



The State of Wisconsin

DEPARTMENT OF PUBLIC INSTRUCTION

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STATE SUPERINTENDENT

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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. Edward R. [REDACTED], Appealing from the Expulsion of Don R. [REDACTED] from Peshtigo High School by the Peshtigo Board of Education.

FINDINGS OF FACT

AND

ORDER

Facts related to the above entitled matter were determined by the State Superintendent of Public Instruction at a conference held at the State Superintendent's direction by Robert Van Raalte, Assistant Superintendent, State Department of Public Instruction, and Max C. Ashwill, Legal Consultant for the Department of Public Instruction, on February 19, 1964, at Peshtigo High School, Peshtigo, Wisconsin.

Persons attending said conference were:

L. E. Lovedale, Superintendent
Matt Valitchka, Assistant Superintendent
Bernard M. Stehle, Secretary of Board of Education
Gene Gusey, Board of Education
Delbert Henquinet, Board of Education
Adolph Stardl, Board of Education
Richard E. Neumann, Board of Education
Robert J. Sieloff, Board of Education
Dale Berman, Board of Education
H. J. Grenner, President, Board of Education
Alvin Adrien, Board of Education
Alan E. R. [REDACTED], Brother of Don R. [REDACTED]
Mrs. Ed. R. [REDACTED], Parent
Don R. [REDACTED], Student
Ed. R. [REDACTED], Parent
Robert Van Raalte, Asst. Supt., Dept. of Public Instruction
Max C. Ashwill, Legal Consultant, Dept. of Public Instruction

The following appears from information secured at said conference held February 19, 1964:

That on January 30, 1964, the Board of Education of Peshtigo High School, Peshtigo, Marinette County, Wisconsin, at a special meeting ordered the expulsion of Don R. [REDACTED]

for the remainder of the second term of the 1963-1964 school year.

That at said expulsion hearing of January 30, 1964, the Peshtigo Board was informed that said Don R [REDACTED] had been truant September 24, 1963, at which time he was suspended.

That following the suspension of said Don R [REDACTED] on September 24, 1963, Mr. Edward R [REDACTED], father of Don, appeared at the school and agreed with the school administrator that said student was to attend school regularly.

That it was the understanding of the parents of said Don R [REDACTED] and the school administrator that any absence for substantial cause was to be reported to the school authorities before school on the day it was to occur and it was further understood that expulsion or suspension from school was to result from any unexplained absences.

That various records submitted by the school indicate a conflist of dates on which said Don R [REDACTED] was absent from school without excuse.

That said records and the statements of school authorities further bear out the fact that said Don R [REDACTED] was absent with parental excuse for a substantial number of days prior to the second term of the 1963-1964 school year.

That the uncontested statements of Mr. Valitchka, Assistant Superintendent, made at said conference held February 19, 1964, indicates that some of the excuses taken by the school authorities may not have been written by the parents of said Don R [REDACTED].

That there is no contention that said possible unexplained absences were considered by the school authorities in deciding to expel said student.

That the best record of the expulsion of said Don R [REDACTED] by the Peshtigo Board is found in the minutes of the expulsion meeting held by said board on January 30, 1964.

That said board minutes were read into the record of the conference held on February 19, 1964, and indicate that the Peshtigo Board was informed that January 21, 1964, was the first day that the boy was absent, and it was further developed at said conference that January 28, 1964, was the first day absent without excuse rather than

January 21, 1964, as first indicated in the board minutes.

That furthermore it appeared that Don may have been absent for a half a day on January 21, 1964, but there is some indication that school authorities were given reason for this absence.

That the parent or parents of said Don R. [REDACTED] were not aware of Don's absence on the date of January 28, 1964, and that such disregard of parental knowledge was given as one of the reasons or recommendations for the expulsion of said Don R. [REDACTED].

That the failure of said Don R. [REDACTED] to comply with the agreement between Mr. R. [REDACTED] and the school authorities that Don was to attend school or excuse to be given before absence was given as one of the reasons for expelling said Don R. [REDACTED] in the expulsion letter to said parents dated January 31, 1964.

That said Don R. [REDACTED] is 17 years of age and resides in a district which does not maintain a full time Vocational and Adult Education School.

That the school records of said Don R. [REDACTED] indicate that said student is presently working below his capacity in school achievement.

That the school records for said student further indicate that said student is lacking in interest, sleeping when he should be studying and needing improvement in the area of courtesy, cooperation and dependability.

That the school authorities had attempted to contact the parents of said Don R. [REDACTED] to discuss with them the inadequacies of his scholastic record.

In consideration of the foregoing, the following appears:

That neither the classroom record or attendance record of said Don R. [REDACTED] is complimentary and the Peshtigo School Administrators and Board of Education are to be complimented for their efforts to improve Don's school attendance as well as to inform said student's parents of their son's falling school work.

It is clear that the falling work of said student goes hand in hand with the failure of said student to attend school regularly, whether by excuse of parents or by unexplained absenteeism, and had the parents of said Don R. [REDACTED] cooperated with the

school as requested there would have been no need for the disciplinary action which resulted in the Peshtigo Board expelling said student on January 30, 1964.

It appears from the school records of said student, that if he continues in his present pattern of failing classwork, sleeping in classrooms, and truancy, there may develop such repeated violations of school rules so as to justify his expulsion in the interest of the school.

That it appearing that the unexplained absences considered by the board did not consist of persistent neglect to obey the school attendance rules, it is not necessary to consider here whether, in the case of persistent refusal to obey the attendance rules of a school by a student no longer subject to the Compulsory Attendance Law, and where the interest of the school demands, the board may order expulsion.

That a school may not punish a child for failing to obey parental discipline away from the school, in this case failure to comply with the agreement of the father with the school, although where the child is subject to the Compulsory Attendance Law the parent may be punished for not compelling attendance.

In this matter disciplinary measures, such as make-up work for failing and truant students, would best serve the purposes, whereas the cure of expulsion for non-attendance might serve the truant student with the means of avoiding both school and parental authority and securing the desired result, namely, dismissal from school. Therefore, it appears only proper that the expulsion of said Don R. [REDACTED] terminate forthwith.

IT IS HEREBY AND HEREWITH ORDERED that the expulsion of Don R. [REDACTED] from Peshtigo High School be terminated and any ineligibility of said Don R. [REDACTED] as of the date of said expulsion notice is herewith and hereby removed.

Dated this 28th day of February, 1964.

SIGNED:

Angus B. Rothwell
ANGUS B. ROTHWELL, STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION