



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 Gary S [REDACTED]  
from the Union Grove High School, Union  
Grove, Wisconsin.

O R D E R

The facts related to the above entitled expulsion appeal were determined by the State Superintendent of Public Instruction at a conference held at the State Superintendent's direction by William Erpenbach, Special Consultant, Department of Public Instruction, and Max C. Ashwill, Legal Counsel, Department of Public Instruction, commencing at 4:00 P.M. on March 14, 1973, at the Union Grove High School, Union Grove, Wisconsin. Gary S [REDACTED] and his mother, Mrs. Mary S [REDACTED], appeared by their attorney, Craig E. Miller, Chief Staff Counsel, Corrections Legal Services Program, and the Union Grove School Board by its attorney, James D. MacDonald.

The following appears from information submitted at said conference of March 14, 1973:

On November 20, 1972, the Union Grove Board of Education, hereinafter known as the Board, voted to expel Gary S [REDACTED], hereinafter known as Gary, 14 years of age, from the Union Grove High School for the remainder of the 1972-73 school year. The disciplinary incidents in which Gary was involved and for which the Union Grove School Board considered his expulsion were several unexplained absences or truancies, a smoking incident occurring on school grounds in violation of the school rule, and a fighting incident in which Gary and another high school youngster were involved

against a Union Grove High School youngster who was enrolled in the special programs for the mentally handicapped.

Although the proper remedy in the event of student truancies is to enforce compliance with the state compulsory attendance law rather than expulsion, it is considered that the Board was not unjustified in expelling Gary from school privileges for what would be normally the end of the first term or semester of the 1972-73 school year. However, an expulsion for a longer period appears to be unreasonable in view of the acts with which Gary was charged, his young age and his lack of experience in high school.

It appears from the information submitted on March 14, 1973, that it would be highly probable that Gary may be better able to benefit from modification of the program of study in which he was enrolled than by re-entering him in his former classes. His absence record, comparative inexperience in high school, and other factors would suggest such alternatives in order to ensure a more beneficial and successful school attendance for Gary. Such attendance should be modified to make it possible for Gary to receive partial credit for some of this year's school attendance and home study and/or tutorial assistance may be relevant considerations.

In order to assist the Union Grove High School authorities in creating a modified school program for Gary for the remainder of the 1972-73 school year I am directing William Erpenbach, Special Consultant, DPI, and Leonard Pennington, Special Consultant, DPI, to provide any assistance that you may need or desire in the implementation of such modified study program for Gary.

In accord with the foregoing, IT IS HEREBY ORDERED that the expulsion of Gary S [REDACTED] from Union Grove High School be terminated upon the receipt of this order and that he be readmitted to the Union Grove High School for a program of studies appropriate to his current needs.

Dated this 4th day of April, 1973.

SIGNED:

  
WILLIAM C. KAHL  
STATE SUPERINTENDENT