

DOCUMENT RESUME

ED 067 179

RC 006 424

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TITLE A Study of Student Rights and School Authority with  
Regard to Long-Term Suspensions.  
PUB DATE Sep 72  
NOTE 117p.; Specialist in Education thesis submitted to  
New Mexico State University, Las Cruces, N. Mex.,  
September 1972

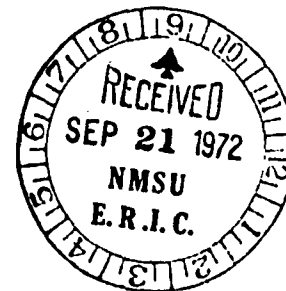
EDRS PRICE MF-\$0.65 HC-\$6.58  
DESCRIPTORS Authoritarianism; Changing Attitudes; \*Civil Rights;  
Community Attitudes; \*High School Students; Legal  
Problems; \*Mexican Americans; School Role; Social  
Values; \*Student School Relationship; \*Suspension  
IDENTIFIERS Las Cruces; New Mexico

ABSTRACT

The specific objectives of this study were to survey the implementation at Las Cruces High School, New Mexico, of an appeal board through which students may appeal suspension recommendations of over 5 days; to review the issues behind the student rights movement; to define and evaluate the invariant structure of authority in the school; to evaluate the attitudes of students, parents, and teachers regarding the "new due process"; and to establish or disestablish validity for the hearing board. Questionnaires were distributed to teachers, students, and parents of students at Las Cruces High School. The answers for the various subgroups were calculated into percentages and categorized, according to the 8 questionnaire items, into 3 or 4 possible answers. Major findings were that analysis of student rights, due process, and administrative procedures cannot be made apart from analysis of institutional goals with regard to student offenders and that the majority of respondents value responsibility to the school. (PS)

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A STUDY OF STUDENT RIGHTS AND SCHOOL AUTHORITY  
WITH REGARD TO LONG-TERM SUSPENSIONS  
BY  
HAROLD WILLIAM FLOYD

A Thesis submitted to the Graduate School  
in partial fulfillment of the requirements  
for the Degree  
Specialist in Education

Major Subject: Educational Administration

New Mexico State University  
Las Cruces, New Mexico  
September, 1972

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"A Study of Student Rights and School Authority with  
Regard to Long-Term Suspensions," a thesis prepared by  
Harold William Floyd in partial fulfillment of the  
requirements for the degree, Specialist in Education,  
has been approved by the following:

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Acknowledgment is made to Mr. Earl Nunn, past Superintendent of Las Cruces, New Mexico, Schools and to Dr. Max Smith for their inspiration and guidance at the initiation of this study; to Mr. John Stablein, present Superintendent of Las Cruces Schools and to Mr. Harry Foltz, Principal of Las Cruces High School for their assistance throughout the project; and to Dr. Everett Edington for his guidance in completing the study.

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## ABSTRACT

### A STUDY OF STUDENT RIGHTS AND SCHOOL AUTHORITY WITH REGARD TO LONG-TERM SUSPENSIONS

BY

HAROLD WILLIAM FLOYD, B.S., M.A.

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Las Cruces, New Mexico, 1972

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The emergence of national and state mandates to schools to review procedures guaranteeing due process to students has precipitated new policies and increased awareness of issues bearing on student rights as they relate to school authority. At Las Cruces, New Mexico, High School an appeal board--or a hearing board--for suspension recommendations of over five days is being implemented for the 1972-73 school year. This board, in addition to increasing the procedural safeguards for due process extended to a student, re-defines and clarifies the authority structure of the school.

This writer has attempted to study aspects of the board in terms of student rights, school authority, and pupil control. Essentially, this is the study of a change process--the development of a trend or shift in goal-direction.

If our schools are to avoid a serious authority crisis and if we are to ameliorate an existing confidence crisis, it would seem imperative that we attempt a cogent examination of the direction of our current shift in values. That our society is undergoing a transition of values seems undisputable. Studies of the change processes which are underway may be useful in prescribing the direction of our drift.

The civil rights movement has promulgated new emphasis on individual rights for students in the schools. How these issues relate to traditional school authority and what these implications mean to pupil control in the future are explored in this paper.

The specific objectives of the study were: (1) to survey the implementation at Las Cruces High School of an appeal board--a hearing board--utilizing school resources through which students may appeal suspension recommendations of over five days; (2) to review the issues behind the student rights movement which have legitimized demands for reform from many levels of society; (3) to

attempt to come to grips with the authority problem by defining and evaluating the invariant structure of authority in the school as it relates specifically to student power and to change processes brought about by the current court-strengthened emphasis on student rights; (4) to evaluate the attitudes of students, parents, and teachers regarding the "new due process," as revealed through a questionnaire study; and (5) to establish or disestablish validity for the hearing board by extrapolating the success or failure of the previously existing structure in terms of specific goals and public opinion, assessing in this way the strengths and weaknesses of the board compared with traditional authority structure.



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## CHAPTER I

### INTRODUCTION

The pace of current educational innovation is rapid and is testimony to problems prevalent in schools today, problems which resolve into crises of authority (conflicts embracing power and freedom), crises of legitimacy (conflicts embracing organizational structure and relevancy), and crises of confidence which have brought on an intense public examination of the schools often resulting in censure and demands for change instigated by society and outside the existing educational fulcrum. Social forces appear to be accelerating division in the school, giving suggestions, even visions, of a power-triumvirate involving teachers, students, and administrators. Parents seem to be surrendering their traditional school-home bond by abandoning the concept of in loco parentis; the student rights movement appears to have strengthened a student "power" imperative: students are testing the schools in the courts, an area of student activism which has brought about fundamental changes in school law pertaining to student discipline and student rights; the trend toward centralization and/or unionization of teachers gives rise to teacher "power;" and school administration and organizational structures struggle to maintain traditional

positions of authority. Because the authority crisis has been largely promulgated outside the school, within the school it surfaces as a nebulous, often unrecognized, and as yet unstudied perplexity.

### THE PROBLEM

Statement of the problem. Acknowledging the urgencies brought about by the student rights movement, the purpose of this project was to survey the implementation at Las Cruces High School of an appeal board--a hearing board--utilizing school resources through which students may appeal suspension recommendations of over five days; to review the issues behind the student rights movement which have legitimized demands for reform from many levels of society; to attempt to come to grips with the authority problem by defining and evaluating the invariant structure of authority in the school as it relates specifically to student power and to change processes brought about by the current court-strengthened emphasis on student rights; to evaluate the attitudes of students, parents, and teachers regarding the "new due process," as revealed through a questionnaire study; and to establish or disestablish validity for the hearing board by extrapolating the success or failure of the previously existing structure in terms of specific goals

and public opinion, assessing the strengths and weaknesses of the board correlative with traditional authority structure.

Need for the study. An increasingly heavy burden of court cases challenging the legality of rules and regulations controlling pupil behavior bear out the untenability of presuming that our courts of law will not question the discretionary authority of school officials. A number of recent court cases indicate an inchoate body of law applicable to student dismissals that is only beginning to be felt by school administrators.

Students are demanding their rights and legislative bodies are recognizing the legitimacy of student demands by requiring institutions to re-examine their responsibilities to students and to review existing procedures to insure that adequate procedural machinery is available to uphold legal standards.

Cognizance by administrators of the due process of law afforded students and vague guidelines for the reasonable application of authority have not in themselves reduced the vulnerability of school officials to litigation resulting from disciplinary procedures against a student. Administrators would seem to function from a weak position when, upon initiating discipline procedures against a student, they do not have a fixed order of

adequate operational instruments designed to uphold the student's rights.

Although school administrators contend, with varying degrees of perceptiveness, that their authority is being eroded, little attempt has been made to investigate, in a thorough and comprehensive manner, the effects of the student rights movement on school authority.

In this study, and in the manner of James A. Mecklenburger at Indiana University, an attempt was made to present "a cogent report on an important phenomenon by a thorough observer,"<sup>1</sup> presenting in this way a descriptive study of a change process in education. The virtual absence of such descriptive studies of the change process in education is noted by Seymour B. Sarason in his study titled The Culture of the School and the Problem of Change.<sup>2</sup> Mecklenburger agrees: "How can one theorize, hypothesize, or justify programmatic decisions without some basis in observation?"--citing Sarason.<sup>3</sup>

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<sup>1</sup>James A. Mecklenburger, "'Merely Journalism' as Educational Research," Phi Delta Kappan, LIII (February, 1972), 382.

<sup>2</sup>Seymour B. Sarason, The Culture of the School and the Problem of Change (Boston: Allyn and Bacon, 1970), chapters 1-4, pp. 30-32, cited by James A. Mecklenburger, Ibid.

<sup>3</sup>Ibid.



Assuming with Stufflebeam, and others, that the purpose of evaluation is not to prove but to improve,<sup>4</sup> the major goal of this study was to inform and enlighten administrators caught up in the frustrations of our transitional society.

Limitations of the study. The study concentrated on an appeal board for suspensions of over five days and was not designed to deal with student or parent grievances in general, although the model under study could be extended and implemented later for these purposes should its effectiveness be demonstrated.

Functional limitations of the hearing board were recognized in trying to fuse the ideal with the real or in undertaking to do what could not be done within the conditions of time and talent set by the realities of circumstance: the limits of the model under study are circumscribed by the restrictions of human ability and human interaction.

The model is similarly circumscribed by place: implemented for one city and a particular school, it would probably require broader utilization before wide generali-

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<sup>4</sup>Daniel L. Stufflebeam, et al., Educational Evaluation and Decision Making (Itasca, Illinois: F. E. Peacock Publishers, Inc., 1971), p. v.

zation could be made regarding its effectiveness. While a power-triumvirate might be intimidated by situations occurring in schools forced to bend to demands of students (and teachers), the Las Cruces school system has not experienced a degree of overt student unrest which would activate the imperative for student involvement in decision making which is currently popular in schools with vocally dissentient students. For this reason, the more idealistic inclusion of a student-power voice has not become a solidified issue in this particular school system; and unlike the Niles Township High School, Skokie, Illinois experience, there has been no uniting of students and teachers to threaten the traditional administrative authority.<sup>5</sup>

Because Las Cruces High School does not have parent-teacher organizations, inclusion of parents on the appeal board might prove a problem in terms of unbiased selection.

#### DESCRIPTION OF THE APPEAL BOARD

The design of the appeal board to be studied concentrates on providing a student with the opportunity for

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<sup>5</sup>"How Student Involvement Pays Off," School Management, XIV (March, 1970), passim.

a review of administrative sanctions outside the traditional administrative hierarchy, i.e: a board comprised of deviant authority, parents and/or teachers and/or counselors and/or students--one or all.

Since the success of the board was assumed to be directly proportional to the collaboration and acceptance of the school personnel being asked to surrender a portion of their authority for review, the design and procedure of the board was determined on the basis of analysis and suggestions of all concerned administrative parties. These suggestions were received through the office of the superintendent of Las Cruces schools, Mr. Earl Nunn, based on responses to drafts, revisions of policy changes and review board designs originating from the office of Mr. John Stablein, who was in charge of policy drafting for the Las Cruces school system.

After arriving at a design and procedure for the appeal board acceptable by all parties directly concerned, the appeal board was adopted into policy by the local school board. A copy of the written policy can be found in Appendix A.

The appeal board--a disjointed incremental model--is intended in no way to diminish the legal authority of the Board of Education to deal with disruptive students. It seeks to gain its strength from the assumption that a

cooperative effort between students, faculty, and administration will result in a more active and productive educational partnership which will functionally be a valid experiment in democracy.

Enumerated in Appendix A are charges of misconduct which necessarily to an adult would result in severe punishment and which, when generalized into a school environment, would constitute a long-term suspension or expulsion: disruption of school; damage or destruction to school property; assault of a school employee; physical abuse of a student or other person not employed by the school; possession of weapons, narcotics, alcoholic beverages; deviation from scheduled program, for example. In addition, procedural guidelines for the suspension and/or expulsion of students, including review hearings, are detailed.

A schematic diagram of the model is shown in Appendix B.

#### DEFINITION OF TERMS

Authority. Throughout this study authority shall be interpreted as the traditional, designated power of school administrators to maintain control of the school through internal discipline or control of students.

Student rights. Student rights, in the context of

this study, will be interpreted as representative of a movement toward individual rights of students as opposed to group rights.

In loco parentis. The doctrine of in loco parentis is defined as a theory which emphasizes the role of the school in the upbringing of the child, an extension of the concept of the state as parens patriae--the state succeeding to the duties of the parent in situations where the parent is unable to attend to parental duties. This concept has long been the rationale for the school in discipline matters, pupil control, and has been invoked as the authority for school rules governing student conduct.

Appeal board. An appeal or a review or a hearing board--these semantic distinctions dependent on the variant interpretations of the role of the board as it relates to the shifting structure of authority--through which a student's opportunity for increased due process procedures is realized.

Disjointed incremental model. A decision model appropriate for incremental decision settings which assumes that the decision maker wants to bring about small changes slightly different from the status quo and that he has little information concerning how to achieve the change. The focus is more on current needs and problems

and less on ultimate goals.

## ORGANIZATION OF THE STUDY

The remaining chapters of the study present a review of the literature; design of the study, questionnaire, sample and data collection; analysis of the data; and conclusions and recommendations based upon the data analysis results.

Chapter II contains the review of the literature.

The areas discussed are:

1. Issues and court cases legitimatizing student rights.
2. Transition of roles and administrative responsibilities in relation to court decisions.
3. The conflict between the doctrine of in loco parentis and school authority as applied to student rights.
4. Authority allocation in terms of the student rights movement.
5. The emerging conflict between individual rights and pupil control: an examination of school discipline.
6. Due process and school dismissals.
7. State laws and local policies regarding suspensions and expulsions.
8. A theoretical base for increased procedural safeguards guaranteeing student rights.
9. Transition of school authority style relative to transitional values.

