



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 the Appeal Filed with the State Superintendent of Public Instruction on or about February 7, 1977, by Mr. and Mrs. Kenneth G. [REDACTED], Appealing the Decision made by the Germantown School Board to expel their son, Daniel G. [REDACTED] from the Kennedy Middle School.

DECISION  
AND  
ORDER

A hearing on the above entitled appeal was held at the State Superintendent's direction by Roger Sunby, Supervisor, Department of Public Instruction and Kathryn Daut, Assistant Legal Counsel, Department of Public Instruction, commencing at approximately 7:42 p.m. on March 21, 1977, at the Germantown School District Office. Mrs. Kenneth G. [REDACTED] appeared in person and on behalf of her son, Daniel G. [REDACTED]. Daniel G. [REDACTED] was not present. District Administrator Harry Romano appeared for the School District of Germantown.

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

Findings

Daniel G. [REDACTED], a 15 year old eighth grade student at Kennedy Middle School, was expelled from school by the Germantown School Board after a

hearing held before the School Board on November 16, 1976.

The School Board expelled Daniel, effective November 16, 1976, for the remainder of the 1976-77 school year.

Daniel was expelled for [repeated violations of school rules and for conduct endangering the health and safety of others, including: disturbing class, smoking, fighting, throwing rocks and possession of marijuana at school.]

Daniel did engage in repeated violations of school rules.

Daniel has not been attending any school, public or private, nor has he been receiving any instruction at home, since the date of his expulsion, November 16, 1976.

Mrs. G [REDACTED] refused to consent to a multidisciplinary team (M-team) evaluation for Daniel during the 1974-75 school year and again during the 1975-76 school year.

Mr. Strong, Kennedy Middle School Principal, testified that in his opinion an M-team evaluation would be of value to help identify Daniel's problems and shed some light on the reasons for his disruptive behavior.

#### Conclusions

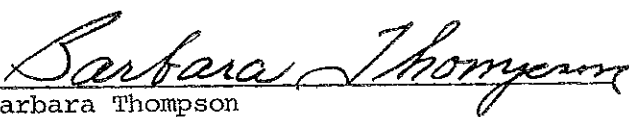
Daniel has engaged in repeated violations of school rules and his behavior has been disruptive of the educational environment at Kennedy Middle School.

The expulsion of Daniel is hereby affirmed, however, it is recognized that providing for Daniel's education continues to be a joint responsibility of the State of Wisconsin, the Germantown School District, Daniel and Daniel's parents.

IT IS HEREBY ORDERED That the expulsion of Daniel G [REDACTED] from Germantown Kennedy Middle School is affirmed. It is further ordered that the Germantown School District begin immediately to provide Daniel with an appropriate home instruction program.

IT IS FURTHER ORDERED That the Germantown School District immediately seek the consent of Mr. and Mrs. G [REDACTED] for an M-team evaluation of Daniel, and that if such consent is obtained, that the School District, forthwith, convene an M-team for the purpose of determining whether Daniel is a student with exceptional educational needs.

Dated this 25th day of March, 1977.



Barbara Thompson  
State Superintendent