

## THE STATE OF WISCONSIN

BEFORE

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

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In the Matter of the Expulsion of  
 RAYMOND M. [REDACTED] by the Wheatland  
 Center School District Board of  
 Education

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OPINION  
 AND  
 ORDER

## THE NATURE OF THE CASE

This is an appeal to the State Superintendent of Public Instruction pursuant to sec. 120.13(1)(c), Wis. Stats., from the December 21, 1982 decision of the Wheatland Center School District Board of Education expelling the appellant, Raymond M. [REDACTED], from the Wheatland Center School District for the remainder of the 1982-83 school year. This appeal was filed on December 30, 1982. In accordance with the provisions of Wis. Admin. Code s. PI 1.04(3), this decision is confined to a review of the record of the school board hearing. Both parties were provided with an opportunity to submit written arguments on the merits of this appeal but have not done so.

## FINDINGS OF FACT

Raymond M. [REDACTED], an eighth grade student at Wheatland Center Junior High School, was expelled by the Wheatland Center School Board for repeated violations of school rules after a hearing held by the Board on December 21, 1982. Notice of the expulsion hearing was sent to the Monzels on December 15, 1982. The grounds alleged in the notice of hearing were the six "pink slips" Raymond had received for disruptive behavior since the school year began.

Under the district's disciplinary policy, a "pink slip" is given for offenses that can lead to a student's suspension. They are only given for

severe disciplinary reasons. If a student receives 3 pink slips, he or she is suspended from classes for 2 days. If the student receives 2 more pink slips, he or she is suspended from classes for 2 days and is required to attend a meeting with the school board, administration, parents, and teachers. A student who receives a sixth "pink slip" is subject to expulsion proceedings.

According to the expulsion notice, the pink slips were issued to Raymond for the following misconduct:

1. September 24, 1982 - Continuous Disruption of a Class
2. October 18, 1982 - Constant Talking and Disruption
3. October 21, 1982 - Throwing Wet Paper Towels and Leaving Marks on a Student
4. November 18, 1982 - Swearing
5. Date ? - Chasing a Younger Student and Playing Keep-Away
6. December 15, 1982 - Disruptive Behavior and Swearing During Physical Education Class

The notice also reminded Mr. and Mrs. M [REDACTED] that they and Raymond had met with the Board after the fifth "pink slip" was issued and that "Raymond was warned at his meeting with the School Board on December 7, 1982, that he would very much have to tow the line, that repeated infraction of rules would not be tolerated."

On the afternoon of the hearing, Mrs. M [REDACTED] informed the principal that she would not be attending the hearing because she was ill, and Mr. M [REDACTED] would not attend because he was out of town.

The hearing was held as scheduled. Seven of Raymond's teachers testified with each one describing Raymond's disruptive behavior and misconduct in their classroom. The teachers and the principal testified that they had had repeated conferences with Raymond and his mother regarding

his misconduct, that other students were being deprived of education due to his constant disruption, that he had a "flippant attitude" towards discipline, that he consistently denied having done anything wrong and claimed that he was being picked on. They also described their efforts to correct his classroom behavior and his responses to those corrections.

The Board then voted to expel Raymond from eighth grade for the remainder of the school year. They also voted to provide Raymond with a home tutor to assist him in completing the eighth grade course of study and specified that he would be promoted to high school for the 1983-84 school year if he completed the requirements for eighth grade promotion. The Board also specified that Raymond would not be permitted to participate in eighth grade graduation exercises at the end of the year.

#### CONCLUSIONS OF LAW

As grounds for this appeal, the parents allege that there is "a lot of favoritism in that school," and that it is "wrong" to give out pink slips and demerits. They suggest that Raymond's only problem is that he "talks too much" and that the district should have made him sit down and write a thousand times, "I will not talk."

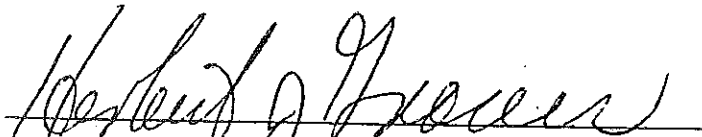
In a recent Wisconsin Court of Appeals decision involving the State Superintendent's scope of review in an expulsion appeal, the Court made the following observation:

While our decision here is founded solely upon an error of law of the state superintendent, we point out, obiter dicta that the superintendent's review of a board's expulsion hearing would appear to be limited by the statute which created that appeal, namely, sec. 120.13(1)(c), Stats. The superintendent's review, then, would be one to insure that the school board followed the procedural mandates of subsection (c) concerning notice, right to counsel, etc. Racine Unified School District v. Thompson, 107 Wis. 2d 657 (1982).

The Board's decision to expel the appellant from school is more than adequately supported by the record in this matter. The record also reflects that appellant was accorded all of the procedural rights due him under sec. 120.13(1)(c), Wis. Stats.

IT IS THEREFORE ORDERED that this appeal be and hereby is denied.

Dated and mailed this 25<sup>th</sup> day of February, 1983.

  
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Herbert J. Grover  
State Superintendent of Public Instruction