An Analysis of the Procedures Used by Suburban Cook County High Schools in the Expulsions of Regular Education Students

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AN ANALYSIS OF THE PROCEDURES USED BY SUBURBAN COOK COUNTY HIGH SCHOOLS IN THE EXPULSIONS OF REGULAR EDUCATION STUDENTS

A Dissertation Submitted to
the Faculty of the Graduate School of Education
In Candidacy for the Degree of
Doctor of Education

Department of Educational Leadership
and Policy Studies

By
Kevin Burns
Oak Lawn, Illinois
January, 1997
To Sashie

God bless you always
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I wish to thank my wife, Joy, for her never ending love, support and patience. It has truly been a combined effort. I am blessed to have you as a partner.

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VITA

Mr. Burns is currently in his third year as principal of Eisenhower High School in Blue Island, Illinois. His previous experience includes six years working in various administrative positions in Community High School District 218 (Oak Lawn), as well as fifteen years teaching and coaching in Palos Heights School District 128.

Mr. Burns received his undergraduate degree from St. Xavier College in Chicago in 1973. In 1978, he earned a masters degree in educational administration from Loyola University. He also holds a Certificate of Advanced Studies with an emphasis on curriculum and instruction from St. Xavier University. His doctoral coursework at Loyola was done in the Department of Educational Leadership and Policy Studies.

Among his honors are membership in the St. Xavier Athletic Hall of Fame and recipient of the George K. McGuire Award for outstanding leadership in the field of secondary education. He has also been recognized as an "Associate" by the Illinois Administrator Academy.
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CHAPTER ONE

INTRODUCTION

There is no disputing the fact that severe discipline problems have escalated in public high schools across America. Survey after survey has documented just how much high school students' attitudes and behavior have changed in the last thirty years. Whereas teachers of the 1960's cited talking and gum chewing in class as the biggest problems encountered in schools,¹ today's teachers cite violence and gang activity as their biggest concerns,² and it continues to escalate at an alarming rate.³

A recent report by the Illinois Federation of Teachers indicated that of the nearly 4,500 respondents to its "Survey on School Violence and Workplace Safety" conducted during the 1993-94 school year, 57% of teachers had witnessed violence against others in public schools and nearly 40% had been victims of violence themselves. Almost 40%


of those polled rated violence and gang problems in their schools in the "Serious to Extreme" category. These results included urban and suburban schools, as well as rural schools throughout the state. Furthermore, THE 1995 National Crime Victimization Survey data show that nearly three million violent crimes take place annually either at or near schools. Even more disturbing is the fact that as those numbers have continued to grow, many students have adopted the attitude that they are responsible to no one, an attitude fostered by homes with few personal restraints and a society that not only accepts, but often promotes and glorifies inhumanity and insensitivity to others, as well as the violence that they perpetrate upon others.

Professional concerns related to these problems have risen also. In a national teacher survey taken in late 1992, teachers ranked lack of effective discipline and lack of support from administrators among the major problems they faced daily in their schools. In an effort to further underscore the seriousness of these problems to the public, and in order to intensify pressure on school boards and administrators to make changes, teacher unions then pointed to current research which documented the fact that rising discipline problems were damaging the learning environment in our nation's public


schools and adding to the continued decline of test scores.\textsuperscript{7}

These facts were not lost on the public as renewed media attention focused on the discipline problems of public schools and their underlying causes.\textsuperscript{6} The 1994 Phi Delta Kappan/Gallup Education Poll showed that fighting/gangs/violence and lack of discipline headed the public's list of concerns about public schools. Not surprisingly, lack of discipline remained atop the list in the 1995 Phi Delta Kappan/Gallup Education Poll as media attention continued to focus on the violence, fighting and gang problems in schools across our nation.\textsuperscript{9}

With public pressure intensifying, school boards and administrators quickly took note of the public's concerns highlighted in the Gallup Polls and changed course from the laid back discipline approaches of the seventies and eighties.\textsuperscript{10} The National Education Goals Panel even identified "safe, disciplined schools which offer an environment conducive to learning" as a national goal for education.\textsuperscript{11} Tougher, no-nonsense, discipline codes which emphasized strict reinforcement of the rules sprang up across the country in an effort to curb discipline problems and change public perceptions. In fact, by late 1994, according to a Metropolitan Life national survey, most

\begin{itemize}
\item \textsuperscript{8}Ibid., "Violence In My School," 1.
\item \textsuperscript{9}Ibid., "Public's Concern About Schools," 16.
\item \textsuperscript{11}"National Education Goals Panel," 1995 National Education Goals Report Executive Summary. Washington, D.C.
\end{itemize}
public schools had implemented new, harsher disciplinary codes to help enforce discipline and reduce violence. Only fourteen percent of the students and parents polled indicated that their schools had failed to do so.¹²

Specifically, many of the new discipline codes mandated enforcing punishments intended to be swift and severe, including a renewed emphasis on suspensions and expulsions. As schools moved in the direction of "zero tolerance" policies towards fighting, gangs and violence, the number of suspensions and expulsions began to rise. In fact, in the 1993 Executive Educator survey, 52% of high school administrators from across the country reported increases in the use of expulsion as a disciplinary measure.¹³ This was especially true in the state of Illinois where records from the Illinois State Board of Education’s Department of Planning, Research and Evaluation revealed that expulsions from public high schools have nearly risen from 876 in 1986 to 1,311 in 1994 despite the fact that enrollment in Illinois public high schools had declined from 403,334 to 357,003 during that same period.¹⁴

While suspensions and expulsions are clearly not at the forefront of punitive measures, school officials must be able to suspend or expel students when situations warrant such action in order to protect the rights and opportunities of other students. The courts, over the years, have strongly supported this line of thinking. As Chief Justice Byron White stated in the majority opinion of Goss v. Lopez:

The difficulty is that our schools are vast and complex. Some modicum of discipline and order is essential if the educational function is to be performed. Events calling for discipline are frequent occurrences and sometimes require immediate, effective action. Suspension (expulsion) is considered not only to be a necessary tool to maintain order, but a valuable educational device.\textsuperscript{15}

In this context, the implications for and the importance of proper procedural due process become very clear. As students experience a greater loss with tougher disciplinary sanctions such as suspension and expulsion, the emphasis on the degree of procedural due process afforded them in that loss rises as well. Furthermore, the Goss Court noted that more due process is due in cases of expulsion than in those involving only suspension.\textsuperscript{16} As the number of expulsions increase, they will likely become more frequent sources of close scrutiny and possible litigations. Therefore, it is necessary to determine the requirements of constitutional, statutory and case law with regard to procedural due process, and to examine the practices of public school districts as they exist today.

**Purpose of the Research**

When the need for expulsion arises, the Illinois School Code mandates that boards of education have a proper policy in place to facilitate the process.\textsuperscript{17} This policy should be articulated in fairly specific terms within the guidelines of constitutional, statutory and case law in order to ensure the rights of the student who is accused, as well as to protect the school district. Little specific information exists about how well the


\textsuperscript{16}Ibid., at 585.

\textsuperscript{17}105 ILCS 5/24-24.
practices and policies of Illinois School districts are aligned with the law in expulsion cases involving regular education students. The purpose of this research was to analyze policies and the procedures that suburban Cook County high schools used in the disciplinary expulsion of regular education students. The research explored the extent to which current practices comply with due process as defined by the law.

Analysis focused on ascertaining the degree to which school policies and administrative practices follow the law with regard to the expulsion of regular education students. Demographic information relating to the individual and institutional characteristics of the responding administrators and schools is also presented.

This research will be especially beneficial to suburban high school districts and administrators as it will provide a basis by which administrative approaches can be developed for procedural due process consistent with constitutional, statutory and case law. Knowing how well current school expulsion policies and procedures are aligned with the requirements of the law can assist school authorities in clarifying and perhaps modifying their existent policies and practices as they relate to the expulsion of regular education students. Furthermore, in ascertaining the relative extent to which procedural due process is afforded by school disciplinary expulsion administrators, certain inferences can be made about the future direction of litigation involving expulsion challenges.

Research Question

The following question will guide the research: **What procedures are being used by suburban Cook County high schools in the expulsions of regular education students?**
Sample

The sample population was limited to suburban Cook County public high schools which had gone through formal disciplinary expulsion proceedings during the 1994-95 school year. The sample was further limited to schools where both the principal and the assistant principal or dean responding were also directly involved in the specific expulsion proceedings described in their response.

Methodology

Data were produced through vignettes written by respondent administrators (including principals, assistant principals and deans) from suburban Cook County public high schools which had expelled students during the 1994-95 school year. These administrators collaborated to write a vignette which typified an expulsion case at their respective schools. The vignettes represent focused descriptions of typical student disciplinary expulsion processes as told by respondent administrators who had been directly involved in the process. Information included in the vignettes was generated according to an outline constructed by the researcher which focused on the administrators’ personal experiences as they went through the steps of an expulsion process from gathering data to conducting the expulsion hearing.

Follow up telephone interviews were conducted after the researcher read the vignettes and made notations where clarifications were needed. This ensured a clear understanding of the participants’ transcribed accounts. The respective written school board policies of the participating administrators regarding expulsion were also requested and examined to determine their alignment with the law, and to see if the procedures used in expulsions coincided with the written policies of the respondent
schools. Finally, part of the instrument was devoted to gathering data relative to the participating schools and administrators (See Appendix). These data were collected strictly to provide demographic background information about the respondent schools and administrators.

The instrument was piloted through a sampling of two suburban high schools located outside of Cook County which had expelled students during the past year. This allowed the researcher to test the instrument and to make adjustments where necessary.

Data for the analysis were gathered through school board discipline policies, the vignettes written by the administrators who had been directly involved in expulsion proceedings, and the follow-up interviews with those administrators. Analysis was done both on an individual basis, and on a group basis which identified the common patterns that emerged from among all the cases when analyzed collectively.

Limitations of the Study

This dissertation recognizes the following limitations to this study:

1. The study was limited by the selection process of public high schools included. The sample was limited to public high school districts in suburban Cook County, IL, which had gone through the expulsion process during the past calendar year.

2. Some school districts and administrators may have been reluctant to be completely open to an outside observer about their expulsion policies and processes, and therefore, their responses might not have fully reflected actual their school policies and practices.

3. Some administrators simply did not take the time to respond to the
researcher's request to compile a written vignette of a typical expulsion case or to complete the survey.

Conclusions in this study were limited to the data received from respondent administrators.

**Glossary of Terms**

1. **Background Information** - Information gathered in this study which represents the basic characteristics of the institution and the school administrator respondent.

2. **Class Action** - A suit brought by one or more persons on behalf of themselves and all other persons similarly situated.

3. **Fair Warning** - The constitutional standard which requires that a student know or should have known that he/she was violating a school rule which could result in expulsion before the expulsion penalty can be imposed. For example, if the school board and administration intend to punish students by expulsion for damage to school property in excess of $500.00, it must first give the student body "fair warning" of such intention before actually punishing students for a rule which they do not know exists. This is usually accomplished when a school can document (via student signature) that it has, in fact, distributed and reviewed with students a copy of the current Board of Education discipline policy.

4. **Fundamental Fairness** - The constitutional standard, which, as applied to student expulsions, requires that the punishment imposed be in proportion to the offense committed.

5. **In loco parentis** - "In place of parents"; charged with a parent's rights, duties,
and responsibility. In the case of school personnel, this is a condition applying only when the child is under the reasonable control and supervision of the school.

6. **In re -*"In the Matter of"*; designating a judicial proceeding (for example, juvenile cases) which the customary adversarial posture of the parties is de-emphasized or nonexistent.\(^{18}\)

7. **Primary Descriptive Validity** - What the researcher reports having personally seen, heard, touched, and so on.

8. **Procedural Due Process** - Legally required guidelines (i.e. notice of charges, hearing, etc.) which must exactly be followed in the course of any student's loss of liberty and/or property rights such that an expulsion would cause. Procedural due process is rooted in a student's constitutional rights as noted in the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

9. **Procedural Safeguards** - Orderly steps defined by constitutional, statutory and case law, which if taken in the process of expulsion, are considered to afford the student due process of law.

10. **Public High School** - Non private institution of learning encompassing grades 9 through 12 supported by local taxes and open to all students who legally reside within its designated boundaries.

11. **Public High School Administrator** - An individual who holds the position of principal, assistant principal or dean of students in a public high school.

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\(^{18}\)Perry Zirkle, Sharon Richardson and Steven Goldberg, *A Digest of Supreme Court Decisions Affecting Education* (Bloomington: Phi Delta Kappa Educational Foundation, 1994), 206.
12. **Regular Education** - That course of study mandated by a Board of Education in compliance with state law which does not include special education or gifted education services.

13. **Reliability** - The ability of the research instrument to consistently measure what it purports to.

14. **School Discipline Policy** - The written rules of a student behavior used in public high schools which should contain a description of those offenses which can lead to student expulsion.

15. **Secondary Descriptive Validity** - Accounts of things that could be observed, but that were inferred from other data.

16. **Student Disciplinary Expulsion** - The removal of a student from school by a school board for a period of time ranging from in excess of ten days to a period of two calendar years for various violations involving gross disobedience or misconduct as specified in school district discipline codes. Most often, expulsions are imposed for the duration of a school semester or a school year, except in cases involving guns, where Illinois law mandates a one calendar year expulsion from school. The length of an expulsion is generally based on the prescribed recommendation written into a school districts' official discipline policy, the existence of which is mandated by the Illinois School Code. However, according to the Illinois School Code, a school board has the legal right to expel a student for up to two years if it deems such action appropriate.

17. **Student Disciplinary Suspension** - The removal of a student from school for a temporary period of ten days or less. A suspension will always directly precede
an expulsion in the disciplinary process, so in essence, it becomes part of the expulsion process, as during the suspension time, the notification of charges and the expulsion hearing must take place.

18. **Suburban Cook County** - That area which lies within the geographic boundaries of the county, but beyond the limits of the City of Chicago. Suburban high schools would include all high schools in Cook County outside of District #299, the Chicago Public School System.

19. **Substantive Due Process** - The review of those regulations which restrict an individuals fundamental, non-procedural rights such as freedom of speech and freedom from illegal search and seizure.

20. **Vignette** - A vignette is a focused description of a series of events taken to be representative, typical, or emblematic of the issue being studied. It has a narrative, storylike structure that preserves chronological flow and normally is limited to a brief time span, to one or a few key actors, to a bounded space, or to all three.

