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Judge's decision may change school expulsion process

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A Cook County judge will decide today whether to uphold his May ruling against Northwest Suburban High School District 214 in an expulsion case, or alter it as the district has requested.

The student, who will be asking the judge to reinstate him while the case proceeds, was one of three Prospect High School football players who were expelled after they were accused of sexually assaulting a teammate in the Mount Prospect schools' locker room in October.

High school educators around the state are watching the case before Circuit Judge Albert Green closely because they fear they will have to radically change the way they investigate accusations of wrongdoing against students.

David Turner, executive director of the Illinois Principals Association, says his Springfield-based group is very interested "because we don't want to see the normal procedure for expulsions become any more complicated than it already is."

But at least one lawyer says Green's ruling, which granted one student a new expulsion hearing in place, was consistent with precedents.

The reason school officials are surprised, says lawyer Brooke R. Whitted, who has 19 years of school law practice under his belt, is that a judge actually had the gumption to apply the law to them.

"This is not a surprise," he said, adding that Green's ruling is a textbook application of a 1975 opinion by the U.S. Supreme Court.

In a case known as Goss vs. Lopez, the Supreme Court ruled that school districts must give students due process during expulsion proceedings, although the court didn't define to what lengths school districts must go.

Generally, due process "requires fairness to people who are accused of wrongdoing," said Jeffrey M. Shaman, a constitutional law pro-

fessor at DePaul University in Chicago. Both the federal and Illinois constitutions have due process provisions, he added.

Specifically, due process includes the right to confront those making the allegations and the sharing of information by the side pressing the charges. In criminal law, this sharing is called discovery.

Green ruled discovery would force the district to turn over a list naming the student witnesses interviewed by school officials, with details about the allegations made by the students.

Turner says current practices are sufficient.

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enforcing its zero-tolerance policy, something the district's school board emphasized about five years ago, insiders argue.

John Ratliff said he didn't want to speculate on what board members would do if Green's ruling stands.

Ratliff did make clear he doesn't think the ruling should stand.

"This isn't a criminal proceeding, at least as far as the school district is concerned," he says. "To apply criminal procedure to school based issues, No. 1, it's nearly impossible to comply with, because it's extremely difficult to administer.

"And the board does not believe that the law in Illinois requires us to do that, with good reason," he said. "Historically, schools have been given a lot of discretion as to how they deal with disciplinary issues."

Tom Hansen, who, as assistant superintendent for student services, oversees disciplinary matters, said Green's ruling wouldn't stop expulsions, "but it (would be) an added time restraint put on the deans."

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