



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
1992 Volume I: The Constitution, Courts and Public Schools

The Law and Discipline in the Classroom

Curriculum Unit 92.01.10
by Ruth M. Wilson

This unit is being prepared for my remedial reading middle grade students. These are students who live within dangerous confines...in the neighborhood, or in the school. As for the neighborhood, the danger and fear hinges on the probability of being wounded, beaten, or death. This is due to the violent atmosphere which prevails on the streets because of the drug culture. Students who have had confrontation the previous week, night or day feel the need to “get even”, so the problem will many times come in to the school. Roving gangs called “posses” may try to finish whatever was started in the streets which is usually in a disruptive manner.

This disruptive manner, in school, comes across as “I was only playing” syndrome. However, “I was only playing” can and does lead to students and teachers getting hurt. Then there is the problem of the incidence that is perceived from two different points of view that of the student and of the person involved.

When this occurs, the right to be safe and secure is gone. Where once learning and respect abided now chaos and disrespect have become the norm. If the above mention does take place in a school, then all learning personnel should be knowledgeable about school procedures...especially discipline and students rights.

The function of the unit will be to look into school discipline and its effect on one’s performance and behavior in school. Are the procedures used by the administrators consistent? Does the crime fit the punishment? Can I expect to have certain standards upheld in the classroom and not infringe on the rights of the students? This dilemma is one that many middle school teachers face on a daily basis.

Many of the students know how to act or react around certain individuals. They can easily “read” a teacher or an administrator. By that I mean, students can sense how far to go and when to pull back with certain individuals and situations. Therefore, this unit will acquaint teacher, student, and parent with certain Disciplinary Laws which may effect the child someday.

Some problems to be explored are: student suspension, student dress code, offensive language, class and school attendance, and physical violence. These are problems that surface on a daily basis in school. The unit will present excerpts from specific court cases which the student will read and discuss. The objective is to have individuals (students and faculty) be knowledgeable about the rights of all who participate in the learning process.

The unit is designed for a Remedial Reading Class. Through the readings, students will be able to draw their own conclusions about Disciplinary Law. The cases will expose the students to a variety of experiences which

they or other students may have had.

Background Material

School Boards of Education recognizes that any society must establish rules and regulations in order to insure the safety and welfare of its members. School Boards further recognize that a system is a society who has a mission to educate its members so that they may become productive participants in our society. The success of any set of rules depends upon all members being aware of the rules, and then enforcing those rules using a consistent and fair procedure. The procedure being one in which recognizes the individual rights of the member as well as his or her obligations to society. Therefore, to accomplish this end, Boards of Education have establish a certain approved policy. (Hamden, CT. school calendar)

Local school authorities have power to make reasonable rules in a reasonable manner. Reasonable punishment would involve not only punishment itself, but the procedure for determining it...whether a rule has been actually violated, what the circumstances were, and why the rule had been violated.

Host rules and regulations that govern student conduct are established on the local level. Some are set up by the local board of education policy, and others are established by the superintendent, the principal, or the classroom teacher. In this structure, it is the way all the parts of one thing fit together. In the local school system we have the triangle structure. The superintendent oversees the principal. The principal oversees the teachers, and the teachers oversee the students.

Each student who has had any difficulty is accorded due process. Edwin Neuman, Civil Rights author, states that: "due process" requires that a person receive notice of the charge or claim against him/her on demand, that he or she be furnished with a *bill-of-particulars* specifying the exact nature of such charge or claim. Secondly, due process requires an atmosphere in which a *fair hearing* can be conducted. Of all the guarantees of personal liberty, due process is probably the most flexible, since it can be made to cover all situations." This process gives the insurance that each individual in the school system has the right to be heard.

Discipline : Student Suspension

This case, *Goss v. Lopez* , stemmed from race related student riots at Central High School in Columbus, Ohio in 1971. The principal suspended seventy-five students for racial disruptions in the lunchroom and damage to school property. However, Dwight Lopez insisted he was innocent, and he did not get a hearing to tell his side of the story. Unfortunately, he was suspended with eight other students. Dwight and the remaining eight students brought their case to court.

