

Soldier Suspended From School

High school senior Matthew Whalen is the kind of student any parent would want.

He's an Eagle Scout, on the honor roll, taking Advanced Placement classes, and never been in trouble with the law. He's received commendations from the City of Troy and the Boy Scouts of America for saving a woman's life, and this past summer, he completed Army basic training. All of it was accomplished before the age of 17.

"I'm just trying to do what I can while I can," Matthew says.

His goal is to attend the U.S. Military Academy at West Point, a dream since he was in grade school.

"I have a first-grade yearbook that says I want to be driving tanks in the Army," Matthew says. "I mean, this is something that I know I've always wanted to do."

But the dream could be in jeopardy, thanks to a two-inch pocket knife that officials at Lansingburgh Senior High School found in Matthew's locked car last month. The pocket knife was a gift from his grandfather, Robert Whalen, who's the Hoosick Falls Police Chief. Matthew says he kept the knife in a side compartment and never tried showing it off or threatening anyone with it. Instead it was a part of the survival kit that was his car.

"My car is designed in a way that if I ever broke down, I'd be OK," Whalen explains. "I have a sleeping bag. I have bottled water. I have an MRE. I believe it's better to be prepared and not need it than need it and not have it."

Matthew says school officials approached him on Sept. 21, asking if he had a weapon on him. When Matthew answered he did not, he says the officials asked if he had a knife in his car. Matthew said it was a pocket knife, and took officials to his car when asked. He also turned over the pocket knife when asked.

The Lansingburgh Central School District has a zero-tolerance policy on weapons. According to the district's Codes of Conduct, students are not allowed to have "a weapon of any kind" on school grounds. Even though a pocket knife is not considered a weapon under New York State penal code, the district also prohibits students from possessing anything "that reasonably can be considered a weapon."

According to Matthew, the school suspended him for five days, during which time a Superintendent's hearing was held to determine the extent of his punishment. Matthew's family contends only the high school's principal and athletic director were present, not the Superintendent or the assistant principal who initially suspended Matthew. And despite a letter from Matthew's Scout Master explaining how a pocket knife is a common tool for scouts to have, the district suspended Matthew for another 15 days. The Whalens say they received no explanation as to why, and they claim there was no opportunity to ask.

"I want him to have fair treatment based on his character," says Matthew's father, Bryan Whalen.

"It just totally baffles me that they would go after this when they have much bigger fish to fry."

The Whalens say during the Superintendent's hearing, officials admitted that Matthew cooperated fully, didn't have the pocket knife on him, had no intention of using it, and never threatened anyone with it. "They'd already made their decision," Whalen's father says.

In a statement to NEWS10, Superintendent George J. Goodwin says, "We do not comment on discipline related to an individual student. Our policies are clear that weapons are not permitted on school premises and subject to disciplinary consequences."

Legal expert Thomas Carr, of Tully Rinckey PLLC, says school districts are within their rights to impose and enforce safety policies, even if a pocket knife is not considered a weapon under New York State penal law. But he also says such school rules can quickly become so-called "gray areas" that leave the meaning of what's considered a weapon open ended.

"If this 17-year-old is driving his car to school," Carr says, "let's face it, the tire iron in the trunk to change the wheel is much more of a deadly weapon than a one-and-a-half inch blade knife."

Carr also says the Whalens might have grounds to pursue legal action against the district if Matthew felt he had no choice but to allow school officials to search his car.

At this point, the Whalens are not sure when or if they will sue the district. Instead, they want the district to reinstate Matthew immediately and remove this from his official student record.

"He needs to be doing the application for his admission to West Point right now," Bryan Whalen says. "They're delaying that, and that could be very costly for him."

Matthew says he wants to follow in the military footsteps of his father and grandfather. His grandfather, Robert Whalen, received two Purple Hearts for his service in the Vietnam War. Bryan Whalen served in Operation Iraqi Freedom and at Ground Zero, as his unit was on the scene by the evening of Sept. 11, 2001. He's also received the Soldier's Medal from the U.S. Army, and he pulled survivors from a burning helicopter that had crashed at the Stratton Air National Guard Base during an air show crash in 1991.

Matthew guesses a student must have told school officials, but he doesn't know who did it or why. His father thinks it might have been a prank to see Matthew get a little heat from administrators and that the intent was for it to never get this far.

"It's just plain wrong of what they've done," he says. "It isn't a weapon!"

But the family feels the district overreacted, if not for suspending Matthew in the first place, then for adding an additional 15 days to the original suspension.

"If they had told me, 'Take this out of your car,' I would have said alright, and it never would have been an issue," Matthew says. "I was upset with it, but I can understand that. They have the zero-tolerance rule."

The district provides a tutor for Matthew for 90 minutes every day; he's banned from stepping on school grounds for any reason whatsoever, including assignments and sporting events. Matthew says it's hard to cram more than six hours of work into his tutor time, and he says his work is not being graded until he returns to school. All he wants is to return to class. "The rest of my life could be affected by this," he says.