

Lesson 5: School Discipline

FOR MORE INFORMATION TO HELP YOU ANSWER QUESTIONS THAT MAY COME UP DURING THIS LESSON, REFER TO THE FREQUENTLY ASKED QUESTIONS SHEET “LEGAL INFORMATION ABOUT SCHOOL DISCIPLINE” AT THE END OF THIS LESSON.

KEY VOCABULARY:

Time: 2 hours

Content Objectives

- Students familiarize themselves with the disciplinary processes at U.S. schools.
- Students brainstorm ways to cultivate community support for migrant and refugee learners in the case that they are being disciplined.

Rights Objectives

- Students brainstorm ways to secure the right to due process during disciplinary action.
- Students analyze the interaction between migration status and school discipline.

Language Objectives

- Students continue to build their language skills around rights
- Students practice reading, writing, and speaking in English

Materials Needed:

- Student lesson plan
- Large paper and markers

Nouns	Verbs
Discipline	To be suspended
Detention	To be expelled
Suspension	To re-enroll
Expulsion	To appeal
A hearing	To be violent towards
Evidence	To advocate

**LESSON ACTIVITIES:****PART A) Talking About Types of School Discipline**

The purpose of the following activity for students to become familiar with three common disciplinary actions a school administration can take towards a student—detention, suspension, and expulsion—and to discuss the rights students and parents have in relation to these actions. For this activity, students will split up into three groups. The teacher should allow students to choose which group they want to participate in but should make sure there are students in each group. All students will interact with all three types of discipline at the end of the lesson. You could introduce the difference this way (if possible, write or project the three terms—detention, suspension, expulsion—on a wall or large piece of newsprint):

Choose which kind of discipline you want to look closely at:

- Detention—This is when a student has to go to a room and do work or sit quietly instead of going to lunch or going home after school.
- Suspension—This is when a student is not allowed to come to school for a time between one day and two weeks.
- Expulsion—This is when a student is kicked out of school permanently and is not allowed to re-enroll.

Students will split up into three groups and explore one of three topics: detention, suspension, or expulsion. Complete the activity for your group. Afterwards, the class will come back together and discuss each kind of discipline as a whole group.

Group One: Detention

Read together: Detention is when a student has to go to a room and do work or sit quietly instead of going to lunch or going home after school. A student can be given detention for many reasons, including the following:

- He/she did not go to class
- He/she was late to class many times
- He/she broke a school rule

In your group, draw a picture of a student who received detention, and get ready to tell the student's story to the other students. Tell the story so that the other students will understand what detention is and how it works.



Group Two: Suspension

Read together: Suspension is when a student is not allowed to come to school for a time between one day and two weeks. A student can be suspended for many reasons, including the following:

- He/she did not go to class many times
- He/she broke a more serious school rule
- He/she committed a crime at school, like stealing, drinking alcohol, or doing drugs.

If a student is going to be suspended for more than 10 days, he or she is entitled to an informal hearing. This is when the student has a chance to defend him or herself before being suspended.

In your group, draw a picture of a student who was suspended, and get ready to tell the student's story to the other students. Tell the story so that the other students will understand what suspension is and how it works.

Group Three: Expulsion

Read together: Expulsion is when a student is kicked out of school permanently and not allowed to re-enroll. A student can be expelled for many reasons, including the following:

- He/she broke an important school rule or many school rules
- He/she committed a crime at school, like stealing, drinking alcohol, or selling drugs
- He/she brought a weapon to school
- He/she was violent towards another student or a teacher

If a student is going to be expelled, he or she is entitled to a hearing. This is when the student has a chance to defend him or herself before being expelled.

In your group, draw a picture of a student who was expelled, and get ready to tell the student's story to the other students. Tell the story so that the other students will understand what suspension is and how it works.

PART B) Advocating for Students' Rights When Discipline Is Not Fair

Lead students in a discussion about advocating for U.S. school students' rights when school discipline isn't fair. Use the discussion questions below in the order that seems right for your class.

- What situations do you know of where a student was treated unfairly by a school during disciplinary action? What did the adults in his or her life do to help the student? What more could they have done?
- What particular challenges do migrant and refugee children face due to the disciplinary processes at U.S. schools?
- It can be very hard to know how to interact with a school when your child or a child you know is facing disciplinary action. Which people in your community can help you during this process?
- Students who believe they have been treated unfairly during a disciplinary hearing sometimes have a **right to appeal**. Who in your community or school could help you advocate for your child?

PART C) Reflections

The instructor should invite students to share questions and concerns the lesson raised for them that they may want to explore with their children, teachers, school staff members, or other adults they know. Record students' ideas on the board. Then, invite students to brainstorm how parents initiate conversation with their children, teachers, school staff members, or other helpful figures about their questions and concerns regarding school discipline, using the questions below as a guide.

As a class, discuss your answers to the following questions, considering your experiences and the lesson activities:

- What is the most interesting or important thing you learned about school discipline during the lesson?
- What questions or concerns about U.S. schools would you like to raise with your children, a teacher, a school staff member, or another adult, such as a fellow parent, in light of the lesson?
- How would you bring up a question or concern you have about school discipline your child? A teacher? A fellow parent?

