



The State of Wisconsin

DEPARTMENT OF PUBLIC INSTRUCTION

ROOM 147 NORTH, CAPITOL
MADISON, 53702

Decision & Order #3

ANGUS B. ROTHWELL
STATE SUPERINTENDENT

ASSISTANT SUPERINTENDENTS
WILLIAM C. KAHL, FIRST ASSISTANT
ARCHIE A. BUCHMILLER, ASSISTANT
ALAN W. KINGSTON, ASSISTANT
JOHN W. MELCHER, ASSISTANT
HENRY A. OLSON, ASSISTANT
ROBERT C. VAN RAALTE, ASSISTANT

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. Steve I. [redacted], Appealing from an Order of the Board of Education of Joint School District No. 1, Town and Village of Pewaukee, Expelling Daryel I. [redacted] from Pewaukee High School, and the Matter of an Appeal Filed by Mr. and Mrs. Edward S. [redacted], Appealing from an Order of the Board of Education of Joint School District No. 1, Town and Village of Pewaukee, Expelling Larry and Ronald S. [redacted] from Pewaukee High School.

FINDINGS OF FACT

AND

ORDER

Facts related to the above entitled matter were determined by the State Superintendent of Public Instruction at an informal conference held at the State Superintendent's direction by Charles H. Wileman, Supervisor, Department of Public Instruction, and Max C. Ashwill, Legal Consultant for the Department of Public Instruction, on November 26, 1963, at the Pewaukee High School, Pewaukee, Wisconsin.

Persons attending said informal conference were:

- Harold Bolseth, High School Principal
- Kenneth Benson, Administrative Assistant
- Steve I. [redacted], Parent
- Barbara I. [redacted], Parent
- Daryel I. [redacted], Student
- Larry S. [redacted], Student
- Lorraine S. [redacted], Parent
- Ronald S. [redacted], Student
- L. E. Houle, Supervising Principal
- J. E. Ryan, Board Director
- John B. Ewert, Board Member
- Allan A. Anderson, Guidance Director
- K. E. Lofgren, Clerk, School Board
- J. T. Brown, Member, School Board
- Charles H. Wileman, Supervisor, Dept. of Public Instruction
- Max C. Ashwill, Legal Consultant, Dept. of Public Inst.

The following appears from information secured at said informal conference held

November 26, 1963.

That on October 8, 1963, Daryl L. [REDACTED], age 15, a student at Pewaukee High School, with other students, i.e., Larry S. [REDACTED], age 17, Ronald S. [REDACTED], age 15, and Douglas W. [REDACTED] were called into the Pewaukee High School because they were seen smoking immediately across the street from Pewaukee High School; and

That prior thereto the Pewaukee High School Principal had announced a rule at the school assembly prohibiting smoking by students in the immediate vicinity of the school premises;

That upon being called into Pewaukee High School after said smoking incident of October 8, 1963, profane and abusive language was directed at the principal of said school;

That although the profane language was used by Douglas W. [REDACTED], the three appellants participated in a conduct of resistance to the enforcement of school discipline;

That subsequent to said informal conference Mr. and Mrs. L. [REDACTED] and Mr. and Mrs. S. [REDACTED] were informed by the Board of Education that their sons could return to Pewaukee High School in September, 1964, upon satisfactory completion of two approved extension courses which must be completed prior to June 11, 1964;

That said board further informed said parents that the fee for the extension courses would be reimbursed if passing grades were received in such courses;

That Mr. and Mrs. Edward S. [REDACTED] on November 4, 1963, appealed the expulsion order of October 8, 1963, of the Board of Education of Joint School District No. 1, Town and Village of Pewaukee, expelling their sons, Larry, age 17, and Ronald, age 15, to the State Superintendent of Public Instruction;

That Mr. and Mrs. Steve I. [REDACTED] on November 4, 1963, appealed the expulsion order of October 8, 1963, of the Board of Education of Joint School District No. 1, Town and Village of Pewaukee, expelling their son, Daryl, age 15, to the State Superintendent of Public Instruction;

That the parents of said pupils have expressed interest and concern at said informal conference over the attendance of their children at Pewaukee High School.

In consideration of the foregoing, the State Superintendent affirms the authority of the Board of Education of Joint School District No. 1, Town and Village of Pewaukee, to act in said matter and that the board acted properly in expelling said students in order to maintain the discipline of the school.

It further appears that by requiring said students to take an extension course, which they would have at least to pay the original cost of, would be in the nature of conditioning their return to school upon the payment of a sum of money which is prohibited.

It further appears that two of the expelled students, Daryel L. [redacted] and Ronald S. [redacted], are subject to the compulsory school attendance law and that although with Larry S. [redacted], the other appellant, they participated in the smoking incident and the course of conduct for which the Board of Education very properly expelled them, it further appears that none of appellants actually used the profane and abusive language used by Douglas W. [redacted].

It further appears from the appearance of the appellants with their parents at said informal conference that there is recognition on their part that such conduct as took place in Pewaukee High School on October 8th cannot be condoned by school authorities charged with maintaining the discipline of the school.

It further appears that the purposes of the expulsion will be accomplished by the fact that the pupils have been expelled for the first term of the 1963-1964 school year. It appears to be only proper that the expulsion terminate at the end of the first term of the 1963-1964 school year and that Daryel L. [redacted], Larry S. [redacted] and Ronald S. [redacted] be given an opportunity to demonstrate that they will conform to the rules of the school.

IT IS HEREBY ORDERED That the expulsion of Daryel L. [redacted], Larry S. [redacted] and Ronald S. [redacted] by the Board of Education is affirmed but said expulsion is to be terminated as of the end of the first term of the 1963-1964 school year and any ineligibility of Daryel L. [redacted], Larry S. [redacted] and Ronald S. [redacted] as of the beginning of the second term of

the 1963-1964 school term is herewith and hereby removed.

Dated this 5th day of February, 1964.

SIGNED:

Angus B. Rothwell

ANGUS B. ROTHWELL, STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION