

Nov.  
169

## CONTENT OF DISCUSSIONS

HONORABLE ROBERT B. MORGAN (PRESENTER):

- I. Identification of Issues - Contemporary Issues center around discipline.
- II. Background of Contemporary Disciplinary Issues
  - A. Much discussion about college campus disorders (Berkley, Columbia, Duke, etc.)
  - B. Began to hear about high school disorders (Some in North Carolina)
  - C. More disorders on campuses in last two years than in all previous years
  - D. About 200 federal court decisions regarding actions of students in public schools where First, Fourth, ~~and~~ Fourteenth amendments has been violated
  - E. No Revolt by Masses of Students
    1. Five per cent or fewer college campuses disrupted
    2. Approximately 1% of North Carolina high school campuses disrupted
    3. Disturbances caused by small groups, wanting turmoil rather than change
    4. Grievances exploited by those (people) with other motives
  - F. No real meddling by courts to regulate control by educational institutions
- III. Procedures for Coping with Violent Disruptions
  - A. Students are entitled to "Due process"
    1. Fairness
    2. Reasonableness
  - B. School Principals are not bound by technicalities of criminal cases
  - C. School administrators do have power to regulate discipline to implement effective discipline.  
(GS 115:146)
    1. May send student home "on the spot" to preserve order
    2. Suspension by principal restricted to ten days
    3. May get court order to restrain outsiders from interrupting order.
    4. Principal also has right to enact trespass law
    5. Exercise caution, fairness, and reasonableness in carrying out power
  - D. Be willing to assume responsibility

E. Hearings

1. Public hearing not necessary in local school if it would tend to disrupt the learning activities and programs
2. Desirable to let student know who accused him of what
3. Wise but not mandatory to hear witnesses supplied by student
4. Legal counsel is often very disruptive to educational situation. Private conference between lawyer and principal is preferable to cross examination of students, by lawyer, in school
5. The more severe the offense, the more care should be taken to be thorough in discussion of problem and to advise student and family of situation
6. Avoid even the term "hearing" if possible

IV. Right to Search (college-rooms or high school-lockers)

- A. Do have right to search without search warrant
- B. Fairness to be exercised in search
  1. Student needs to be present when searching personal property
  2. Don't search unless there is some reason to suspect specific student

V. Double Jeopardy

Conviction in court and restriction by school does not constitute double jeopardy

VI. Appeal

Anyone has right to appeal to the Board of Education within a specific period of time

VII. Example

Do hair and arm bands disrupt school procedures? If so, they can be prohibited

DR. J. E. ERYSON (REACTOR):

- I. Power tends to Gravitate to those who will assume it
- II. Call for discussion on
  - A. Teacher Disruption
  - B. Underground Press

HONORABLE ROBERT B. MORGAN (IN RESPONSE):

- I. Teacher Negotiations
  - A. Terms of contract to be carried out
    - 1. Teach so many days
    - 2. Maintain discipline
    - 3. In future, more detail of duties may be included in contract
  - B. North Carolina law prohibits governmental agency from bargaining with labor agency. This does not prohibit them from listening to professional groups.
- II. Publication
  - A. If one seeks to suppress underground press, one will probably increase its circulation
  - B. Ignore it, if it doesn't interfere with education
  - C. If it does interfere with education, administration may control or punish for action causing the disruption

MR. WILLIAM F. MAREADY (REACTOR):

- I. Agreement on many points with the Attorney General
- II. There has been a tendency of school administrators to shackle selves.
  - A. Hesitancy to act has been invitation for more
  - B. Causes
    - 1. Newspapers or gossip
    - 2. Educators have not been conditioned to new times in which we live

MR. B. L. KING (REACTOR):

- I. Belief that principals are prudent
- II. Grounds established by the Attorney General give principals basis to "take the situation in hand"

MR. ROBERT A. NEWTON (CHAIRMAN):

- I. Principals get into trouble when they are more concerned about their image than about the welfare of students
- II. Administrators are educational leaders, not legal leaders of their domain