NOTICE AND AN OPPORTUNITY TO BE HEARD: DUE PROCESS RIGHTS OF PUBLIC SCHOOL TEACHERS AND STUDENTS

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> We are born weak, we need strength; helpless we need aid; foolish we need reason. All that we lack at birth, all that we need when we come to man's estate, is the gift of education. – Jean-Jacques Rousseau, *Émile* 1762

Introduction

Although they are rarely aware of it, civil rights attorneys are the ideal choice for handling due process claims against public schools. Students facing a suspension or expulsion hearing or challenging Individualized Educational Plans (IEPs), or a teacher facing a disciplinary hearing need lawyers that are familiar with the due process clauses of the Constitution. Those lawyers are civil rights attorneys. So how is it that most civil rights attorneys miss these cases?

Typically, § 1983 cases are thought of in the context of the Fourth Amendment's prohibition against search and seizure. These are usually police misconduct cases, but also encompass zoning ordinance cases and other property issues. Section 1983 is also widely used in First Amendment claims. But 42 U.S.C. § 1983 was not passed pursuant to the Bill of Rights. It was passed pursuant to Section 5 of the Fourteenth Amendment, through which substantive due process analysis applies the Bill of Rights to the states. The fact that it is the Fourteenth Amendment that is directly implicated rather than the Bill of Rights is often lost on attorneys, save employment lawyers who apply it in the context of the Fourteenth Amendment's Equal Protection Clause in discrimination cases.

But Due Process is itself a difficult concept. Prior to the passing of the Fourteenth Amendment, there simply was no recognition of the Bill of Rights as applicable to the states. See *Barron v. Baltimore*, 32 U.S. 243 (1833). Efforts to apply the Bill of Rights through the Fourteenth Amendment against state actors first took form in the Privileges and Immunities Clause. However, the Supreme Court, Justice Miller, made clear in the *Slaughter-House Cases* 85 U.S. 36 (1873) that the Privileges and Immunities Clause did no such thing. Instead it did such things as to require the free access to seaports and require the Government to protect life, liberty and property on the high seas, among other things. But it did not apply as against the states.

Later cases, including *Chicago, Burlington & Quincy Railroad v. Chicago* 166 U.S. 226 (1897), began incorporating portions of the Bill of Rights through the Due Process Clause. In *Lochner v. New York*, 198 U.S. 45 (1905), the Court affirmatively recognized a non-procedural

aspect to the Due Process Clause. Cases that followed, including *Palko v. Connecticut*, 302 U.S. 319 (1937) and *Adamson v. California*, 332 U.S. 46 (1947), began using the Due Process Clause in this manner on a more regular basis even after the Court had abandoned *Lochner*. Finally, in 1965, Justice Douglas issued his famous opinion in *Griswold v. Connecticut*, 381 U.S. 479 (1965), recognizing the right to privacy. Since that time, the words "due process" typically invoke the concept of substantive due process.

There is no question that substantive due process issues exist in the school context and the latter portion of this paper will address them.[1] However, because in the context of public schools, the *procedural* aspect to the Due Process Clause of the Fourteenth Amendment creates a myriad of legal issues, the lions share of this paper is devoted to handling those procedural aspects. Schools have to comply when creating or defending an IEP; discipline of teachers, social workers, and other school staff; and most commonly, in student discipline. While the procedure afforded is not often great, neither is it insignificant.

Due Process Rights

A. Procedural Rights: Student Discipline, IEPs, and Teacher's Rights

Students enjoy a far more limited panoply of rights in the school context than do citizens outside of the school context. Where a student is facing a temporary suspension from a public school, procedural due process is implicated. In this context, due process requires that at the least, in connection with suspensions of up to ten days, students be notified of the charges against them and be given an opportunity to be heard. This right originates in standard due process analysis.

The Due Process Clause of the Fourteenth Amendment mirrors that of the Fourth Amendment prohibiting a state from depriving "... any person of life, liberty, or property without due process of law." In the context of public school education, the question is one of a property interest. The first question in any case is whether a right to due process is involved in the particular action at stake, i.e., is there a property interest at stake? *Roth v. Board of Regents* 408 U.S. 564 (1972), specifically addressed this question. David Roth was an assistant professor at Wisconsin State University at Oshkosh with a one year contract. The University refused to reappoint him and he received no "due process." The Western District of Wisconsin entered summary judgment in favor

[1]As originally written, this paper was intended to be one on procedural due process in the schools, hence the title "Notice and An Opportunity to Be Heard". However, noting that the outline for the seminar indicates that substantive due process in the school context is not otherwise covered, a small section of this presentation has been devoted to the subject.

of Professor Roth. The Seventh Circuit affirmed. The Supreme Court reversed this holding finding that Professor Roth had no property interest in his job and therefore no right to due process. "To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it." *Id.* at 577.