**Organization of the Study**

Chapter Two reviews the literature, laws and cases related to the concept of procedural due process and the subject of expulsion of regular education students. Chapter Three articulates the methods and procedures used in the study. Chapter Four briefly summarizes the expulsion cases from the respondent schools and contains a brief analysis of each case. A general analysis of school discipline policy and expulsion procedures is also presented, as is demographic information pertaining to the respondent schools and administrators. Chapter Five includes the conclusions of the study,
recommendations for further research, and recommended guidelines that administrators can look to when affording regular education students proper procedural due process of law in expulsion cases.
CHAPTER TWO
REVIEW OF RELATED LITERATURE

Introduction

Over the years, the term "due process of law" has been defined and redefined by courts and legal experts, sometimes in terms of what it is, other times in terms of what it is not. While the words seem simple enough, the fact is that a clear definition is difficult because of many conditions and legal restrictions that affect a person's constitutional right to "due process of law." Rhetorically, one might ask: Is there a clear and comprehensive definition of due process? Perhaps not, but Judge Juergens of the United States District Court in *Whitfield v. Simpson* stated it eloquently when he wrote:

The words 'due process of law,' as contained in the Fifth and Fourteenth Amendments to the Constitution of the United States, under our present supersophisticated interpretation of words would fall to the charge of being vague and over-broad, were it not for the fact that through a long line of decisions over a great many years, the meaning and interpretation of those words had not been spelled out for us by the courts. The words 'due process' as such provide no standard, nor do they spell out any standard. 'Due process' is an abstract statement which, standing by itself, has no meaning. Yet, the framers of our Constitution expected that, by giving the normal and customary interpretation to such words that they should have, they were sufficiently precise and clear of meaning to adequately protect our rights. They did not enumerate a number of items nor give numerous examples as to what would constitute 'due process.' They felt it unnecessary. The interpretation was left to the courts in each case as it arises. The words are relative and must be construed on a case by case basis. By many decisions on a case by case basis, we have through the years defined the words 'due process' without the Constitution having, in detail, said what those words mean.\(^{19}\)

Historical Background

Although the Magna Charta spoke of the "law of the land," the phrase "due process of law" has been defined and redefined by courts and legal experts, sometimes in terms of what it is, other times in terms of what it is not. While the words seem simple enough, the fact is that a clear definition is difficult because of many conditions and legal restrictions that affect a person's constitutional right to "due process of law." Rhetorically, one might ask: Is there a clear and comprehensive definition of due process? Perhaps not, but Judge Juergens of the United States District Court in *Whitfield v. Simpson* stated it eloquently when he wrote:

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Historical Background

Although the Magna Charta spoke of the "law of the land," the phrase "due

process of law” first appeared in 1344 when the Parliament forced King Edward III to accept a statute designed to curb his own excesses: "No man of what estate or condition that he be, shall be put out of land or tenement, nor taken nor imprisoned, nor disinherited nor put to death without being brought in answer by due process of law." Three centuries later, the phrase due process of law had become synonymous with "by the law of the land."  

The principles embodied in the Magna Charta were carried down through the centuries of English history, and, as a result, found their way in various degrees and forms into American colonial laws and charters in the seventeenth and eighteenth centuries. From there, it was a direct, tough and sometimes arduous trip as those English precepts found their way into the United States Constitution and the Bill of Rights.  

Once embodied there, these principles and the English history which forged them did not lose their relevance to the development of our own constitutional history, far from it. From the time of Chief Justice John Marshall until today, judicial perceptions of what was required "by the law of the land" have played an important role in determining what is required by "due process of law."  

There are two reasons for this. First, the Bill of Rights (1791) specified a number of rights and procedures which protected individuals from unlawful acts by the federal
government. Included in those rights was the Fifth Amendment guarantee that "no person be deprived of life, liberty or property, without due process of law." However, this list was not an all encompassing catalog of procedural protections. Therefore, the more general requirement of "due process of law," and the English history from which it was borrowed, were looked to in order to fill the gaps.

Second, while the specific guarantees in the Bill of Rights were intended to be direct limitations on the federal government, there were no comparable constitutional restrictions upon the conduct of the state and local governments until shortly after the passage of the Fourteenth Amendment which essentially made it clear that the states were also obliged to afford all persons due process of law as well.

For all practical purposes over the years, our legal and judicial system has relied on "procedural due process" as a means of ensuring fairness when federal and state governments deal with individuals. In essence, these amendments guarantee freedom from arbitrary government action.

The United States Constitution

The Constitution of the United States does not explicitly mention schools or education in its text. The Tenth Amendment, however, does state that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are

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23U.S. Constitution, Amendment V (1791).

24Ibid., Due Process of Law, 2.


reserved to the States respectively, or to the people."\textsuperscript{27} This "implied power" given the states by the Tenth Amendment acknowledges the basic political principle that all powers belong to the people.\textsuperscript{28} Since the federal constitution does not specifically mention schools, the power and responsibility for public schools is, therefore, passed on to the states. Therein lies the states' power to establish and regulate public education, which includes statutory guidelines regarding student discipline. Over the years, the courts have consistently affirmed that right.

Inherent in the power to make reasonable rules and regulations governing students is the comprehensive authority to enforce them.\textsuperscript{29} This responsibility rests basically with the administrative and teaching personnel in a school. Throughout much of our nation's history, school officials have been extended considerable freedom in the exercise of this authority as well. This freedom has been rooted in the doctrine of \textit{in loco parentis},\textsuperscript{30} which recognizes that school officials are acting in place of parents in regulating conduct and activity relating to the well being of the school and its operation.

While the United States Constitution clearly leaves broad power to the states in the regulatory operation of their schools, it also just as clearly gives rights to the persons attending those schools. The Bill of Rights affords students many substantive rights such as the freedom from illegal search and seizure (Fourth Amendment) and freedom

\textsuperscript{27}U.S. Constitution, Amendment X (1791).

\textsuperscript{28}Ibid., \textit{Bill of Rights & Beyond}, 54.


\textsuperscript{30}Ibid., \textit{Supreme Court Decisions Affecting Education} : 206, and Ibid., ILCS 5/24-25.
of speech (First Amendment); however, it is the Fourteenth Amendment that affords students their procedural due process rights in cases of expulsion. It states: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law." As a student's education has been defined as a right by the United States Supreme Court, removing students from school requires that they be afforded due process of law.

Over the years, the "due process" and "equal protection" clauses articulated in the Fourteenth Amendment have taken on new meanings for students. Originally, these provisions were interpreted to apply to judicial proceedings only and not to quasi-judicial proceedings conducted by schools such as expulsion hearings. However, legal challenges to the actions of school administrators and school boards have certainly changed that.

In recent years, there has been a trend in the courts to recognize that students are citizens who have basic constitutional rights, and that these rights must be recognized by school officials whenever disciplinary procedures are administered. The

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31 U.S.Constitution, Amendment XIV, Section 1 (1868).


Doctrine of in loco parentis is no longer as all inclusive in controlling pupil behavior as it was in the past. Nonetheless, courts typically only intervene in school discipline matters to consider: (1) if appropriate procedures were followed, or (2) the rule or resultant corrective measures implemented were arbitrary, capricious, unreasonable or oppressive when balanced against the schools compelling need for order and a physically and psychologically safe environment.\(^{35}\)

**U. S. Supreme Court/Federal Court Case Law**

Beginning as early as 1923, the United States Supreme Court in *Meyer v. Nebraska* recognized the Fourteenth Amendment's admonition that "no state shall deprive any person of life, liberty or property without due process of law."\(^{36}\) However, for many years the doctrine of in loco parentis prevailed in the courts because of the courts lack of expertise in school matters and their desire to support schools. Typically, courts were reluctant to challenge schools' authority to discipline students thereby giving schools the arbitrary power to discipline students much as they pleased.\(^{37}\)

After *Brown v. Board of Education* in 1954, many lower courts began to move away from that "hands-off" philosophy as the Brown Court strongly supported the notion that education is a right, rather than an opportunity or a privilege. The court held that "education is perhaps the most important function of state and local governments....and where the state has undertaken to provide it, it is a right which must be made available

\(^{35}\)Ibid.


to all on equal terms.\(^{38}\) From that point on, courts increasingly scrutinized discipline decisions once made without challenge by school administrators and boards of education.

The Brown Court viewed education as essential to good citizenship and the means by which most individuals became better prepared for their professional lives.\(^{39}\) Given the Supreme Court's recognition of significance of an education, many questions began to arise which went before the courts in an effort to clarify exactly what questions should be considered when dealing with students facing disciplinary action.

The recognition of students' constitutional rights to procedural due process led the courts to carefully review disciplinary measures taken by schools, particularly suspensions and expulsions. The landmark case of Dixon v. Alabama State Board of Education set the mode for this disciplinary review. In reviewing the case involving six black students who were expelled from a public college following involvement in civil rights activities, the Dixon Court noted: "Whenever a governmental body acts so as to injure an individual, the Constitution requires that the act be consonant with due process of law."\(^{40}\)

Furthermore, the Dixon Court defined appropriate and acceptable due process procedures to be followed in suspension and expulsion cases involving college students which would hold later implications for high school students. Specifically, the court


\(^{39}\)Ibid.

stated:

The notice should contain a statement of the specific charges and grounds which, if proven, would justify expulsion under the regulations of the Board of Education. The nature of the hearing should vary depending upon the circumstances of the particular case. The case before us requires something more than an informal interview with an administrative authority of the college. By its nature, a charge of misconduct, as opposed to a failure to meet the scholastic standards of the college, depends upon a collection of the facts concerning the charged misconduct, easily colored by the point of view of the witnesses. In such circumstances, a hearing which gives the Board or the administrative authorities of the college an opportunity to hear both sides in considerable detail is best suited to protect the rights of judicial hearing, with the right to cross-examine witnesses, is required. Such a hearing might be detrimental to the college's educational atmosphere and impractical to carry out. Nevertheless, the rudiments of an adversary proceeding may be preserved without encroaching upon the interest of the college. In the instant case, the student should be given the names of the witnesses against him and an oral or written report of the facts to which each witness testifies. He should also be given the opportunity to present to the Board, or at least to an administrative official of the college, his own defense against the charges and to produce either oral testimony or written affidavits of witnesses on his own behalf... If these rudimentary elements of fair play are followed in a case of misconduct of this particular type, we feel that the requirements of due process of law will have been fulfilled.\footnote{Ibid., at 158-159.}

Thus, the decision rendered in Dixon began a precedent for other cases which involved expulsion or long term suspension from public schools.

Even after Brown and Dixon, most courts were not eager to consider questions concerning student rights. However, that started changing in the late 1960s with some very key court decisions. In 1967, the United States Supreme Court heard the landmark case of \textit{In re: Gault}. In this Arizona case, a fifteen year old boy was taken into police custody and questioned at length without any call to his parents after a complaint that he had made an obscene phone call. A hearing date was set despite the fact that the police made no entry in their records regarding the reason for his arrest and detention.
After several hearings at which the boy was not allowed to confront the complaining witness and was not represented by legal counsel, the court sentenced him to a state school for juvenile delinquents for a maximum of six years. If an adult had been found guilty of the same exact offense, the maximum penalty would have been two months imprisonment and a $50 fine. Also, there was no provision for appeal of the juvenile court decision to a higher court. Consequently, the parents of the boy challenged the validity of the Arizona juvenile court statute which allowed a child to be incarcerated, yet denied him basic rights.42

The United States Supreme Court subsequently ruled that, in fact, when actions could lead to a minor's incarceration, the defendant is entitled to the same constitutional safeguards as an adult. "Under our Constitution, the condition of being a boy (minor) does not justify a kangaroo court." The court emphasized that the Fourteenth Amendment protects all persons from state action impairing life, liberty or property loss without due process of law.43 This amendment applies to those under, as well as over, the age of eighteen. Minors faced with a loss of liberty must be afforded the same procedural safeguards as required by the due process clause of the Fourteenth Amendment that apply to adults."44

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42In re: Gault, 387 U.S. 4-8(1967).

43Ibid., at 27.

44Ibid., at 31.
The Court outlined that specific safeguards must be provided: 1) timely and adequate written notice of charges must be given to the minor and his parents or guardian;\(^{45}\) 2) the child and his parents or guardian must be informed of their right to counsel;\(^{46}\) 3) the Fifth Amendment constitutional privilege against self incrimination must be extended to minors;\(^{47}\) and 4) absent a verbal confession, a child has a right to cross examine hostile witnesses and present his/her own witnesses.\(^{48}\) Although school disciplinary proceedings are considered administrative in nature and not held to the same standard as judicial proceedings, the implication for those authorities was clear: students have due process rights which must be protected, more so where there is a loss or a deprivation as a result of expulsion from school.\(^{49}\)

That importance of that message and the philosophical position of the courts were further established in the *Burnside and Tinker* decisions. The *Burnside* decision, which came out of the Fifth Circuit, involved a student challenge to the First Amendment right of free speech. A group of black students at a Mississippi public high school wore "freedom buttons" to school. When students refused the principal's directive to remove them, they were suspended from school.\(^{50}\) In its ruling, the court stated that: "Schools

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\(^{45}\)Ibid.

\(^{46}\)Ibid., at 42.

\(^{47}\)Ibid., at 54.

\(^{48}\)Ibid., at 58.


\(^{50}\)Burnside v. Byars, 363 F.2d 744 (5th Circuit 1966).
cannot infringe on students' rights...where the exercise of such rights in the school do not materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.\textsuperscript{51} In other words, the right of school administrations and boards to arbitrarily determine discipline policies was now limited to the extent that school regulations could not infringe on student rights unless there was a compelling safety or educational reason to do so.

The precedent set in \textit{Burnside} was affirmed by the United States Supreme Court later that year. The case of \textit{Tinker vs. Des Moines Independent Community School District} represented another challenge to a school's authority to limit students' freedom of expression by the wearing of armbands to protest the Viet Nam War.\textsuperscript{52} In its ruling the Supreme Court maintained:

School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. They are possessed of fundamental rights which are not shed at the schoolhouse gate and which the state must respect, just as they themselves must respect their obligations to the state.\textsuperscript{53}

The Court's response also clearly curtailed what restrictions could be set in the school discipline policies. In reversing the federal district court's ruling that the school's decision to ban the armbands was a reasonable attempt to prevent disruptive behavior, the Court stated:

Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any words spoken, in class, in the

\textsuperscript{51}Ibid., at 749.


