

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 Mrs. Linda V [REDACTED],
Appealing from the Expulsion of Tyrone
V [REDACTED] from Crandon High School after
a hearing held on September 28, 1977.

DECISION
AND
ORDER

A hearing in the above matter having been held at the direction of the State Superintendent of Public Instruction, on an appeal by Mrs. Linda V [REDACTED], with Roger Sunby, Educational Administrative Supervisor, DPI, presiding at 1:31, p.m., on the 15th day of May, 1978, at Crandon High School, Crandon, Wisconsin, the appearances being as follows: Mrs. Linda V [REDACTED] appeared in person; the respondent Crandon School Board appeared by its Superintendent, Mr. Harold F. Nickel; Max C. Ashwill, Legal Counsel, DPI, appeared as advisor to said presiding officer, and proceedings were had as appears by the taped transcript thereof and the exhibits on file as part of the official record of said matter. The State Superintendent, after consideration of all the testimony and the entire record and being fully advised in the premises makes and files the following findings and order.

FINDINGS

On September 2, 1977, Tyrone V [REDACTED], hereinafter called Tyrone, was found to be in attendance at Crandon High School [under the influence of alcohol] for which he was suspended for 3 school days from attendance.

During the second hour of school on September 14, 1977, Tyrone, while engaged in a physical education class, used [abusive language] in front of the class and physical education teacher.

That during the noon hour on September 14, 1977, in the hallway of Crandon High School, Tyrone had firecrackers in his possession and [participated with several Crandon high school students in the discharge of firecrackers in the school building.]

That Tyrone has not attended Crandon High School since receiving a 3 school day suspension notice on September 14, 1977, for the use of abusive language and possession and lighting of firecrackers on school premises on September 14, 1977.

That although the suspension notice dated September 14, 1977, was for 3 school days only, and Mr. Sekel, high school principal testified that there was no reason that Tyrone could not return to school at the end of the 3 day suspension, there was no evidence to indicate any effort on the part of the school authorities to return Tyrone to class following the 3 day suspension in compliance with the compulsory attendance laws.

That notice of an expulsion hearing to be held by the Crandon School Board on September 28, 1977, was sent to Mrs. Linda V [REDACTED] on September 20, 1977.

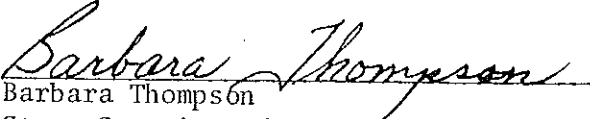
That Tyrone's presence in school on September 2, 1977, while under the influence of alcohol, the use of abusive language to a teacher in the presence of other students and the possession and discharge of firecrackers in the Crandon High School building on September 14, 1977, could be considered repeated refusal or neglect to obey school rules for which the interest of school required Tyrone's expulsion.

That Principal Sekel's testimony that there was no reason why Tyrone could not have come back to school following the suspension on September 14,

1977, until after the expulsion hearing would not support the conclusion that Tyrone's conduct demanded his permanent expulsion. In addition, if school authorities had considered Tyrone's conduct on September 14, 1977, as permanently threatening to the property, health or safety of others, it could have noticed the expulsion hearing upon issuing the suspension notice and excluded Tyrone from school attendance until after the expulsion hearing.

Based on the foregoing, it is hereby and herewith ordered that the expulsion of Tyrone V [REDACTED] be affirmed but terminated at the end of the 1977-78 school year and that Tyrone is to be reinstated as a full student in the Crandon School District at the beginning of the 1978-79 school year.

Dated this 24th day of August, 1978.


Barbara Thompson
State Superintendent