Methods of procedure are discussed in Chapter III, analysis of the data presented in Chapter IV. The study is summarized in Chapter V, including conclusions based upon the data analysis and recommendations for further study.

## CHAPTER II

### REVIEW OF THE LITERATURE

The literature reviewed focuses on the change processes in education which are a result of the current civil rights movement, processes which reflect the transitory and controversial nature of current educational concepts regarding school authority.

### ISSUES AND COURT CASES LEGITIMATIZING STUDENT RIGHTS

The vast majority of related research in the field of student rights is concentrated on answering why students want their rights or on reviewing court decisions which support students and which legitimize issues defending student rights.

Outspoken advocates of constitutional rights for students have leveled sweeping charges against schools. Nat Hentoff, associate professor at the Graduate School of Education of New York University, contends:

The latter [students] compelled by law to attend these institutions, find their Constitutional freedoms routinely violated rather than scrupulously protected by those in charge of the schools. Such basic rights of an American citizen as freedom of speech and assembly, protection from invasion of privacy, and the guarantee of due process of law

do not exist for the overwhelming majority of American high school students.<sup>1</sup>

Director of the American Civil Liberties Union affiliate in Milwaukee, Ed McManus, charges that the great majority of schools have a habitual, although not necessarily vicious, disregard for civil liberties, that schools do not perceive civil liberties as an issue.<sup>2</sup>

Writing in The School Review, C. Michael Abbott, Neighborhood Legal Services Centers, Detroit, Michigan, examines the present strength of student prerogatives on the secondary school level and concludes we are beyond the point of no return in guaranteeing the applicability of the Fourteenth Amendment and the Bill of Rights to all, regardless of age or status.<sup>3</sup>

Supreme Court Justice Jackson has remarked that, while school boards are numerous and their territorial jurisdiction often small, small and local authority may feel less sense of responsibility to the Constitution.<sup>4</sup>

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<sup>1</sup>Nat Hentoff, "Why Students Want Their Constitutional Rights," Saturday Review, LIV (May 22, 1971), 60.

<sup>2</sup>Ibid.

<sup>3</sup>C. Michael Abbott, "Demonstrations, Dismissals, Due Process, and the High School: An Overview," The School Review, LXXVII (June, 1969), 129.

<sup>4</sup>Ibid., p. 128.



Much of the literature related to student rights aims at generalizing the responsibilities of public schools in upholding the rights of students as set forth by recent court decisions involving the First and Fourteenth Amendments of the United States Constitution. The Supreme Court set forth the due process requirements in the treatment of juvenile offenders when it said, "Whatever may be their precise impact neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."<sup>5</sup>

Court cases frequently cited in legitimatizing the student rights movement begin significantly with the 1943 Supreme Court Case of West Virginia Board of Education v. Barnette, in which the Court proclaimed that

. . . educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.<sup>6</sup>

Of the more than 100 federal court decisions rendered in the three years prior to February, 1971, and involving student conduct,<sup>7</sup> the Tinker decision (cited

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<sup>5</sup>In re Gault, 387 U.S. 1, 13 (1967), quoted by Abbott, Ibid., p. 129.

<sup>6</sup>Hentoff, op. cit., p. 60, quoting West Virginia Board of Education v. Barnette (1943).

<sup>7</sup>Robert L. Ackerly, "Reactions to The Reasonable Exercise of Authority," The Bulletin of the National Association of Secondary School Principals, LV (February, 1971), 10.

more than 100 times by other courts), In re Gault (considered the Magna Charta for young people), and the Dixon case seem to be the most frequently evaluated.

In Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), the United States Supreme Court upheld the constitutionally protected rights of students by ruling that high school officials could not constitutionally prohibit students from wearing arm bands opposing the Vietnam war.<sup>8</sup>

In re Gault, 387 U.S. 1, 13 (1967) reads in part:

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 laws.<sup>9</sup>

Dixon v. Alabama State Board of Education, 294 F. 2d 150, 157 (5th Cir.), cert. denied 368 U.S. 930 (1961), firmly established the expansion of student procedural rights by asserting that, before students at a tax-supported institution of learning can be expelled or given a lengthy suspension for misconduct, they must be afforded notice of the charges against them and some type of hear-

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<sup>8</sup>Harry C. Mallios, "Due Process and Pupil Control," School and Community, LVII (March, 1971), 47.

<sup>9</sup>Abbott, op. cit., p. 139.

ing that will at least comport with minimum due process standards.<sup>10</sup>

TRANSITION OF ROLES AND ADMINISTRATIVE  
RESPONSIBILITIES IN RELATION TO  
COURT DECISIONS

Harry Mallios, School of Education, University of Miami, Coral Gables, Florida, is one observer among many who recognizes the point at which the due process clause of the Fourteenth Amendment emerges as a controversial issue: the point at which it places limitations on the power of school administrators to act in the area of controlling pupil behavior.<sup>11</sup>

The current focus on the Fourteenth Amendment propels the school administrator into a new era of accountability for his actions, an era that recognizes the parent or student who feels administrative action is unreasonable or arbitrary or not based upon a rational interest.

The role of the school administrator and his responsibility to the student becomes a subject for question, debate. While the prescribed duties and

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<sup>10</sup>Ibid., p. 136.

<sup>11</sup>Mallios, op. cit., passim.

and responsibilities of the school superintendent are generally defined by statute law, the authority of the building principal is usually defined in general terms by meager guidelines laid down by the legislature and school boards. The extent of a principal's powers remains in most instances a matter of interpretation of the inherent functions of the administrator's office.<sup>12</sup>

Traditionally, the courts of law have functioned as checks on established spheres of authority within school systems:

. . . the courts, functioning generally outside the education sphere but functioning within the educational sphere if brought into operation by persons or agencies within them, help to maintain the boundaries which serve to separate authority spheres. As such, it is important to remember that the courts are not directly interested in the administrative "soundness" of a particular decision made by a board, superintendent, or principal, but rather they are concerned with the legality of a decision.<sup>13</sup>

Precedent clearly suggests that school authorities are invested with broad discretionary powers in the disciplining of students; therefore, in the absence of illegality, arbitrariness, or unreasonableness, courts

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<sup>12</sup>Ibid., p. 34.

<sup>13</sup>Richard S. Vacca, "The Principal's Responsibility in Relation to Court Decisions Involving Public Education," The High School Journal, LIII (February, 1970), 324-325.

will not interfere.<sup>14</sup>

However, as more and more cases involving students are brought into the courts, more and more observers are stressing the importance of recent court decisions. These rulings have given birth to a sizable body of legal principles that may well furnish guidance to administrators charged with day to day operation of schools.<sup>15</sup>

Regarding the mass of recent court decisions involving students and schools, Mallios states:

Attendance at a public school does not automatically signify a waiver of the student's constitutional rights. Rules and regulations promulgated for the sake of imposing an administrator's concept of appropriate student behavior do not appear to be recognized as valid by the courts in recent decisions.<sup>16</sup>

In the past, the objective of a well-ordered school, where policies were enforced unilaterally and the principal's decree was fiat, took priority over the rights of an individual student. But within the last decade, high school principal George Triezenberg acknowledges, time after time school boards and administrators have been compelled to recognize a need for drastic modification in

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<sup>14</sup>John W. Katz, "The Opportunity to Be Heard in Public School Disciplinary Hearings," Urban Education (May 22, 1971), 292.

<sup>15</sup>Vacca, op. cit., p. 325.

<sup>16</sup>Mallios, op. cit., p. 34.

their approaches to students in matters pertaining to rules and regulations.<sup>17</sup>

Triezenberg asserts that schoolmen have ended up "wearing the dunce cap" because they have failed to learn the following lessons:

1. Schools are no longer regarded as sacred cows by the courts.
2. Disciplinary action must meet the test of due process.
3. Accountability of school personnel in dealing with discipline problems is no longer limited to one's professional superiors.
4. The Bill of Rights and the Fourteenth Amendment are a legacy of juveniles.
5. Education, especially through the secondary level, is a guaranteed right. It is no longer a privilege.
6. The school's protective armor of in loco parentis as a rationale in discipline matters has been torn away.<sup>18</sup>

While declaring that the legal limits to incidences of abridgement of student rights appear to be fairly well defined, the Educational Policies Service of the National School Boards Association correlates student responsibilities with student rights:

It is not true, as it is so often claimed, that every right carries with it a concomitant responsibility. But many rights do carry such responsibilities, and the board should see to it that student responsi-

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<sup>17</sup>George Triezenberg, "How To Live with Due Process," The Bulletin of the National Association of Secondary School Principals, LV (February, 1971), 62.

<sup>18</sup>Ibid., p. 63.

bilities are spelled out clearly. This is important not only to prevent the exercise of rights from degenerating into the practice of license, but also because it is educationally valid practice to demand of students a degree of responsibility consistent with their age, maturity, and social development.

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It should be noted, however, that the spelling out of student responsibilities should be neither an implied punishment for the exercise of their rights nor an attempt to force students to earn rights that are already theirs. . . Though there is often a relationship between a student's rights and his responsibilities, they exist independent of one another.<sup>19</sup>

Abbott attacks indifference toward the rights of secondary school students, noting that the obvious consequence of this indifference has been to leave largely unexplored any differences that may exist in the legal principles underlying administrative control, explicitly in the areas of student demonstrations and student dismissals. Examining the brief history of prior judicial inaction, Abbott cites assumptions maintained by courts in the past which have since been "laid to rest" where students face expulsion or suspension for misconduct--assumptions such as the court's having no power to entertain student suits "except where fraud, corruption,

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<sup>19</sup>Policies That Clarify Student Rights and Responsibilities, A school board policy development kit prepared by the Educational Policies Services for the National School Boards Association, Waterford, Connecticut, ERIC, Cat. No. 70-50 (October, 1970), 7-8.

oppression, or gross injustice is palpably shown," the assumption that public education is a matter reserved for state administrative control, the assumption that the Fourteenth Amendment is not applicable to the prerogative of a school to discipline its students, or the assumption of professional exclusiveness which considers such matters as only within the special competence of school administrators and teachers.<sup>20</sup>

THE CONFLICT BETWEEN THE DOCTRINE OF IN LOCO PARENTIS  
AND SCHOOL AUTHORITY AS APPLIED TO STUDENT RIGHTS

The doctrine of in loco parentis is singled out by Abbott as the most significant reason for judicial inaction. The doctrine is described as ill-suited to the realities of the relationship it describes, this conclusion based on the following suppositions: the school official does not possess the "natural restraint" of the parent; the unrest of today's student is an indication of the increased sophistication and knowledge that mark the American teenager and which render him much less susceptible to the attitude symbolized by the "switch-carrying schoolmaster of past times"; the power of the school scarcely resembles the duty of a parent to care for

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<sup>20</sup>Abbott, op. cit., p. 131.



his child; the doctrine of in loco parentis does not allow for those times when the pupil may be acting with parental consent while violating a rule of the school; and the utility of in loco parentis as a standard of review breaks down in analysis of the extent a white-middle-class teacher or administrator can veritably be considered to stand in loco parentis to a student from another cultural background.<sup>21</sup>

Attorney Allen Schwartz of Chicago declares that in loco parentis was never intended as a device to govern the child's conduct in areas where the parents could disagree with the school or which were outside the educational province. Recalling that even Blackstone limited the application of the doctrine to "restraint and correction," Schwartz contends the concept can survive today only in discipline cases.<sup>22</sup>

The Educational Policies Service of the National School Boards Association agrees: "In terms of setting limits to student rights, then, in loco parentis no longer provides satisfactory authority--if, indeed, it ever did."<sup>23</sup>

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<sup>21</sup>Ibid., p. 132.

<sup>22</sup>Policies That Clarify Student Rights and Responsibilities, op. cit., p. 4.

<sup>23</sup>Ibid., p. 5.

In loco parentis is viewed by John W. Katz as a major justification for school suspension and expulsion procedures. If school authorities stand in the place of a parent concerning the physical and moral welfare and mental training of students (Gott v. Berea College), then, in this context, suspension and expulsion must be viewed not as punishment but as treatment, a continuation of the guidance function which is the concern of both parents or school boards. In accordance with this premise, severe limitations to the doctrine are conceived by Katz, who agrees with Seavey, 1957: 1406, that the harm to a student from expulsion may be greater than for a person sentenced to jail. Severe punishment is viewed by Katz as a complete breakdown of the familial analogy: "In the true family situation, the parent who expels a child from the home risks criminal prosecution for neglect."<sup>24</sup>

Recent developments in psychology also cast doubt on the doctrine of in loco parentis:

. . . the appearance as well as the actuality of fairness, impartiality and orderliness--in short, the essentials of due process--may be a more impressive and more therapeutic attitude so far as the juvenile is concerned. . . . When the procedural laxness of the 'parens patriae' attitude is followed by stern disciplining, the contrast may have an adverse effect upon the child, who feels that he has been deceived

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<sup>24</sup>Katz, op. cit., p. 295.

or enticed. [In re Gault]<sup>25</sup>

A sociologist, Ruth Jacobs, suggests that the child may be hostile to the school as controlling parent surrogate. The sociological conflict between school and parent is observed by Jacobs as a relationship in which educators and parents are caught in a paradox that stems from conflicting latent and overt messages resulting in competition for the child:

In conflicts between education and the family, the child is a scarce resource contended for by both institutions, which stand to gain power and status in terms of their recognized contribution of the socialized child as a potential contributor to society.<sup>26</sup>

According to Richard Vacca, Virginia Commonwealth University, buried deeply within the new challenges of the doctrine of in loco parentis, no matter what surface demands state, is the questioning of the school principal's right to discipline and control his school population in any way or fashion whether physical or non-physical.<sup>27</sup>

#### AUTHORITY ALLOCATION IN TERMS OF THE STUDENT RIGHTS MOVEMENT

In an effort to better understand the responsibi-

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<sup>25</sup>Ibid., p. 296.