The property interest has to be created somewhere. "Property interests, of course, are not created by the Constitution. Rather they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law." *Id.* While there is no Constitutional guarantee of a public education, the state statutes creating public schools effectively create that right. In addition, "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential." *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971).

In the context of the procedural rights due to public school students facing suspension or expulsion, the seminal case is *Goss v. Lopez*, 419 U.S. 565 (1975). *Goss* found that property interests were involved under both the *Roth* analysis (a right created by a statute, specifically that creating public education), and the *Constantineau* analysis (finding that a suspension or expulsion could impact a person's reputation, honor, or integrity).

Having established a property interest, the second question is how much due process is required. In the criminal context, a great deal of due process is accorded. Defendants are provided counsel and the right to trial by jury. A suspension of 10 days or less for a school student does not rise to that level. Therefore, *Goss* instructs that "the student be given oral or written notice of the charges against him and, if he denies them, an explanation fo the evidence the authorities have and an opportunity to present his side of the story." *Goss*, 419 U.S. at 581. It is important to note that it is the actual notice that matters and such notice can be verbal. *See Watson v. Beckel*, 242 F.3d 1237 (10th Cir. 2001) (due process was not offended where a written notice of a disciplinary hearing did not mention the charges because the student was already aware of them).

There is no question that a school could go through the motions of providing notice and an opportunity to be heard, but the presumption is that fundamental fairness will be accorded. By presenting his side of the story, a student has the opportunity to provide evidence which might change the school's mind, correct an error, and thus avoid arbitrary deprivations of liberty. And of course, "parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified." *Goss*, 419 U.S. at 579, citing *Baldwin v. Hale*, 1 Wall. 223, 233 (1864).

Because in most cases it is possible to conduct a hearing immediately after the misconduct at issue, due process must issue *before* action is taken against the student. However, "students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable." *Goss*, 419 U.S. at 582-3.

Goss set forth minimum standards of due process and noted that a suspension of ten days or less merited the minimum standard. Typically, more stringent standards have been applied for more serious penalties. But there is no absolute standard as to what is the appropriate process in more serious cases. In *Dixon v. Alabama State Board of Education*, 294 F.2d 150 (5th Cir. 1961), no due process was provided at all to several students expelled from Alabama State College, Montgomery. The Fifth Circuit determined that the standard for due process here was created by past practices of the school. "It is true, as the district court said, that '* * * there is no statute or rule that requires formal charges and/or a hearing * * *,' but the evidence is without dispute that the usual practice at Alabama State College had been to give a hearing and opportunity to offer defenses before expelling a student." *Id.* at 155 (citations omitted).[2]

As always seems to be the case in questions of Constitutional law, there is also a question of balancing rights. A student's right to due process must be balanced against the needs of the school and other students. *See e.g. Schneider v. Board of Trustees, Fort Wayne Community Schools*, 255 F.Supp.2d 891 (N.D.Ind. 2003) (male high school student facing expulsion for engaging in sexual activity on campus has no right to obtain the names of his accusers or to cross examine them because any benefit would be outweighed by the adverse effect on student discipline and the chilling effect on other students who might otherwise report misconduct).

The same analysis holds true for the implementation of Individualized Education Plans (IEPs). Because IEPs impact a student's education, due process is required in this context as well. Typically, an IEP is prepared by a school social worker. Any student can challenge the adequacy of the IEP and procedures set forth by the Board of Education of the particular state provides for a due process hearing. Although litigation over due process on IEPs is rare because of the interest on the part of the schools to manage them well, the underlying procedural challenges do take place.

While students have a property interest in their public educations, educators do not necessarily have that same property interest in their jobs. Returning to *Roth supra.*, the key is an entitlement to the property. In that case, Professor Roth did not have a property interest beyond June 30, 1969 because his term of appointment expired at that time. However, in its companion case, *Perry v. Sindermann*, 408 U.S. 593 (1972), the Court determined that lack of contractual tenure did not foreclose the possibility of a property interest on the part of the professor if it could be shown that the college had a *de facto* tenure system. Tenure would, of course, create a property interest and does so for public school teachers as well as university professors.

Where the due process afforded a student may be minimal, that same due process when provided to a public school teacher is tremendous relative to requirements of employers in the private sector. In the context of employment at will, an employee rarely has a leg on which to stand.

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[2]It is important to note that *Dixon* is really a civil rights case pursued by the NAACP Legal Defense Fund and argued by Thurgood Marshall and Jack Greenberg (succeeded Marshall as the Director of the Fund).

The company can terminate his employment at any time for any reason or no reason at all. Typically, public school teachers are provided due process hearings just as are students.

Generally speaking, education is not the responsibility of the Federal Government and great latitude is given to public schools. The underlying expectation is that where school administrators are able to make informed decisions, fundamental fairness will prevail.

