



State of Wisconsin \ DEPARTMENT OF PUBLIC INSTRUCTION

William C. Kohl
State Superintendent

WISCONSIN HALL, 126 LANSDON STREET
MADISON, WISCONSIN, 53702

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 by Mr. and Mrs. Wesley M. [REDACTED] on February 24, 1969, Appealing from the Order of Expulsion of Rodney M. [REDACTED] from the Hortonville High School Dated February 17, 1969.

FINDINGS, CONCLUSIONS

A N D

O R D E R

Facts relating to the above entitled appeal were determined by the State Superintendent of Public Instruction at a meeting held at the State Superintendent's direction by Robert C. Van Raalte, Assistant Superintendent of the Department of Public Instruction, and Max C. Ashwill, Attorney and Legal Consultant for the Department of Public Instruction, on March 3, 1969, at the Hortonville Public Schools.

The following persons were present at said meeting:

Luther Huebner, President, Board of Education
Marvin Obry, Superintendent of Hortonville Schools
Kelland W. Lathrop, Attorney for School Board
Fred Lutz, School Board Member
Robert Hauk, Clerk, Board of Education
Wesley M. [REDACTED], Parent of Rodney M. [REDACTED]
Helen M. [REDACTED], Parent of Rodney M. [REDACTED]
Patrick F. Coughlin, Attorney for M. [REDACTED]'s
Rodney M. [REDACTED], Student
Floyd Meyer, School Board Member
Merlin Plamann, School Board Member
Roger A. Nelson, Teacher
Floyd Barker, Custodian
Mrs. James Mesikhe, Lunchroom employee
Robert L. Kohls, High School Principal

The following appears from information secured at said meeting held March 3, 1969, at Hortonville Public Schools.

That on February 17, 1969, the School Board of the Hortonville Joint School District No. 1 held a special meeting and voted to expel Rodney M. [REDACTED] from school.

for the remainder of the school year.

Said special board meeting held February 17, 1969, was called by telephone notice and all of the school board members were present at the meeting on the expulsion of Rodney M [REDACTED] except Mr. Floyd Meyer.

That such absent member did not in writing consent to such special meeting as required by Section 120.11 (2), Wisconsin Statutes.

Conclusions

That the action of the Hortonville School Board to expel Rodney M [REDACTED] at a meeting not called as required by statute would be ineffective. See Kleimenhagen vs. Dixon, 122 Wis. 526.

There being no valid expulsion of Rodney M [REDACTED] from the Hortonville Community Schools, said Rodney M [REDACTED] is entitled to be reinstated therein and therefore it is ordered that the Hortonville School Board forthwith readmit Rodney M [REDACTED] to the Hortonville High School.

Dated March 18, 1969.

SIGNED:

William C. Kahl
WILLIAM C. KAHL, STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION, STATE OF WISCONSIN