



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 Eugene
T [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. Duane T [REDACTED], parent of Eugene T [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 Eugene T [REDACTED], hereinafter known as Eugene, 15 years of age and a high school student, from the Evansville District Schools.

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

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

occasions, 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 absences from class and truancies the Board apparently considered the involvement of Eugene in the February 6, 1973 incident which resulted in damage to school buses even though Eugene has denied that he participated and has stated that he asked the person involved to stop.

Although it does appear that some of Eugene's school deficiencies may be lessened by improving his reading abilities it also appears that compelled school attendance and regular participation in class might increase Eugene's understanding and result in better grades.

That Mr. T [REDACTED] indicated his interest and concern for Eugene's continued attendance in school and obedience to school rules.

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 if Eugene continues in Evansville High School he must conduct himself accordingly.

It is also understood that school authorities must act promptly in situations such as occurred February 6, 1973, however, even if it were considered that Eugene participated in activity which damaged the buses, there would not be the "persistent refusal to follow school rules" necessary to order expulsion as provided in section 120.13, Wis. Stats.

In accord with the foregoing,

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Eugene T [REDACTED] from

Evansville High School be terminated and any ineligibility of said Eugene T [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