<sup>26</sup>Ruth Harriet Jacobs, "Our Troubled Suburban High Schools," Phi Delta Kappan, LIII (October, 1971), 100.

<sup>27</sup>Vacca, op. cit., p. 328.

lities of public school principals in relation to recent court decisions involving public education, Vacca examines the legal context within which public school principals function daily. Agreeing with Waller's thesis that authority is the basis upon which the entire system is organized, Vacca alludes to "authority allocation," assuming that individual school principals, despite the fact that theirs is not total authority, do possess, by virtue of their formal positions in the school system's structure, legally constituted authority to administer and control their respective school situations.<sup>28</sup>

At least one educator, Edward Ladd of Emory University, Georgia, has made an assessment of authority allocation in terms of current emphasis on student rights and has concluded that today's emphasis on student rights means that school officials are being deprived of part of their authority. This being the case, Ladd contends, administrators must be relieved of a corresponding part of their responsibility:

. . . to the extent that he is asked to give up any part of his authority, the administrator or teacher must be relieved of the corresponding part of his responsibility, the part for which that authority was used. Also, insofar as he used that authority to serve the cause of education, he must now be given new

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<sup>28</sup>Ibid., p. 324.

authority, so that the educational job can go ahead, albeit in a new way.<sup>29</sup>

THE EMERGING CONFLICT BETWEEN INDIVIDUAL RIGHTS  
AND PUPIL CONTROL: AN EXAMINATION OF  
SCHOOL DISCIPLINE

In Policies That Clarify Student Rights and Responsibilities, the National School Boards Association points out that to some school officials, the Court's position has seemed a case of "easy to enunciate, hard to adhere to." According to the policy development kit, problems have arisen in pupil control which seem to defy solution without some abridgement of student rights. The policy kit adopts the position that "if the school board has no a priori right to impose arbitrary restrictions on student behavior, neither has it the right to cease making rules and regulations altogether." Administrative rules, promulgated under board policies, are seen as necessary to enable the schools to fulfill the educational responsibilities that are theirs as well as to protect students' health, safety, and well-being.<sup>30</sup>

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<sup>29</sup>Edward T. Ladd, "Students' Right and the Need for Change in School Laws," The Bulletin of the National Association of Secondary School Principals, LV (February, 1971), 21.

<sup>30</sup>Policies That Clarify Student Rights and Responsibilities, op. cit., pp. 3-4.

The predominance of such phrases as "effective operation of the school system," "orderly conduct of the educative process," and similar qualifications in legal decisions and individual board policies are cited as lending credence to the assumption that a policy's defensibility rests with its necessity if the school is to fulfill its primary obligation to educate students and provide for their physical safety<sup>31</sup>--this in line with the sixteenth century concept that classroom discipline is considered necessary to establish an atmosphere conducive to learning.<sup>32</sup> Generally accepted by all parties to the education process is the basic assumption that no organ or group of people can function effectively without internal discipline.<sup>33</sup>

Phi Delta Kappan, in a May, 1971, reader survey of 1,000 subscribers (a 1% sample) found striking differences in views about discipline: Discipline in the local schools was rated "too strict" by 2% of the public, 11% of the administrators, and 23% of the teachers; "not strict enough" by 53% of the public, 30% of the administrators,

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<sup>31</sup>Ibid., p. 5.

<sup>32</sup>Katz, op. cit., p. 292.

<sup>33</sup>Triezenberg, op. cit., p. 61.

and 39% of the teachers.<sup>34</sup>

The Kappan research bears out the conclusion of Robert Ackerly, a Washington, D.C., attorney and advisor to the National Association of Secondary School Principals on legal matters:

One gets the clear impression that resistance to a relaxed, reasonable, due process approach to maintaining discipline stems more consistently from parents than from principals.<sup>35</sup>

Triezenberg asks if we must abandon discipline and become sacrificial lambs on the altar of popularity within our schools, if, in view of our objective, the new guidelines are so formidable:

I would say no. Discipline is a means of achieving a climate for effective teaching and learning within the school. No national organization or judge is saying that schools must give up discipline to remain within the framework of the law. School case upon school case brought before the courts indicates only that the school must prove disruptive conduct or speech of pupils as the basis for disciplinary action while allowing the student defendants the opportunity to establish innocence. The courts do not deny to schools the power to suspend or expel for disruptive, incorrigible behavior. They simply require evidence of step-by-step due process.<sup>36</sup>

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<sup>34</sup>"Editorial Accountability," Phi Delta Kappan, LII (May, 1971), 512.

<sup>35</sup>Ackerly, op. cit., p. 3.

<sup>36</sup>Triezenberg, op. cit., p. 64.

## DUE PROCESS AND SCHOOL DISMISSALS

Four legal principles concerning punishment in school which have been established by court precedent are:

1. All acts of punishment must conform to statutory enactment.
2. All acts of punishment should be administered for the purpose of correction and should be free from malice.
3. All acts of punishment should not be cruel or excessive, nor should they leave permanent marks or injuries.
4. All acts of punishment should be suited to the age and sex of the student.<sup>37</sup>

A mass of observers point out that due process becomes particularly important in cases of school dismissals. Recent judicial decisions have emphasized the critical importance of formal education to success in modern society. The courts have ruled that students may not be deprived of school attendance, be it a right or a privilege, for any significant length of time without first having the benefit of notice and some opportunity for a hearing on the possible reasons for such deprivation.<sup>38</sup>

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<sup>37</sup>Vacca, op. cit., p. 329.

<sup>38</sup>Stephen J. Voelz, "Expulsion Laws Confront Due Process in Federal Courts," The Bulletin of the National Association of Secondary School Principals, LV (February, 1971), 28.



In Madera v. Board of Education of City of New York, a federal district court contended:

For most of these children, perhaps the one state conferred benefit which they have of greatest monetary value is the right which has been given them by state law to attend the public schools without charge.<sup>39</sup>

In Woods v. Wright, the court recognized that both expulsions and administrative suspensions have important consequences for the student.<sup>40</sup>

Katz finds it anomalous that in a country which recognizes the paramount importance of education, a man accused of violating a minor traffic ordinance receives the full panoply of rights afforded the criminal defendant, but a student threatened by an expulsion, which, in most cases, will terminate permanently his education and, therefore, his opportunity to achieve many occupational goals, must resort to the informal procedures of a school board expulsion hearing.<sup>41</sup>

In Dixon (1961:155), the court said:

Whenever a governmental body acts so as to injure an individual, the Constitution requires that the act be consonant with due process of law. The minimum procedural requirements necessary to satisfy due

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<sup>39</sup>Abbott, op. cit., p. 130.

<sup>40</sup>Katz, op. cit., p. 297.

<sup>41</sup>Ibid., p. 295.

process depend upon the circumstances and the interests of the parties involved.<sup>42</sup>

This "Dixon balancing analysis" has been refined by Van Alstyne into three distinct principles:

1. The degree of protection to which a student is entitled in the process of determining his guilt and punishment is in direct proportion to the harm which could result to him from such determination.
2. The extent of protection to which a student is entitled is inversely related to the harm resulting to others by providing such protection.
3. Among alternative procedures which are reasonable and equally feasible, the procedure offering the accused the greatest measure of protection must be used.<sup>43</sup>

Katz warns:

Until public school administrators and the courts begin to relate the value of education to the importance of procedural protections, the public schools, which have the primary responsibility in this society for teaching the young about our democratic heritage, will continue to set an undemocratic example for just those students who need to be impressed by the fairness of our institutions.<sup>44</sup>

Attacking suspensions and expulsions, Judge Wallace H. Miller, a juvenile court judge in Houston, Texas, says schools should find a better way to discipline pupils: "By putting kids out in the street, schools are

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<sup>42</sup>Ibid., p. 297.

<sup>43</sup>Ibid., p. 295.

<sup>44</sup>Ibid., p. 308.

making delinquents out of children who are not otherwise delinquent."<sup>45</sup>

Miller told a youth council meeting in May, 1972, that a high percentage of youths who appear before him have been suspended and that a large number of those youths who have assaulted teachers were previously suspended or expelled:

It's my recollection that in a substantial number of instances, kids who have been booted out of one school go onto another campus and assault a teacher. . . . Suspension doesn't accomplish anything.<sup>46</sup>

However, educators such as Triezenberg maintain that if schools are to sustain a well-ordered educational program which will provide for the protection of students, staff, and property, with few exceptions, virtually every high school will continue to be compelled to employ the alternatives of suspension and expulsion. To preserve these prerogatives, Triezenberg suggests heeding the following primary considerations:

1. Make certain that reasonable rules and regulations are clear to students, parents, and staff.
2. Maintain accurate, factual, detailed comprehensive behavioral records. Be sure to include time, places, and dates. Insist on

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<sup>45</sup> Associated Press dispatch, "Schools Need Better Way to Discipline," The El Paso [Texas] Times, May 7, 1972, p. 11-A.

<sup>46</sup> Ibid.

- written referrals from classroom teachers.  
 Oral reports and hearsay are of little value.
3. Involve students and parents in conferences and counseling to establish positive correctional efforts before resorting to the extreme remedies of suspension and expulsion.
  4. Inform students and parents of specifics of charges of misbehavior orally and in writing.
  5. Be knowledgeable about details of statutory school codes relating to student discipline.<sup>47</sup>

### STATE LAWS AND LOCAL POLICIES REGARDING SUSPENSIONS AND EXPULSIONS

The case for increased procedural sophistication to assure student rights has been pressed nationwide in the secondary schools. Stephen Voelz summarizes present state laws and legal precedents on the subject of expulsion and suspension laws and concludes that the lack of applicable statutes in most states places the responsibility on local districts to formulate policies guaranteeing fair treatment of student offenders. Voelz' study reveals that the laws in the majority of states are vague and incomplete and that state court cases, opinions of attorney generals, and state department of education guidelines in this area disagree as to the number and type of procedural safeguards necessary to afford the accused student the constitutional standard of "fundamental fairness." The statu-

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<sup>47</sup>Triezenberg, op. cit., pp. 67-68.

tory and case law of fourteen states affords dismissed students a hearing below the state level of appeal, which in the examples reviewed is an appeal to local school boards. The law of thirty-six states neglects to require even this degree of communication at the local level of school government.<sup>48</sup>

The Las Cruces School Board policy of July 30, 1970, pertaining to student conduct, outlined suspension procedures in detail and allowed the suspended student a hearing, as quoted below, in part:

If the suspension is of short duration and correctable by a conference, confer only with the student and his parents, guardian, or next of kin. If a lengthy suspension is probable, notify the Superintendent. . . If the discipline and ordered conduct of the educational program and the moral atmosphere required by good educational standards would be difficult to maintain without suspending a student, the principal has the right to immediately and temporarily suspend him without preparing specifications of charges, giving notice of hearing, and holding a hearing. When an immediate suspension is invoked, the student should be informed why and the parents, guardian, or next of kin notified by personal contact. . . In suspending a student the following procedure should be followed:

- (1) Advise the student why he is being suspended;
- (2) notify the parents, guardian, or next of kin by personal contact of the impending suspension and the reason for it;
- (3) require the student and his parents, guardian, or next of kin to return to school as soon as convenient for a conference;
- (4) prepare a statement of specific charges and grounds for the suspension if it is to be continued beyond the conference;
- (5) advise the student and his parent, guardian, or next of kin the right to a hearing and establish a

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<sup>48</sup>Voelz, op. cit., pp. 30-31.

time for it at the earliest convenient moment;  
 (6) furnish to the student and the parents, guardian,  
 or next of kin the names of witnesses available to  
 the school at that time concerning the offense; and  
 (7) provide opportunity for the student to present  
 his own defense.<sup>49</sup>

In July of 1971, the New Mexico State Department of Education sent all State Board of Education members and all school superintendents regulations on the rights and responsibilities of the public schools. A final, amended version of the statement was distributed on August 23, 1971. The filing of the statement with the Records and Archives Commission gave it the force and effect of law. The preamble to the statement reads, in part:

A primary responsibility to the New Mexico public schools and their professional staff shall be the development of an understanding and appreciation of our representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are brought about.<sup>50</sup>

The sections of the statement pertaining to Due Process, Debarments and Suspensions, can be found in Appendix C.

Responsibility for amending local policies was

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<sup>49</sup> [Las Cruces] Board Policy Changes, 5.16B1, 5.16B2, 5.16B3, July 30, 1970.

<sup>50</sup> "Rights and Responsibilities," a regulation from the State of New Mexico Department of Education, Santa Fe, New Mexico, with letter from E.P. Ripley, General Counsel, to All Superintendents of Schools, Interested Persons and Organizations, August 23, 1971.

delegated to local authorities.

