

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of the Expulsion from
Racine Unified School District of

██████████,

TEMPORARY ORDER

Appellant.

TO: C. Richard Nelson, Superintendent
Racine Unified School District
2220 Northwestern Avenue
Racine, Wisconsin 53404

Chairperson, Board of Education
Racine Unified School District
2220 Northwestern Avenue
Racine, Wisconsin 53404

Upon the motion of counsel for the above-named appellant and appellant's parents, and upon the files, records and proceedings had herein, pursuant to Wisconsin Administrative Code PI 1.09, and for cause shown, to wit:

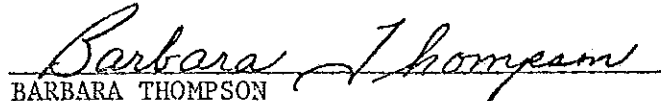
Respondent district has grounded the expulsion of appellant under color of sec. 120.13(1)(c), Stats., on charges relating to a [single instance of possession and use of marijuana and a single infraction of school attendance requirement] enacted in furtherance of the Compulsory Attendance and Truancy Acts (secs. 118.15 and 118.16, Stats.). As to the marijuana charge, appellant has shown a likelihood of prevailing on the merits of the reasons set forth in orders of the State Superintendent dated April 18, 1975, January 12, 1979 and July 6, 1979. Such likelihood has also been demonstrated as to the attendance charge as the Compulsory Attendance and Truancy Acts provide the exclusive remedy for dealing with such infractions; hence, a charge relating to an unexcused absence from class is not actionable in the context of an expulsion

proceeding. Order of the State Superintendent, March 17, 1978. (Affirmed, Jefferson County Circuit Court, Case No. 6722, memorandum decision, September 7, 1978.)

For the above reasons and in that the appellant will be irreparably harmed should she continue to be denied classroom instruction pendente lite and that she has no other adequate remedy at law, appellant is entitled to temporary reinstatement pending the disposition of the merits of this appeal.

THEREFORE IT IS HEREBY ORDERED That appellant, [REDACTED], be readmitted to J.I. Case High School with all the rights and privileges attendant thereto until further order of the State Superintendent.

Dated this 9th day of January, 1980.


BARBARA THOMPSON
State Superintendent