



State of Wisconsin \ DEPARTMENT OF PUBLIC INSTRUCTION

William C. Kohl
State Superintendent

WISCONSIN HALL, 126 LANGDON 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,
Appealing from the Expulsion of Carol L. [REDACTED]
from the Schools of Joint School District
No. 6, City of Evansville et al.

O R D E R

Facts related to the above entitled expulsion appeal were determined by the State Superintendent at hearing held by Dr. A. A. Buchmiller, Deputy State Superintendent of Public Instruction, and Max C. Ashwill, Legal Counsel for the Department of Public Instruction, on March 28, 1973, at Evansville High School. Mr. T. P. Bidwell, Attorney, appeared for Mr. and Mrs. Roger N. L. [REDACTED], parents of Carol L. [REDACTED]. Dr. Duane Ahlf, Mr. George Knuckles and Mr. Richard Steinbach were present for the Evansville School District Administration, and Mrs. Ruth Petersen, Clerk, Mrs. Elizabeth Hatlen, Mr. Adamany Nimmer and Mr. Arthur Olsen, members of the Evansville School Board, were present.

The following appears from information, both written and oral, submitted at said hearing on March 28, 1973:

On or about March 12, 1973, the Evansville School Board, hereinafter known as the Board, voted to expel Carol L. [REDACTED], hereinafter known as Carol, 17 years of age and a high school student, from the Evansville District Schools.

The disciplinary incidents involving Carol's attendance in said school for the 1972-1973 school year and which were considered by the Board were as follows:

That Carol was absent or truant from her classes or from school on numerous

occasions and although such absences may explain Carol's deficiencies in certain courses and are to her detriment there was no indication that her truancies affected the rest of the students in Evansville High School.

In addition to the unexplained absence or tardy charges which were before the Board in ordering Carol's expulsion the Board apparently considered that she participated in the February 14, 1973 incidents which resulted in damage to school buses. Although Carol specifically denied her involvement in such incidents she admittedly was present and observed the damage.

That Mr. L [REDACTED] indicated his interest and concern for Carol obeying school rules, including those requiring attendance, should Carol be returned to Evansville High School.

In consideration of the foregoing the following appears:

That although Carol is not to be complimented for her unexplained absences the consideration of such absences for the purposes of expulsion, especially so in the absence of a showing that the interests of other students was adversely affected by her absences, would not serve the interests of the state or of Carol's parents that she receive an education.

Thus, even if it were considered or admitted that Carol participated in the February 6th incidents, without the truant or absent charges there would not be the "persistent refusal to follow school rules" required by section 120.13, Stats., to exist before expulsion may be ordered.

It is understood that the Board must compel attendance to classes and obedience to school rules and that if Carol continued in Evansville High School she must conduct herself accordingly.

In accord with the foregoing,

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Carol L [REDACTED] from Evansville High School be terminated and any ineligibility of said Carol L [REDACTED] to

attend Evansville High School is herewith and hereby removed.

Dated this 30th day of March, 1973.

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