#### A THEORETICAL BASE FOR INCREASED PROCEDURAL SAFEGUARDS GUARANTEEING STUDENT RIGHTS

Ladd charges that public school students who believe their rights are being violated sometimes have a "long road to walk" before they can get a hearing before a person or body that can reasonably be expected to be impartial. Almost inescapably, unless the student has a case that looks strong enough to have a chance in court and has the backing of his family, and the financial resources, "the road" appears too exhausting and discouraging. The need is recognized by Ladd for quasi-judicial review boards within school systems but outside "the chain of command" to which students who believe their rights are being violated can appeal.<sup>51</sup>

Unanimous is the opinion of observers that increased procedural safeguards are essential to the concept of student rights; to some, they are viewed as protection of administrators as well. Because the extent of a school administrator's powers in specific situations remains largely a matter of interpretation of the inherent functions of the administrator's office, and of broad guide-

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<sup>51</sup>Ladd, op. cit., p. 26.

lines laid down by the legislatures and school boards in which the building principal's responsibilities are often obscurely defined,<sup>52</sup> the school principal in particular is vulnerable to attack for highly visible decisions which are not subject to review. He is permitted few opportunities to correct his mistakes quietly and is subject to public exposure in a court of law.<sup>53</sup>

. . . it can be concluded that public school principals, by virtue of their formal positions in the structure of school systems, are expected by their board and administration to exercise legally constituted authority to administer and control their respective schools. Moreover, that individual school principals, by virtue of the duties delegated to them by their board or the duties assigned to them by their superintendent, are vulnerable to litigation resulting ultimately in the involvement of their school systems in court action.<sup>54</sup>

An increasing number of court cases over student rights are envisioned by numerous observers, Katz contending:

. . . with increasing frequency, discipline problems are arising within the context of a semipolitical struggle for power and recognition by minority group students. With great expertise in matters of public order and safety, the courts are in an excellent position to mediate between students and educators who may, in this situation, be more interested in

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<sup>52</sup>Mallios, op. cit., p. 34.

<sup>53</sup>Ackerly, op. cit., p. 10.

<sup>54</sup>Vacca, op. cit., pps. 330-331.



protecting institutional interests than in treating individual students.<sup>55</sup>

To many observers there is a definite warning implicit in the growing number of court cases--a warning to schools and administrators to review and renew their responsibilities to students.<sup>56</sup>

School officials have a tremendous power over students, a power whose scope they easily overlook, but which, in terms of an individual's whole life span, is much greater even than that of allowing or denying him the vote. At present, of the pressures put on school personnel to respect students' rights, the only ones of a legal character are the remote eventualities of discipline by administrative superordinates and litigation by students or their families.<sup>57</sup>

#### TRANSITION OF SCHOOL AUTHORITY STYLE RELATIVE TO TRANSITIONAL VALUES

The bulk of writers on youth problems and education have invariably pointed to the imperative of attempting to understand the current style of students.

Peter Schrag in Out of Place in America says: "The school manager of the old style is a lost man charged with the resolution of problems and conflicts he cannot

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<sup>55</sup>Katz, op. cit., p. 294.

<sup>56</sup>Abbott, op. cit., p. 137.

<sup>57</sup>Ladd, op. cit., p. 26.

possibly handle or even confront.<sup>58</sup>

Arthur Mastin, school principal from Wichita, Kansas, speaking to the annual conference of the New Mexico Association of Secondary School Principals on an emerging new type of school leadership style, said:

We shall see increasingly that any remaining old forms of remote, hierarchal, authoritarian, and paternalistic leadership will disappear to be replaced by principals who are gifted in conflict resolution, in the art of conciliation and in playing a collegial role with students and faculty, who know how to achieve consensus with the least social cost.<sup>59</sup>

There appears to be a definite diminishment of literature regarding student unrest/protest which is suggestive that Willard Dalrymple, Princeton University, may be correct when he writes in University: A Princeton Quarterly, that ". . . the youth revolution is over and we are now in a new era with certain identifiable characteristics."<sup>60</sup>

Dalrymple identifies significant changes gained

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<sup>58</sup>Peter Schrag, Out of Place in America (New York: Random House, 1967), p. 236.

<sup>59</sup>Statement by Arthur W. Mastin, from an address to the annual conference of the New Mexico Association of Secondary School Principals, New Mexico State University, April 14, 1972.

<sup>60</sup>Willard Dalrymple, "The Youth Revolution: It Is Over and It Has Won," University: A Princeton Quarterly, abridged and reprinted by Intellectual Digest, II (July, 1972), 80.

as a result of the "revolution." These changes are: an increased tolerance for diversity--"As long as one's conduct does not infringe on the rights of others, each individual is believed to have the right to behave in his own way, free even from special notice from others"; the acceptance of feeling as being of equal importance to reason and intellect--"Openness, uninhibitedness, genuineness, elation, ecstasy, sympathy, compassion, directness, depth: all these nouns represent concepts much favored by young people"; the rejection of certain secondary values or rules of the pre-1964 period--"And this should not surprise us, for, from the civil rights movement to the most radical of the New Left organizations, the groups involved in the revolution had as one of their stated aims the exaltation of the individual and his release from allegedly oppressive forces and institutions"; and the emergence of a society strongly influenced by the young, a "prefigurative" society--the term applied by Margaret Mead in her book Culture and Commitment--as quoted by Dalrymple:

Traditional society she [Mead] calls postfigurative, "in which children learn primarily from their forebears," and in which traditions from previous generations determine the aims, goals and patterns of society, and particularly of the young. A cofigurative society is one "in which both children and adults learn from their peers." But in the current prefigurative society, "adults learn also from their children." During the youth revolution, the young held the

initiative in our country for considerable periods, and their influence remains strong today.<sup>61</sup>

Regarding response to the "revolution," Dalrymple predicts that society will be occupied with "consolidating, and learning to live with, and in some cases simply coming to recognize, the profound changes that have already occurred."<sup>62</sup>

A position paper derived from a 1969 Superintendents Work Conference perceives student unrest as a problem in the management of conflict and change, which, to be effectively dealt with, requires recognition that student problems emerge from and reflect the structural, cultural, economic and other characteristics of our society. Schools are assessed as exacerbating the situation by their repressive rules, their conformity-oriented structure, and their imperviousness to change. Among specific approaches suggested to initiate changes in the relations of schools to students, staff, and the community at large, was a strategy for change which rests on two basic assumptions: the rights of students must be upheld, and the principles of "due process" and

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<sup>61</sup>Ibid., p. 80-81.

<sup>62</sup>Ibid.

"rule of law" must prevail in schools and society.<sup>63</sup>

Ackerly points out that the consistent strand is for the principal to remain primarily responsive not to the student, but to elected school boards and legislatures, to the community, to the parents, to public opinion. The principal is thrown into a conflict of values--support of the students or the electorate. Ackerly contends that without the support of the community and with the pressure from elected officials to impose more discipline, principals cannot be fairly criticized for many times losing a responsive relationship with their students. Recent court proceedings regarding student rights, in Ackerly's opinion, should and can be minimized by action programs implementing not each specific court ruling but the principles and values on which these decisions are based.<sup>64</sup>

To Peter Schrag:

The passions that followed Sputnik and the college panic divided us between those who wanted to make education a more efficient training instrument for the Cold War and middle-management, and those who resisted because the pap of life ad-

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<sup>63</sup>Vincent C. Flemmings, "Student Unrest in the High Schools: A Position Paper." A document resume from ERIC at the Center for Urban Education, New York, New York, June, 1970.

<sup>64</sup>Ackerly, op. cit., passim.

justment was more comfortable than intellectual rigor. The new critics have reminded us--sometimes, albeit, with too much wail--that relevant education has little to do with either, and that if it does not deal with the humanity of its students, it is not dealing with anything.<sup>65</sup>

In summary, the literature reviewed has traced a line of transition which began with the legitimization by the courts of a movement recognizing student rights. Conflicts in the management of change have resulted, conflicts centering around the doctrine of in loco parentis, individual versus group rights, school discipline and school dismissals. Questions regarding school administrative roles and responsibilities and authority allocation have been raised in response to transitional values and demands for increased safeguards guaranteeing student rights. Throughout, at base, the transition seems to be carried along on the impetus of a new wave of humanism, rooted in moral dimensions embracing dignity and freedom for the individual and a new viewpoint concerning growth and the development of human potentialities.

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<sup>65</sup>Schrag, op. cit., pp. 221-222.

## CHAPTER III

### METHOD OF INVESTIGATION

This study attempted to research a description of a change process in education as it relates to authority, focusing on the current point of transition: what is the present status of school authority?

The nature of the study--because it concentrated on change--is in itself limited by the relatively small body of knowledge and the conflicting claims of a necessarily controversial subject. As a descriptive study, it was viewed as a preliminary step which could be followed by research using more rigorous control and more objective methods.

In scope, the survey involved the use of a questionnaire, interviews and observations. The questionnaire was used to estimate the extent of change in the attitudes of students, parents and teachers regarding student rights and the "new due process," to define a transition of values in terms of group distinctions. Informal interviews were conducted with administrators and legal experts in order to obtain opinions about the strengths and weaknesses of the innovative hearing board under study.

## CONSTRUCTION OF THE INSTRUMENT

The over-all opinions solicited were assumed to be a complex combination of specific attitudes dealing with different aspects of school authority upon which an assessment could be extrapolated regarding the value of the review board being studied.

The questionnaire concerned three interest areas. These three factors and the questionnaire items, numbered in consecutive order as they were presented on the questionnaire, are as follows:

Factor 1: Attitudes on Student Rights Related  
to School Authority

1. While the school is responsible for a student's education, the student is responsible to the school for his conduct on campus.
2. A student who disagrees with the opinions and standards set by the school interferes with the educational process.
3. As a parent, there might be circumstances where I would consent to my child's breaking a school rule which would result in a suspension of over five days.

Factor 2: Attitudes on the Use of Suspensions  
for Pupil Control

4. Suspensions of over five days have a valid place in the educational system.
5. The harm to a student from suspensions of over five days may be greater than for a person sentenced to jail.



### Factor 3: Attitudes Regarding the Appeal Board

#### Under Study

6. An appeal board for suspensions over five days would improve the relationship between student and school.
7. A board made up of teachers who would be available to hear appeals of suspensions of over five days would be reasonably impartial.
8. Do you see such appeal boards as a "token measure" or as a valid experiment in extending student rights?

The instrument, constructed by this writer, consisted of the closed form in which respondents were permitted to select from a choice of "strongly agree, agree, disagree, strongly disagree," or "yes, no, don't know."

A copy of the questionnaire, along with the letter of transmittal, presented in both English and Spanish, can be found in Appendix D.

### THE SAMPLE

The population studied consisted of students, teachers, and parents of students at Las Cruces High School. The total school population is made up of 1,700 students and 83 teachers.

Most of the teachers in the school were distributed a questionnaire, the exceptions being those teachers who were used to distribute questionnaires to students and

parents, as well as those who assisted in feedback for constructing the instrument. A total of 70 teachers were given questionnaires.

The student sample was determined on the basis of school rules requiring instruction in English: it is required that all students at Las Cruces High School be enrolled in either sophomore, junior, or senior English classes. Students from four English classes, representing all grade levels, comprised the student sample. The Chicano-Anglo student ratio for the school is divided approximately 50%. This ratio perhaps is best reflected in the composition of the English classes. The sampling was designed to differentiate between Chicano-Anglo responses. Questionnaires were distributed to 170 students.

Parent subjects were the parents of students enrolled in four English classes, the classes also representing all grade levels. These English classes were separate from, and in addition to, those English classes from which the student sample was derived, preventing dual representation by student subjects and parents of student subjects. Chicano-Anglo distinctions were also employed in the parent sample. Questionnaires were distributed to 163 parents.

## PROCEDURE AND DATA COLLECTION

Distribution of the questionnaires to teachers was accomplished by placing the questionnaires in the teachers' mailboxes along with instructions and envelopes for return of the instruments. Teachers were instructed to return the questionnaires, completed, at the end of the school day. A collection box was provided in the front lobby. Of the 70 questionnaires distributed to teachers, 57 were returned--an 81% return. Of this total, 30 respondents were male, 27 female.

For distribution of the questionnaires to students, a system was constructed whereby minimal interruption to classroom would occur and, hopefully, a higher percentage of returns would be insured. Because the sample was chosen from the English classes, the English department was used for distribution of the questionnaires. Four English teachers were selected for two reasons: the teachers had at least two different levels of classes and the questionnaires were to be completed during the last three classroom periods of the day.

The pupil-teacher ratio at Las Cruces High School is 1:24. Fifty instruments were calculated to serve two classes. The teacher distributed a questionnaire to each student present and asked the student to read and complete

the questionnaire in a minimum time of twenty minutes, cautioning the student not to discuss his or her answers and not to sign the instruments. The teacher then distributed the appropriately marked envelopes (Chicano-Anglo) to each student while the questionnaire was being completed. The student was then given the option of returning the questionnaire in the envelope provided, sealed, to the teacher or to the specially marked collection box in the front lobby of the school. Time taken from classtime consisted of a total of twenty minutes in each of the eight classes. There were 170 questionnaires distributed to students with 166 returned for a 97% return. The totals consisted of 82 Chicano and 84 Anglo students.

To distribute the questionnaires to parents, a similar process was used. Four English teachers were used--separate and in addition to those used for the student sample but chosen for the same reasons. The questionnaires were distributed similarly to the distribution to students, and on the same day and hour. Students of parent subjects were requested to take the instruments home, give them to their parents for completion, request the parents to place the questionnaires in the envelopes provided, and return them by way of the students to the teacher or to the collection box in the lobby. The teachers urged the students for three days to

return the questionnaires from parents. Of the 163 questionnaires distributed to parents, 66 were returned for a 41% return.

Two days before distribution of the questionnaires, a meeting was held with the eight English teachers who were to be used in the collection of the data. This meeting was held to guarantee assistance and to outline the procedures for distribution and collection of the questionnaires. Each teacher was then given a packet of fifty questionnaires which were to be distributed in two predetermined classes. The questionnaires were stapled so that each respondent received one copy written in English and one in Spanish. Each questionnaire had its own envelope specially marked so as to insure anonymous responses categorized for Chicano-Anglo distinction. The bilingual choice offered to 170 students and 163 parents produced the following results: 228 of the English language questionnaires were returned, 4 of the Spanish.

