



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

18,

In the Matter of the Appeal of the Expulsion
of ██████████ of the Decision made by
the School Board of the Frederic School
District on April 13, 1978, to Expel ██████████
██████████ from the Frederic School District.

TEMPORARY
ORDER

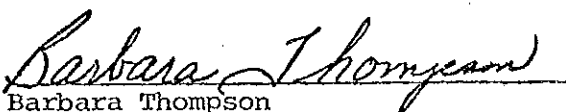
Pursuant to a timely appeal of said student's expulsion from the Frederic School District (hereinafter referred to as District), the Office of the State Superintendent of Public Instruction has conducted a preliminary investigation of this matter. Facts relating to said expulsion were secured from written minutes of a hearing before the Board of Education (hereinafter Board) of the District on April 13, 1978, and from several exhibits attached thereto. Such materials have been submitted on behalf of the District at the request of the Office of the State Superintendent of Public Instruction. The following appears from the information so submitted.

The student, ██████████ is a minor and has been enrolled as a senior at Frederic High School. On April 10, 1978, a letter from the District Superintendent was directed to the student's parents, giving notice that a hearing regarding the proposed expulsion of said student on the grounds specified therein would be held before the Board on April 13, 1978. Hearing was subsequently held on the date noticed and said student expelled by unanimous vote of the Board. Neither the student nor his parents appeared at the hearing.

While there is information to suggest that the mother of said student consented to scheduling the hearing on April 13, 1978, the record submitted is devoid of any information which would tend to indicate that the student or his parents were apprised of the right to a minimum of 5 days notice of hearing as required by Section 120.13 (1)(c), Wis. Stats., prior to giving the alleged consent. Absent such a finding, it cannot be concluded that a knowing and intelligent waiver of said right had been made. Whereas the totality of the information submitted indicates that said student has been denied procedural due process as to his expulsion, said student is entitled to an order setting aside the Board's action and reinstating him to attendance at Frederic High School pending a hearing before the State Superintendent of Public Instruction as to the procedural issue and, provisionally, as to the merits of his expulsion. *

IT IS THEREFORE ORDERED That the expulsion of ██████████ be set aside and that he be forthwith admitted to attendance at Frederic High School with all the rights and privileges attendant thereto pending a hearing as to this matter before the State Superintendent of Public Instruction.

Dated this 9th day of May, 1978.


Barbara Thompson
State Superintendent