\textsuperscript{53}Ibid., at 506.
lunchroom, or on the campus may start an argument or cause a disturbance. But our Constitution says we must take the risk...and our history says that it is this sort of hazardous freedom--this kind of openness--that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disruptive society. The compelling interest of the school to preserve order while obviously important to the safety and operation of a school cannot totally restrict a students' rights simply to eradicate the possibility of a problem.\footnote{Ibid., at 508-509.}

Clearly, the move to championing student rights had taken root. The social revolution of the sixties had indeed made its impact on the courts, and schools forevermore would feel the effect.\footnote{Lawrence F. Rossow, The Law of Student Expulsions and Suspensions (Topeka: NOLPE Press, 1984),52.}

Perhaps the most significant case ever to impact students' rights, and in particular with regard to suspension/expulsion, was the United States Supreme Court case of Goss vs. Lopez. This case was a class action suit involving nine Ohio high school students, each of whom, was suspended for periods of up to ten days without the benefit of a hearing of any kind either prior to the suspension or within a reasonable time thereafter. Several extremely important extant points of law with regard to due process were reiterated in the Goss decision, and some new ones introduced, in what has become the base of precedent for American school boards and administrators.\footnote{Ibid., Goss at 585 citing Board of Regents v. Roth, 408 U.S. 564 (1972).}

As in Brown, the Goss Court in citing the Board of Regents v. Roth held that: "Students have a property right to a public education when the state law provides for free
education and compulsory attendance." Furthermore, the Goss Court held that a student's liberty interest was also involved when a student was excluded from school because "If sustained and recorded, those charges could seriously damage the students' standing with their fellow pupils and their teachers as well as interfere with later opportunities for higher education and employment." Essentially then, since students do have a property interest in education and liberty interest in reputation, a student may not be excluded from school without being afforded due process of law.

Courts have differed over the years as to whether a student has a property interest in extracurriculars such as athletics. Some courts have ruled it a privilege, while others have recognized that extracurriculars are indeed an integral part of the education process. Suspension and/or expulsion can therefore be a sufficient deprivation to implicate due process. Courts are similarly split regarding whether the exclusion would impinge on a student's liberty interests. In *Meyer v. Nebraska*, the United States Supreme Court held that a liberty interest includes "the right of a student to contract, to engage in any of the common occupations of life." Conceivably then, it is possible that a school could impinge on that liberty interest in curtailing or cutting off his/her participation in extracurricular activities. Such were the issues at hand in the 1988 case of *Palmer v. Merluzzi*. Daniel Palmer, a high school student and star football player, who

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57 Ibid., Goss at 573.


59 Ibid.

60 Ibid., *Meyer v. Nebraska* at 399.
admitted drinking beer and smoking marijuana on school property. Palmer was suspended from school for ten days after being given notice of a hearing consistent with the law. However, he was also suspended without a hearing from all extracurriculars (including football) for sixty days for his actions. He and his parents sued the school district alleging among other things that his property and liberty interests were violated. His lawyers argued that his extracurriculars were part of his education and thereby constituted a property interest. They further argued that his reputation would be impugned by the suspension and that it would limit his ability to pursue a college and possibly a professional career in football, thereby curtailing his liberty. However, the U.S. Magistrate held that "under New Jersey law, a high school student's interest in participating in extracurriculars does not rise to the level of property interest provided by procedural due process." The court also ruled that while an individual has a property interest in his good name, reputation, honor and integrity; stigma to reputation alone without an accompanying loss of present or future employment is not a protected interest. The court went on to state: "Palmer was not harmed by the school's failure to provide a hearing, (for the suspension from extracurriculars) but by his own conduct." It also found the suspension "rationally related to enforcing the legitimate goal of ensuing

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62 Ibid., at 405.

63 Ibid., at 412.

64 Ibid., at 408.

65 Ibid., at 411-412.
compliance with the school's drug policy.\textsuperscript{66}

Following similar reasoning, several other courts have ruled that constitutional due process is not required before decisions about participation in athletics, membership on the cheerleading squad, removal from bus transportation, cancellation of a school play, entrance into an honor society, participation in the graduation ceremony, exclusion from attendance at school activities, dismissal from school for failure to pay tuition, or assignment to an in-school suspension that maintains the student's educational process.\textsuperscript{67}

While most experts and courts have paralleled this line of thinking, some still view extracurriculars as an extension of a student's education and stand behind a 1974 Texas decision (Warren v. National Association of Secondary School Principals), which did in fact, uphold the liberty interest of the student. Given these differences in the legal system, it seems advisable then that schools offer some minimal measure of due process with cases relating to extracurriculars.\textsuperscript{68}

Aside from the fact that the United States Supreme Court reaffirmed that students had a property right to a public education in Goss, it also ruled on two very important points of law with regard to the fundamental fairness of due process offered to high school students: pre-suspension notice and hearing.\textsuperscript{69} These precepts of law defined

\textsuperscript{66}Ibid., at 413.

\textsuperscript{67}Ibid., "Procedural Due Process": 3.

\textsuperscript{68}Ibid., Due Process for School Officials, 6.

\textsuperscript{69}Ibid., Goss at 573.
in *Dixon* and *Gault* were now standards clearly extended to high school students when their property and liberty interests were curtailed by suspension and/or expulsion. As *Dixon* was a college case and *Gault* a criminal matter, high school boards and administrators had continued in the mode of offering little or no procedural due process protection to students.

In its landmark ruling, the Goss Court upheld a high school student’s right to pre-suspension notice and hearing. It stated:

Students having temporary suspension have interests qualifying for protection of the Due Process Clause and due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against (within 24 hours) and, if he denies them, an explanation of the evidence the authorities have had an opportunity to present his side of the story. The Due Process Clause requires at least these rudimentary precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school.  

It should be noted that such notice must be given far enough in advance to allow the student time enough to sufficiently prepare for the hearing.

While the Goss Court held that the suspension due process requirement did not include the right of the student to secure counsel, to confront and cross-examine witnesses supporting the charge, or the right to call his own witnesses to verify his version of the incident because "to impose on each such case might overwhelm administrators," it held that "longer suspensions and expulsions may require more formal procedures and the presence of counsel in more difficult cases." In essence,

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70 Ibid., Goss at 581.

71 Ibid.

72 Ibid., at 585.
it was saying that the greater the loss, as is the case with expulsion, the higher the level of due process that must afforded. Therefore, extending such rights may be appropriate.

In Goss, when the Supreme Court mandated that students have a right to hear and be heard in the charges against them, it effectively created the legal precept of "meaningful participation." As the Supreme Court noted in Cleveland Board of Education v. Loudermill: "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." Given the tremendous increase in non-English speaking students and parents in public schools over the last quarter century, the holdings of the Lau Court and Cirrincione court also indirectly speak to school boards and administrators on this issue.

In the case of Lau v. Nichols, a group of San Francisco minority students who spoke little or no English brought suit against the school district because the education provided proved insufficient in meeting the needs of minority students. While the appellate court denied the plaintiffs relief reasoning the every student came to school with specific advantages and disadvantages as a result of his social, cultural and economic backgrounds which were created and continued outside of school, the United States Supreme Court reversed saying, "In our view, the case is not so easily decided." It found that the district "had a duty, under Title VI, to provide special language assistance if its curriculum otherwise would exclude students from the

73Ibid., James P. Bartley, 8, citing Cleveland Board of Education v. Loudermill, 479 U.S. 532, 541.

educational process." The Court found: "There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education." The implication of the Lau decision is clear: students do not disenfranchise themselves from their education or their due process rights by virtue of their language deficiencies. Furthermore, as legal expert, Perry Zirkles, notes: "Failure to provide such non-English speaking students with a meaningful opportunity to participate in a public education program violates Section 601 of the 1964 Civil Rights Act and the guidelines which implement the Act."

While the Lau case directly addressed the academic students' education, it only indirectly implied that necessary measures to overcome language barriers should also be extended in the discipline process, given its place as part of the education program. At this point, no case directly involving students requires that. However, a 1985 criminal case from the Seventh Circuit of the United States Court of Appeals holds more direct implications. In the case of the United States v. Cirrincione which involved an Italian-American who damaged a competitor's restaurant business by use of an explosive device, the lawyers claimed he (Cirrincione) had poor command of the

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75 Ibid.
76 Ibid.
77 Perry Zirkle, A Digest of Supreme Court Decisions Affecting Education (Bloomington: Phi Delta Kappa Educational Foundation, 1978), 98.
78 Ibid., Whitfield v. Simpson at 893.
English language and thereby was denied his procedural due process rights based on the Negron case which stated: "The integrity of the fact finding process, and the potency of our system of justice forbid that a state prosecute a defendant who is not present at his own trial." Based on his inability to communicate and understand in English, Cirrincione therefore, claimed that he was not present at his own trial and sought to have his conviction overturned. Ultimately, the court, noting evidence to the contrary, ruled against Cirrincione, but held that as a matter of constitutional law the defendant in a criminal proceeding is denied due process when (1) "what is told him is incomprehensible; (2) the accuracy and scope of a translation at a hearing or a trial is subject to grave doubt; (3) the nature of the proceeding is not explained to him in a manner designed to insure his full comprehension; or (4) a credible claim of incapacity to understand due to language difficulty is made..." The implication for schools is obvious. If a hearing loses its character as a reasoned interaction, students could claim deprivation of their right to a hearing. School administrators should provide fluent, language proficient interpreters for students and parents on hand at a hearing, especially so in cases of expulsion where the loss is greater than with a suspension.

Other court cases have expanded, clarified and either directly or indirectly spoken to the points of law raised in the aforementioned cases, all of which bear some significance or procedural due process on cases of high school student expulsion. In the 1988 case of Newsome v. Batavia Local School District involving the expulsion of

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81 Ibid., United States v. Cirrincione at 634.
high school student, Arthur Newsome, for drug trafficking activities, the Sixth Circuit United States Court of Appeals, went against the Dixon Court in ruling that a high school student threatened with expulsion based on statements of other students does not have due process right to learn other student's identities. The Court noted school administrators had an opportunity to, and did in fact, assess the credibility of the student witnesses. The principal found that the students had no vendetta against Newsome and believed they were telling the truth. He feared disclosure of their identities might result in ostracism and other reprisals. As information from credible student witnesses may be critical to a school's case, this ruling has an impact on the actions of school administrators as they balance their efforts to discipline individual students while protecting the safety of others. The key point here is that the school's ability to demonstrate its compelling interest in protecting the safety of witnesses helped to override the individual student's right to confront those witnesses. The Court also reiterated what the Goss Court had said in emphasizing that a parade of witnesses would unreasonably overwhelm administrators in the hearing process.

Another extremely important point of law that came from the Newsome decision is that school boards must function as an impartial tribunal acting only to suspend or expel based on the weight of the evidence presented. In the Newsome case, the

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82 Newsome v. Batavia Local School District, 842 F. 2d 920, 923 (5th Circuit 1988).

83 Ibid., at 920.

84 Ibid., at 825.
superintendent introduced new evidence to the board which had not been presented during the hearing. As Newsome had no chance to rebut the evidence, the Court ruled that: "Such a tactic amounted to a clear deprivation of his right to procedural due process of law." Consequently, the Court ruled in favor of the student.

Another standard of procedural due process that has been mandated in expulsion cases is that of fair warning. Generally, a school may establish appropriate standards of conduct in any form and manner reasonably calculated to give adequate notice of the behavior expected. In recent years, the Supreme Court has held that school rules need not be as detailed as a criminal code, and it has cautioned the lower courts against substitution of their judgment for that of school officials regarding the meaning of school regulations. While school rules need some specificity, to put together an all inclusive list would be both impractical and impossible. In the 1986 *Bethel School District v. Fraser* case, the United States Supreme Court offered that, "obscene language" was a descriptive enough term. In that case, a student delivered a lewd speech at a high school assembly, nominating a friend for a student office. His nominating speech was filled with sexual metaphor and innuendo, although it contained no explicit foul language. The next morning the student was informed that his speech had violated a school rule concerning obscene and profane language. The student was suspended for three days and informed that his name would be removed from a list of candidates for graduation.

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85 Ibid., at 927.

The student's father filed a civil rights action alleging that his son's First Amendment right to freedom of speech had been violated. Though a broad charge subject to some subjectivity, it was adequate enough for the Court to uphold the school's action.

While not requiring absolute particularity, nevertheless, the code of student conduct must be written in language as clear and unambiguous as possible if it is reasonably to warn students what specific conduct is prohibited. Language so vague it leaves students guessing about what behavior is forbidden may not be enforced by the courts. For example, rules proscribing "conduct inimical to the best interests of the school" and banning "extreme hair styles," have been judged not to provide adequate notice.\textsuperscript{88}

\textbf{Illinois Constitution}

As with the United States Constitution, there is no Illinois constitutional provision which guarantees a free public education. However, the Illinois Constitution does clearly articulate "free public education" as a fundamental goal.\textsuperscript{89} Consequently, by the fact that the State has provided its children with such an education, it has created a constitutionally protected interest. It is under this constitutional mandate that the General Assembly shares its school powers through laws empowering local school boards to exercise complete control of school matters, subject to the rights of the citizens under

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{87}Ibid., \textit{Bethel v. Fraser} at 678.
\item \textsuperscript{88}Ibid., \textit{A Legal Memorandum} (1990), 2.
\item \textsuperscript{89}Constitution of the State of Illinois, Article X, Section 1 (1971).
\end{enumerate}
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state and federal constitutions and the judicial review by the state and federal courts. Furthermore, the Bill of Rights of the Illinois Constitution, Article 1, Section 2, guarantees all people in the state due process and equal protection of the law. Specifically, it states: "No person shall be deprived of life, liberty, an property without due process of law, nor be denied the equal protection of the laws." Therefore, the precepts of due process as defined by statutory and case law apply to all students who are denied their constitutionally protected interest as a result of suspension and/or expulsion.

Illinois Case Law

Several Illinois cases have impacted the procedural due process offered high school students in matters of expulsion. The 1972 Linwood vs. the Board of Education of the City of Peoria, for example, articulated some very key points of law. In that particular case, a high school student was expelled for gross misconduct as a result of his striking several students in a school hallway. The student’s parents went to court seeking to overturn the expulsion because the Illinois School Code’s authorization "to suspend or expel for gross misconduct is so vague and indefinite in its meaning and application" that it fails to meet proper due process standards. The court, however, pointed out: "School codes of conduct need not satisfy the same rigorous standards as criminal statutes," and that when set in the context of pre-existent, local, discipline guidelines which reasonably regulated and guided student behavior, applying the code

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90 Ibid., Article I, Section 2.


92 Ibid., at 767.
to impose expulsion, based on the student’s action, was acceptable, and did not violate the student’s constitutional rights.\(^{93}\) The Linwood court further ruled that five days notice prior to the hearing did in fact, constitute timely and adequate notice which afforded the student and his parents a reasonable opportunity to rebut the charges brought against him.\(^ {94}\)

The case of Whitfield vs. Simpson (1970) represents another Illinois case which has served as a guiding precedent in matters of expulsion. In the Whitfield case, a student was expelled form high school based on a series of specific acts over a month’s time, which constituted gross misconduct and disobedience.\(^ {95}\) In its ruling, the court recognized the principle that schools are possessed with the power and the duty to establish and enforce regulations to deal with activities which may disrupt or interfere with the school’s interest in providing an appropriate learning environment for all students.\(^ {96}\) This was an important ruling for schools and has served as precedent for other cases involving student discipline.

