

## **Due Process Reflection**

**By John M. F. Berner**

I believe that the Due Process Clause in which students have the right to appeal should only be in affect for those who are facing expulsion. I agree with the court that 10 days suspension, whether fair in proper judgement by the principal or not, is not detrimental to a child's future as far as employment, scholarships, and/or equal opportunity.

In the case with Lopez, I agree he may have been an innocent party. It is hard to find fault when approx. 75 students were involved. The courts do bring up a good point that not every case can be brought to a board for a hearing. I feel that if a school intends to expel a student, then a hearing is in order before the student can be removed. If a hearing isn't given within the 10 days of suspension, I feel the student has a right to return to school until they decide to give a hearing.

In the case with Betty Crome, I disagree with the actions of the school being that she was not found demonstrating on the school grounds in which she was suspended for. When off school grounds, punishment should be handled by law enforcement. Other schools have the right to place a restraining order, keeping her off those school grounds if they so choose. If her suspension, which the reasons were never really stated had been due to truancy, then I believe her to have no argument. She was only suspended, and it will not affect her life's outcome.

In some cases, I could see that the time it would take to gather counsel and evidence may take longer than 10 days, and would not be worth the hassle.

I believe that corporal punishment is a more controversial topic. I know that I would want to raise my children knowing what it is like to feel a little pain when he/she has done something wrong, rather than growing up with the idea that they are free to do whatever they like, endangering themselves and others. I also realize that you need to protect children from people who take things too far.

It is stated that at the time the prevalent rule in the country privileged such force as a teacher or administrator reasonably believed to be necessary for proper control, training, or education. Ingraham's case showed that he was given too much unnecessary abuse that put him in the hospital. He was immobilized several times. In one instance it was because he didn't respond to an action fast enough. The school board did set up proper procedures for punishment in the county, and I feel that those procedures were not followed properly due to the excessive beatings that were unnecessary. I personally don't see where the extreme punishment justified the crime, and the principal would be guilty.

Every time someone gets injured, there are new rules, regulations, laws and so forth that are enforced to protect future occurrences. This case is quite outdated compared to the rules we must follow today. It almost seems as if today we are determining punishment on the basis of suspicion rather than the crime committed in order to keep an incidence from happening.