Pat was suspended for 3 days from school attendance, restricted from participation in extra-curricular school activities and restricted to a school detention room for the remainder of the first semester of the 1967-1968 school year.

During this period of restricted privileges Pat forged passes to entitle him to privileges denied him because of his restricted status and for which Pat was required to serve 3 more days in the detention room as a disciplinary measure.

At a mixer or high school dance held at said school on February 2, 1968, Pat entered with his date and several others without paying the admission fee required. There was also evidence that Pat had been drinking alcoholic beverages prior to arriving at said school. Although Pat admitted entering without paying the admission fee he denied having had any alcoholic beverages to drink.

Pat was suspended from school after the February 2 incident or incidents and his expulsion from said school was recommended to the Board by the high school principal, C. G. Poulos, through Superintendent R. G. Mancke.

The Board on February 12, 1968, after considering the disciplinary incidents involving Pat's attendance in said school for the 1967-1968 school year concluded to expel Pat for the remainder of said school year. The Board also considered disciplinary incidents involving Pat's attendance during the 1966-1967 school year.

By letter dated February 13, 1968, Mr. and Mrs. Edward B. O [redacted], Pat's parents, were informed that the Board "found James Patrick O [redacted] guilty of persistent refusal to obey the rules of the Delavan-Darien High School and the Board was satisfied that the interests of the school demand his expulsion from the Delavan-Darien High School effective February 12, 1968."

The Delavan school authorities are to be commended for their cooperation in arranging for parental conferences and in attempting to dispose of numerous disciplinary incidents by means other than expulsion.

While it has been urged that even though there were admitted violations of the school attendance law (for the 5 day trip to Florida) that such should not be considered, it would seem reasonable to expect that flagrant violation of the school attendance laws by students not subject to the compulsory attendance law could have a disastrous effect on the school discipline.

Even without the violation of school attendance rules and without the contested incident of February 2, there is considerable evidence of repeated violation of rules of good conduct during the 1967-1968 school year which the School Board did consider in coming to their decision that the interests of the school demanded this student's expulsion.

It does appear from the information secured that the Delavan-Darien school authorities are ready to cooperate with the continued education of Pat even to the extent of extension courses for the remaining weeks of spring semester and the possibility of his attendance at courses in any summer classes operated by said high school.

It is understood that Pat's expulsion will terminate at the end of the 1967-1968 school year and that he will thereafter be able to apply for entrance to the Delavan-Darien High School. His continued attendance thereafter would depend upon his ability to comply with reasonable rules of regulation enforced by the School Board in the interests of the school.

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of James Patrick O [REDACTED]  
from Delavan-Darien Union High School to the end of the 1967-1968 school year be  
affirmed.

Dated this 29th day of March, 1968.

SIGNED: Archie A. Buchmiller  
ARCHIE A. BUCHMILLER  
DEPUTY STATE SUPERINTENDENT