



State of Wisconsin

DEPARTMENT OF PUBLIC INSTRUCTION

Barbara Thompson,
State SuperintendentDwight M. Stevens, Ph.D.
Deputy State Superintendent

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

IN THE MATTER OF THE EXPULSION PROCEEDINGS
OF JAMES H. [REDACTED] FROM THE WISCONSIN SCHOOL
FOR THE DEAF, DELAVAN, IN WHICH A HEARING
WAS HELD BY THE SUPERINTENDENT OF THE
WISCONSIN SCHOOL FOR THE DEAF ON MAY 12, 1976.

DECISION
AND ORDER

The facts related to the above matter were determined by the State Superintendent of Public Instruction at a hearing held at the State Superintendent's direction by John Shipman, Superintendent, Wisconsin School for the Deaf, Delavan, on May 12, 1976, commencing at approximately 9:30 a.m. in the conference room of the administration building, Wisconsin School for the Deaf, Delavan. Present were John Shipman, hearing officer; Bud Wescott, WSD; Mrs. Lucille Olson, Interpreter; Fay Graff, Mr. Shipman's secretary; Mrs. F. [REDACTED]; Kurt F. [REDACTED]; James H. [REDACTED]; Mary H. [REDACTED]; Robert S. [REDACTED]; Jean Patzlsberger, Roger Sunby and Kay Daut, DPI.

The State Superintendent, after consideration of the entire record and being fully advised in the premises, makes the following findings and order.

FINDINGS

That James H. [REDACTED], a 17 year old student at the Wisconsin School for the Deaf, Delavan, [inflicted serious physical injury to another student,] Scott

S [REDACTED], by inserting a broom handle into his rectum on the evening of April 7, 1976, when Scott was in the bathroom preparing to take a shower.

That James H [REDACTED] testified that he and another student, Kurt F [REDACTED], both inflicted injury on Scott S [REDACTED] in the above described manner.

That the record does not indicate provocation for James' action and James was unable to offer an explanation for his conduct.

That after inflicting such injury on Scott, James made no attempt to secure help for Scott, though he knew Scott was hurt and bleeding.

That the school rules set forth in WSD student handbook provide:

Health and Safety

"Threatening or doing bodily harm to another student or staff member for any reason can lead to suspension/expulsion/legal action." p. 10.

General

"No fighting or aggressive behavior will be permitted." p. 23.

CONCLUSIONS

That James H [REDACTED] inflicted injury on Scott S [REDACTED] on April 7, 1976, by inserting a broom handle into his rectum.

That the incident was spontaneous or impulsive rather than premeditated.

That this action violated school rules and endangered the health and safety of another student.

That the interest of the Wisconsin School for the Deaf demands the expulsion of James H [REDACTED].

IT IS HEREBY AND HEREWITH ORDERED That James H [REDACTED]'s absence from school from April 19, 1976 to June 11, 1976, under suspension pending a hearing is officially declared to be a period of expulsion.

That James H [REDACTED] not be allowed to live in residence again at the Wisconsin School for the Deaf, unless he undergoes a psychiatric evaluation and treatment, if appropriate, and the psychiatrist recommends his reinstatement as a residential student.

James H [REDACTED] may attend Wisconsin School for the Deaf as a day student beginning with the 1976-77 school year.

Dated this 24th day of August, 1976.


BARBARA THOMPSON
STATE SUPERINTENDENT