#### TREATMENT OF THE DATA

After collecting the instruments, the answers for the various subgroups were calculated into percentages and categorized, according to the eight questionnaire items, into three or four possible answers. The results were placed in tables in order to ascertain subgroup reaction

to the questionnaire items. The comparisons consisted of Chicano versus Anglo, male versus female for both students and parents, and finally, a comparison of all groups: students, teachers, and parents. The tables are found in Chapter IV.

## CHAPTER IV

### ANALYSIS OF THE DATA

The three interest areas with which the questionnaire was concerned were:

1. Respondents' attitudes regarding student rights as related to school authority, revealed by answers to questionnaire items 1, 2, and 3.
2. Respondents' attitudes regarding the use of suspensions for pupil control, revealed by answers to questionnaire items 4 and 5.
3. Respondents' attitudes regarding the board under study, revealed by answers to questionnaire items 6, 7, and 8.

Questionnaire Item 1, dealing with the respondents' perceptions of student rights as they relate to school authority, is shown in Table I, page 52: While the school is responsible for a student's education, the student is responsible to the school for his conduct on campus. This item is designed to ascertain attitudes regarding a student's rights in relation to a student's responsibilities. Responses to Item I show strong supportive evidence for a concomitant relationship between student rights and student responsibility, although the degree of support for such a relationship, measured by the use of the intensive: strongly agree, was markedly less among

TABLE I

Responses to Questionnaire Item 1: While the school is responsible for a student's education, the student is responsible to the school for his conduct on campus.

	Strongly Agree	Agree	Disagree	Strongly Disagree
Chicano Students	25%	60%	9%	6%
Anglo Students	31%	53%	8%	8%
Male Students	30%	53%	9%	8%
Female Students	25%	62%	8%	5%
Sophomore Students	32%	53%	8%	7%
Junior Students	27%	65%	4%	4%
Senior Students	28%	52%	12%	8%
Chicano Parents	53%	33%	14%	0%
Anglo Parents	65%	33%	2%	0%
Male Parents	64%	32%	4%	0%
Female Parents	59%	35%	6%	0%
All Students	28%	56%	9%	7%
All Parents	63%	34%	3%	0%
All Teachers	78%	20%	2%	0%



students (28%) compared with parents (63%) and teachers (78%).

In the same area, Questionnaire Item 2, shown on Table II, page 54, reads: A student who disagrees with the opinions and standards set by the school interferes with the educational process. This item is designed to measure the respondent's knowledge and/or support of student rights as set forth by recent court decisions which are recognized by advocates of student rights and are specifically accepted by the American Civil Liberties Union and the National School Boards Association:

. . . recognition that deviation from opinions and standards deemed desirable by the faculty is not necessarily a danger to the educational process.<sup>1</sup>

Since a student is guaranteed the right to disagree by law, responses to Item 2 are additionally a measure of a respondent's tolerance limits in applying the new "due process" to the educational environment, in this way likewise measuring the respondent's acceptance of the new guidelines since "educational process" is irrelevant in the sense that it is interpretively and functionally viable, for example: some subjects characterized by extreme attitudes, and prone to overt, disruptive

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<sup>1</sup>Policies That Clarify Student Rights and Responsibilities, op. cit., abstract.

TABLE II

Responses to Questionnaire Item 2: A student who disagrees with the opinions and standards set by the school interferes with the educational process.

	Yes	No	Don't Know
Chicano Students	23%	49%	28%
Anglo Students	11%	69%	20%
Male Students	19%	57%	24%
Female Students	14%	63%	23%
Sophomore Students	23%	41%	36%
Junior Students	9%	75%	16%
Senior Students	17%	64%	19%
Chicano Parents	67%	9%	24%
Anglo Parents	56%	42%	2%
Male Parents	54%	32%	14%
Female Parents	65%	29%	6%
All Students	17%	58%	25%
All Parents	60%	30%	10%
All Teachers	51%	33%	16%

"disagreement," might also conclude that active protest situations are in themselves part of the educational process, that is: learning situations.

That students are more aware of changes in areas of student rights than parents and teachers, or that student values deviate from the traditional, is supported by responses to Item 2, where 51% of teachers and 60% of parents answered "Yes" to "A student who disagrees with the opinions and standards set by the school interferes with the educational process." This is compared with 17% of the students answering "Yes." Fifty-eight percent of the students answered "No," a significant juxtaposition.

Perhaps the most striking difference in responses to Item 2 is found in the Chicano-Anglo parents comparison where 42% of Anglo parents answered "No," compared with only 9% of Chicano parents. This very low percentage of "No" responses from Chicano parents could mean that a large number of Chicano parents either are not aware of the right to disagree or else they are content to leave problems regarding the rights of the individual versus the will of the majority up to the educational system (or a combination of both). If, on the basis of this response, the position is assumed that Chicano parents exhibit a greater degree of support for the institution than Anglo parents, then a comparison with Questionnaire Item 3,

designed to measure the strength of in loco parentis, would seem to be revealing. Such an examination shows that 71% of Chicano parents, compared with 46% of Anglo parents, would not consent to their child's breaking a school rule which would result in a suspension of over five days. These percentages, in view of the responses to Item 2, would seem to strengthen the conclusion that the base for in loco parentis support of Las Cruces High School is stronger among Chicano parents than among Anglo parents. The reasons for this are outside the scope of this study.

It seems appropriate here to point out that no appreciable differences were found in this study between Chicano versus Anglo student attitudes. The widest variance--20%--found between the two groups is in the response to Questionnaire Item 2, the point at which a similar variance is found between Chicano and Anglo parents, the degree of parent variance being 33%. However, since the study does not have a specific internal check on the students' responses to this item, it is impossible to determine the possible extent of parental influence on the students' attitudes.

Questionnaire Item 3, shown in Table III, page 57, says: As a parent, there might be circumstances where I would consent to my child's breaking a school rule which

TABLE III

Responses to Questionnaire Item 3: As a parent, there might be circumstances where I would consent to my child's breaking a school rule which would result in a suspension of over five days.

	Yes	No	Don't Know	No Answer
Chicano Students	33%	35%	25%	7%
Anglo Students	38%	30%	24%	8%
Male Students	38%	29%	27%	6%
Female Students	30%	40%	22%	8%
Sophomore Students	36%	26%	27%	11%
Junior Students	34%	34%	24%	8%
Senior Students	35%	41%	22%	2%
Chicano Parents	24%	71%	5%	0%
Anglo Parents	34%	46%	20%	0%
Male Parents	36%	57%	7%	0%
Female Parents	26%	53%	21%	0%
All Students	35%	34%	24%	7%
All Parents	31%	55%	14%	0%
All Teachers	13%	56%	20%	11%

would result in a suspension of over five days. This item is a test of in loco parentis: To what extent is the parent willing for the school to regulate conduct of the student?

The strong base for concomitant rights/responsibilities affirmed in response to Item 1 would seem to be partially contradicted by students and parents in their responses to Item 3. Of students, 35%, along with 31% of parents, responded with a "Yes" answer, indicating that in loco parentis support for school authority is probably diminishing. This conclusion is made in the absence of statistical evidence measuring the prior strength of in loco parentis, but is assumptively supported by related research and by responses to the second interest-area of the questionnaire.

The second area of interest in the study involves attitudes regarding suspensions as a disciplinary tool. Because the board under study is concerned with suspensions over five days, Questionnaire Item 4, shown in Table IV, page 59, says: Suspensions of over five days have a valid place in the educational system. This item provides an assessment of the respondents' support of long-term suspensions in terms of pupil control. Here, too, a comparison of student/teacher/parent responses indicates a noticeable deviation in student attitudes with 66% of the

TABLE IV

Responses to Questionnaire Item 4: Suspensions of over five days have a valid place in the educational system.

	Strongly Agree	Agree	Disagree	Strongly Disagree
Chicano Students	7%	25%	37%	31%
Anglo Students	9%	26%	26%	39%
Male Students	8%	23%	33%	36%
Female Students	7%	29%	30%	34%
Sophomore Students	8%	25%	33%	34%
Junior Students	9%	22%	30%	39%
Senior Students	6%	30%	31%	33%
Chicano Parents	24%	33%	38%	5%
Anglo Parents	27%	36%	19%	18%
All Students	8%	26%	31%	35%
All Parents	25%	35%	29%	11%
All Teachers	41%	34%	17%	8%

students registering degrees of disagreement compared with 25% of the teachers and 40% of the parents. This moderately above normal percentage of students (66%) who do not agree that suspensions of over five days have a valid place in the educational system cannot justifiably be considered as necessarily nonsupportive of administrative authority or control because, referring back to Questionnaire Item 1 (Table I, page 52), a high percentage of the students (84%) agreed that a student has a responsibility to the school for his conduct on campus. That the students were considering the effectiveness of suspensions in the traditional context of punishment (as opposed to the current concept of a treatment-oriented attitude toward miscreants) is suggested by the comments added to the reverse side of the questionnaires as requested, some of which were:

I don't believe suspensions help anyone. For all you know maybe they like to be suspended and do things on purpose. Also, I believe students making trouble should be punished hard enough so they won't act so good cause they get away with things.

I feel suspension is a useless form of punishment.

I know some students that break school rules so that you, Mr. Floyd, or some one else can catch them and suspend them. Let them miss school. It's only hurting themselves when they do it. If they don't want to learn why chase them down.

Suspensions are good and bad, if a person ditches all the time a suspension just means victory because



they are thrown out of school. They don't want to come anyway.

Suspension are no good because you are letting a student skip school only with suspension its legal.

In the questions concerning suspension, I could not really answer because I strongly disagree in suspensions for students. It is all the school can do sometimes to get these kids to come to school. Then they can be suspended for skipping, etc. People who get suspended usually don't really care one way or the other or they really wouldn't be getting suspended. So if they don't care, your not hurting them, right? You bet!

I really can't understand why anyone should be suspended for any amount of time. Some of the rules in the school system are really for no reason at all.

A lot of students and parent of students do not even care if they are suspended or even expelled.

The public school systems means of punishment is one of the biggest jokes there is. . .

I feel that a student who does anything to get suspended knows what he is doing and probably would rather like being suspended. What should be done is put them in school instead of take them out. . .

To suspend a student for skipping is ironic. You are punishing the kid for missing by throwing him out of school for a couple of days (just what he wants)!

A five day suspension is a waste because most kids who would do something that would deserve a 5 day suspension, on purpose, probably doesn't give a damn whether he's in school or not!

In view of the high percentage of students who expressed support of student responsibility to the school, the 66% of students who objected to suspensions over five days would seem to be seriously questioning the validity of suspensions as punishment rather than objecting to the

use of administrative control.

Of those students questioning the validity of suspensions, 43% might conceivably have done so on the basis of intrinsic harm to the student. This possibility is based on the responses to Questionnaire Item 5, shown in Table V, page 63, which reads: The harm to a student from suspensions of over five days may be greater than for a person sentenced to jail. The responses to this statement, possibly, and partially, are indicative of the seriousness with which the respondents view long-term suspensions. Responses show that students (43%) perceive harm from suspensions more than do parents (24%) or especially teachers (13%).

Area three of the questionnaire is concerned with the respondents' attitudes regarding the suspension appeal board under study, as revealed in Questionnaire Items 6, 7, and 8.

Questionnaire Item 6, shown in Table VI, page 64, says: An appeal board for suspensions over five days would improve the relationship between student and school. Responses show 75% of teachers, 57% of students, and 77% of parents indicating agreement. This reflects a 20% variance between student and teacher-parent "Yes" responses.

TABLE V

Responses to Questionnaire Item 5: The harm to a student from suspensions of over five days may be greater than for a person sentenced to jail.

	Strongly Agree	Agree	Disagree	Strongly Disagree
Chicano Students	13%	29%	39%	19%
Anglo Students	19%	22%	43%	16%
Male Students	18%	26%	39%	17%
Female Students	12%	25%	44%	19%
Sophomore Students	15%	22%	41%	22%
Junior Students	25%	28%	35%	12%
Senior Students	10%	28%	45%	17%
Chicano Parents	14%	19%	57%	10%
Anglo Parents	10%	10%	57%	23%
Male Parents	4%	14%	57%	25%
Female Parents	18%	13%	56%	13%
All Students	17%	26%	40%	17%
All Parents	11%	13%	57%	19%
All Teachers	2%	11%	51%	36%

TABLE VI

Responses to Questionnaire Item 6: An appeal board for suspensions over five days would improve the relationship between student and school.

	Strongly Agree	Agree	Disagree	Strongly Disagree
Chicano Students	16%	38%	28%	18%
Anglo Students	22%	38%	27%	13%
Male Students	21%	40%	21%	18%
Female Students	13%	35%	40%	12%
Sophomore Students	18%	41%	32%	9%
Junior Students	30%	38%	17%	15%
Senior Students	11%	33%	32%	24%
Chicano Parents	24%	52%	10%	14%
Anglo Parents	18%	62%	10%	10%
Male Parents	14%	58%	14%	14%
Female Parents	23%	59%	12%	6%
All Students	20%	37%	27%	16%
All Parents	20%	57%	12%	11%
All Teachers	16%	59%	19%	6%

Questionnaire Item 7, shown in Table VII, page 66, concerns reasonable impartiality of teachers: A board made up of teachers who would be available to hear appeals of suspensions of over five days would be reasonably impartial. Parents revealed slightly less confidence in teacher-impartiality than students revealed--agreement responses: parents, 57%; students, 61%. Teacher assessment of teacher impartiality revealed 67% of teachers agreeing to Questionnaire Item 7.

Questionnaire Item 8, shown in Table VIII, page 67, reads: Do you see such appeal boards as a "token measure" or as a valid experiment in extending student rights? Responses show that 67% of the teachers and 60% of the parents indicated that they view the board as a valid experiment, student assessment of the board as a valid experiment being 53% with 30% of the students answering "Don't Know."

