



The State of Wisconsin

DEPARTMENT OF PUBLIC INSTRUCTION

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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 Ronald J. M [REDACTED], Sr., on May 2, 1966, Appealing from the Order of An Expulsion of the Board of Directors of the Durand Unified Schools on March 31, 1966.

FINDINGS OF FACT

A N D

O R D E R

Facts related to the above entitled appeal were determined by the State Superintendent of Public Instruction at an informal conference held at the State Superintendent's direction by Robert C. Van Raalte, Assistant Superintendent of the Department of Public Instruction, and Max C. Ashwill, Legal Consultant for the Department of Public Instruction, on May 10, 1966, at the Durand Public Schools.

The following persons were present at said informal conference:

W. W. Weishapple, School Board Chairman
Ronald J. M [REDACTED], Parent
Dennis M [REDACTED], Student
Mrs. Ronald M [REDACTED], Parent
Vaughn W. Hoffman (High School Principal)
Carroll Lehman (Junior High Principal)
Dennis Grivns (Science Teacher)
Orland Olson (Agricultural Teacher)
Andrew J. Brunner, Treas., Board of Education
Ryan G. Laue, Attorney for the Board
Francis F. Schlosser, Board of Education
Gordon Hinterneyer
Mrs. E. Donald Wellum
Donald Wellum
Warren Alme, Board Member
Gordon H. Heuer, Supt. of Schools

The following appears from information secured at said informal conference held on May 10, 1966, at Durand Public Schools.

That rules of the Board of Education as adopted at a meeting of said board on February 12, 1964, provide "that there shall be no smoking by students on school property

at any time. While school is in session (8:00 - 4:00) there shall be no smoking by students within a two block radius of the school property."

That on or about February 2, 1966, Dennis M [REDACTED], a student at Durand High School, was found smoking in the high school building.

As a result of such violation of school rules Dennis M [REDACTED] was suspended from school for three days and such student was warned that a future smoking violation could result in his expulsion from the school.

On March 29, 1966, Dennis M [REDACTED] was found smoking on the Durand High School premises.

That at the time said Dennis M [REDACTED] was found smoking on February 2, 1966, and again on March 29, 1966, other students of Durand High School knew of such smoking incidents.

On March 30, 1966, the Durand School Board met and ordered that Dennis M [REDACTED] be expelled from Durand High School for the remainder of the 1965-1966 school year ending on or about the end of May, 1966.

That said Dennis M [REDACTED] was 17 years old and a Sophomore attending Durand High School at the time of said expulsion.

There is no full daytime vocational school program offered within the Durand School District.

It appears that Dennis M [REDACTED] will be allowed to enroll at Durand High School for the 1966 Fall term beginning near the end of August or early September 1966.

In consideration of the foregoing, the State Superintendent affirms the authority of the Board of Education of the Durand School District to act in said matter and that it was proper to expel for some period of time in order to maintain the discipline of the school.

It further appears that the purposes of the expulsion by the time of this appeal had been accomplished by the fact that the pupil has been expelled for the last portion of the last term of the 1965-66 school year. It is to the benefit of Dennis M [REDACTED] and the state at large that he properly conduct himself in the future and it appears

that the Durand School System will offer said Dennis M [REDACTED] an opportunity to demonstrate in the first term of the 1966-67 school year that he will conform to the rules of the school.

It further appears that Dennis M [REDACTED], being 17 years of age and in a district wherein full time vocational classes are not offered, would not be in violation of the Compulsory Attendance Laws of the State of Wisconsin by failure to attend some school regularly.

Where the expulsion of a student will result in such student being in violation of the Compulsory School Attendance Laws of the state, the State Superintendent will consider the expulsion and the circumstances surrounding it in light of the statutory mandate that children without some legal excuse attend some school regularly.

It is herewith ordered that the expulsion of Dennis M [REDACTED] from Durand High School be affirmed.

Dated this 26th day of May, 1966.

SIGNED:

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