A federal court hearing the case agreed with the students that they had not had the benefit of the due process procedure. And that they had a right to a hearing. The school disagreed and appealed the decision. On January 2, 1975, the court upheld the decision of the three judge panel by a vote of 5-4. Stating under the 14th Amendment, people cannot be denied liberty without due process.

The schools district's lawyer had argued that there is a constitutional right to education, so due process does not protect against suspension. The lawyers would also say that due process only applies if a student suffered a "severe loss." Lopez's punishment, the loss of ten school days was not too severe. The federal court disagreed.

In The Defense of Children , authors Franklin Zimring and Rayman L. Solomon present the question of school management. Are schools like a family model where problems are resolved in a way a family resolves their problems, or are school more like a bureaucratic model that is followed in society. In the family model, the principal would usually act as the father in resolving problems just as the father would do in his home. The family model structure has changed with the advent of the one parent family. Consequently, by the time the court heard the *Goss v. Lopez* case many things had changed. Due process had come upon the scene. With the granting of hearings before suspension, this meant the accused individual had a right to defend his or herself against the charge being presented. No longer would principals have the option of excluding an individual without the student presenting his or her “side of the story”.

Dress and Appearance

The courts in recent years have considered many cases dealing with student dress and appearance. Because of the different fact situations, courts have reached different conclusions regarding the power of the board of education to regulate student dress fads. The Supreme Court declined to review any of the cases, so this left the basic question unclear.

It is clear that school boards may ban particular kinds of dress that is detrimental to proper discipline or morals in school. Likewise, schools may require students not to wear particular items that are of gang related jewelry...heavy gold chains, different color beads, and rosary beads. The following directive was issued to the New Haven School System Staff as part of the student dress code rules:

Students will not be allowed to wear any clothing, jewelry or any other markings that may be identified as gang related.

Students will be suspended immediately from school if they insist on bringing these items into school, or on school property. There are to be no exceptions to this directive without the authorization of the Superintendent’s office.

School Attendance

Do students have a duty to attend school regularly? Yes! Truancy is a ground for finding a child delinquent in Juvenile Court. Superintendents of schools, local officials, may file a complaint with the Superior Court alleging that the Student’s family is a family with service needs (section 46b-149). The court refers the complaint to the probation officer for investigation. Section 10-154 imposes a duty upon parents to insure school attendance. Absences are a major problem at all levels of school and students who miss a lesson loses an opportunity to learn. Too many missed absences can result in failure or dropping out of school. According to research, unexcused absences decrease when parents are promptly informed that their children are skipping school.

Can grades be lowered because of truancy? In *Knight v. Board of Education of Tri-Point School District*, it was decided that: “Most high school grading systems have commingled factors of pupil’s conduct with scholastic attainment in rendering grades...truancy is the lack of effort and the plaintiff here exhibited a lack of effort.” (The Handbook of CT. Law)

The New Haven School System Manual states that good attendance is essential to success in school. Every day attendance is expected and academic achievement is direct related to a student’s attendance.

It is the responsibility of the parents to insure that their children attend school. In cases of long term illness

parents are expected to contact the school...so that a special program of instruction can be developed. If a student cuts classes or school without permission, the school will call home and take appropriate disciplinary action.

In accordance with this, it is the policy of the New Haven School Board that promotion may be withheld if a student is absent a total of 20 or more days. Suspension days will be included in the 20 days.

Suspension and Expulsion

In New Haven School System, student suspensions have been placed in three major categories: 1) three days or less for disruption, insubordination, fighting, use of obscene language, threatening, harassing, or intimidating others. 2) three days or more/considered police referral, theft, gambling, vandalism, trespassing, leaving school grounds without permission. 3) Ten days, referred to police department/considered for expulsion for setting off a false alarm (intentionally), arson, sexual offenses, bomb threats, sale and use of fireworks, physical assault, sale of narcotics or alcohol.

Lastly, the problem of dangerous weapons in school. If a student is in possession of, threatens with, or uses any dangerous weapon (i.e., gun, knife) or any instrument that can be deemed a dangerous weapon on school property, on a school vehicle, or at a school related function, the above procedure will be immediately enforced.