END OF LESSON REFLECTIONS: The teacher asks students at the end of each lesson what they learned and how they felt doing these activities. The teacher may want to take notes based on what students share to help in preparing the lesson for the following week. Guiding questions to pose to students include the following:

- What new ideas/content did you learn?
- What new vocabulary did you learn?
- What new rights did you learn?
- What was difficult? What was easy?
- How did you feel?
- What would you change?
- How would you use this information?

FAQ: LEGAL INFORMATION ABOUT SCHOOL DISCIPLINE

◆ How can my child be disciplined?

Discipline will begin in your child's classroom. Most teachers will have in place a **behavior management program**. Some common varieties include: students moving between colors to signify they are behaving well (for example, everyone will start the day on the color blue, and if students misbehave they will move to green, then yellow, then red. There may also be consequences attached to moving between the colors, such as losing the privilege of free time, or having to write a note of apology, or the teacher will write a note home if the student gets to red.) Other systems may include the teacher giving the student a warning, then asking him or her to 'take a break' at a special spot in the room. If the student is still struggling behaviorally, the teacher may send him or her to a buddy room or may have to call support staff to remove the child from the classroom. Every teacher will have her or his own method, so feel free to ask the teacher and your child to explain the behavior management system to you.

If a student is behaving in a way that the teacher thinks is unsafe or that is preventing other students in the class from learning, the student may be **taken out of the classroom**. The school may have a special behavior room or Dean's room where children go when they need to leave the class. There the child may be told to write a reflection or apology about their actions. Students may also do work there if they need to be out of the classroom for the whole day. If the child acted in a dangerous or very disrespectful way they may be given detention, in school suspension, out of school suspension, or in very serious cases be expelled.

Detention means a student will either spend recess, lunch, study hall or a set period of time after school in a room supervised by a teacher or administrator. Students will need to be quiet during this time and do their homework or work given to them by the detention supervisor. Detention does not go on a student's permanent record and while it is an inconvenient and unpleasant punishment, it is not the most serious.

Suspension is more serious than detention. While detention lasts merely for one class period or an hour, suspension is measured in days. An in-school suspension means that the student will go to school, but instead of spending the day in his or her classes, he or she will spend the day in a designated room. There she will do the work she would otherwise be doing in her classes and perhaps additional work. An out of school suspension means that the student is not allowed to come to school for a designated period of time. The child will likely have work to do at home, but will not be able to come to school during that time.

Expulsion (being expelled) is the most serious form of punishment. If a child is expelled, it means he or she cannot come to that school any longer. You will need to find another school for your child to attend. In a district school, a student may be removed from one school in the district and placed in another (this is not a full expulsion and the term used for this can differ from district to district). Generally, students are required to attend school until age 16 or 17 (depending on the state), so even if your child was expelled from one school he or she will still be able to register at another school. Dangerous and disrespectful activities warranting suspension or expulsion can include hitting another student or teacher, threatening to harm a student or teacher, bringing a weapon to school, bullying other students, theft, vandalism, etc.

This information is meant to provide useful basic information about the law and is not legal advice. It is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced.



FAQ: LEGAL INFORMATION ABOUT SCHOOL DISCIPLINE

◆ How do I find out about my child's school behavior plan?

If your child attends a district school you can find information about the discipline policy of the district at the district's website. As a sample, below is the Code of Conduct for Boston Public Schools, which can be found by going to the Boston Public School's Website, and clicking the Rights and Responsibilities link under the Student and Family Resources tab.

<http://www.bostonpublicschools.org/cms/lib07/MA01906464/Centricity/Domain/203/CoC%202014.pdf>

Many charter schools will also have information about their discipline policies available on their websites. If you cannot find the school's discipline policies, ask your child's teacher or the school principal and they will be able to provide you with the document.

◆ Are there any boundaries to how my child can be disciplined in school?

Schools have a lot of discretion in how they discipline children. In 1977, the Supreme Court, held that corporal punishment (hitting children) in schools was not unconstitutional, as it did not violate Eighth Amendment right to freedom from cruel and unusual punishment, nor did it violate their 14th Amendment right to due process. However, the court noted that school officials who went too far faced civil and criminal liability under state law. Even though corporal punishment in schools is not unconstitutional, many states and municipalities have enacted laws prohibiting corporal punishment by teachers and many schools also have internal policies prohibiting teachers from inflicting corporal punishment on students. Though the Supreme Court has not reversed itself, state and local law, and school policies generally prohibit teachers from physically punishing students for misbehaving.

A child facing expulsion is entitled to a hearing before a designated body. At this hearing the child can contest the claims against him or her and try to reverse the schools expulsion decision.. Every school district, charter school, or private school will have its own clearly laid out process. Regardless of the type of school, your child will not be expelled without a hearing. You will be notified of the hearing ahead of time.

Suspensions need not have such a clearly defined process. In *Goss v. Lopez* (1975) the Supreme Court held that for temporary suspensions, students have a basic right to due process. However, the process they are due is very flexible, and the court gave a lot of leeway to schools. Students facing temporary suspensions must be given oral or written notice of the charges against them and, if the student denies the charges, an explanation of the evidence the authorities have must be given and the accused also must have an opportunity to present his side of the story. This can take place during an informal conversation with a school administrator.

This information is meant to provide useful basic information about the law and is not legal advice. It is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced.

January 2016