



State of Wisconsin \ DEPARTMENT OF PUBLIC INSTRUCTION

William C. Kahl  
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 Mathew  
O [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. John O [REDACTED], parents of Mathew. 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 Mathew O [REDACTED], hereinafter known as Mathew, 14 years of age and a Middle School student, from the Evansville District Schools.

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

That Mathew was absent or truant from his classes or from school on several

occasions, particularly on November 27, 1972, December 22, 1972, and on February 14, 1973, however, there was no indication that the school district truant officer had given the notice required by section 118.16, Wis. Stats.

In addition to the absence from class and truancies there was included in the specification of charges reference to Mathew's involvement in incidents of September 12, 1972, December 22, 1972, and January 22, 1973, which although admittedly could not be proven were included in the matters presented to Board for its consideration in the proposed expulsion of Mathew.

Mathew denied the February 6, 1973 charge of disturbance to a class and disrespect to a teacher and there was no evidence submitted that the interest of the school was so affected by Mathew's action <sup>to</sup> as/demand his expulsion.

Although Mathew specifically denied his involvement in the incident on February 14, 1973, which resulted in damage to the school buses, he admittedly was present and observed the damage.

That prior to its expulsion of Mathew the Board also had before it for consideration certain statements of Evansville Middle School faculty members expressing their opinions as to the attitude and behavior of Mathew in general.

Mr. and Mrs. John O [REDACTED] and Mathew indicated their interest and concern for Mathew abiding by school rules should Mathew be returned to school.

In consideration of the foregoing the following appears:

The proper remedy of school authorities in event of student truancies is to enforce compliance with the state compulsory attendance law rather than expulsion which might serve the student with means of avoiding both school and parental authority and securing the desired result, namely, dismissal from school.

It is understood that school authorities must compel attendance to classes and obedience to school rules and that as Mathew continues in Evansville Middle School he must conduct himself accordingly.

It is also recognized that school authorities must act promptly in situations such as occurred on February 14, 1973, however, there is no proof of Mathew's participation in the bus incidents although his presence as an observer is admitted.

It further appears from the appearance of Mathew and his parents at said hearing that there is understanding on their part that school rules must be followed and discipline maintained for the benefit of all of the students of Evansville Middle School.

In accord with the foregoing,

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Mathew O [REDACTED] from Evansville Middle School be terminated and any ineligibility of said Mathew O [REDACTED] to attend Evansville Middle School is herewith and hereby removed.

Dated this 30th day of March, 1973.

SIGNED:

A. A. Buchmiller  
A. A. BUCHMILLER  
DEPUTY STATE SUPERINTENDENT