



State of Wisconsin DEPARTMENT OF PUBLIC INSTRUCTION

Barbara Thompson, Ph.D.
State Superintendent

Dwight M. Stevens, Ph.D.
Deputy State Superintendent

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. Alex J [REDACTED], Appealing
from the Expulsion of James J [REDACTED]
from Wauwatosa Public Schools.

ORDER

A formal hearing having been held at the direction of the State Superintendent of Public Instruction on an appeal by Mr. and Mrs. Alex J [REDACTED] from an order expelling their son, James J [REDACTED], from Wauwatosa Public Schools pursuant to S. 120.13 (1) (c) Wisconsin Statutes. The matter having been heard with William Erpenbach, Consultant, Department of Public Instruction, presiding at 7:57 p.m., on January 9, 1974, at Wauwatosa Public Schools, Wauwatosa, Wisconsin, the appearances being as follows: Mr. and Mrs. Alex J [REDACTED] and James J [REDACTED] appeared personally and by counsel, Mr. Donald C. Haberman, Attorney at Law; the Wauwatosa School Board appeared by Mr. Francis Krembs, Attorney at Law; Max C. Ashwill, Legal Counsel for the Department of Public Instruction, as advisor to said hearing officer, and proceedings were had as appeared by the tape transcript thereof and the exhibits on file as a part of the official record of the matter. The State Superintendent after consideration of all the testimony and the entire record and being fully advised in the premises makes and files the following findings and order:

FINDINGS

On November 8, 1973, James J [REDACTED], then a student in 8th grade in Wauwatosa Public Schools, was expelled therefrom for the balance of the school year by the Wauwatosa School Board.

That the Board in expelling James J [REDACTED] from Wauwatosa Public Schools provided upon his return at the end of the school year that he should be on probation for the remainder of his school attendance in Wauwatosa Public Schools.

That several acts in violation of school or teacher rules of good order occurring on October 24, 1973, were admitted by James.

That on October 24, James purchased some 40 barbituate pills also called "downers" from a student at Whitman Junior High, the purchase, however, took place away from the school premises.

That on the 24th of October, James was found in Whitman Junior High, which he attends, by the assistant principal, to be glassy eyed with speech slurred and having admittedly taken 3 of the barbituate capsules.

On October 24, 1973, James was found to have 6 of the capsules in his locker in the Wauwatosa Public Schools.

That on October 24, 1973, James sold some of the 40 capsules to other students although the sale was consummated off of school premises.

The 40 capsules which James purchased, some of which he sold to other students, were barbituates or drugs which if taken in quantity could cause illness or endanger life.

It is considered that the acts of possession and use of dangerous drugs on October 24 was repeated violation of school rules sufficient alone to justify James' expulsion.

That if the sale of drugs alone had occurred at school or under the schools' supervision it would have been sufficient basis for expulsion. Here where the sales to fellow students took place in close proximity to the school it could only be considered as a violation of school or teacher rules for which repeated violations are required.

That although James' close family is burdened with tutoring and other expenses the Wauwatosa School has provided books and allowed him to be given grades for work completed for the purpose of advancement in school; school authorities also have indicated to counsel for James that more school assistance might be available although full school attendance would not be possible until the end of the 1973-74 school year.

That Mr. and Mrs. Alex J [REDACTED] and James should work closely with Wauwatosa school authorities to ascertain what further school assistance may be available to James for the remainder of the spring semester and which may be useful in returning him to status of full time student.

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of James J [REDACTED] from Wauwatosa Public Schools for the remainder of the 1973-74 school year be affirmed and that at the beginning of the 1974-75 school year he be admitted with full status of student to Wauwatosa Public Schools.

Dated this 7th day of February, 1974.

SIGNED: Barbara Thompson
BARBARA THOMPSON, PH.D.
STATE SUPERINTENDENT