The narrative responses solicited revealed several opinions favoring the inclusion of students on the hearing board, some of the responses as follows:

If these appeal boards are used, use students equally as much as adults because students know what's going on around them better than teachers or parents do.

I think that an appeal board made up of students and teachers would be more effective.

impartial . . . when students would be included on

TABLE VII

Responses to Questionnaire Item 7: A board made up of teachers who would be available to hear appeals of suspensions of over five days would be reasonably impartial.

	Strongly Agree	Agree	Disagree	Strongly Disagree
Chicano Students	8%	54%	28%	10%
Anglo Students	15%	44%	26%	15%
Male Students	16%	45%	28%	11%
Female Students	5%	56%	25%	14%
Sophomore Students	11%	48%	30%	11%
Junior Students	13%	47%	27%	13%
Senior Students	11%	52%	24%	13%
Chicano Parents	19%	43%	38%	0%
Anglo Parents	10%	42%	42%	5%
Male Parents	6%	52%	39%	3%
Female Parents	18%	38%	41%	3%
All Students	12%	49%	27%	12%
All Parents	13%	44%	40%	3%
All Teachers	11%	56%	28%	5%

TABLE VIII

Responses to  
Questionnaire Item 8: Do you see such appeal boards as a  
"token measure" or as a valid experi-  
ment in extending student rights?

	"Token Measure"	Valid Experiment	Don't Know
Chicano Students	19%	46%	35%
Anglo Students	16%	58%	26%
Male Students	20%	54%	26%
Female Students	12%	52%	36%
Sophomore Students	18%	52%	30%
Junior Students	15%	62%	23%
Senior Students	19%	43%	38%
Chicano Parents	14%	72%	14%
Anglo Parents	28%	53%	19%
Male Parents	30%	55%	15%
Female Parents	19%	62%	19%
All Students	17%	53%	30%
All Parents	23%	60%	17%
All Teachers	17%	67%	16%

the board.

An appeal board should be made up of both students and teachers with teachers in the majority.

The relatedness of an improved student-school relationship and a lack of bias within the board to the board's validity is tested by comparing opinions in area three of the study. The responses to the questionnaire items in this area show close alignment in all three questionnaire items.



## CHAPTER V

### SUMMARY AND IMPLICATIONS

In surveying the implementation at Las Cruces High School of an appeal board--a hearing board--utilizing school resources through which students may appeal suspension recommendations of over five days, it was necessary to circumvent the rhetorical ambiguities of implied policy procedures in order to accurately assess the board's functional relationship to traditional authority and to current trends which are giving direction to change in school authority structure. The policy guidelines, described in Appendix A, provide for an appeal board, or a hearing board, which must be brought into action by the student should he or she contest the recommendation of a principal (with the approval of the superintendent) for a suspension of over five days.

There is some semantical obscuration between the relationship prescribed by the procedural guidelines and the realities they describe in terms of the building principal's authority, as well as semantical obscuration in defining the relationship of the hearing board to the student in terms of a hierarchical arrangement of due-process safeguards. However, the new procedural guidelines are precise in spelling out the functional relation-

ship of authority between the building principal and the school superintendent. Such a relationship, characterized by mutual decision-making, now exists explicitly, where perhaps it has been, previously, only implied: the relationship between the thoughtful principal, bent on protecting himself, and the superintendent who of necessity seeks to protect his school and its personnel from lawsuits. This position is no longer implied and vague. Because the decision for suspension over five days must be initially approved by the superintendent, the administrative recommendation for a long-term suspension becomes a decidedly shared responsibility, conforming to the reformatory allocation of authority advanced by Ladd:

. . . to the extent that he is asked to give up any part of his authority, the administrator or teacher must be relieved of the corresponding part of his responsibility, the part for which that authority was used.<sup>1</sup>

Because the hearing board theoretically extends the authority of teachers, it is complaisant to the current emphasis on making the American system work by creating a fairer distribution of power within society and within the agents of society, including, in this case, the schools. The inclusion of students on the

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<sup>1</sup>Ladd, op. cit., p. 21.

board would have additionally strengthened recognition of this democratic precept.

Even so, in the final analysis, the distribution of authority cannot be as important as the functioning of authority: issues questioning with whom authority rests must be subservient to issues questioning the goals to which authority is directed. In terms of the review board, the validity of long-term suspensions is perhaps more vital an issue than who administers such sanctions.

The complexities and controversies of the appeal board parallel those surrounding the movement towards recognition of student rights and due process of law. As a reflection of our transitional society, the board is an expedient response to imperatives resulting from shifting philosophical concepts, replacement of old meanings, and emergence of new values, moods and attitudes, especially among the young. The problems generated, for the most part, synthesize into problems inherent in the management of change where a high level of secondary problems seems to be maintained, often obscuring and circumventing basic questions which, although scientifically unmeasurable, are nevertheless essential and observable.

Certainly the opinion questionnaire in this study implies in an observable way the values of the respondents,

in this way adding insight into the degree of support behind issues which have become the fulcrum for our transitional society. To attempt to define these sets of values and attitudes in terms of polarized group distinctions is beyond the scope of this study; however, certain implications regarding group variance, if not group composites, can be drawn from the data. In several areas student attitudes differ significantly from that of adults, most notably on a student's right to disagree, on validity of suspensions, and on appraisal of the board under study in terms of its relationship to students.

Because all groups involved in the survey indicated strong positive attitudes reflective of responsibility to the school as Educator--and because the data reveals definite observable tangents where otherwise divergent attitudes intersect in agreement--polarization of group values seems to be less evident than emphasis on the individual, at least in relation to questions raised by the student rights movement: legal issues legitimatizing the movement exist in the singular through analysis of the violations of a student's rights as an individual.

The point at which the authority crisis emerges in the school would seem to be the point at which rights of the group intersect the broader and more abstract rights of the individual, the point at which due process for the

individual obstructs pupil control. The authority crisis, which is not evident in alarming proportions in this study, perhaps can be extrapolated into the data on the basis of the students' awareness of their right to disagree as individuals. On this point, school administrators and students seem caught up in a paradox stemming from conflicting goal and role definitions. So long as educational goals are dictated by the realities of mass education and control of adolescents, the full expression of individuals in the schools would seem to be more utopian than feasible.

The responses point to a workable position between students' recognition of individual rights and orderly control of the school. This position would dictate an administrative procedure flexible enough to contain miscreant students and strong enough to retain them.

It would seem that the appeal board, to the extent that it theoretically upholds the use of long-term suspensions, must be judged partially with regard to the respondents' attitudes on long-term suspensions per se. That suspensions of over five days were strongly invalidated by students would seem to raise a question concerning the effectiveness of long-term suspensions as punishment or as a technique for controlling behavior. Other responses did not give evidence that students were

opposed to the enforcement of regulations, implying that, in this instance, the positive response against suspensions might be viewed as student loss of confidence in the effectiveness of long-term suspensions as a deterrent. In this context, those innovators who suggest setting up categories under which society can subsume and isolate those whom it defines as miscreant would probably seize upon such data as reinforcement for the development of new techniques in the school for controlling behavior. To do so, in the light of the data presented in this study, however, would probably require extensive re-orientation of teacher and community attitudes. The large percentage of teachers and parents who could not project harm from long-term suspensions and who supported the use of suspensions over five days suggest that teachers and parents may have come to rely perfunctorily on punishment through suspensions, so much so that alternative measures of control might not be easily introduced or accepted.

To this observer, it appears that analysis of student rights, due process, and administrative procedures cannot be made apart from analysis of institutional goals with regard to student offenders: are offenders against society to be punished or treated? This distinction would seem to weigh heavily on issues of civil liberties.

If long-term suspensions are to be evaluated in terms of their success or failure and if, as implied by this study, long-term suspensions are questionable as punitive instruments, then perhaps we should ask: for what reasons do long-term suspensions exist? If suspensions should be nullified as punishment, then justification can be assumed for replacing them with procedures reflecting treatment for miscreants. Establishing a goal for pupil-control which would be definite enough and strong enough to give functional integrity to pupil-control procedures would seem to be essential.

So long as punishment is attempted as a means for pupil-control, the case for due process remains strong. However, paradoxically, to do away with long-term suspensions as punishment would seem to weaken the position for student rights. The theoretical concept of civil liberties is based on the position that miscreants are recognized as offenders, under which definition they are entitled to the due process of law. If miscreants are re-defined as sociological or psychological cases, to be treated rather than punished, the concept of student rights would appear to be a mute issue. Evidence seems to suggest a shift in society toward "treatment" rather than "punishment" of miscreants, in which event the imperative for civil rights might be diminished.

This paradox places the appeal board under study in a compromising position. If the board, as seems to be the case, upholds the use of long-term suspensions as punishment, and if long-term suspensions can be shown to be ineffective as punishment or as agents for pupil-control, then the board is "token" in the sense that its theoretical base is invalid. On the other hand, the board is validated in terms of student rights because the concept of rights is based on punitive arrangements. In these terms, the appeal board is validated as an instrument for upholding student rights but questionable as part of a process of pupil-control.

The failure to define the treatment of miscreants in relation to pupil control would seem to be contributing significantly to the current obfuscation of school authority. Likewise, the failure of this, and other, data to substantiate a solid base for the concept of in loco parentis confounds the issues and points to a changing role of the school and school authority.

One justification for the appeal board--also implied by state and federal educational policies suggesting the implementation of due-process procedures--is the intimation that the appeal board would exist as leverage for teacher-administrator accountability to students. This concept seems to be not so much one



embracing permissiveness toward offenders as one embracing institutional responsibility to the individual and to individual rights: suspensions must be for just cause and with strong supportive evidence.

Based on the data in this study, this writer concludes that the majority of respondents value responsibility to the school; however, the degree of support for a concomitant relationship between student rights and student responsibility was less among students than among parents and teachers. The data indicates that students are more aware of and more favorable to the "new" concepts regarding individual rights than are parents and teachers, that students may be less willing than adults to subordinate their individualism, or their disagreement, to group approval or control. This implication, to this observer, is significant in terms of school authority and pupil control.

In loco parentis support of school authority, in light of the data, does not appear to be as overwhelmingly solid a rationale for pupil control as has been traditionally projected.

Because the data casts some doubt on the effectiveness of suspensions in areas of pupil control, especially from the student viewpoint, this writer concludes that experimentation with new methods of pupil

control based on a conception embodying treatment rather punishment might in some cases aid the miscreant student in developing a more positive attitude toward the school environment. Such programs might be in the form of "detention" group encounters, discussion forums, guidance centered study areas, or "detention" group action programs conducted in conjunction with community social agencies.

#### RECOMMENDATIONS FOR FURTHER STUDY

The following recommendations for further study are made:

1. A study of the effectiveness or ineffectiveness of long-term suspensions on pupil-control is recommended.
2. A study to clarify if, and why, older members of minority groups are less cognizant of their rights as individuals is recommended.
3. A study is recommended to explore the gap between student trust and administrative power, the results of which could be used to help achieve a more favorable balance between freedom and control.

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APPENDIX A

THE 1972-73 LAS CRUCES, NEW MEXICO  
SCHOOL BOARD POLICY REGARDING STUDENT CONDUCT

84/85

84.

be forwarded to the Office of the Supervising Nurse through the assigned school nurse.

### 5.15 Student Conduct

The Board of Education, student body, staff, and community expect reasonable student conduct at all times. Unbecoming student behavior will not be condoned when it may impair the health, welfare, or morals of the student body.

#### 5.15A Misconduct Rules

The following code sets forth rules prohibiting certain types of student conduct that constitute major offenses. A student found to be in violation of any one of them may receive punishment as severe as a long term suspension (over 5 days) or expulsion for the remainder of the school year or if occurring toward the end of a school year then it could extend into another year and could possibly preclude the student's eligibility for graduation. Less serious conduct can be dealt with by the principal under the disciplinary authority given him by state statutes and state and local School Board regulations.

The initial judgment that certain conduct violates one of these rules is made by the principal or his designee. He may discipline the student himself, applying punishment as severe as a five day suspension from school and/or referring the student's case to the hearing board with a recommendation for more severe punishment. (See 5.15B.4 General Provision)

##### 5.15A.1 Disruption of School

A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, subterfuge, or any other conduct intentionally or knowingly cause or attempt to cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school. Neither shall he urge other students to engage in such conduct; nor shall he continuously and intentionally make noise or act in any manner so as to interfere seriously with the instructor's ability to conduct his class in a manner which promotes attainment of educational objectives.

##### 5.15A.2 Damage or Destruction of School and/or Private Property

A student shall not intentionally cause or attempt to cause substantial damage to school and/or private property or steal or attempt to steal school and/or private property.



5.15A.3 Assault on a School Employee or Other Person  
Not Employed by the School

A student shall not cause or attempt to cause physical injury or intentionally behave in such a way as could reasonably cause physical injury to a school employee or other persons.

- (1) on the school grounds during and immediately before or immediately after school hours,
- (2) on the school grounds at any other time when the school is being used by a school group, or
- (3) off the school grounds at a school activity, function, or event.

Self-defense is not considered an intentional act under this rule.

5.15A.4 Weapons and Dangerous Instruments

A student shall not knowingly possess, handle, or transmit any object that can reasonably be considered a weap

- (1) on the school grounds during and immediately before or immediately after school hours,
- (2) on the school grounds at any other time when the school is being used by a school group, or
- (3) off the school grounds at any school activity, function, or event.

This rule applies to any firearm, any explosive including firecrackers, any knife other than a small pocket knife, and other dangerous objects of no reasonable use to the pupil at school.

