



The State of Wisconsin

DEPARTMENT OF PUBLIC INSTRUCTION

ROOM 148 NORTH, CAPITOL
MADISON 53702

THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Decision & Order #7

ANGUS B. ROTHWELL,
STATE SUPERINTENDENT

WILLIAM C. KAHL,
DEPUTY STATE SUPERINTENDENT

ASSISTANT SUPERINTENDENTS

ARCHIE A. BUCHMILLER, ASSISTANT
W. LYLE EBERHART, ASSISTANT
ALAN W. KINGSTON, ASSISTANT
JOHN W. MELCHER, ASSISTANT
HENRY A. OLSON, ASSISTANT
ROBERT C. VAN RAALTE, ASSISTANT

IN THE MATTER OF AN APPEAL FILED WITH THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
APPEALING FROM THE EXPULSION OF EDWARD
HENRY I. [REDACTED] FROM CLINTON COMMUNITY SCHOOLS
ON FEBRUARY 14, 1966.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Facts related to the above entitled matter were determined by the State Superintendent of Public Instruction at a conference at Clinton High School, Clinton, Wisconsin, 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, at 4:30 p.m. on March 1, 1966 and concluded at a sub-conference as adjourned to March 3 at 7:00 p.m. at said Clinton High School.

Persons attending the conference of March 1, 1966 were:

- Mr. Robert F. L. [REDACTED], Parent
- Mrs. Robert I. [REDACTED], Parent
- Frank X. Kinast, Attorney for Parents
- Edwin R. Sommers, Board Member
- Marion Logterman, Board Member
- John L. Dorr, Board Member
- Fred Klenz, Board Member
- Benjamin H. Petersen, Board Member
- John R. Hacklander, Board Member
- Max Dodson, Board Member
- Richard T. Stauber, Junior High School Principal
- Edward W. Johnson, Supervising Principal

Persons attending the adjourned conference of March 3 were:

Leonard R. Krapp, Industrial Arts and Math Teacher, Junior High
Max Dodson, Board Member
Edward W. Johnson, Administrator
Frank X. Kinast, Attorney for Parents
Robert F. L [REDACTED], Parent
Mrs. Robert I [REDACTED], Parent
Richard T. Stauber, Junior High School Principal
Marion Logterman, Board Member
Fred Klenz, Board Member
J. R. Hacklander, Board Member
Benjamin H. Petersen, Board Member
Edwin R. Sommers, District Clerk
David A. Knutson, Junior High Teacher
Jack S. Hartenberger, Junior High

The State Superintendent after reading the transcript of said conference of March 1, 1966 and adjourned conference of March 3, 1966 and after examination of all other information concerning said expulsion on file in the Department of Public Instruction, and being fully advised in the premises makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That on February 17, 1966 the State Superintendent received from the parents of Edward Henry L [REDACTED] through their attorney, Frank X. Kinast, Attorney at Law, Beloit, Wisconsin, an appeal from the expulsion of Edward Henry L [REDACTED] from Clinton Junior High School on February 14, 1966 by the Clinton Community School Board.
2. That on December 14, 1964 the Board of Education of Clinton Community Schools, Clinton, Wisconsin, hereinafter known as the Board, approved certain policies, procedures and rules concerning the conduct and behavior of students attending Clinton Junior High School.
3. That such purported proceedings, policies and rules were filed with the Clerk of the Board at the time of the expulsion of Edward Henry L [REDACTED], herein appealed from and at the times of the accumulation of demerits for which said Edward Henry L [REDACTED] was expelled.

4. That such purported procedures, policies and rules of the Board were not signed by a majority or any member of the Board at the time the expulsion of Edward was ordered and had not been signed by a majority or any member of said Board at the time said conference of March 1, 1966 began at Clinton High School.
5. That said purported Board Rules contain a list of 28 violations with corresponding suggested or recommended assessment of demerits to each violation with the additional provisions that any other act requiring demerits in the judgment of the teacher will be penalized in a similar manner and teachers may increase any of the demerits as the situation warrants.
6. That said rules further provide that after a student accumulated 10 demerits a parental visit with the principal is required before the student may return to class.
7. That said rules further provide that the student is "indefinitely suspended" after acquiring 15 demerits and that student and parents must appear before the Board before the student may return to class.
8. That on February 14, 1966 Edward Henry I [REDACTED] was expelled by the Board because of a demerit accumulation pursuant to the purported Board Rules.
9. That Section 40.30 (17) of the Wisconsin Statutes provides in material part that "the board may make rules for the organization, gradation and government of the schools, such rules to take effect when signed by a majority of the board and filed with the clerk."
10. That the purported Board Rules providing for demerits and for expulsion of a student upon the accumulation of 15 demerits were not in effect at the time of the accumulation of said demerits or at the time of the expulsion of said student on February 14, 1966 because not signed as provided by said Section 40.30 (17).