Violent School—Safe Schools (1978) compiled these statistics on schools affected by crime or violence:

1. Personal violence: About 24 million secondary school students (11%) have something stolen from them in a typical month. About 1.3% of the students (282,000) report being attacked in a month. Relatively few are injured seriously enough to need medical attention. Young teenagers in cities run a greater risk of violence in school than elsewhere, except in high crime neighborhoods.
 2. Vandalism: Over 25% of all schools are subject to vandalism in a given month. The average cost of an act of vandalism is \$81. Ten percent of schools are burglarized, at an average cost per burglary of \$183. The annual cost of school crime is estimated to be around \$200 million.
- Other Factors: Most offenses are committed by current students. Victims and offenders are generally of the same age and sex (usually male). In a majority of cases, victims and offenders are also of the same race. The chances of interracial violence are highest in schools where students of one race outnumber those of another. Although the preceding report was published in 1978, a current study by The Carnegie Foundation (1992) appears to substantiate the findings.

The report recently concluded a study that warns of risks to adolescents. It stated that the average eighth student is usually between the age of 14 or 15. About a quarter of all young adolescents this age are engaged in behaviors that are harmful or dangerous to themselves or others.

Of the 28 million adolescents between the ages of 10 and 18, approximately 7 million are at serious risk of being harmed by health and even life threatening activity, as well as school failure.

The teenagers who appear to be grown up basically healthy are not immune from the risk since most of them lack sufficient skills in problem solving. Some recommendations made by the foundation are:

Beef up youth and community organizations, so that they can better compete with gangs for membership. These groups should actively encourage health promotion activities.

Establish safety zones around schools, and initiate conflict resolution programs.

Work to ban the sale and possession of unregistered hand guns.

Some schools have initiated conflict resolution programs to help the teenager to have another avenue to solve problems. The procedure is as follows:

When you have a problem: stop, calm down, think before you act, state the problem and how you feel. Set a positive goal, think of lots of solutions, think ahead to the consequences.

Go ahead and try the best plan.

With this program in my school, I am sure it has defused chaotic situations. We would, I think, have more disruptions if we didn't have this problem solving program in place thanks to The Yale-New Haven Social Solving Program.

Hopefully, this proverb will come to pass. Train up the child in the way he should go; and when he is old he will not depart from it.

I have *four* objectives for this unit. The first objective is to have students read and comprehend the significance of the term Due Process. By giving them the written word, they will be able to be knowledgeable of their rights.

The *second* objective is to show students how decisions made by courts can differ according to various circumstances and the perception of the presiding judge or judges.

The *third* objective is to teach the students that "a little knowledge" goes a long way . . .the benefits of knowledge adds to their advantage.

The *fourth* objective is to teach students how to use primary sources for understanding present day situations and to expose them to the methods and procedures used to enlighten their school days.

After each selection, the student will do lessons in reading, spelling and language arts. The skill lessons will consist of finding the main idea, topic sentence, comprehension and oral discussion.

The following are *sample lessons* for each of the above objectives.

Lesson for objective I :

Materials worksheets, chalkboard, pen, pencil

Procedure The teacher will introduce the word "Due Process" by writing it on the chalkboard. The teacher will elicit answers from the class as to what they think the word might mean. After discussion, teacher will pass

out a worksheet with a short definition of the meaning of Due Process. The students are to read, then discuss the definition of the worksheet with a partner.

Sample Lesson I :

Due Process

Due Process simply means a fair procedure for each and every person. It is now the law that schools should use fair procedures with students and their parents in all serious disciplinary matters. It is a law that establishes limits of power against *arbitrary deprivation* of life, liberty, or property. The 5th *Amendment* (1791) to the Constitution established this protection with the words: "Nor shall any person be deprived of his life, liberty, or property with out due process of law. The 14th Amendment (1867) *extended* the protection to cover acts of state governments. (The *procedural aspects* of due process are not *fixed* or *technical* , nor do they include any *specific* right beyond prior notice and a *fair hearing* .)

Sample Lesson I :

Write a short answer to each question below. You may look at the worksheet when doing this assignment. Please find the sentence that best answers the question.

1. In you own words, what does the Due Process Law mean?
- 2 Name two parts of the Due Process Law.
3. Why do you think due process is very important?

Some people think Due Process gets in the way of administrators doing their job. Below are two sides of this question. Decide which one you believe by circling "for" or "against" in the sentence below.

For Due Process: Everyone, rich, poor, administrator, parent, student has a right to it. Also,. if someone is deprived of it, he or she may contact a lawyer.