Also, while the Linwood court recognized five days to be reasonable time in allowing the plaintiffs to obtain counsel and/or to prepare for the hearing, the Whitfield court ruled that: "Two days afforded the plaintiffs prior to the hearing did not deny

\(^{93}\) Ibid.

\(^{94}\) Ibid., at 769.

\(^{95}\) Ibid., Whitfield v. Simpson at 892.

\(^{96}\) Ibid., at 894.
parents or student of procedural due process," especially when the school administration had dealt with the issue of gross disobedience and misconduct prior to the recommendation for expulsion. Furthermore, the court noted specifically that nowhere in the record was it indicated that the plaintiff (Whitfield) objected to the notice as insufficient, nor did they request more time. This ruling holds important implications for parents and students in similar situations, who must engage in the hearing process.

Later in the 1990 case of Stratton v. Wenona Community Unit District, two days notice of hearing was ruled to be sufficient notice where both the parents and the student were well aware of the instances of misconduct leading up to the expulsion. The student had been expelled from high school for behavioral problems including fighting, intimidation of other students, and flagrant disrespect to school officials over a three month time span.

In the same case, in ruling against the plaintiffs on technical matters related to the case, the court also said:

Procedural due process in an administrative setting does not always require the application of the judicial model, and in fact, not all procedures traditionally associated with due process in judicial proceedings are appropriate in administrative proceedings.

For example, the parents had challenged the legality of the "actual notice" which was given by school courier rather than registered mail. While noting the statutory obligation

97 Ibid., 890.


99 Ibid.

100 Ibid., at 647.
to send notice "by registered or certified mail," the court ruled: "The notice was sufficient to vest the school board with jurisdiction to act in expulsion proceedings." 101 While the ruling stands as a strong message of support for schools, schools still need to follow the law carefully in order to avoid legal challenges to their actions, in order that legal challenges will clearly withstand strict judicial interpretations of the law.

Finally, the case of Carey v. Piphus sent a clear message to school boards that the denial of procedural due process in the suspension or expulsion of students supports a claim for damages by students under 42 United States Code Annotated, Section 1983, which includes the operative provisions of the 1964 Civil Rights Act.102 In that case, two students were suspended for twenty days each, one for smoking marijuana, the other for wearing an earring associated with a street gang. Both were suspended without the requisite due process hearing and sued the school board for damages.103 The school board claimed qualified immunity, but the court ruled in favor of the students and awarded nominal damages.104 School boards can be sued if they do not provide procedural due process protections to students in the adjudication of suspension and expulsion cases.

Illinois School Code

The statutory authority for disciplining students in Illinois comes from Section 24-
40 of the **ILLINOIS SCHOOL CODE** which states in part:

> Nothing in this Section affects the power of the board to establish rules with respect to discipline; except that each board must establish a policy on discipline, and the policy so established must include provisions which provide due process to students.\(^{105}\)

Furthermore, the board has general rule-making authority, granted by Section 10-20.5 of the School Code, which permits it to establish reasons for discipline and disciplinary measures.\(^ {106}\)

A parent-teacher advisory committee to develop guidelines on student discipline is also required by Section 10-20.14 of the School Code, which states:

> To establish and maintain a parent-teacher advisory committee to develop with the school board policy guidelines on pupil discipline, to furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year, and to require that each school informs its pupils of the contents of its policy.\(^ {107}\)

This section is particularly important as one of the elements of procedural due process ruled upon in *Bethel v. Fraser* was that of fair warning. It should be noted that mere notice, under Illinois law, is not enough to constitute fair warning; school administrators must review the policy with all students if proper due process for all students is to be ensured.

The Revised Statutes explicitly address student expulsion. Only the school board

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\(^{105}\) Ibid., ILCS 5/24-24.

\(^{106}\) Ibid., ILCS 5/10-20.5.

\(^{107}\) Ibid., ILCS 5/10-20.14.
may expel a student from school.\textsuperscript{108} The board may consider recommendation from school administrators relative to each case and by statute must appoint a hearing officer to conduct the expulsion hearing. However, the board alone retains authority to render the final decision and may do so only on evidence which has been formally presented. Moreover, there are no Illinois court rulings that would limit this authority. \textsuperscript{109}

The issue of the length of an expulsion has been questioned over the years, but has really come into focus over the last decade given the absolute severity of some of the offenses and the dangers posed to other students. Until August, 1995, the Illinois School Code did not contain any limitation on the length of expulsions. For many years, prevailing practice followed an 1889 Illinois Appellate Court decision, \textit{Board of Education v. Helston,}\textsuperscript{110} which concluded that school boards cannot expel beyond the end of a school term. That precedent came into question in the 1960s and early 1970s, so in February of 1974, the Illinois Attorney General in a one page opinion (No. S-709) noted that Section 10-22.6(a) of the Code, which is the only section of the Code dealing with expulsions, sets no maximum length of time for expulsions. However, in the same opinion he quotes the mandate of the Helston court, so uncertainty still lingered even in the best legal circles.\textsuperscript{111}

In August, 1995, Section 10-22.6 of the Illinois School Code was amended by

\textsuperscript{108}Ibid., ILCS 5/34-19.


\textsuperscript{110}\textit{Board of Education No. 1., T8 v. Helston}, 32 Ill.App. 300 (1890).

Public Act 89-371 (H.B. 780) when Governor Jim Edgar signed it into law, effective January 1, 1996. This law ended the debate over school boards' authority to expel students for more than the duration of the school year by statutorily providing that boards may expel students "for a definite period of time not to exceed two school years as determined on a case by case basis."112

This amendment also brought Illinois into compliance with the federal Guns Free Schools Act by requiring that: "Any student who brings a weapon to school must be expelled for a period of not less than one year."113 However, the board does have the authority to review each incident on a case by case basis, and to allow for exceptions, if circumstances warrant such. A weapon is defined to mean a firearm as articulated under Section 921, Title 18 of the United States Code.114

Finally, the Illinois School Code in Section 10-22.6 also mandates procedural safeguards which school boards must follow in cases of expulsion in order to protect the rights of individual students. These safeguards directly parallel those defined in case law, namely notice of specific charges by registered or certified mail and the opportunity for a hearing after a student has had adequate time to prepare a defense, generally at least five days. This section also provides that parents and the student and his/her parents have a right to request to appear before the school board to review the


114 Ibid., citing U.S.C.A., Section 921 of Title 18.
Illinois school boards and administrators run a serious risk of misconstruing student expulsion procedures if they read Section 10-22.6 of The School Code as stating all of the applicable law. It does not. Although the statute does not contradict standards for due process enunciated by the United States Supreme Court, it presents some broad terminology that must be read with constitutional case law standards in mind. For this reason, legal counsel should always be sought in more difficult cases.

**Conclusion**

Procedural due process requirements, as noted, arise from the Fourteenth Amendment of the United States Constitution. In addition, statutory procedural requirements may be imposed by legislative action. With regard to student suspension and expulsion in Illinois, the *Illinois School Code* does mandate certain procedures. This statutory provision is, however, bare bones. It simply does not address many significant procedural due process details such as the right to question witnesses, the right to be represented by counsel or the right to a stenographer record of the hearing. These details have, however, been addressed by courts. Therefore, suspension and expulsion due process requirements are identified by combining the procedures mandated by statute with those defined by applicable case law. It should be noted that the level of due process afforded in each case depends on the circumstances of each particular case, with the general rule being the greater the loss, the more due process that is

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115 Ibid., ILCS 5/10-22.6(a).

implicated.

Although courts generally defer to the discretionary disciplinary actions of school officials, they are apt to overturn student disciplinary decisions made in the face of procedural due process violations. For this reason, knowing the case law and statutory due process requirements involved in student expulsion matters is essential to school administrators, and school boards, who bear the ultimate responsibility for protecting student's rights.\textsuperscript{117}

\textsuperscript{117}Maureen A. Lemon and Pamela B. Hall, "Following the Rules - Student Suspensions and Expulsions," Chicago Bar Association Record (February/March 1995):42.
CHAPTER THREE
RESEARCH METHODS AND PROCEDURES

This chapter will describe the research methods and procedures used in conducting this study. The scope of the study is described, including the identification of the sample population, as well as the rationale for the selection of the sample. Also addressed are the research instrument, the issues of validity and reliability and the method for analyzing the data collected.

Scope of the Study

This study was primarily focused on principals and assistant principals or deans who participated in expulsion proceedings as they possessed the information sought with regard to student expulsion policies and practices. Data were collected during July and August of 1995. Follow up interviews were conducted in December of 1995 and January of 1996. The research dealt specifically with the subject of administrative practices and policies with regard to student expulsion and the levels of procedural due process afforded therein. Due to the case law and statutory requirements for procedural due process related to expulsions, it is important the schools be aware of where they stand in relation to the law in affording students their procedural due process rights.

Sample

There are fifty-seven public high schools in Cook County which represent thirty-one public high school districts. Districts range in size from single school districts to districts with as many as six high schools. Since the principal and an assistant principal or dean are directly involved in the expulsion process for regular education students,
they were asked to participate in the study to ensure that meaningful data were produced. Therefore, there were fifty-seven potential responses. That number was reduced by qualifiers placed on the sample.

Again, as the research was rooted in investigating due process regarding expulsion, the sample was limited to schools which had gone through formal student disciplinary expulsion proceedings in the last year in order to ensure an accurate and in-depth understanding of the process on their part, even if the proceedings did not result in expulsion by their school boards. One school responded that they had no expulsions during the previous year so it was not included. The sample was further limited to schools where both the principal and assistant principal or dean currently on staff were also on staff during, and party to, expulsion proceedings. This ensured a greater degree of validity and further reduced the sample size. Finally, some schools/administrators chose not to participate in the study, thereby reducing the sample even more. Ultimately twenty-six schools responded. These included high schools from the northern suburban, west suburban, south suburban and southwest suburban Chicago area. After removing those cases in which the facts virtually duplicated those of other cases, twenty were included in the final study.

**Research Instrument**

A pilot study of two Chicago suburban high schools chosen from outside the sample population was conducted to facilitate the researcher's familiarity and skills with the instrument. Modifications and clarifications to the instrument were made accordingly. Data were produced through vignettes written collaboratively by the participants identified in the sample according to an outline that the researcher constructed. A vignette can
be described as a vivid portrayal of the conduct of an event of everyday life, in which the sights and sounds of what was being said and done are described in the natural sequence of their occurrence is real time. Accordingly, these vignettes were focused descriptions of the student disciplinary expulsion process as told by the participants, who were directly involved in that process during the last year. In short, the goal was a narrative reconstruction of that reality as they (the participants) experienced and perceived it.

As the research question was concerned specifically with procedures, an accurate and vivid description of events in that process was critical. Therefore, participants were instructed to write about a concrete, specific case that they were involved in during the last year so that their recollection was focused and clear. Doing this also helped to enhance the descriptive validity of the study.

The researcher, identified, both in writing and through oral reviews with the participating administrators, what the vignette should include. In an effort to facilitate an accurate description of the event(s) being studied, Miles and Huberman suggested that the vignette be structured around an outline. An outline was developed accordingly which included the following points that the participants were asked to address:

- What happened?
- Who was involved in the incident?
- When and where did the incident take place?
- The context, i.e., contributing factors.
- Sources of evidence regarding the incident.
- The professional response on a step by step basis.
- Why you took those steps, i.e., motivation/rationale?

- What was the result of your action?

- Other comments such as what you learned, do you wish you had done anything differently, etc.

- Specifically note whether or not this case is typical of the expulsion process at your school. If not, please explain.¹¹⁸

The researcher’s directions emphasized describing the situation as realistically as possible. Participants were advised not to worry about correct language use or perfect chronology. If second thoughts occurred as they went along, they were told to add them. Again, the goal was to arrive at as realistic a picture of the whole situation as possible.

Follow up telephone interviews were conducted after the researcher read the vignettes and made notations where clarifications were needed. This ensured a clear understanding of the participants’ transcribed accounts. The respective written school board policies of the participating administrators regarding expulsion were also requested and examined to determine if the procedures used in expulsions coincided with the written policies of the respondent schools. Finally, part of the instrument was devoted to gathering data relative to the participating schools and administrators (See Appendix). These data were collected strictly to provide demographic background information about the respondent schools and administrators.

**Validity And Reliability**

The issues of validity and reliability were given high levels of attention. For instance, in order to ensure content validity, recognized school law experts were

consulted on the research instrument and the outline for the vignettes, which were modified according to their suggestions.

Given the fact that the description of "reality" was obtained through the administrators, the validity of the study became akin to what Maxwell terms "secondary descriptive validity." While this type of validity lacks the characteristics of first hand observation and recording of events (primary descriptive validity), it is not necessarily inadequate as long as the researcher clearly understood what the participants had described.\footnote{Joseph A. Maxwell; Harvard University, Graduate School of Education; phone interview by author; January 11, 1995.} Consequently, the researcher read the transcribed vignettes, making note of any questions. The researcher then conducted follow-up interviews with the respondent administrators where clarification was required to ensure correct understanding of their vocabulary and their descriptions of the respective situations. Finally, the participating administrators were sent the researcher's version with an invitation to correct any errors.

The reliability of the instrument to produce consistent, reliable data came primarily from careful construction of the instrument. Also, piloting the instrument assisted in addressing the issue of reliability. A pilot involving administrators from two Chicago suburban high schools selected from outside the qualified sample population was conducted to familiarize the researcher with issues that might have impacted on establishing reliability. Conducting a pilot study also assisted in formulating relevant follow up questions, memoing and coding, and developing interviewing skills.
Collection of Data

The cover letter, the outline for the vignette, the school administrator information surveys and a stamped, self-addressed envelope were sent to each school included in the sample. The initial mailing was completed on July 3, 1995.

All surveys were numbered prior to mailing and coded to a master list in order that additional communication and follow-up could occur with schools that had not responded by August 1, 1995. A second mailing was completed on August 13, 1995. In December 1995 and January 1996, follow-up phone calls were conducted with the respondents to ensure the researcher's clear understanding of the individual responses.

Analysis

Data collected included the vignettes, and student discipline policies from the respondent schools. All of the vignettes required follow up telephone inquiries for clarification of terminology and to ensure the researcher's clear understanding of the case described. The researcher was careful not to empathize with the respondents to prevent potential biases from distorting the data. All of the data produced were then "segmented" through careful and systematic coding. A matrix was used to analyze the data collected.

