



The State of Wisconsin

DEPARTMENT OF PUBLIC INSTRUCTION

Wisconsin Hall
126 Langdon Street
Madison, Wisconsin 53703

Decision & Order #13

WILLIAM C. KAHL
STATE SUPERINTENDENT
ARCHIE A. BUCHMILLER
DEPUTY STATE SUPERINTENDENT
ASSISTANT SUPERINTENDENTS
DONALD K. DEAN
W. LYLE EBERHART
ALAN W. KINGSTON
JOHN W. MELCHER
HENRY A. OLSON
ALLEN T. SLAGLE
ROBERT C. VAN RAALTE

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of an Appeal Filed with the
State Superintendent of Public Instruction
Appealing from the Expulsion of Kerry Lane
E [REDACTED] from Pembine High School, Pembine,
Wisconsin, on February 7, 1968.

O R D E R

Facts relating to the above entitled matter were determined by the State Superintendent of Public Instruction at a conference held at Pembine High School, Pembine, Wisconsin, held at the State Superintendent's instruction by Robert Van Raalte, Assistant Superintendent, State Department of Public Instruction, and Max C. Ashwill, Legal Consultant for the Department of Public Instruction, at 6:30 P.M. on April 2, 1968, at said Pembine High School.

Persons attending the conference of April 2, 1968, were:

Margaret R. (Mrs. William C.) Parr, Clerk of Board of Education
Clifford L. Wood, District Administrator
Catherine M. Anderson, Treasurer, Board of Education
Howard N. Lehner, Pembine Board Attorney
Mrs. Wm. E [REDACTED], Parent
William E [REDACTED], Parent
Kerrylane E [REDACTED], Student
Kathy E [REDACTED]
Rolland W. Yocum, Math.-Science Teacher, President of Pembine Teachers'
Education Association
Chester McCorkle, Director of Board of Education
Eugene Larrabee

The following appears from information submitted at said conference of April 2, 1968:

On February 7, 1968, the School Board of Pembine High School, hereinafter known as the Board, voted to expel Kerry Lane E [REDACTED], hereinafter known as Kerry, 14 years

of age and a high school Freshman, from the Pembine High School for the remainder of the 1967-68 school year.

Incidents involving Kerry's attendance at said high school for the 1967-68 school year and which were thoroughly considered by the Board prior to Kerry's expulsion were as follows:

On October 11, 1967, after school was dismissed or during dismissal Kerry was calling in the school hallway in a loud voice. There was some question raised as to the extent of the loud talking or "hollering" by Kerry and there was some question as to the extent of "hollering" after he was instructed not to do so.

On or about December 6, 1967, Kerry while attending a basketball game threw a can or a coke bottle in the direction of the school bus.

On or about February 5, 1968, Kerry was found smoking on the school premises.

The Board in considering the disciplinary incidents involving Kerry considered remarks made by Kerry to the Administrator at the time of the before described incidents.

Kerry was familiar that the rules of the school prohibited smoking by students on school premises and he admitted to the incidents hereinbefore described.

Kerry was suspended from school after the February incident and has not returned to school since his expulsion on February 7, 1968. It does appear from the information secured that neither Kerry nor his parents, the appellants herein, question the happening of the event which brought about Kerry's expulsion; however, the appellants question the decision to expel Kerry for the remainder of the 1967-68 school year.

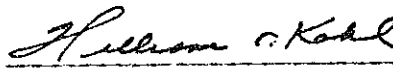
There is information that considerable force was used in at least one incident in the disciplining of Kerry. This order in no way condones the use of force except insofar as it may be necessary to maintain the discipline of the school and which the school board apparently considered in its decision that the interest of the school demanded Kerry's expulsion.

It is understood that Kerry's expulsion will terminate at the end of the 1967-68 school year and that he will thereafter be able to apply for entrance to the Pembine High School. His continued attendance thereafter would depend upon his ability to comply with reasonable rules and regulations enforced by the school board in the interest of the school.

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Kerry Lane E [REDACTED] from Pembine High School to the end of the 1967-68 school year be affirmed.

Dated this 25th day of April, 1968.

SIGNED:



WILLIAM C. KAHL
STATE SUPERINTENDENT