Against Due Process: Administrators and teachers are busy and do not have the time to hear your side of the incident. Therefore, you are suspended for 3 days because you were involved in the problem even though you haven't given you side of the story.

Please circle one or the other and complete the sentence.

I am *for* or *against* the Due Process Law because

(note: Each word that is underlined in the above selection can be used for vocabulary enrichment.)

Lesson for Objective II :

Materials worksheets, chalkboard, pen, pencil

Procedure The teacher will discuss with the class the role of the administration as it applies to student discipline.

The teacher may call upon students to make a flow chart showing the school's structure. Keeping in mind, the school has its own structure same as a family, organizations, or government.

Sample Lesson II :

Flow means to move like a liquid. Often in a flow chart it is the power that is flowing. The person with the most power is on top and his or her power flows down to the next person or people. Arrows are usually used to show the direction of the flow.

Worksheet II:

To the student : It is important to be aware of the school's hierarchy. How are things handled and who is in charge.

1. Please make a school flow chart on the back of this worksheet.
2. In the school flow chart, who do you think has the most power?
3. Who comes next in power?
4. Who comes next?
5. Who comes last?
6. Don't be alarmed if you are on the bottom of the flow chart because . . .

School authorities have the power to establish rules governing student behavior. Conduct such as talking in class, leaving the classroom without permission, fighting, disobeying instructions, and annoying other students, can be *prohibited* by school authorities. The rules do not have to be written down for all cases of generally unacceptable behavior.

The School authorities must prove that the barred student's conduct interfered with the orderly operation of the school, classroom, or with the rights of other students.

Worksheet IIA:

To the student : You have just read a brief excerpt on discipline. The underlined words could be new vocabulary ...use your dictionary, if you need help.

1. What is the main idea of this selection? (It is not given you will have to use your head for this answer.)

2. In your opinion. what is the topic sentence.

3. Why is it not necessary that rules be written in cases of generally unacceptable behavior?

4. Why is it important that schools have rules governing student behavior?

5. Can a teacher exclude a student from the classroom because of the teacher's personal beliefs? Is the teacher using due process in this situation?

Lesson for Objective III :

Materials worksheets, pen. pencil, notebook, dictionary

Procedure Today's discussion will center around school attendance. The teacher will elicit answers from the class why good attendance is important for all...students as well as teachers and administrators. The teacher will put these answers on the board in preparation for today's lesson.

Sample Lesson III :

To the students : Please read this short selection and the complete the worksheet.

When students miss too many school days due to *chronic* illness, hospitalization or other medical reasons, they may lose school credit, may have to repeat a course, or even an entire grade in school. Such unfortunate *circumstances* may be no one's fault, just a *reality* of life. Schools may *assess* the progress of such students and give them credit for the course work missed if the student can *demonstrate* knowledge of the materials. *On the other hand* , the schools may require a *repetition* of the grade or the course. Either *alternative* would be considered reasonable *in the eyes of the law* , and local school policy will control the situation. (Parents, Schools and The Law, p 30)

To the student : You are to use your thinking and writing skills while doing this worksheet. Remember, each underlined word should be looked up in the dictionary if you do not know its meaning!

- 1.chronic illness means _____
2. repetition means _____
3. assess means _____
4. *On the other hand* is a phrase that means _____

5. alternate means _____
6. *In the eyes of the law* is a phrase that means _____

7. circumstances means _____
8. reality means _____
9. demonstrate means _____

Lesson for Objective IV :

Materials worksheet, pen. pencil, notebook, chalkboard

Procedure Today's lesson will deal with Dress Code and Appearance. The teacher will pass out the work sheet for the students to read and complete. Prior to the classroom work, the teacher will discuss with the students the phrase "Dress and Appearance", what it means and how it can effect the learning situation? The teacher will try to elicit from the students their thoughts on specific rules that would govern that particular classroom environment.

Sample Lesson IV :

To the student : Please read this short selection and then complete this worksheet.

Rules against long hair on males, beards, and mustaches became the subject of *extensive litigation* between the mid-1960's and mid-1979's. The division among the courts on this item in student dress code was deeper than any other constitutional point in Education Law. The Supreme Court declined to review any of these cases, and leaving unclear the *basic* question whether the Constitution permits school boards to enact general hairstyle regulations covering all students in their schools.