The final report was then designed in two parts. The first part of Chapter Four summarizes the expulsion cases submitted by the respondent schools used in the sample. It also provides an analysis of the individual expulsion policies and practices on a case by case basis as they relate to the law. The second part of Chapter Four offers a broad analysis of school board discipline policies as they related to both statutory and case law. It also provides case analysis of a more general nature which
focuses on the patterns and characteristics of the respondents as a group, rather than individually. In compiling the final analysis, attempts were made to link data sources, literature reviewed, and patterns that emerged in a coherent manner which suggested plausible interpretations that addressed the research question.

Finally, demographic information relevant to the respondent schools and administrators is presented strictly to provide some background about the individual and institutional characteristics of the respondents. This information was not a basis for any analysis.
CHAPTER FOUR
PRESENTATION OF DATA AND ANALYSIS

This chapter includes a summary of the demographic data and the expulsion cases which were submitted by respondent schools during July and August of 1995. Each summary is followed by a brief analysis which focuses on the due process steps taken in each individual case. Names were changed to guarantee the anonymity of the respondents. Actual dates were also changed to further ensure anonymity although the actual time frames were preserved perfectly in the reviews.

Demographics

This section provides demographic information pertaining to the responding administrators and schools. It is offered only to provide background information about the individuals and institutions included in the sample. It is not a basis for any analysis regarding the cases studied, nor was it intended to be. The data shown were obtained from an informational survey completed by responding administrators. A copy of the survey is included in the Appendix.

SAMPLE HIGH SCHOOLS

Table 1.--Institutional Characteristics

<table>
<thead>
<tr>
<th>Number of high schools in the district</th>
<th>6 responding schools</th>
<th>3 responding schools</th>
<th>4 responding schools</th>
<th>7 responding schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>One High School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two High School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three High School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four High School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sample high schools varied in their institutional characteristics. Respondent high schools came from districts ranging in size from one high school to four high schools. Student enrollments ranged from 675 on the low end to 3200 at the top of the scale with over half falling in the 1000 - 1999 range. The percentage of low income students enrolled in respondent high schools ranged from 1% to 34%. Twelve responding high schools had racial populations which were predominantly white and three were predominantly black, while the other five of the responding high schools showed no predominance of any one racial group.
Table 2.—Responding Administrator Individual Characteristics

<table>
<thead>
<tr>
<th>School No./Title</th>
<th>Race/Title</th>
<th>Gender</th>
<th>Age</th>
<th>Degree</th>
<th>Last School Law Course</th>
<th>Last Law Conference</th>
<th>Last In-District Law Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Principal</td>
<td>WM</td>
<td>51-55 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>1 Asst. Principal</td>
<td>WM</td>
<td>36-40 M</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>2 Principal</td>
<td>WM</td>
<td>46-50 Doct.</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>2 Asst. Principal</td>
<td>WM</td>
<td>46-50 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>3 Principal</td>
<td>WF</td>
<td>46-50 CAS</td>
<td>6 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>3 Dean of Students</td>
<td>WM</td>
<td>46-50 M</td>
<td>6 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>4 Principal</td>
<td>WM</td>
<td>51-55 M</td>
<td>6 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>4 Dean of Students</td>
<td>WM</td>
<td>46-50 M</td>
<td>6 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>5 Principal</td>
<td>BF</td>
<td>41-45 CAS</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>5 Dean of Students</td>
<td>BM</td>
<td>41-45 M</td>
<td>1-5 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>6 Principal</td>
<td>WM</td>
<td>51-55 CAS</td>
<td>6 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>6 Pupil Serv.Dir.</td>
<td>WF</td>
<td>46-50 Doct.</td>
<td>1-5 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>7 Principal</td>
<td>WM</td>
<td>46-50 CAS</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>7 Dean of Students</td>
<td>WM</td>
<td>41-45 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>8 Principal</td>
<td>WM</td>
<td>41-45 Doct.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>8 Dean of Students</td>
<td>WM</td>
<td>46-50 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
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</tr>
<tr>
<td>9 Principal</td>
<td>WF</td>
<td>51-55 CAS</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>9 Dean of Students</td>
<td>WM</td>
<td>41-45 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>10 Principal</td>
<td>WM</td>
<td>46-50 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>10 Asst. Principal</td>
<td>BF</td>
<td>41-45 M</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Principal</td>
<td>WM</td>
<td>41-45 Doct.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>11 Asst. Principal</td>
<td>WM</td>
<td>41-45 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>12 Principal</td>
<td>WM</td>
<td>46-50 CAS</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>12 Dean of Students</td>
<td>WM</td>
<td>46-50 CAS</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>13 Principal</td>
<td>WM</td>
<td>46-50 Doct.</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>13 Dean of Students</td>
<td>WM</td>
<td>51-55 M</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>14 Principal</td>
<td>WM</td>
<td>46-50 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>14 Dean</td>
<td>WM</td>
<td>51-55 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td></td>
</tr>
<tr>
<td>School No./Title</td>
<td>Race/Gender</td>
<td>Age</td>
<td>Degree</td>
<td>Last School Law Course</td>
<td>Last Law Conference</td>
<td>Last In-District Law Training</td>
<td></td>
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<tr>
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<td></td>
</tr>
<tr>
<td>15 Principal</td>
<td>WM</td>
<td>51-55 M</td>
<td>6 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>15 Dean of Students</td>
<td>WM</td>
<td>41-45 M</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
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<tr>
<td>16 Principal</td>
<td>BF</td>
<td>41-45 CAS</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>16 Asst. Principal</td>
<td>BM</td>
<td>41-45 M</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>17 Principal</td>
<td>WM</td>
<td>41-45 CAS</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>17 Asst. Principal</td>
<td>WM</td>
<td>36-40 M</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>18 Principal</td>
<td>WM</td>
<td>41-45 CAS</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>18 Adm. Assistant</td>
<td>WM</td>
<td>36-40 M</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>19 Principal</td>
<td>WM</td>
<td>46-50 Doc.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs</td>
<td></td>
</tr>
<tr>
<td>19 Asst. Principal</td>
<td>WM</td>
<td>51-55 M</td>
<td>1-5 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
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<tr>
<td>20 Principal</td>
<td>BF</td>
<td>51-55 Doc.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>1-5 yrs.</td>
<td>None</td>
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</tr>
<tr>
<td>20 Asst. Principal</td>
<td>WM</td>
<td>46-50 CAS</td>
<td>6 yrs.</td>
<td>None</td>
<td>1-5 yrs.</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

Respondent administrators' characteristics varied in some instances; but, there were also many similarities revealed by the data. For example, fifteen of the twenty principals were white males, ranging in age from 41-55. Sixteen of the respondent principals had either a Certificate of Advanced Studies (9) or a doctorate (7). While not all principals had taken a formal school law class within the last five years, all had been to a school law conference and most (15) had gone through additional law related inservice education in their own districts. In fact, the respondent schools included in the sample included twelve different districts, eleven of which provided their own in-house school law inservice training, in addition to the external conferences and courses.

The subordinate administrators who worked with principals in each of the expulsion cases included in the sample were identified by several titles, with most being recognized as Dean of Students or Assistant Principal in charge of discipline. Most of
the people in this group were white males (16) with a good number (10) of these falling in the 41-50 age range. Seventeen of the assistant principals/deans had at least a masters degree, but only three had any formal schooling beyond that, with one holding a doctorate and two holding Certificates of Advanced Studies.

Presentation and Analysis of Individual Cases and School Policies

Case #1

Student X, a 15 year old sophomore male, was expelled for chronic truancies in December 1994. As of the date beginning the ten day suspension prior to board action, Student X had been absent unexcused from school for thirty seven days. He had also cut 19 classes on dates when he was in attendance. The student had been put on attendance probation starting the school year as attendance during the last quarter of his freshmen year had been very poor. Several parent contacts had been made warning of the consequences for continued truancy, including the possibility of expulsion. Extensive support and intervention efforts were also made by the district, all to no avail. Progressive discipline measures had also been taken with the student. Throughout the ordeal, the school dealt exclusively with the student's father. The student's mother was never involved. Three office conferences with the father had been held by the dean since the beginning of the school year regarding the excessive absences, as well as two student support group meetings which included school counselors.

Notification of the charges, the school's intent to recommend expulsion and the date and time of the hearing were sent via certified mail both in English and in Arabic,
as both languages were spoken in the home.

At the expulsion hearing, conducted by the assistant superintendent who acted as hearing officer for the board, the son expressed to school personnel that he preferred to work at his uncle's business rather than attend school. Furthermore, when given the opportunity to address the board in executive session at the board meeting, the father offered no excuses to the board or comments regarding his son. As the principal thought there might be a need, an interpreter was offered to the father as a precautionary move for all the expulsion proceedings, but the father declined as his English was quite good. The board noted unanimously to expel Student X for the duration of the school year.

Analysis

In this case, school officials acted prudently on several counts. The attempts at remediation, the progressive discipline and the close parental contact all measure up very well in terms of providing the student and his parent proper due process. Clearly, per the mandate of the Fraser Court, the student and the parent were given sufficient fair warning in this case through both the disciplinary probation and the parental contacts warning of the possibility of expulsion. Furthermore, by pursuing several remedial measures, the school fulfilled the obligations of Section 26.12 of the School Code\textsuperscript{120} and displayed efforts which went beyond reasonable to try to prevent the student's loss. Finally, the school acted wisely in this case by offering an interpreter for all proceedings. This ensured that the parent could not claim that he was denied the right to meaningfully

\textsuperscript{120}Ibid., ILCS 5/26-12.
participate in the proceedings, as happened in the *Cirrincoine* case, where no interpreter was offered.

Also extremely important in this case is the implication for parents. Under Illinois School Code, there is a compulsory attendance law which indicates that students must attend school until they reach their 16 years of age. Parents whose children violate this law can be charged with contributing to the delinquency of a minor which is punishable by imprisonment and/or fine.\(^{121}\)

**Case #2**

On December 12, 1994, during second period, Student X, a fourteen year old male, was observed by the teacher leaving Room 100 and walking into Room 102 where the teacher was present. When the teacher went to Room 100 after class to get some supplies, he noticed a strong smell of marijuana, which he reported to school security. Shortly after third period began, three female classmates reported to security that Student X admitted to them after class that he had smoked a joint during second period in Room 100. The witnesses were deemed credible by the school dean. Upon checking, school security found that Student X strongly smelled of marijuana, especially the fingertips of his right hand. Student X denied the charges, but was very giddy throughout the questioning by the dean. The student was searched by school security, but no marijuana or drug paraphernalia was found either in his possession or in his locker. The school nurse was also asked to evaluate his condition. She noted the student's pupils were dilated, his blood pressure was elevated and his pulse was more

\(^{121}\text{Ibid., ILCS 5/10.22.6.}\)
rapid than normal, according to his medical chart. All of these facts were recorded by the school personnel involved. It was further noted by the dean that Student X had signed a form indicating he had reviewed a copy of the school discipline policy when school opened in August and had reviewed it with his dean. Student X was suspended for ten days for use, and being under the influence, of marijuana in school. His parents were informed that he was suspended and would be recommended for expulsion. Written notice was given via certified mail and a hearing held in accord with the law. At the hearing on December 16, the student's mother informed school officials that she would have a drug test done by the local hospital as she was uncertain of her son's drug use. The hearing officer affirmed that such was her right and that she could present her findings to the school board at its meeting. On December 20, the board voted unanimously to expel Student X for the rest of the school year. Neither Student X, nor his parents attended the board meeting.

Analysis

An expulsion process is time consuming, but needs to be handled with great respect to every detail. The written testimony from the teacher and the written statements from student witnesses, as well as the physical evidence (smell) and the recorded observations of the dean, school security and the school nurse all point to the proper and meticulous documentation done in this case. This is critical because the board can only act to expel based on the facts presented as established in Newsome v. Batavia. Establishing the credibility of the student witnesses (Newsome v. Batavia) and the documentation of fair warning (Bethel v. Fraser) also enhanced the school's position and indicates a very sound knowledge of the law. This is something all schools
should do because it may become an issue if a case ever goes to court.

Case #3

In October 1994, Ned, a fourteen year old white male, was expelled from school for a one year period as a result of his possession of a loaded weapon on school grounds. As students were coming back to the building after a planned fire drill, the dean of students noticed what he thought to be a beeper sticking out of Ned's pant's pocket. The dean instructed Ned to turn it in as it violated the school discipline policy, but Ned fled down a hallway. The dean radioed school security who apprehended Ned before he reached the exit and searched his pants pockets. The search revealed a loaded automatic handgun. Upon questioning by the dean, the student admitted to bringing his father's gun to school to show to a friend. Up to that point, Ned's discipline record had been fairly clean except for a few tardy violations. Ned's parents were notified immediately that he was suspended and that he would be turned over to the police and charged with unlawful possession of a firearm. Written charges were delivered the next day and a hearing was held three days later. The board, in a specially called meeting, expelled the student exactly one week later, despite parental objections to the search of their minor son without their presence.

Analysis

School officials need not obtain a warrant or parental permission before searching a student. If they have reasonable grounds to suspect that a school rule or a law is being broken, they can conduct a search. This is particularly true when safety is an issue. This search was justified at its inception because there were reasonable grounds
to suspect that the search will turn up evidence that the student had violated the law and the rules of the school. The dean's observation of the item he thought to be a beeper and Ned's response of running away when confronted would constitute the reasonable suspicion that New Jersey v. T.L.O. ruled was necessary to conduct the search. The scope of the search was permissible as the searching of the student's pockets was reasonably related to what the dean had seen.¹²² It is also significant to note that in this particular case the school security personnel searched the student. Had police or a police liaison officer conducted the search, the standard for the search might have been elevated to "probable cause", rather than "reasonable suspicion." While in this case, there would have been probable cause given what the dean had seen and the student's attempt to quickly flee, other cases may not be so clearly defined and school officials must be careful to distinguish accordingly.

Procedurally, the school acted properly in providing notice and a hearing. Very important here is the fact that the board scheduled a special meeting to take official disciplinary action before the student's ten day suspension ended. Had the board waited until its next regularly scheduled meeting two weeks later, the student's procedural due process rights as defined by Goss, the Illinois School Code and their own school board policy might have been violated if he had been kept out of school as he would have a right to return to school once the suspension ended.

Case #4

On December 14, at approximately 9:00 a.m., R. R. a sophomore who was out

of school on suspension for fighting, came into the school building and engaged in a heated verbal confrontation with another student that soon escalated into a fight. Despite immediate teacher intervention, R. R. continued to provoke the situation by swearing and verbally threatening to kill the other student. He furiously persisted in trying to physically get at the other student. R. R. was clearly out of control. Nonetheless, two male faculty members were successful in thwarting his attempts and subduing him. However, he then turned his rage on them, continuing with his acrimonious language and kicking at them repeatedly. He also vowed to kill the teachers.

