



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 March 15,  
1976, Appealing from the Expulsion of Rudy  
G [REDACTED] from Racine Washington Park High  
School on February 26, 1976.

DECISION  
AND  
ORDER

Both parties to the above appeal through their counsel, William R. Binetti for Appellant and W. Thatcher Peterson for the Racine School Board, have agreed and stipulated that the facts before the state superintendent for the purpose of this appeal shall be those contained in Leland Johnson's memo of February 26, 1976, and Attorney William Binetti's letter of April 7, 1976. Appellant has also presented character references from Rudy's teachers at Washington Park High School as well as a petition by Rudy's classmates to the Racine School Board asking for a reconsideration of Rudy's expulsion from school. The state superintendent, after consideration of the entire record and being fully advised in the premises, makes the following findings and order.

#### FINDINGS

That Rudy G [REDACTED], hereinafter known as Rudy, a student at Racine Washington Park High School, was expelled by the Racine Unified School Board, hereinafter known as Board after a hearing held on February 26, 1976.

Rudy was expelled for threatening another student, named Robert J. [redacted], with a knife in the locker room of Washington Park High School, hereinafter known as school, on February 12, 1976.

That Robert J. [redacted], hereinafter known as Robert, who is larger than Rudy, had threatened and intimidated Rudy several times within a two week period just prior to the February 12 incident.

That Rudy did not own the knife with which he threatened Robert, having just gotten it from a fellow student.

That Rudy stated that he did not intend to harm Robert but that he hoped to frighten him into leaving Rudy alone.

That other students were present on February 12 when Rudy threatened Robert by going up to him and putting a knife to Robert's chest and telling Robert to "lay off".

That Rudy was an average student working to better himself and was well thought of by many of his peers as represented by the petition.

#### CONCLUSIONS

It is concluded that the threatening conduct of Rudy occurring toward Robert in the school locker room on February 12 constituted conduct threatening the health and safety of other students and it is further concluded that the interest of the school demanded Rudy's expulsion.

That although the expulsion is hereby affirmed, it is recognized that the State of Wisconsin and the Racine Unified District have a continuing responsibility to provide for Rudy's education. In view of this obligation, and of Rudy's past school record, it is recommended that the Board devise some means to give Rudy an opportunity to earn some credits for the last half of the 1975-76 school year.

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Rudy G [REDACTED] from the Racine Washington Park High School be affirmed and that he 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 Racine School Board provide means for Rudy to complete part of his education for the last half of the 1975-76 school year. Attendance in vocational-technical school courses or providing for a tutor for a few hours a week home study and permission to take examinations are suggested means for providing this recommendation.

Dated this 4th day of May, 1976.

Signed:

*Barbara Thompson*

BARBARA THOMPSON  
STATE SUPERINTENDENT  
STATE OF WISCONSIN