B. Substantive Due Process

The fact that procedural due process represents the majority of Constitutional issues arising in the school setting does not mean that substantive due process is lacking in this context. Certainly, a student's rights are more limited. Where the state has a compelling interest, Constitutional rights must be balanced and can be infringed. Within the school context, the state has compelling interests.

> The interest of the state in maintaining an effective and efficient school system is of paramount importance. That which so interferes or hinders the state in providing the best education possible for its people, must be eliminated or circumscribed as needed. This is true even when that which is condemned is the exercise of a constitutionally protected right.

Ferrell v. Dallas Independent School District, 392 F.2d 697, 703 (5th Cir., 1968). But "[i]t can hardly be argued that teachers and students shed their Constitutional rights ... at the school house gate." *Tinker v. Des Moines* 393 U.S. 503, 506 (1969) And in fact, there are a myriad of cases upholding substantive rights of teachers and students in many contexts: *Tinker supra.* (Freedom of speech); *Bartels v. Iowa*, 262 U.S. 404 (1923) (freedom to teach foreign language); *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943) (freedom from requirement of students to salute the flag); *Shelton v. Tucker*, 364 U.S. 479 (1960) (freedom of association – teachers not required to disclose all organizations or associations to which they belong); *Engel v. Vitale*, 370 U.S. 421 (1962) (freedom from participating in school prayer).

More often than not § 1983 claims are associated with violations of the Fourth Amendment Right of against unreasonable search and seizure. To a limited extent, the line between procedural due process and substantive due process is blurred in this context. The Fourth Amendment itself protects "life, liberty, [and] property" from search and seizure (i.e. substantive), but only "without due process of law" (procedural).

A police officer may stop and question a person on reasonable suspicion and may then conduct a "pat down" search in an effort to secure his safety, *Terry v. Ohio*, 392 U.S. 1 (1968), but is generally required to have a warrant or probable cause to do a full fledged search. But the standard in the public school setting is much lower. The key case here is *New Jersey v. T.L.O.*, 469 U.S. 325 (1985):

> The warrant requirement, in particular, is unsuited to the school environment: requiring a teacher to obtain a warrant before searching a child suspected of an infraction of school rules (or of the criminal law) would unduly interfere with the maintenance of the swift and informal disciplinary procedures needed in the schools.
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> The school setting also requires some modification of the level of suspicion of illicit activity needed to justify a search. Ordinarily, a search--even one that may permissibly be carried out without a warrant – must be based upon "probable cause" to believe that a violation of the law has occurred.
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> [The] legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search.

Id. at 340. In short, in balancing compelling governmental interests in the school context against the Fourth Amendment rights of students, *T.L.O.*, reduces the standard for conducting such searches. Where a police officer may conduct such a search only upon a showing of probable cause (with certain exceptions), a school official may do so upon a showing that the search was reasonably related to some legitimate goal of the school.

Procedural Due Process in Practice

As a general proposition, *Goss*'s goals of avoiding arbitrary and capricious discipline by insuring that those responsible act with full information are met by the minimal standards of notice and an opportunity to be heard (which includes a statement of the evidence against him when a student denies the allegations). The same holds true for challenges to IEP's and teacher discipline. Underlying this conclusion is the assumption that the individuals conducting the hearing do so in good faith.

A. Handling a Due Process Hearing I: Student Discipline

There is a significant difference in the way suspension and expulsion hearings are handled in large school systems on the one hand and smaller ones on the other. That difference can be reflected in not only a greater separation between accuser and judge, but in the formality and standards of the hearing provided.

1. Big City School Systems – The Chicago Paradigm

Because of the size and complexity of larger school systems, more rigid structures need to be in place in order to ensure that the system's rules are followed. The Chicago Public School system includes some 600 schools and continues to grow. Typically, students facing suspensions and expulsions receive a hearing before a kind of administrative law judge at the school systems' main office downtown Chicago.

The first step is a Notice of an Expulsion Hearing letter send to the student and his parent/guardian. The notice will provide a description of the incident, date, misconduct, and date and time for the hearing.

The hearing itself is a very formal one in which an independent attorney contracted by the system acts as the hearing officer. Hearings are typically prosecuted by law students under the direction of the department's director. In a manner very similar to a court hearing, the "prosecutor" questions witnesses and provides documentary evidence. The public school student is then afforded an opportunity to cross examine and to make a rebuttal case with whatever witnesses he desires. Depending upon the hearing officer, the rules of evidence may be strictly enforced or more leniency may be given. Although students are not required to have counsel, they are given the opportunity to be represented by private counsel if they so choose.

The hearing officer then provides a written opinion to the Region Education Officer. Final approval resides with the Chief Education Officer.

