



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. Frank W..., Appealing from the Expulsion of Debbie W... from Sun Prairie High School on May 7, 1974.

FINDINGS AND ORDER

The above entitled matter was duly heard at a hearing held at the Department of Public Instruction, 126 Langdon Street, Madison, Wisconsin, on May 29, 1974, as appears from the record of said matter now on file in the Department of Public Instruction. Present and attending: Barbara Thompson, State Superintendent of Public Instruction, presiding; Max C. Ashwill, Legal Counsel, appearing for the Department of Public Instruction; attending for the Sun Prairie School Board, hereinafter referred to as Board, were Mr. O. G. Berge, Superintendent of Sun Prairie Public Schools, and Mr. Earl Wiehl, Board Member, appearing by counsel, Mr. Roy Hovel, Attorney, with whom appeared Mr. John Hovel; attending for appellants were Mr. Frank W... and Debbie W..., the latter hereinafter referred to as Debbie, appearing by counsel, Mr. John C. Albert. After due and careful consideration of the record of the Board hearing submitted by stipulation of counsel in lieu of a de novo hearing by the State Superintendent of Public Instruction and of other written and oral information submitted at said hearing of May 29, including oral and written arguments of counsel, and being fully advised, I, the said State Superintendent of Public Instruction, find as follows:

FINDINGS

That on dates of November 20, 1973, March 20, 1974, and April 26, 1974, Debbie

admittedly smoked on the grounds of Sun Prairie Public Schools.

That a Board rule prohibits smoking on school grounds or in the school buildings and provides that after the third smoking offense that expulsion of the offending student will be considered by the Board.

That Debbie was aware of the school rule prohibiting smoking at the three times she smoked in violation of the rule.

That after a hearing of the Board on May 7, 1974, at which full notice of the charges and opportunity to defend was given to Debbie and her parents, it was concluded to be in the interest of the school to expel Debbie for the three smoking violations.

That the three smoking incidents in violation would be evidence of a persistent or repeated refusal to follow school rules and for which the Board, under the difficulties encountered in maintaining discipline in the school, might call for substantial measures.

That if Debbie is allowed to return to school before the end of the semester she may be able to complete her course studies without total academic loss of one half of the school year.

That in light of the loss of school suffered by Debbie since the April 26th incident culminating in her expulsion and the further loss if she is not allowed to complete the present semester at Sun Prairie High School as well as her promise to hereafter comply with school rules and in the interest of giving Debbie and her parents an opportunity to adjust her conduct to comply with said rules, the expulsion is lifted and terminated upon the condition and requirement that she abide and comply with the directions and reasonable rules and regulations of Sun Prairie School authorities.

This order is not being made upon the basis that the Board may not have been fully justified in ordering the expulsion of Debbie W [REDACTED] but solely in the exercise of the discretion of the State Superintendent in further providing for Debbie's

obtaining the benefits of an adequate education necessary under our present system.

Mr. and Mrs. Frank W [REDACTED] are directed to cooperate with Sun Prairie school authorities in improving Debbie's compliance with school rules.

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Debbie W [REDACTED] be terminated on the date of the receipt of this order by Sun Prairie school authorities.

Dated this 30th day of May, 1974.

SIGNED:

Barbara Thompson
Barbara Thompson, State Superintendent
of Public Instruction