It is clear that school boards may ban kinds of dress detrimental to proper discipline or morals in the school. Therefore, the wearing of jackets symbolizing *defiance* of school authority, or of tight fitting sweaters or slacks could probably be *prohibited* even though a general *ban* on such items would likely not be *permitted* .

To the student : Below are specific vocabulary words which you *must* look up in the dictionary. When you look them up, you will have a much better idea of what they mean. After looking up the words, reread the selection and substitute your definition for that particular word. The other unfamiliar words do not belong in that selection...but be aware of their meanings. Thank you.

(note: Please copy the words below into your notebook. You will have more space as opposed to writing on this worksheet.)

1. extend

2. procedure

3. aspects

4. fixed

5. technical

6. specific

7. prior

8. fair hearing

9. permit

10. ban

11. defiance

12. basic

13. extensive

14. litigation

15. arbitrary

16 Amendment

17. deprivation

(note: Did you remember to copy words and definitions in your notebook?)

There are other interesting cases such as: The Zeller Case, The Olff Case, The Karr Case which, at the teacher's discretion, make for interesting discussion. These and other easy to read cases are in *Parents, Schools and the Law* by David Schimmel and Louis Fischer.

Sample Lesson IVa :

Name _____ Date _____

To the student : See if you can remember some information That you have studied. The answers are True or False.

1. The term Due Process simply means that each person has the right to tell his or her side of an incident.
(T)rue (F)alse
2. The Conflict Resolution Program has generally helped us with our school problems.
(T)rue (F)alse
3. The 16th Amendment to the Constitution established this protection: "Nor shall any person be deprived of his life, liberty, or property without due process."
(T)rue (F)alse
4. The due process clause is one of the most important clauses because it show fairness to all.
(T)rue (F)alse
5. In a school flow chart, the superintendent, teachers, students, principals are ranked in this order.
(T)rue (F)alse
6. Can a teacher *not* allow a student to enter his or her room because he or her finds the student's hairstyle offensive?
(T)rue (F)alse
7. If a student misses many school days due to a chronic illness, does that student h *ave a chance* of getting promoted.
(T)rue (F)alse
8. The phrase *On the other hand* actually means look at my other hand because 1 have something in it.
(T)rue (F)alse
9. The phrase *In the eyes of the law* actually means that the law has eyes and can see what's going on...especially if there is a problem. The eyes of the law are everywhere.
(T)rue (F)alse
10. Can an administrator suspend an individual without the individual's due process?
(T)rue (F)alse
11. My hair is long, my pants are skin tight, I'm wearing an offensive tee shirt and my whole attire is causing disruption in the classroom. Can I be suspended from school?
(T)rue (F)alse
12. I wore a yellow ribbon on my arm in protest of the war. I went quietly about my business of learning and had no problems in my classes. Can I be suspended if the principal see me with my yellow arm band?

(T)rue (F)alse

(note: Below are other sample lessons for this unit.)

Word Order : Place the words in abc order.

1. circumstances

2. repetition

3. assess

4. eyes of the law

5. on the other hand

6. reality

7. demonstrate

8. chronic

9. fixed technical

_____@Text:10. alternate

11. procedural

12. litigation

Word Misspelling

Choose the correct spelling of the word from the four choices. Circle the correct spelling of the word that we are studying.

1. amendment amandment amondment amindment
2. cshronic kronic chronic cchronic
3. extencive extenshive extencive extensive
4. alternatte alternatre alternathe alternate
5. deprivetion deprivation deprivition deprivotin
6. defiance defionce defince defience
7. arbitrary apbitrary arhbitrary arrbitrary
8. reality realitty realitry realithy
9. repitition repatition reposition repetition
10. assess assescs assesshs assecs
11. fixad fixid fixod fixed

Word Match

Write the word from the list below in the space next to the matching definition.

eyes of the law circumstances demonstrate
deprivation repetition alternate arbitrary
extensive defiance reality chronic
assess fixed amendment

1. _____ actions, or feeling
2. _____ how much something is worth
3. _____ the act of defying or opposing a person or thing
4. _____ condition of being real, true to life
5. non-movable, stationery
- 6 _____ based only on what one wants to think
7. _____ change in or addition to a law

8. _____ to take away from by force
9. _____ being large or great
10. _____ coming by turns every other one
11. _____ events connected with a situation
12. _____ constant, habitual
13. _____ the ways of the law
14. _____ repeating, over again

Word Scramble

Unscramble the letters to form words we are studying.

