



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 28, 1977, by James E. Boening, Attorney for Mr. and Mrs. Harry K. H [REDACTED], Appealing the Decision made by the School Board of the Whitnall School District, Milwaukee County, Wisconsin, on March 21, 1977, to Expel their son, Harry E. H [REDACTED] from the Whitnall Middle 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, Supervisor, Department of Public Instruction and Max Ashwill, Legal Counsel, Department of Public Instruction, commencing at approximately 1:30 p.m. on May 9, 1977, at the District Office of the Whitnall School District, Greenfield, Wisconsin. Harry E. H [REDACTED] and Mr. and Mrs. Harry K. H [REDACTED] appeared in person and by their attorney, James E. Boening and Attorney Mark F. Vetter for the Whitnall School District. 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 Harry E. H [REDACTED], a 14 year old student at Whitnall Middle School, was expelled by the Whitnall School Board after a hearing held on March 21, 1977. Harry E. H [REDACTED], (hereinafter referred to as Rusty) was [expelled for securing and transferring on school grounds, an illegal narcotic to another Whitnall Middle School student] on or about January 27, 1977, and that Rusty was considered a danger to the health and safety of the students of Whitnall Middle School.

That Rusty admitted securing and transferring the illegal narcotic on school property on or about January 27, 1977.

That Rusty admitted he was aware of the adopted school board policy which stated "sale or distribution of illegal narcotics is cause for immediate expulsion."

That the School Board of the Whitnall School District acted within its adopted policies and procedures in determining to expel Rusty on March 21, 1977.

Conclusions

That Rusty did secure and transfer an illegal narcotic to another student on school grounds on or about January 27, 1977.

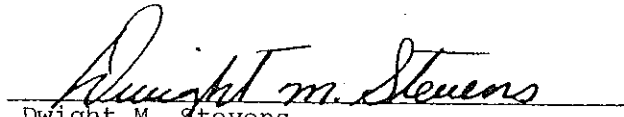
That Rusty did knowingly violate the school board policy prohibiting transfer of an illegal narcotic.

That such act does endanger the health and safety of others as provided in Section 120.13 (1) (c), therefore;

IT IS HEREBY AND HEREWITH ORDERED That the expulsion of Harry E. H [REDACTED] (Rusty) for the remainder of the 1976-77 school year be affirmed and that he is to be reinstated as a full-time student in the Whitnall School District at the beginning of the 1977-78 school year.

That although the expulsion of Rusty is hereby affirmed, it is recognized that his education continues to be a responsibility of the Whitnall School District, his parents, Rusty and the State of Wisconsin. Therefore, it is recommended that the Whitnall School District, upon enrolling Rusty for the 1977-78 school year, review his educational status and needs and develop cooperatively with his parents an Individual Educational Program that will assist Rusty in progressing with his class.

Dated this 16 day of May, 1977.


Dwight M. Stevens
Deputy State Superintendent