5.15A.5 Narcotics, Alcoholic Beverages, and Stimulant  
Drugs

A student shall not possess, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind

- (1) on the school grounds during and immediately before or immediately after school hours,
- (2) on the school grounds at any other time when the school is being used by a school group, or
- (3) off the school grounds at a school activity, function, or event.

Use of a drug authorized by a medical prescription from a registered physician and on file in the school office shall not be considered a violation of this rule.

#### 5.15A.6 Repeated School Violations

A student shall comply with directions of teachers, student teachers, substitute teachers, teacher aides, principals or other authorized school personnel during all times when he is under the authority of school personnel or on school grounds.

#### 5.15A.7 Deviation from Scheduled Program

Each student is registered in school under an approved program of classes and/or activities. Deviation from the scheduled program, unless authorized by the principal, may be cause of immediate suspension.

#### 5.15A.8 Distribution or Sale of Unauthorized Materials (also 4.31)

No one, including students, may distribute or sell materials, papers, supplies, or any matter on any school grounds without first obtaining the written consent of the principal of the school where such distribution or sale is proposed to be made. This regulation is not intended to include activities of authorized groups or clubs identified in the individual school's student and/or staff handbooks.

### 5.15B Suspension and Expulsion

#### 5.15B.1 Coverage

Alleged misconduct shall be dealt with by the principal or his designee:

- (a) whenever an instructor considers a problem of classroom discipline to be so serious as to warrant the principal's or his designee's attention; or,

- (b) whenever the alleged misconduct constitutes a violation of the rules that govern misconduct; or,
- (c) whenever the principal or his designee deem it advisable that he deal personally with the misconduct.

This code of procedure does not deal with ordinary classroom discipline; it covers only those disciplinary matters serious enough to be dealt with by the principal or his designee. Instructors should know that state statutes place upon them the responsibility and gives them the authority to maintain good order and discipline in their schools. Hereinafter, the term principal includes his designee.

#### 5.15B.2 Instructor's Referral

The instructor upon determining that the conduct of a student violates one or more of the misconduct rules (See 5.15A), or upon considering a problem of classroom discipline to be so serious as to warrant the principal's attention, should complete and forward a "Misconduct Referral" form to the principal. A statement of facts concerning the misconduct will be listed on the form. The principal should keep the instructor notified of his action on the referral.

#### 5.15B.3 Principal's Investigation

In dealing with alleged misconduct, the principal shall investigate the incident and hear all available accounts of it. The student shall be allowed to present any defense he believes relevant. If the student believes other witnesses are relevant, he shall specify their names and addresses in writing and make them available to the principal for interview. If the student makes a reasonable claim of other defensive matter that, if true, would free him from blame but is not immediately available, the principal should postpone disciplinary action for a reasonable time until such evidence may be presented to him.

#### 5.15B.4 Limitation on Principal's Power to Suspend or to Request a Hearing

If the principal investigates a student's alleged misconduct and decides to take disciplinary action, he must investigate and take action on all alleged misconduct of that student known to him at that time. Consequently, the most serious action he can take on his own authority for any and all misconduct by a particular student, known to him at any one time, is to give a suspension not to exceed five days.

If he thinks additional penalties appropriate, he may seek the superintendent's approval to initiate the procedure for obtaining a long-term suspension or expulsion.

## 5.15C Summary and Short-Term Suspensions

### 5.15C.1 Summary Suspension

If the principal witnesses any student misconduct and he thinks that immediate removal of the student(s) is necessary to restore order or to protect persons on the school grounds, he may suspend the student immediately for not more than five school days.

In such cases the principal is not required to conduct the investigation described in 5.15B.3 before he suspends, but he shall carry out such an investigation and decide on further disciplinary action, if any, at least by the end of the school day following the summary suspension. The total suspended time shall not exceed five school days.

Once a principal has decided to suspend a student summarily, he shall follow the procedures described in 5.15C.3 for sending a student home during the school day.

### 5.15C.2 Short-Term Suspension

A short-term suspension is a denial to a student of the right to attend school and to participate in any school function for a period of time not to exceed five school days. The principal may invoke a short-term suspension only after investigating the misconduct and only for the following reasons:

- (a) a violation of the School Board rules prohibiting student misconduct; or
- (b) misconduct of the same type as that prohibited by the rules governing student misconduct but which does not rise to the gravity of the misconduct stated by these rules.

Any suspension denying a student the right to attend school during the last ten days of the school year must be approved by the superintendent or his designee.

Once the principal has decided to invoke a short-term suspension, he shall follow the procedures of 5.15C.3 for sending a student home during the school day.

The removal of a student from his class by the instructor, principal, or other authorized school personnel for the remainder of the subject period or school day and his location in another room on the school premises shall not be considered a short-term suspension and shall not come under the rules and procedures set forth above.

### 5.15C.3 Sending a Suspended Student Home During The School Day

When a student is suspended, the principal shall attempt to reach the student's parents or legal guardian (hereinafter the term parent(s) includes legal guardian) to inform them of the school's action and to request that they come to the school for their child. If the parents or designated guardian are unable to come for their child or cannot be reached, the principal shall detain him on school property and inform the parents that the child will be dismissed at the end of the school day.

Notwithstanding the above requirement that a suspended student be released only to a parent or guardian, the principal may order students to leave the school premises immediately when he is faced with mass violations to school rules and it is not possible to keep the students on school grounds and restore order or protect people on the school grounds.

### 5.15C.4 Informing the Parents in Cases of Summary and Short-Term Suspension

When a student is suspended, the principal shall:

- (a) send a statement to his parents and to the superintendent fully describing his misconduct, stating the rule violated;
- (b) make every effort to hold a conference with the parents before or at the time the student returns to school;
- (c) secure written statements and keep on file all documents and relevant information received about the misconduct.

## 5.15D Suspension and Expulsion (Long-Term)

### 5.15D.1 Initiating Long-Term Suspension or Expulsion

- (a) Decision to Seek Suspension Over Five Days or Expulsion

If, after his investigation, the principal decides that a penalty more severe than any within his own authority is warranted, he may, with the approval of the superintendent, notify the convener of the hearing board of their decision and ask that a hearing date be set (See 5.15D.3). The principal must decide this and ask for a long-term suspension within five days after he learns of the misconduct.

(b) Sanction Before Hearing

The procedure described in subsection (a) above does not affect the principal's authority to invoke a short-term suspension or other sanction after his investigation. He may choose, however, to take no action other than to turn the entire matter over to the hearing board.

5.15D.2 Notice

Whenever the principal seeks a long-term suspension or expulsion, he must give written notice to the student and his parents as soon as possible. Notice should be given no later than the end of the school day following the day of alleged misconduct.

The notice shall include:

- (a) The rule allegedly violated and the acts of the student thought to have violated the rule, including a summary of the evidence against him.
- (b) The penalty that the principal plans to recommend to the hearing board and plans to apply (or request the superintendent to apply) if the hearing is waived.
- (c) A tentative time and place for the hearing.
- (d) A statement that before long-term suspension or expulsion can be invoked the student has a right to a hearing which may be waived if he and his parents agree to forego it by furnishing the principal a signed statement to that effect. The student and his parents must notify the school within twenty-four hours after receipt of notice as to whether they will waive the hearing. If no notification is received, the hearing schedule will be observed.

A copy of parts (a), (b) and (c) of the notice shall be sent to the convener of the hearing board.

5.15D.3 Scheduling the Hearing

If the hearing is not waived, it should be scheduled after school hours on the second, third, or fourth school day after the notification (See 5.15D.2) has been received.

The convener may schedule a different date for the hearing if good and sufficient cause is shown by either the student or by the principal. In so far as is feasible, however, the hearing should not be held later than the fourth school day after the day that both parents and student receive the notification.

#### 5.15D.4 Group Hearings

When students are charged with violating the same rule, and have acted in concert, and the facts are basically the same for all students, a single hearing may be conducted for them if the convener of the hearing board believes that the following conditions exist:

- (a) A single hearing will not likely result in confusion, and
- (b) No student will have his interests substantially prejudiced by a group hearing.

If, during the hearing, the convener finds that a student's interests will be substantially prejudiced by the group hearing, he may order a separate hearing for that student.

#### 5.15D.5 Witness Statements

The principal shall make available in his office at least two days before the hearing the signed statements of all persons on whose information are based the charge against the student and the penalty suggested by the principal. These statements may be examined and copied by the student, parents, or representative. If the principal later receives any further information that will be employed at the hearing, he shall notify the student of it and make copies available before the hearing.

Likewise, the student shall file with the principal before the hearing signed statements of any witnesses who have defensive information he wishes considered at the hearing, including his own statement of defense if he chooses to make one.

These statements shall set out with particularity the information known to the persons making them.

#### 5.15D.6 Availability of the Student's Previous Records

Besides having access to the written statements that form the basis of evidence against the student, his parents or his representative shall have access to his previous behavior record and his academic record. If the school deems it necessary, the information contained in such records may be furnished to the parents or representative only on condition that they be explained and interpreted to the parents or representative



by a person trained in their use and interpretation. Information will be released to the representative only if the parents have so authorized the release in writing.

#### 5.15D.7 Composition of the Hearing Board

The principal shall appoint a hearing board composed of three members of the school's faculty, appointing one of the members as the convener of the board.

##### Duties of the convener:

- (a) Schedule the hearing at a specified date, time, and place.
- (b) Answer questions about the nature and conduct of the hearing.
- (c) Assume full charge of the hearing and direct its proceedings with full authority to so do.
- (d) Have the board's findings of acts and recommendations for action submitted in writing through the principal to the superintendent as soon as possible after the hearing.
- (e) Forward a written copy of the findings and recommendations to the student and his parent or guardian and advise them of their right to appeal the decision to the Board of Education for review.

#### 5.15D.8 Conduct of the Hearing

##### (a) Closed Hearing

The hearing may be attended only by the hearing board members, the superintendent, the principal, the school's representative, the student, the parents, or the student's representative. Witnesses should be present only when they are giving information to the board. The student may be excluded at the discretion of the board with the concurrence of the student's parents or representative at times when his psychological or emotional problems are being discussed. No one may be present with the board during its deliberations.

##### (b) Student May Remain Silent

The student may speak in his own defense and may be questioned on his testimony, but he may choose not to testify and in such cases he shall not be threatened with punishment or later punished for refusal to testify.



(c) Record of the Hearing

The hearing board shall provide for making a record of any information orally presented to it at the hearing. Statements and other written matter presented to the board should be kept on file by the principal.

(d) Principal's Presentation of Statements and Records

It shall be the principal's duty to present to the hearing board at the hearing the signed statements of all persons having information about the student's misconduct. He also shall submit a copy of subsections (a) and (b) of the notice given to the students and parents under 5.15D.2.

(e) Use of Witnesses

The hearing shall consist of a review of the statements and records presented by the principal under subsection (d) above. But if the principal, the student, or the convener requests that any witness appear in person and answer questions, that witness must do so or his statement may not be considered or relied on by the board.

(f) Examination of Witnesses

Members of the hearing board may question witnesses about any matters relevant to the charge against the student and the proper disposition of the matter.

(g) Role of the Parents

The parents shall be present at the hearing and shall have an opportunity to make a statement to the board on their feelings about the proper disposition of the case and to answer questions. Any statements they make need not be filed with the principal before the hearing. They shall be able to advise the student during the hearing.

If the parents are out of town or for any other substantial reason are unable to attend, the adult representative described in subsection (h) may act in the place of the parents as their role is set out above.

(h) Adult Representative

If the parents cannot be present or if the student or his parents think his interests can be protected better by the presence of another adult in addition to the parents, the student may bring another adult to the hearing. If the parents are not present the non-parent adult may advise the student if authorized in writing by the parents. At this level of adjudication, neither the attorney for the school nor the attorney for the student shall be present.

### 5.15D.9 Disposition of the Case

#### (a) Actions of the Hearing Board

The hearing board shall reach its decision on whether the student violated a rule on misconduct by majority vote. The decision must be based solely on the evidence presented at the hearing and should state substantial findings of fact on which the board's decision rests. If no misconduct is found, the matter is terminated and no further action may be taken against the student.

When any misconduct is found, even if a rule on misconduct has not been violated, the board's report shall include a recommendation to the superintendent or his designee concerning what action, if any, should be taken with respect to the student. The recommended action need not be the action suggested by the principal but shall not exceed the penalty he suggests. The recommendation should explain the reasons for the particular action recommended to the superintendent.

Minority views shall be noted if the minority member so requests.

#### (b) Actions of the Superintendent

If the hearing board finds that the student violated a rule on misconduct, the superintendent or his designee may apply any sanction he thinks warranted. If the superintendent directs a sanction more severe than that recommended by the hearing board, he shall send to the parents of the student and to the presiding officer an explanation of why he thought the hearing board's sanction to be inappropriate.

### 5.15D.10 Appeal

The student may appeal to the Board of Education a penalty by the superintendent. The penalty shall not be postponed pending the outcome of the appeal. Such an appeal must be on the record made in the hearing, and new evidence will be admitted only to avoid a substantial threat of unfairness. The Board of Education may alter the superintendent's disposition of the situation only if it finds the decision clearly erroneous. Attorneys may be utilized at the appeal by both the student and the Board of Education.