Write the words in the spaces on the right.

1. hte tedhadohn _____
2. citnsaesmruc _____
3. crhonic _____
4. ixdf hcnitleac _____
5. lertnatae _____
6. msetnarotde _____
7. eiiottprin _____
8. airlyte _____
9. eyse lew afoth _____
10. sseass _____

True and False (Answer sheet)

1. true
2. false
3. true
4. false
5. false
6. false
7. true
8. false

9. false
10. false
11. true
12. false

Word Order (Answer Sheet)

1. circumstances alternate
2. repetition assess
3. assess chronic
4. eyes of the law circumstances
5. the other hand demonstrate
6. reality eyes of the law
7. demonstrate fixed technical
8. chronic litigation
9. fixed technical procedural
10. alternate the other hand

Word Misspellings (Answer Sheet)

1. amendment defiance
2. chronic arbitrary

3. extensive reality
 4. circumstances repetition
 5. deprivation assess
 6. eyes of the law fixed
 7. alternate demonstrate
-

Word Match (Answer Sheet)

1. demonstrate actions, or feelings
 2. assess how much something is worth
 3. defiance the act of defying or opposing a person or thing
 4. reality condition of being real,true to life
 5. fixed non-moveable, stationery
 6. arbitrary based only on what one wants or thinks
 7. amendment change in or addition to a bill or law
 8. deprivation to take away from by force
 9. extensive being large or great
 - 10 alternate coming by turns, every other one
 11. circumstances events connected with a situation
 12. chronic constant, habitual
 13. eyes of the law the ways of the law
 14. repetition repeating, over again
-

Word Scramble (Answer Sheet)

1. on the other hand
2. circumstances
3. chronic

4. fixed technical
5. alternate
6. demonstrate
7. repetition
8. reality
9. eyes of the law
10. assess

Bibliography

1. Bartlett, Jonathan. *The First Amendment in a Free Society* . New York: The H. W. Wilson Company, 1979.

This book contains reprints of articles and excerpts from books on current issues and social trends.

2. Newman, Edwin. *Civil Liberty and Civil Rights* . New York: Oceana Publications, Inc., 1979.

This book discusses the rights and liberties of individuals...especially minorities. There is a wealth of information in this thin book.

3. Reuter, Edmund, E., Jr. *Schools and the Laws*. New York: Oceana Publications, Inc., 1981.

This book discusses the legal framework of school, the Federal Government, State Government and Education, Local Boards and other aspects that deal with public education. One in a series of books called Legal Almanacs which bring you the law on various subjects in nontechnical language.

4. Schimmel, David and Fischer, Louis. *Parents, Schools and The Law* . Columbia, MD.: National Committee for Citizens in Education, 1987.

This book deals with the basic legal literacy on the part of both parents and educators so that negotiated settlements will take the place of time consuming court procedures. Complex legal issues are presented in clear language, in a simple format.

5. *The Peoples Law Review* . ed. by Ralph Warner. Reading, Massachusetts: Addison-Wesley Publishing Co., 1980.

A "how-to-do-it" book for lay people who need assistance with problems. There are several sections which contain specific suggestions and instructions on how to accomplish legal.

6. Vail, Priscilla, L. *Smart Kids with School Problems* . New York: Penguin Publications, 1987.

An interesting book which deals with children who have problems in school...from learning disabilities to gifted.

7. *Violent Schools Safe Schools* . vol. 1. ed. M. Asner and J. Broschart, Washington, D.C.: National Institute of Education, 1978.

A large study undertaken by The National Institute of Education. The study is based on a mail

survey of over 4,000 schools, an on site survey of 642 schools, and case studies of ten schools.
Principals, teachers, and students contributed to the study.
(note: Bibliography is for teachers and students)

<https://teachersinstitute.yale.edu>

©2019 by the Yale-New Haven Teachers Institute, Yale University

For terms of use visit <https://teachersinstitute.yale.edu/terms>