



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 on or about March 16, 1976, by Charles Swanson, Attorney for Mr. and Mrs. Samuel F [REDACTED], Appealing the Decision made by Unified School District No. 1, Racine County, Wisconsin, on March 10, 1976, to Expel their daughter, Debra F [REDACTED] from Racine Washington Park High School.

DECISION  
AND  
ORDER

The facts related to the above entitled appeal were determined by the State Superintendent of Public Instruction at a hearing held at the State Superintendent's direction by Roger Sunby, Consultant, Department of Public Instruction, and Max Ashwill, Legal Counsel, Department of Public Instruction, commencing at approximately 7:40 p.m. on April 21, 1976, at the school board room of the Racine Unified District, Racine, Wisconsin. Debra F [REDACTED] and Mr. and Mrs. Samuel F [REDACTED], appeared in person and by their Attorney, Charles Swanson, and Attorney Thatcher Peterson appeared for the Racine Schools. The State Superintendent, after consideration of all the testimony and the entire record and being fully advised in the premises, files the following findings and order.

FINDINGS

That Debra, a 17 year old student at Racine Washington Park High School was expelled by the Racine Board after a hearing held March 10, 1976. Debra was [expelled for striking Mr. Ronald Markwardt, a teacher at Park High School, with a meter stick in the beginning of a 7th hour science class on February 25, 1976. ]

The Racine Washington Park High School code provided, "Incidents of physical assault or severe verbal intimidation are not acceptable at school or at school-sponsored functions."

At the beginning of the science class in Washington Park High School in the 7th period on February 25, the students were standing around and talking, with a group of students at the front desk and Debra F [redacted] was sitting in Mr. Markwardt's chair.

That upon Debra's refusal to return to her seat, Mr. Markwardt tipped the chair forward, causing her to slide on the desk in front of her.

That thereafter Debra stood up and proceeded to the lab table and took a wooden meter stick from the materials located on the table.

That Mr. Markwardt informed Debra that she would not need the equipment at that time and that she should put the stick back on the table.

That upon Debra's refusal to put the meter stick back on the table, Mr. Markwardt grabbed the stick and twisted it from her grasp, whereupon Debra went to the table and picked up another stick and went to her chair.

That Mr. Markwardt again informed her to put the stick back, whereupon Debra stated that he would have to come and get it. Mr. Markwardt then walked over to her and put his hand on the back of her neck at the same time asking her to give him the stick.

That Debra thereupon struck Mr. Markwardt once or twice with the meter stick, cutting the skin above the left eye.

That the 7th hour science class in which Debra was a student was aware that Debra was refusing to comply with Mr. Markwardt's direction when Debra told Mr. Markwardt that he was going to have to take the stick from her.

CONCLUSIONS

That Debra's refusal to take her seat upon the request of Mr. Markwardt was refusal to follow a reasonable teacher directive and affected the interest of the students in the 7th hour science class by delaying orderly and timely start of class.

That the refusal of Debra to relinquish the meter stick upon the request of the teacher constituted failure on the part of the student to comply with a teacher order issued for the purpose of aiding the timely and orderly start of the 7th hour science class.

That in securing possession of the second meter stick and stating to the teacher that he would have to come and get it, Debra continued to refuse to obey teacher rules or directives necessary for the discipline and good order of the class.

That the action of Debra in striking the teacher with the meter stick constituted continued refusal of the teacher's request as well as an act which threatened the health or safety of the teacher and affected the interest of the school in maintaining order in the 7th period science class.

That although the expulsion of Debra is hereby affirmed, it is recognized that enabling her to complete her high school education is a continuing responsibility of the State of Wisconsin and of the Racine School District.

That it also appears that Debra is subject to the compulsory attendance provisions of Section 118.15 of the Statutes and it is recommended

that some appropriate means of providing Debra an opportunity to salvage part of her education for the remainder of the 1975-76 school year be provided by the Racine board.

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Debra F [REDACTED] from the Racine Washington Park High School be affirmed and that she is to be reinstated as a full student in the Racine District Schools at the beginning of the 1976-77 school year.

It is recommended that the Board provide means for Debra to complete part of her education for the remainder of the school year such as providing a tutor for a few hours a week for home study and permission to take examinations.

Dated this 3rd day of May, 1976.

Signed:

*Barbara Thompson*  
BARBARA THOMPSON  
State Superintendent  
State of Wisconsin