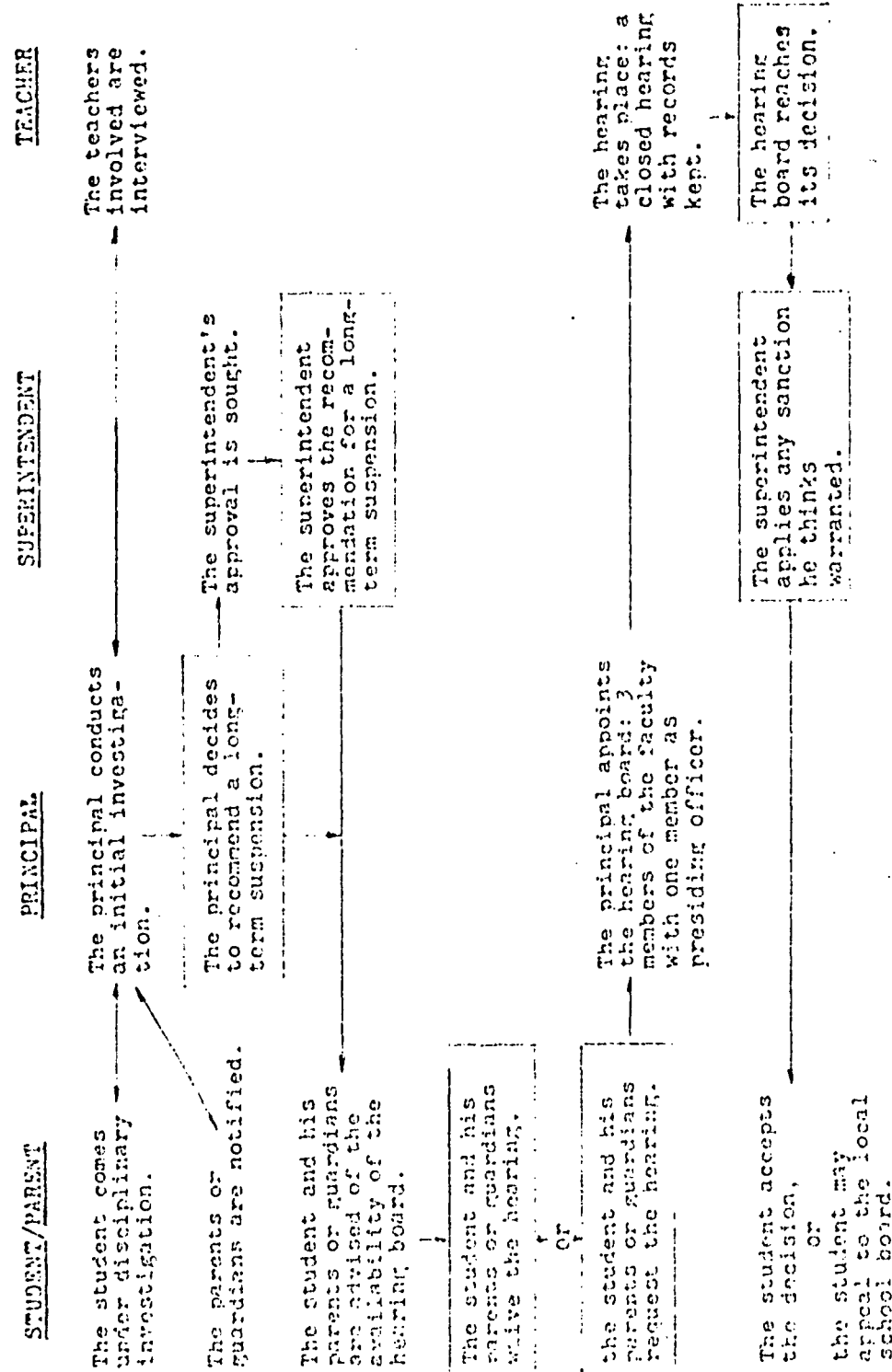
### 5.16 Married Pupils

Married students in the junior and senior high schools may be enrolled and classified as special students.

## APPENDIX B

A SCHEMATIC DIAGRAM OF THE  
APPEAL BOARD MODEL SHOWING  
AUTHORITY ALLOCATION WITH RELATION  
TO LONG-TERM SUSPENSIONS

AUTHORITY ALLOCATION  
WITH RELATION TO LONG-TERM SUSPENSIONS



**APPENDIX C**

**RIGHTS AND RESPONSIBILITIES AS OUTLINED  
IN THE AUGUST 23, 1971 STATEMENT FROM  
THE NEW MEXICO STATE DEPARTMENT OF EDUCATION:  
SECTIONS DEALING WITH DUE PROCESS,  
DEBARMENTS AND SUSPENSIONS**

## II. DUE PROCESS

Procedural Rules and Regulations for the School Community: The constitutional rights of individuals assure the protection of due process of law.

1. The hallmark of the exercise of administrative authority shall be fairness.

2. Every effort shall be made by administrators and faculty members to resolve problems through effective utilization of school district resources in cooperation with the student and his parent or guardian.

3. In cases of suspension for more than five days, a student must be given an opportunity for a hearing if he or his parent or guardian indicate the desire for one in writing.

4. The hearing authority designated by the local board may request the student and parent or guardian to attempt conciliation first, but if the student and parent or guardian decline this request the hearing authority shall schedule the hearing as soon as possible.

5. The following procedural guidelines will govern the hearing:

- a. Written notice of charges against a student shall be supplied to the student and his parent or guardian.
- b. Parent or guardian shall be requested to be present at the hearing.
- c. The parent or guardian may be represented by legal counsel.
- d. The student shall be given an opportunity to give his version of the facts and their implications. He should be allowed to offer testimony of other witnesses and other evidence.
- e. The student shall be allowed to be present when evidence is offered against him. In addition, he shall be allowed to question any witness.

- f. A fair hearing shall be conducted by hearing authority designated by the local board, who shall make a determination solely upon the evidence presented at the hearing.
- g. Written minutes shall be kept of the hearing.
- h. The hearing authority shall state within a reasonable time after the hearing his findings as to whether or not the student charged is guilty of the conduct charged and his decision, if any, as to disciplinary action.
- i. The findings of the hearing authority shall be reduced to writing and sent to the student, his parent or guardian and the local board.
- j. The student and his parent or guardian shall be made aware of their right to appeal the decision of the hearing authority to the local board for review of the record and the hearing officer's findings.

### III. DEBARMENTS AND SUSPENSIONS

Section 1. A student is barred from the classroom and sent to the principal's office. This action by a teacher is subject to review by the principal, at the principal's discretion, which review may include consultation with the teacher.

Section 2. A student is suspended from the building for the remainder of the school day.

Section 3. A student is suspended pending a conference with the parents or guardian for a period of five days or less.

Section 4. A student is suspended from attendance at or participation in a school district sponsored activity.

Section 5. A student is suspended for the remainder of the semester or for a given period of time in excess of five days.

Actions 1, 2 and 3 may be made by the principal subject to review by the superintendent or the local board.

Local school boards may authorize principals to suspend students from school for good cause for periods of not to exceed five days. It may also authorize the principal to suspend pupils for periods in excess of five days, provided, however, the parent or guardian of the student and the student shall be immediately notified in writing of the cause or causes for such suspension, and the student given a hearing before the principal in the event the student or his parent or guardian requests such a hearing. At such a hearing the pupil shall be given a fair opportunity to explain his actions. The pupil should be entitled to be questioned by the principal in the presence of his parents, and at the parents' option, his attorney, who in turn shall be given an opportunity to question the school personnel involved. A record shall be kept of such hearing and the record and findings shall be subject to review by the local board.

IV. EXPEL is defined as the dismissal of a public school pupil for breach of a rule, regulation or requirement of the school authorities. The procedure is established in Section II hereof and shall be followed in all cases of expulsion of public school students unless rendered impossible by the student or unless expressly waived by the student, his parent or guardian.



**APPENDIX D**

**QUESTIONNAIRE AND LETTER OF TRANSMITTAL:  
ENGLISH AND SPANISH**

May 16, 1972

Dear Student, Parent, or Teacher:

Through New Mexico State University in cooperation with Las Cruces High School I am engaged in research regarding student rights, student responsibility to the school, and the school's responsibility to students in guaranteeing fundamental fairness, specifically in suspension cases.

I would like to have your opinions regarding the merits of a procedure whereby students may appeal suspension sanctions of over five days to a review board comprised of teachers.

Attached is a survey questionnaire. The answers to this questionnaire will help to evaluate the appeal boards as they relate to school authority and will help to evaluate their potential for safeguarding the basic rights of students.

Parents are urged to return the questionnaires by their students tomorrow. (You may use the envelope provided.) The questionnaires may be deposited in a box labeled "Mr. Floyd" which will be placed in the front office at school.

Your cooperation and immediate return of the questionnaire will be appreciated.

Thank you.

Sincerely,

Bill Floyd  
Assistant Principal  
Las Cruces High School

Please place the letter which best represents your opinion in the blank in front of the statement.

- \_\_\_\_\_ I am (a) a student (b) a parent (c) a teacher
- \_\_\_\_\_ I am (a) a sophomore (b) a junior (c) a senior
- \_\_\_\_\_ I am (a) a male (b) a female

1. \_\_\_\_\_ While the school is responsible for a student's education, the student is responsible to the school for his conduct on campus.  
(a) strongly agree (b) agree (c) disagree (d) strongly disagree
2. \_\_\_\_\_ A student who disagrees with the opinions and standards set by the school interferes with the educational process.  
(a) yes (b) no (c) don't know
3. \_\_\_\_\_ As a parent, there might be circumstances where I would consent to my child's breaking a school rule which would result in a suspension of over five days.  
(a) yes (b) no (c) don't know
4. \_\_\_\_\_ Suspensions of over five days have a valid place in the educational system.  
(a) strongly agree (b) agree (c) disagree (d) strongly disagree

5. \_\_\_\_\_ The harm to a student from suspensions of over five days may be greater than for a person sentenced to jail.  
(a) strongly agree (b) agree (c) disagree (d) strongly disagree
6. \_\_\_\_\_ An appeal board for suspensions over five days would improve the relationship between student and school.  
(a) strongly agree (b) agree (c) disagree (d) strongly disagree
7. \_\_\_\_\_ A board made up of teachers who would be available to hear appeals of suspensions of over five days would be reasonably impartial.  
(a) strongly agree (b) agree (c) disagree (d) strongly disagree
8. \_\_\_\_\_ Do you see such appeal boards as a "token measure" or as a valid experiment in extending student rights.  
(a) "token measure" (b) useful experiment (c) don't know

Please use reverse side of questionnaire for any additional comments you would like to make.

Mayo 16 de 1972

Estimado estudiante, padre de familia o maestro:

Por medio de la Universidad Estatal de Nuevo México que es New Mexico State University y en cooperación con las escuelas públicas de Las Cruces, estoy haciendo una investigación acerca de los derechos, la responsabilidad de las estudiantes a la escuela, y de los estudiantes y de la responsabilidad de la escuela a los estudiantes para garantizarles una justicia fundamental, especialmente en los casos de suspensión.

Quisiera su opinión acerca de los méritos de proceder en donde los estudiantes puedan suplicar las suspensiones de más de cinco días a un grupo compuesto de profesores.

Adjunto va un cuestionario relacionado con esta investigación. Las contestaciones a este cuestionario ayudarán a evaluar a los grupos de apelación según relatan a la autoridad de la escuela y también ayudarán a evaluar su potencia para proteger los derechos básicos de los estudiantes.

Se les urge a los padres de familia que devuelvan este cuestionario en el sobre que va aquí por medio de los estudiantes mañana y el cuestionario se puede echar en un buzón que habrá en la oficina de en frente de la escuela con el letrero, "Mr. Floyd."

Agradecemos su cooperación e inmediato retorno de este cuestionario, y sin otro particular, quedo de ustedes,

Atentamente,

Bill Floyd  
Assistant Principal  
Las Cruces High School

Ponga la letra que mejor representa su opinión en el blanco en frente de la oración.

\_\_\_\_\_ Soy (a) estudiante (b) padre de familia (c) profesor

\_\_\_\_\_ Soy del año (a) 10 (b) 11 (c) 12

\_\_\_\_\_ Soy (a) hombre (b) mujer

1. \_\_\_\_\_ Mientras que la escuela es responsable por la educación del estudiante, el estudiante es responsable a ella por su conducta adentro y por fuera del plantel de la escuela.  
(a) fuertemente digo que sí (b) digo que sí  
(c) digo que no (d) fuertemente digo que no

2. \_\_\_\_\_ Un estudiante que no está de acuerdo con las opiniones y reglas impuestas por el profesorado, interrumpe el proceso educacional.  
(a) sí (b) no (c) no sé

3. \_\_\_\_\_ Como padre de familia creo que habría ocasiones donde yo consentiría que mi hijo quebrara reglas de la escuela resultando en su suspensión por más de cinco días.  
(a) sí (b) no (c) no sé

4. \_\_\_\_\_ Las suspensiones de más de cinco días tienen un lugar válido en el sistema educacional.  
(a) fuertemente digo que sí (b) digo que sí  
(c) digo que no (d) fuertemente digo que no

5. \_\_\_\_\_ El daño a un estudiante por la suspensión de más de cinco días puede ser peor que el ser sentenciado a la cárcel.  
 (a) fuertemente digo que sí (b) digo que sí  
 (c) digo que no (d) fuertemente digo que no
6. \_\_\_\_\_ Un cuerpo (grupo) de apelación para suspensiones de más de cinco días podría mejorar las relaciones entre el estudiante y la escuela.  
 (a) fuertemente digo que sí (b) digo que sí  
 (c) digo que no (d) fuertemente digo que no
7. \_\_\_\_\_ Un grupo compuesto de profesores listo a oír apelaciones de suspensiones de mas de cinco días sería razonablemente justo.  
 (a) fuertemente digo que sí (b) digo que sí  
 (c) digo que no (d) fuertemente digo que no
8. \_\_\_\_\_ ¿Cree usted que tal cuerpo no valdría la pena o que sería experimento útil?  
 (a) no valdría la pena (b) sería experimento útil (c) no sé

Si gusta, favor de usar el revés de esta página para añadir sus comentarios.