After a conference in the office with the school dean, R. R. was put on another suspension and charged with criminal trespass as he had entered school thereby violating the terms of his initial suspension. The principal recommended him for expulsion based on his assault of and threats to staff members. A hearing was held one week later and formal action by the board was taken in a special meeting two days after that. Neither R. R. nor his parents attended either proceeding, although there was notification made by a district carrier and certified mail.

Analysis

Of significant note in this case is the notification measure taken by the district to ensure due process. Although the Stratton court ruled that hand delivered actual notice to parents was sufficient in meeting the notification mandate of Goss, Illinois statute requires that a student’s parents be notified by registered or certified mail stating the time, the place and the purpose of the hearing, as well as informing them of the student’s right to representation by counsel. Such a measure clearly documents parental
receipt of notification, which is an essential element of their procedural due process rights. While dual notification certainly enhances the level of due process afforded, Illinois schools taking only one measure need to be clear on the fact that such notification must be given via registered or certified mail. Parents should also know that they lose the right to be heard by not attending the hearing (Stratton v. Winona), unless they inform the school of their inability to be present at the designated time.

Case #5

Student X was suspended from school and recommended for expulsion because he threatened another student with a BB gun in the student parking lot prior to school. The two had quarrelled over a girl earlier in the week and had come to blows; Student X's bloody nose was the result. After three other students reported the gun incident, school security questioned Student X, who initially denied he had a gun, but later admitted it was only a BB gun which was hidden under the front seat of his car in the student parking lot. Student X was accompanied by school security and a dean to his car, where the weapon was found under the front seat.

Student X was suspended for ten days and recommended for expulsion. He was also turned over to local police to be charged. All notifications were made in a timely, appropriate manner consistent with the law. A hearing and board action to expel also occurred according to statutory provision.

Analysis

During the hearing, parents argued the technicality of the law on two points.

\[123\text{Ibid.}, \ Stratton v. Wenona at 648.\]
First they claimed, the weapon had never entered the school building. The argument was countered by school administrators who held that "school" referred not only to the building, but to all adjacent grounds including the parking lots and the athletic fields. Teachers and other certificated employees have a statutory duty to maintain discipline in school, on school grounds, at extracurricular events and with respect to all school programs. The parents then argued that the gun was only a BB gun and therefore, to punish their student with expulsion was excessive.

The reality is that the board acted properly in expelling Student X for one year. Although Public Act 89-371 (Expulsion of Students and Gun-Free Schools) was not in effect at the time (May, 1995), its adoption in August 1995 (effective January 1, 1996) clarified that the definition of "weapon" found at 18 USC Section 921 is to be applied. The United States Code defines weapon as: (A) any weapon (including a starter gun) which will, is designed to, or may be converted to expel a projectable by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or silencer; or (D) any destructive devise, including any explosive, incendiary or poison gas bombs, grenades, rockets, missiles and mines. Such term does not include antique firearms. Under the law, any regular education student who brings any such described weapon to school must be expelled for a period of not less than one calendar year, and, in fact, depending on the case, may be expelled for two years.

\[124\text{Ibid., ILCS 5/24-24.}\]

\[125\text{USCA, Section 921, Title 18.}\]
Case #6

On April 11, 1995, a staff member returning to the high school building at lunchtime observed a pick-up truck with three students exiting the student lot. As the truck sped away, he observed bottles being thrown from the truck. Since a local police car was parked at the other end of the lot, the staff member requested the officer to stop the truck. He stopped the students on the street directly adjacent to the school property and escorted the truck and the students back to the lot. In the meantime, the staff member recovered two of the bottles which turned out to be beer bottles.

The students were taken to the dean's office, where during an interview, they denied drinking any alcoholic beverage. However, the odor of alcohol was so prevalent on one that the school nurse was called to confirm the odor on his breath. The student then confessed that he had in fact consumed two bottles of beer in the student lot during third period. He admitted that the other two students had just come to the truck to go out for lunch and had no involvement with the alcohol. A hearing was held and notification made consistent with the law. The student was expelled from school for one year for violation of the board adopted discipline code.

Analysis

Of particular interest in this case is the intervention effort of the local police. The police officer, smelling the alcohol, did not charge the student, instead preferring to let school officials deal with the student. However, the officer, acting in official capacity, did stop the truck. It would seem that he had "probable cause" (Mapp v. Ohio)\textsuperscript{126} as he

\textsuperscript{126}Mapp v. Ohio, 367 U.S. 643 (1961).
did so based on the testimony of the staff member. That is important because, even if a student is not charged, police actions involving students, unless acting cooperatively with the school officials, or in the capacity of a school liaison officer, must measure up to the higher standard of probable cause, not merely the standard of reasonable suspicion to which school administrators are held (*People of the State of Illinois v. Dilworth*).\(^{127}\)

**Case #7**

During spring break, students travelled on a week-long, curriculum related field trip to a foreign country. A group of four teachers accompanied a group of twenty-six students on the trip. Prior to the trip, a school assistant principal met with all parents and student participants, advising them that all school rules would apply on the trip which was sanctioned by the school. During the meeting, the point that tough anti-drug laws were strongly enforced by this country's government was emphasized repeatedly. Students and parents were given a written list of the rules discussed, which they acknowledged by their signatures.

While on the trip, teachers worked out a rotational plan for routinely checking in students through the evening, varying the check times daily. Three nights into the trip at 2:00 a.m., two students were observed coming up the stairs by a teacher supervisor. When questioned, as to why they were violating the set curfew, the male student explained that they had only gone to the lobby to get some candy. The teacher asked them to produce the candy. The students could not. The female student then began

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to cry. Additional staff members were called in to question her while the first teacher stayed with the male student. The interview revealed that they had gone outside the hotel to obtain marijuana which the boy had stashed in his shoe. When confronted with this evidence, the boy initially denied the charge. However, when warned that the local police would be called, he soon produced what he admitted was marijuana.

Fearing major legal problems, the supervising teacher took the students’ written admissions and flushed the marijuana down the toilet. Upon returning to school three days later, the principal conducted a subsequent investigation which led to the same admissions. A recommendation for expulsion was made. After a hearing, the board voted unanimously to expel both students.

Analysis

School officials acted prudently in extending the element of fair warning called for in the *Bethel* case beyond the rule book. The pre-trip meeting with students and parents, as well as the written rules of the trip, which were consistent with the board discipline policy clearly and explicitly provided students with the knowledge that drug use on the trip would constitute grounds for school discipline and possible criminal charges by the foreign government. Furthermore, supervising teachers were wise to obtain written statements of admission from both students, knowing that by destroying the physical evidence, these would be the sole basis of the board’s action to expel. Recall here the mandate of *Bethel v. Fraser* which advises that expulsions, as quasi-judicial proceedings, are not subject to the rigid demands of criminal cases. Legal rules of evidence do not apply in school proceedings.

While this situation is unusual, it clearly underscores the importance of strong
preventive action, proper supervision and detailed, factual documentation in similar situations. As many high schools engage in travel and exchange programs to foreign countries, the lessons taught by this case merit administrative attention.

Case #8

During the first summer school term, school security witnessed a male teen trying to gain entry to the school building near the conclusion of the class day. The teen was a student at the school although he was not enrolled in the summer school program. Security had been alerted by police to be aware of "possible gang retaliation", resulting from a neighborhood incident. Two security personnel were alerted by a third security guard and moved toward the individual. As they called to him, one of them noticed that the teen grabbed something from a bush and began to run. A chase ensued which ended when the subject was apprehended by school security trying to crawl under a bus at the corner of the school lot. He was searched and found to be in possession of a loaded 380 caliber handgun.

School officials processed the student at an informal disciplinary hearing, after which he was officially suspended for ten days pending further board action. He was also arrested and charged by local police. A formal hearing was held later in the week. He was expelled the following week at the regular board meeting for a period of one year in accordance with the terms of the Gun Free Schools Act.

Analysis

Initial review of this case calls to question whether the board has the authority to discipline an active student during the summer. The answer is yes. Whether it be in the evening, on a weekend or over a vacation, any student enrolled in a public high school
is subject to the rules of the school that are in place to protect the students, the property and the learning climate of the school. A student who brings a gun onto school property represents a clear and present danger to the well being of other students and to the safe environment of the school.\textsuperscript{128}

In order to uphold that interest, the school, as stated by the \textit{Whitfield} court, has not only the statutory power, but the obligation to impose discipline accordingly. Even though this incident occurred during a vacation, the school was wise to ensure the student's rights by following the procedural due process guidelines that it did in its handling of the situation.

\textbf{Case #9}

Student Y was brought before the board of education for expulsion on the grounds of chronic truancy. The student, a fourteen year old freshman, had been absent without excuse from school for fifty-seven days during the first semester. The school had gone to great length to take remedial steps with the student including additional counseling, appointment of a faculty mentor and placement. Punitive measures were also applied on a progressive basis which included detentions, Saturday detentions and external suspensions. Phone conferences with the parents had occurred almost weekly and five additional office conferences were also held to emphasize the seriousness of the problem with the parents. When remedial measures had shown no effect by late November, parents were informed that continued unexcused absences could lead to expulsion. That point was reiterated in three phone conferences and two office

\footnote{\textit{Ibid.}, \textit{The Law of Student Expulsions and Suspensions}, 48-49.
conferences during the next two months. When there was no sign of improvement, a final suspension was imposed and parents were notified of the school's intent to recommend Student Y for expulsion. A hearing was held two days later prior to official board action, which resulted in Student Y's expulsion for the remainder of the school year.

Analysis

It is true that students and parents must be given time prior to the hearing to prepare a defense to rebut charges brought by the district, however under the law, that time varies according to the circumstances of the case. When a school can document that parents have been apprised of incidents as they occur, two days notice is considered sufficient. In isolated, non-continuous incidents, the five days notice advocated by the Linwood court is generally recommended.

It should also be noted that under the terms of Section 26-12 of the School Code,¹²⁹ schools cannot take any punitive action against a student for chronic truancy unless supportive services have been made available to the student. Had the school not offered the support services noted herein, the expulsion would have been illegal.

Case #10

On February 5, during the second period class, John, a high school junior, picked up a student desk and literally threw it twenty feet in the direction of another student who had been throwing paper at him. The teacher, who was helping a third student at the time, had no forewarning that such a move was coming. There had been no verbal

¹²⁹Ibid., ILCS 5/26-12.
exchange, nor did other students yell out when John threw the desk. The teacher had John removed to the dean’s office where, after questioning, he was placed on ten day suspension. His parents were notified of the incident and informed he would be recommended for expulsion. Written notification of the charges was sent to the parents by certified mail on February 7. In that packet, they were also informed that a hearing would be held on February 13 at 9:00 a.m. in the school office, at which time the student could be represented by counsel if they so chose. A report of the hearing was drawn up later that day and a copy provided to the parents. On February 15, the board of education, after meeting with the student and the parents, voted unanimously to expel the student for the rest of the school year.

Analysis

The school followed the case and statutory very well. This represents a textbook example of affording proper procedural due process in an expulsion case as mandated by Goss and the Illinois School Code. The investigation, the notification of charges, the notification of the hearing, the hearing conducted by the board designee and the opportunity to address the board before a decision was made all point to strong legal knowledge and expertise on the part of the school administration and board.

Case #11

On January 11, J, a senior, was suspended and recommended for expulsion for repeated violation of good conduct. Despite several intervention efforts, including sessions with the school psychologist and parent conferences, J’s behavior continued to be disruptive and at times dangerous. His latest incident, which involved an assault of a student who was talking to his girlfriend, was his third fight of the semester. He had
seen the dean previously and been suspended on separate occasions for swearing at a teacher, theft, possession of a beeper and forging a school pass. Furthermore, he had cut thirty-seven classes causing him to be dropped from three of his six classes. A discipline probation form signed by J and his parents during an office conference in early November had warned them that the school would recommend expulsion to the board if his behavior did not improve.

After an office conference with J and his parents, he was given a ten-day suspension and then processed according to the procedural due process requirements of Goss, Linwood and the Illinois School Code. He was expelled by the board one week later for a period of one calendar year.

Analysis

Many schools have gone to the use of attendance and discipline probation contracts which is advisable where chronic infractions of school rules, not ordinarily punishable by expulsion as isolated incidents, become grounds for expulsion. According to the mandate of Bethel v. Fraser, a student must be informed of the consequences of his action. This is especially true in an expulsion case where the loss is of such great magnitude. Schools not currently using such contracts would be well advised to consider incorporating them into their discipline system as an extra measure of fair warning. Schools should also note that in order to withstand possible legal challenges, the probationary contracts established should be implemented in good faith and reasonable in their provisions.

Case #12

On the Wednesday night before graduation (Friday), junior student, John Doe, had
rigged an explosive device to the outdoor stage where board members and administrators were to sit during the ceremony. Other students, fearing injuries and disruption of the ceremony, had alerted school authorities of Doe's plan on Thursday. The device was set to be triggered by a pressure plate under Doe's reserved seat which was to be activated by Doe's foot as he watched from behind the graduate section. When school authorities checked, the explosive device was discovered as was the wiring leading to the triggering device. Under questioning later in the day on Thursday, Doe admitted to the prank as a lark and stated that a friend from another school had helped him. Doe's parents were present for this conference. After Doe admitted to his role in the prank, he was suspended by the principal for ten days. His parents were informed that the administration would recommend expulsion to the board. On Friday, Doe and his parents were notified via certified mail that a post suspension hearing would be held on the following Monday. They were also advised that the board would take formal action based on the evidence presented at the board meeting on the following Tuesday. An attorney representing Doe was present at the board hearing as were Doe and his parents. All were given an opportunity to speak on Doe's behalf. Nonetheless, the board voted unanimously to expel Doe for the following school year.

Analysis

In this situation, the board acted quickly in conducting a post suspension hearing and a board hearing in order to have them coincide with the regular board meeting on that Tuesday night. Although the parents did not object to the time frame set up by the school, the three day period between the date of incident and the date of hearing would not be enough by most judicial standards. The Linwood court ruled that five days notice
was appropriate in order to allow students time to prepare their defense. Although the Whitfield and Stratton courts both approved two days notice, the circumstances were markedly different as parents in those cases had been continuously apprised of the situations. When affording a student his procedural due process rights, one of the fundamental elements of those rights is providing students with adequate time to prepare a defense against the charges that have been brought against him. Failure to do so constitutes a denial of a student's due process rights. School districts need to be mindful of this right when scheduling both post suspension and board hearings.

Parents also need to know that they have the right to adequate time to prepare a defense for their student as the Linwood court suggested. If enough time is not offered, parents should request more time from the board. Should the board refuse to accommodate the request, parents may need further legal assistance to ensure that their rights are not infringed.

Case #13

A sophomore student was recommended for expulsion based on the fact that he pulled a fire alarm during a fifth period class, thereby endangering the safety of the other students as well as the respondent firemen and members of the community who were impacted by the response. As four alarms had already been pulled, school officials had "dusted" the school alarms with an identifying power. Therefore, when two student witnesses implicated the culprit, it was easy enough to identify him as the guilty party. An inspection of his right hand revealed that he had, in fact, pulled the alarm. After questioning by the assistant principal, the student was suspended with a recommendation for expulsion. A board hearing was conducted one week later by the
assistant superintendent, who acted as hearing officer on behalf of the board. The parents and the student, although present, did not present any evidence on his behalf. The board took formal action to expel at a specially called meeting three days later.

Analysis

It is important that the school board act only on the evidence presented in order to ensure the fairness of the proceeding. While school officials had a pretty good idea that the student apprehended was the culprit in all four fire alarm instances, they were careful to act on the facts, not on speculations or circumstantial evidence. Accordingly, only the documented facts were presented to the board before it decided the outcome of the case. To have included any speculation might have biased the board's thinking and influenced what is supposed to be an impartial decision. It also would have been a clear violation of the student's rights as noted by school law expert, Lawrence Rossow, in citing Universal Camera Corp. v. NLRB. Constitutional due process requires that the decision of the hearing authority is based on "substantial evidence" presented at the hearing.\[^{130}\]

Case #14

At 4:00 p.m. on Saturday, a local police officer noticed B.J. carrying a 19" color TV set from the school to his van in the school lot. Upon questioning the suspect, the officer was informed by B.J. that his coach had given him permission to borrow the set from the school. When the officer noticed that there were no other vehicles in the lot, he became suspicious and detained the student while the dispatch contacted school

\[^{130}\]ibid., Law of Student Expulsions and Suspensions, 21, citing Universal Camera Corp. v. NLRB, 340 U.S. 474, 621 (1951).
authorities. The athletic director, who lived close by, promptly came to the school, and contacted the student's coach. It was determined that no permission had been extended to take the television. Upon searching his car the officer found three more television sets emblazoned with the school seal. The student apparently had rigged some doors prior to leaving practice, then waited until everyone had left, before returning to commit the thefts. The student admitted this to the athletic director who told him to come to school with his parents on Monday. The officer then arrested the student and charged him. On Monday, the student, his parents, the athletic director, his coach and the dean all met to review the incident. Based on the facts reported by the athletic director, the student was suspended for ten days. Parents were advised that the school would seek expulsion for the remaining four months of the school year. Written notification of the charges and the hearing was sent two days later with a hearing scheduled for the following Monday. At the hearing, the parents did not take issue with his guilt, but expressed concern that the penalty was too severe. They appeared before the board that evening to express the same sentiment regarding the severity of the punishment. After hearing from the parents, the board nonetheless voted to expel the student for the remaining four months of the school year.

Analysis

When deciding student expulsions, school boards have to decide not only guilt or innocence, but also the appropriateness of the penalty within the mandates of the Illinois School Code. In this case, the board rationalized that given the explicit warning against theft/stolen property in the school handbook (*Bethel v. Fraser*), the premeditated nature of the offense and the fact that value of the televisions amounted to over nine hundred
dollars which constitutes a Class Three felony theft,\textsuperscript{131} the school's recommendation for expulsion for the duration of the school year was appropriate and acted accordingly.

**Case #15**

In three separate incidents, high school girls approached school administrators to complain that Donald, a high school junior, had grabbed their buttocks under their skirts and/or fondled their breasts. Each of the girls insisted that the offender's actions were entirely unsolicited. Each also relayed that they verbally rejected his unwelcome advances and moved away immediately. Donald was brought in for questioning, but denied all the charges saying he only verbally teased with the girls. However, when a fourth girl came forward, school officials moved quickly to determine the credibility of the student witnesses. After thoroughly checking their school record and speaking with teachers, officials were certain that the girls were telling the truth and called Donald back to the office for further questioning. He again denied the allegations, claiming he was framed because he wouldn't pay attention to them. Nevertheless, a ten-day suspension was handed down (March 1) and Donald's parents were notified of such and that the school would seek expulsion as well. Donald's mother arrived at the office in a rage, supporting her son's contention that he was framed and insisted on seeing the accusers. She was so enraged that school security had her escorted from the building. Notification via registered mail advising Donald and his parents of the charges and their rights was sent and a hearing scheduled for March 7.

Attending the hearing were Donald, his parents and their lawyer. The assistant

\textsuperscript{131}Illinois Revised Criminal Code, Chapter 38, page 319 (#4).
principal who had taken the girls’ statements relayed their testimony for the official record. Mother again reiterated that Donald was being set up and demanded to have all four witnesses produced. Her request was denied by school officials who feared that the girls might be subject to harassment and reprisals from both Donald and his mother. With that the mother stormed out of the hearing with Donald never to be heard from again. She did not attend the board meeting on March 9 where formal action was taken by the school board to expel her son from school.

Analysis

In situations where the safety and peace of mind of students who "blow the whistle" on other students is imperiled, it is critical that school administrators and boards protect the anonymity of those students. Without the cloak of anonymity, students who witness serious offenses or are victimized by them would be less likely to notify school authorities and those that did, would be faced with ostracism at best, and perhaps physical reprisals. Protecting these students is important in all schools. As noted in Newsome v. Batavia, administrators may have the need to protect the identity of believable student sources, and doing so does not deprive the accused of due process rights.

Case #16

Peter Doe had been involved in two incidents of gang activity during the third quarter of the school year. On the first occasion, he was caught writing gang graffiti on a classroom desk which resulted in a three-day suspension. The second incident involved his flashing gang signs to other students in the school cafeteria during lunch. This led to a five-day suspension and resulted in his being placed on disciplinary
probation. Ultimately, Peter damaged another student's car and beat up the student as a gang retaliation which resulted in a ten day suspension beginning on April 7. All of the prescribed procedural due process requirements were afforded including questioning the student and proper notification of charges and the hearing. However, due to the hospitalization of the assistant superintendent who acted as hearing officer for the board, the date of the hearing was not until April 22. The board took formal action to expel the next evening (April 23).

Analysis

The time between April 7, which was the first day of suspension, and April 22 represents a total of eleven school days. While not challenged, this represents a technical violation of Peter's procedural due process rights. According to the Illinois School Code, after the ten-day suspension had expired, Peter should have been returned to some educational placement pending the board's decision. If school officials feared that Peter's presence represented a danger to other students, they could have arranged an alternative placement for a couple days or sent an instructor to his home. The other choice would have been to select another hearing officer. Either would have been preferable to going beyond the date of the suspension for the hearing and the board action. Holding a hearing eleven days after giving notice, although not malicious, represents a clear violation of the procedural mandates identified in the Illinois School Code.

Case #17

While moving through his classroom during a test, Student Y's second period teacher noticed a bong (marijuana smoking device) in an open duffle bag next to the
student's desk. School security was called. They took Y and the bong to the office to investigate. Y admitted the bong was his, but claimed he had not used it in school. A test revealed that there was marijuana residue in the bong. However, the student did not appear under the influence. Nonetheless, given the written discipline rule of the district, Y was suspended for ten days for possession of drug paraphernalia pending the board's decision on the administration's recommendation to expel. This happened on a Monday. A certified letter of notification regarding the charges and the hearing was sent Tuesday morning informing the student and the parents that a hearing would occur Wednesday morning at 9:00 a.m. They were also advised in the letter that the board would consider the evidence and take action Wednesday evening at its scheduled meeting. A copy of the hearing officer's findings was hand delivered Wednesday at 2:10 p.m. to the parents. At the board meeting, the student was expelled for the duration of the school year for violating this school's discipline code.

Analysis

This case represents a violation of a student's procedural due process rights. By the mandate of the Linwood Court no less than five days notice must be given to allow parents and students time to prepare a defense. Also, parents may need time to arrange for being off from work. No matter how clear cut an expulsion case may be, school officials should not merely act out of convenience. The action taken by the school would be legally indefensible if challenged in court.

Case #18

Before the bell rang for Spanish class in room 206, Student Smith chased Student Jones into the room and hit Jones in the face with a large padlock. Smith then ran out.
Twelve students all identified Smith exactly, including the specific distinguishing lettering on his shirt. School officials, through security, were able to identify the youth and quickly brought him to the office. There, he freely admitted what he had done stating he had done so because of the victim's association with a rival gang. His parents were called in for an office conference, which was attended by a Spanish interpreter due to their limited proficiency in English. Given the serious nature of the incident, school officials issued a ten-day suspension and opted to recommend Smith for expulsion. The parents were then notified by certified mail of the charges, the hearing date and time and their right to be represented by counsel. Notification was made in both English and Spanish. This hearing occurred one week after the incident where the school dean presented the testimony of twelve student witnesses supporting the charges against the student. There was no response from the parents or the student. The board took formal action to expel two days after the hearing at its regular meeting.

Analysis

School officials handled everything properly and carefully in this case. Also included in the formal hearing record was a copy of the student discipline code and a written student acknowledgement indicating he had reviewed the discipline code as mandated by the Illinois School Code. All documentation and notifications were made in a timely, professional manner consistent with the law.

Case #19

Senior high school had been having a problem with washrooms being severely "tagged" with spray paint. It seemed that wherever they would increase security and a staff visibility at one sight, the tagger somehow managed to be at another. Meanwhile
the damage bills to walls, dividers, doors and mirrors had added up to thousands of dollars. Knowing that quick action had to be taken, the school hired a security company to set up a hidden camera within washrooms, (focused away from urinals and toilets so as not to invade privacy) to help monitor the situation. School security monitored all four washrooms from a central location within the building. Within days, the tagger struck and was quickly apprehended in the act by school security. When taken to the principal's office and questioned, the tagger admitted to his role in the four other vandalisms. His parents were called and informed that he was suspended for ten days pending expulsion proceedings, and that he would be charged full restitution for the damaged property which amounted to over six thousand dollars. All procedural measures such as notification of charges and hearing were done consistent with the law.

A hearing was held one week after the suspension was issued. Both parents attended and after hearing the school's evidence objected to the fact that their son (a minor) was questioned by school security and administrators without calling them first, therefore rendering his admission inadmissible. Upon the advice of the board attorney, two days later the board rejected the parents claim that the student's rights had been violated because they weren't called and expelled the student for the final three months of the school year.

Analysis

The board acted correctly in this case. The 1983 case of Birdsey v. Grand Blanc Community School provides a good parallel to this case. In that case, a sixteen year old high school student was expelled for selling drugs. School officials had questioned the student in the school office prior to the formal hearing and without advising his
parents. The parents took the case to court arguing that some sort of warning against self-incrimination was in order. They also claimed they had a right to be notified prior to his questioning by school authorities. The court ruled against the parents holding that there was no requirement for any Miranda type of warning in such informal, non-custodial discussions.\textsuperscript{132} It should be noted student discussions with school personnel are considered non-custodial. Consequently, the student's statement was not excluded from evidence as his rights were not violated.

Also of significance in this case was the notation written into the vignette, "On the advice of legal counsel, the board acted to expel." Due to the complexity of the law in many cases, school officials and board members would be wise to seek a legal assistance when a case is challenged before taking final action to expel. This board acted prudently.

Case #20

At the beginning of the second semester, a seventeen year old sophomore girl was running to her next class when she tripped and fell. As she fell, the contents of her purse emptied onto the floor. A nearby teacher who had seen the accident went to help her pick up her belongings when he noticed what appeared to be three marijuana joints in a clear plastic bag. He picked up the bag and escorted the girl to the dean's office, where she was questioned. Also, the joints were tested by school security and found to be marijuana. The girl admitted to bringing the marijuana to school by mistake, claiming it was left over from a weekend party. The girl's parents were notified by

certified mail that she was suspended for ten days for possession of marijuana. They were also informed that she would be recommended for expulsion as noted in the student handbook. A hearing was scheduled to occur one week later. However prior to the hearing date, the girl's parents voluntarily withdrew her from school in lieu of expulsion and transferred her to a private school. Consequently, no further action was taken by the school or the board.

**Analysis**

Parents often choose withdrawal in lieu of expulsion as a means of keeping a student's discipline record clear. Essentially when a student is withdrawn, due process becomes moot as they voluntarily disenfranchise themselves from all rights that apply to students recommended for expulsion. However, the ability for students and parents to maneuver in such fashion has been greatly curtailed with the passage of House Bill 410 in November of 1995. This bill amends Section 2-3.13(a) of the School Code and requires all Illinois public school districts to complete ISBE Form 33-78 when transferring a student to another Illinois public school. This form verifies whether or not a student is in "good standing" at the time of transfer. "Good standing" is defined as "the student is not being disciplined by an out-of-school suspension or expulsion." The law also mandates that all receiving schools are not required to admit new students unless the transferring student provides a completed form. Consequently, the only current advantage to withdrawing in lieu of expulsion to keep a student's record clean would

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apply to students who transfer to either private or out-of-state schools. Parents choosing this option should be aware that the loopholes in the law are quite limited.
### Table 3.--Procedural Due Process Afforded in Respondent Cases

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Y = Yes  
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OD = Offered but declined
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*W = Withdrew in lieu of expulsion*
CHAPTER FIVE
CONCLUSIONS

This final chapter briefly summarizes the purpose of the research, as well as the sample population and the methodology. Additionally, an administrative checklist articulating proper procedural due process for regular education students in cases of expulsion is presented, along with the researcher's conclusions based on the data gathered from the sample population. Finally, some suggestions for future studies are offered.

Purpose of the Research

When the need for expulsion arises, it is necessary that boards of education have a proper policy in place to facilitate the process. This policy should be articulated in fairly specific terms within the guidelines of constitutional, statutory and case law in order to ensure the rights of the student who is accused, as well as to protect the school district. Little specific information exists about how well the practices and policies of Illinois School districts are aligned with the law in expulsion cases involving regular education students. The purpose of this research was to analyze policies and the procedures that suburban Cook County high schools used in the disciplinary expulsion of regular education students. The research explored the extent to which current practices comply with due process as defined by the law.

Analysis focused on ascertaining the degree to which school policies and administrative practices follow the law with regard to the expulsion of regular education students. Demographic information relating to the individual and institutional characteristics of the responding administrators and schools was also presented.
Research Question

The following question guided the research: What procedures are being used by suburban Cook County high schools in the expulsions of regular education students?

Sample

The sample population was limited to suburban Cook County public high schools which had gone through formal disciplinary expulsion proceedings during the past year. The sample was further limited to schools where both the principal and the assistant principal or dean responding were also directly involved in the specific expulsion proceedings described in their response.

Methodology

Data were produced through vignettes written by the respondent administrators (including principals, assistant principals and deans) from suburban Cook County public high schools which had expelled students during the past school year. These administrators collaborated to write a vignette which typified an expulsion case at their respective schools. The vignettes represent focused descriptions of typical student disciplinary expulsion processes as told by the respondent administrators who were directly involved in the process. Information included in the vignettes was generated according to an outline constructed by the researcher which focused on the administrators’ personal experiences as they went through the steps of an expulsion process from gathering data to conducting the expulsion hearing.

Follow up telephone interviews were conducted after the researcher read the vignettes and made notations where clarifications were needed. This ensured a clear
understanding of the participants' transcribed accounts. The respective written school board policies of the participating administrators regarding expulsion were also requested and examined to determine their alignment with the law, and to see if the procedures used in expulsions coincided with the written policies of the respondent schools. Finally, part of the instrument was devoted to gathering data relative to the participating schools and administrators (See Appendix). These data were collected strictly to provide demographic background information about the respondent schools and administrators.

The instrument was piloted through a sampling of two suburban high schools located outside of Cook County which had expelled students during the past year. This allowed the researcher to test the instrument and to make adjustments where necessary.

Data for the analysis were gathered through school board discipline policies, the vignettes written by the administrators who had been involved in expulsion proceedings, and the follow-up interviews with those administrators. Analysis was done both on an individual basis, and on a group basis which identified the common patterns that emerged from among all the cases when analyzed collectively.

School Administrator Procedural

Due Process Checklist

The review of the related literature indicates that in order to be in compliance with the procedural due process mandates of constitutional, statutory and case law in cases of expulsion for regular education students, schools must abide by the following checklist:
1. The element of fair warning must be in place in the form of a written school discipline policy. Students must know what they are held accountable for, and what the consequences are for their improprieties. Furthermore, school administrators have an expressed responsibility to review the contents of their adopted school discipline policies with their students in order to ensure that students clearly understand what is included in the school discipline policy. Attention should be given to conducting such reviews in a language that students can clearly comprehend. This is especially true in high schools where segments of the student population have a limited proficiency in English.

2. To increase fairness, the expulsion of any student must be based only on factual, competent evidence that a student has violated a school rule. Hearsay and/or innuendo have no place in an expulsion process. Administrators should seek as much factual, reliable information as possible relevant to the case. Testimony should be obtained from staff and student witnesses, while being careful not to coerce or intimidate such witnesses. The credibility of student witnesses testifying against another student must also be thoroughly assessed before a decision to discipline a student is made. Completing these steps will help to establish competent evidence that the accused student did engage in the alleged misconduct.

3. School administrators should promptly give students and their parents both oral and written notice of the specific misconduct of which he/she is accused, and the proposed disciplinary measures. Students should be afforded the opportunity to explain their conduct at an informal hearing before formal disciplinary action is
taken, unless the student's presence poses an imminent danger to staff members or other students.

4. Students and parents should be notified in writing of their right to a formal hearing which should occur within the ten school day time frame for the initial disciplinary suspension. Specifics such as the date, the time, the place and the purpose of the hearing should be included in this notice. Parents should also be advised of all their substantive (i.e., right to counsel) and procedural due process rights, especially in cases where school administrators are recommending expulsion. Under Illinois School Code, it is mandatory that such notification be made via certified or registered mail in order to ensure proper documentation of notice. Again, notice should be made in a language that both parents and students clearly understand.

5. In scheduling the hearing, school administrators must afford students and parents a reasonable amount of time to adequately prepare for the hearing. Five days notice has been ruled appropriate, unless school officials have communicated with parents on a regular basis in ongoing problem situations where both parents and the student have been made aware that expulsion is a strong possibility. School administrators should try to accommodate any requests parents make in scheduling the date and time of the hearing.

6. Students are entitled to a hearing before an impartial hearing officer, someone who has had no part in the prosecutorial aspect of the case.

7. During the hearing, school administrators must present the students with an explanation of the evidence to be used against them. Students should also be
allowed the opportunity to present their side of the story, to rebut the charges against them, to present witnesses on their behalf and to cross examine those witnesses presenting testimony against them. If necessary because of language problems, the school should provide an interpreter for parents and/or students to ensure their understanding of a meaningful participation in the hearing.

8. Aside from the constitutional requirement of a hearing, parents and students also have the right by statute to appear before the board to review the facts of the case and the procedures implemented.

9. Students may be expelled from school based on the evidence presented only through formal action by the school board. The board must also determine the length of the expulsion. While it has considerable discretionary power under the law, there are legislative mandates which must be adhered to in certain expulsion instances, such as use of a weapon in school.

10. The benchmarks of procedural due process in any expulsion case are being reasonable and fair to students and their parents. While much of what is required for proper procedural due process in most routine expulsion cases is clearly spelled out by the Illinois statute, more intricate cases might dictate a need for deeper, more extensive knowledge of the fine points in the law. In such situations, it is always advisable to consult legal counsel before proceeding to ensure that these benchmarks are met in a manner which would be defensible in a court of law.

Conclusions of the Study

Based on the accumulated data received from the responding high schools and
administrators, the following conclusions were formed:

**Conclusion 1**

Overall, the respondent high schools were very thorough in providing fair warning to students. Each of the responding schools had a written discipline policy worded in clear, unambiguous language. Each of the schools had their policy reviewed by the school district attorney, and revised where necessary. Each of the schools distributed copies of their student discipline policy to both parents and students, the receipt of which was documented by student signature. Finally, each of the schools reviewed the contents of the discipline policy with students to ensure that students clearly understood what the violations of school conduct included and the consequences for each violation. All of these actions provide a solid foundation for legal challenges to expulsions based on the principle of fair warning.

Nonetheless, schools need to carefully monitor their student populations each year to make certain that they are providing fair warning to students in native languages. For students who do not speak English, a discipline policy written and reviewed only in English provides absolutely no warning at all, thereby rendering schools' efforts useless to the students and indefensible, if challenged in court. While schools have addressed language barriers at hearings, the fact remains that since many school discipline policies are written and reviewed only in English (17 of 20 respondents), non-English speaking students in those schools would be able to challenge expulsions under current practices due to a lack of fair warning. Although this practice did not impact the respondent cases, it is still advisable that schools address this concern when it is appropriate to do so.
Conclusion 2

The responding high schools did a thorough job of investigating the facts related to the expulsion cases. In every instance, each of the schools got feedback from as many witnesses as possible to help ensure a complete and accurate account of events. Accused students were all given an opportunity to present their side of the story, and information was secured from as many witnesses as possible. One school interviewed as many as twelve witnesses regarding a single incident. The documentation of these testimonies was also handled meticulously as detailed, written witness statements were routinely kept on file by the responding schools.

School officials also did an excellent job of establishing the veracity of student testimony against others in expulsion cases. All administrators questioned indicated that they checked not only the academic and discipline records of witnesses, but also the personal credibility of those students. Often this became a lengthy process of speaking directly to several teachers, but all were committed to establishing their cases as fairly as possible. That so much time was spent investigating facts and witnesses is a real testament to the hard work and the professional ethics of the school administrators involved.

Conclusion 3

The respondent high schools all provided prompt, detailed, and understandable notice to students regarding their respective hearings. Parents and students in every case were informed of their right to present evidence on their behalf, and to be represented by counsel, if they so chose. Also, all schools clearly cited the charges, noting the school rule(s) broken and the evidence against the student. Finally, the date,
the time, the place and the purpose of the expulsion hearing, and the subsequent board meeting to consider the hearing results were included and highlighted in every case.

Responding schools served notice both orally, and in writing via certified mail as required by the Illinois School Code\textsuperscript{134}. Equally important, notice was also translated into the native language of the parents and students in those cases where people did not understand or have a strong command of English. In fact, dual notifications were sent - one in English and the other in the native language of the parent and student. This was wise because it effectively ensured that parents and students received actual notice. Had this not been done, it could be debated in court, similar to the \textit{Cirrincione} case that there was no actual notice because the people involved couldn’t comprehend what was given to them.

\textbf{Conclusion 4}

A majority of the respondent schools followed the law well regarding the time frame that school administrators should adhere to when scheduling hearings. The \textit{Linwood Court}\textsuperscript{135} recommended allowing students and parents five days to prepare for the hearing, unless the infraction(s) by the student were of such a chronic nature that the parents and students had been kept informed continuously over a period of time. Yet, six schools offered less than five days time to the hearing. Only one of those schools could legitimately claim compliance with the law based on continuous contact with parents prior to the expulsion. For the others, telephone interviews revealed that essentially, their time frames were constructed to try to coincide with regularly scheduled

\textsuperscript{134}Ibid., ILCS 5/10-22.6(a).

\textsuperscript{135}Ibid., \textit{Linwood v. Board of Education of City of Peoria} at 769.
school board meetings. While such arrangements might be convenient to school administrators and school boards, they clearly deprive students of their due process rights to have sufficient time to prepare a defense.

Furthermore, once the ten day disciplinary suspension expires, students have a right to return to school, unless the board has taken formal action to expel them. One school kept a student out of school for eleven days because the designated hearing officer was hospitalized. While the reason may be legitimate, keeping the student out of school after the suspension expired prior to formal board action, was illegal. In cases when the designated hearing officer will be absent, schools would be wise to designate a qualified replacement to ensure compliance with the law.

Recommendations for Future Research

1. This study was unique in that it targeted only suburban Cook County public high schools in its analysis of expulsion policies and practices for regular education students. Studying the policies and practices of the Chicago Public Schools, other suburban schools, and schools across the state might offer data that might dictate changes not only in school discipline policies and practices, but perhaps in Illinois law as well.

2. A study could be undertaken to compare data collected from schools based on district wealth to determine if more affluent districts which spend more money on administrative inservicing do a better job of affording students procedural due process than poorer districts.

3. Since affording students proper procedural due process is such an important issue to all schools, it could be both beneficial and appropriate to duplicate this study in
other states to determine how well schools' policies and practices are aligned with the mandates of the law.
APPENDIX
June 14, 1995

Dear Colleague,

I am writing to you to solicit your help with my doctoral research work at Loyola University. As part of my research work, I am studying the procedures that school districts use in the expulsion of regular education students. Specifically, I need three things from you:

1. A copy of the pages relating to student procedural due process in expulsion cases taken from your student discipline handbook.
2. A short narrative collaboratively written (by you and the assistant principal or dean you work with on expulsions) which details the specifics of a recent case that you took for expulsion, even if it did not result in an expulsion by your board. Use a case that you clear memory of.
3. Your response to the enclosed questionnaire.

I have also enclosed an outline that should serve as a guide to structure your narrative. Be as concise as possible, but do include the points noted. Also, use fictitious names to ensure anonymity.

All information you provide will be held in absolute confidence. Your responses will only be used for research data. Confidentiality in my dissertation will be maintained by using letter codes.

Please also complete the participation agreement form with phone number so that I can contact you to clarify any questions that I have regarding your response.

Your immediate response as well as your assistance and cooperation would be greatly appreciated. A copy of my research findings will be available to you upon your request. A response by the end of June would be greatly appreciated.

Thank you.

Sincerely,

Kevin G. Burns
Principal

Encs.
Outline and Checklist for Responding Administrators

OUTLINE FOR RESPONDENTS TO DESCRIBE EXPULSION CASES

- What happened?
- Who was involved in the incident? (Include age, year in school, gender, ethnicity, etc.)
- When and where did the incident take place?
- The context, i.e., contributing factors.
- Sources of evidence regarding the incident.
- The professional response on a step by step basis.
- Why you took those steps, i.e., motivation/rationale?
- What was the result of your action?
- Other comments such as what you learned, do you wish you had done anything differently, etc.
- Specifically note whether or not this case is typical of the expulsion process at your school. If not, please explain.

CHECKLIST FOR RESPONDENTS/ADMINISTRATORS

____ 1. Narrative re: expulsion case.

____ 2. Copy of the pages relating to student due process in expulsion from Student Discipline Handbook.

____ 3. Completed questionnaire from the Principal and Assistant Principal or Dean.

____ 4. Your participation approval form.
Participating Administrator Survey

AN INVESTIGATION OF PROCEDURES USED IN SUBURBAN COOK COUNTY
PUBLIC HIGH SCHOOLS RELATIVE TO THE DISCIPLINARY EXPULSION OF
REGULAR EDUCATION STUDENTS

1. Number of schools in your district____.

2. Number of students enrolled in your school for the 1994-95
   school year_____.

3. What percent of your students fall into the categories listed?
   ___Black    ___White    ___Hispanic    ___Arab    ___Asian
   ___Other (Specify)

4. According to the figures listed on this year’s Illinois State Report Card, what
   percent of your students fall into the following category?
   ___Low Income

5. What is your current job title?________________

6. What is your gender? ___Male    ___Female

7. What is your race? ___Caucasian ___Hispanic ___African American ___Asian
   ___Other (Specify)________________

8. Which age group do you fall into?
   ___under 30    ___31-35    ___36-40    ___41-45
   ___46-50    ___51-55    ___56 and over

9. Your highest level of education:
   ___BA    ___BA+Certification Hours    ___Masters
   ___C.A.S.    ___Doctorate
10. Training or preparation for handling suspension/expulsion cases:

   a. School Law course
      _ within last 5 years
      _ 6 or more years ago

   b. School Law conference
      _ within last 5 years
      _ 6 or more years ago

   c. In district training
      _ within last 5 years
      _ 6 or more years ago

**Note to participants:**

Please return a copy of your school board's policy on expulsion with your reply.
SELECTED BIBLIOGRAPHY


Illinois Revised Criminal Code, Chapter 38.


United States Code Annotated, Section 921, Title 18.

United States Constitution.


Zirkle, Perry; Richardson, Sharon and Goldberg, Steven. A Digest of Supreme Court Decisions Affecting Education. Bloomington: Phi Delta Kappa Educational Foundation, 1994.
COURT CASES CITED


APPROVAL SHEET

The dissertation submitted by Kevin G. Burns has been read and approved by the following committee:

Dr. Max Bailey  
Associate Professor and Chairman  
Department of Educational Leadership and Policy Studies  
Loyola University Chicago

Dr. Janis Fine  
Assistant Professor  
Department of Educational Leadership and Policy Studies  
Loyola University Chicago

Dr. Larry Wyllie  
Adjunct Professor  
Department of Educational Leadership and Policy Studies  
Loyola University Chicago

The final copies have been examined by the director of the dissertation, and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval by the Committee with reference to content and form.

The dissertation is therefore accepted in partial fulfillment of the requirements of the degree of Doctor of Education.

December 2, 1996
Date

Director’s Signature