One alternative to expulsion that is available to the Board of Education (and consequently the hearing officer to recommend), is the Saturday Morning Reach-Out and Teach Program (SMART). The SMART Program is "[a] comprehensive and integrated eight-session Saturday morning program which includes the attendance of an adult representative at two meetings and the completion of outside community service." Chicago Public Schools Uniform Disciplinary Code.

The rigid requirements and independent hearing officers provide a large measure of security against arbitrary and capricious disciplinary action. The individuals "prosecuting" and conducting the hearings have no personal stake in the outcome and generally are careful to consider all evidence.

2. Smaller School Systems

Smaller school systems do not have the need for the rigid structure provided by the Chicago Public Schools. With more than 600 schools, expulsion hearings are an every day occurrence in Chicago. But in the case of a small district containing one high school and a few middle schools, an expulsion hearing is likely a very rare thing. Many go years without expelling students. As a result, the school board itself typically reviews the evidence provided by the principal and student. Often that means a quasi-evidentiary hearing where the school principal acts as "prosecutor" and the school board itself as "judge." But because these people may be close to the individuals involved in the incident(s) prompting the expulsion proceeding this can create questions of bias. This issue is discussed further in the litigation portion of this paper with the specific example of *Doe v. Nameless High School*, a real case.

B. Handling a Due Process Hearing II: IEPs

Individualized Education Plans or IEPs are also subject to due process. In most cases they go unchallenged. The school system itself has an incentive to provide as much support as possible to

ensure the success of its students. Schools compete for recognition of student accomplishment. As a result, most IEPs are carefully structured to meet the needs of the particular student.

On occasion, a parent/guardian may conclude that the IEP is insufficient. Often this results from the ego of the parent/guardian being offended that the child has been identified as a "special needs student." For the attorney handling this case it is important to remain objective. Where it appears that the child is indeed a special needs student it may make more sense to fulfill that student's needs rather than challenging the system that is attempting to support the child.

Where the IEP is inappropriate, a due process hearing is provided. The first step for counsel is to identify what is missing from the IEP. If careful consideration is taken in the first step, more often than not, the school will listen to the parent/guardian's concerns in an informal setting and negotiate with the parent/guardian and/or counsel to modify the IEP appropriately. Where no such accommodation can be made, most systems will hold a formalized hearing where the student can present evidence as to why the plan needs to be modified.

C. Handling a Due Process Hearing III: Teachers' Rights

In the context of teacher discipline, due process again has a significant impact. Most schools prefer to err on the side of removing a teacher where serious accusations are made. But referring back to *Goss* and *Sindermann*, which noted that he "had no less a procedural due process right to a statement of reasons and a hearing before college officials upon their decision to terminate him." 408 U.S. at 600. While that hearing need not be the formal kind of hearing that the Chicago Public Schools affords to students facing expulsion, some notice and opportunity to be heard is required.

Even non-tenured teachers must receive due process at the Chicago Public Schools though it is far less formal than the hearing provided to students facing expulsion. An investigation is made and the investigator makes a determination whether there is or is not substantial evidence to support the allegations against the teacher. Where the investigator determines that no substantial evidence exists, no further action is taken against the teacher. Where the investigator finds substantial evidence, the teacher is given a copy of the investigation report and is scheduled for an investigative conference during which she is entitled to present her side of the story. Although this hearing is recorded, it is little more than a meeting in a conference room with the hearing officer during which the teacher and/or her counsel plead her case.

This kind of conference is not one where there is a presentation by any "prosecutor." There is no examination and cross-examination. But the hearing officer has substantial freedom to make the determinations he believes appropriate before forwarding his recommendations to the school board for final approval. The result of his investigation may be a finding that the teacher has taken no action to merit discipline or termination.

D. Response to a Due Process Violation

Just because the law requires some manner of due process does not mean that every school district adheres to it, particularly when suspensions of less than 10 days are involved. But by the time the student obtains legal counsel, the damage is often done. A student may have missed classes, missed exams, suffered injury to his grades as a result of not being permitted to turn in homework, and may have suffered the humiliation of having been suspended. Even if the student obtains legal counsel immediately, stemming the damages will be difficult because of the speed with which they occur. In these circumstances counsel is left with one of two options: negotiation or litigation.[3]

1. Negotiation

Once a suspension begins, damages incur. Some of those damages are simply not redressable at all. But some, like injury to grades can be reversed. Even damage to reputation can be ameliorated at least in part by a letter of apology.

If an attorney contacts the school principal, he likely will be referred to legal counsel which can complicate the negotiation. Therefore, it is usually best to start with the parent or guardian contacting the principal. If that fails, counsel can always go through more formal channels, and often once a connection is made with the school's counsel, the situation can be resolved.

When trying to negotiate a resolution, schools will generally not entertain financial consideration as a portion of their obligations under that resolution. Instead, counsel should focus efforts on negotiating changes to the student's file and grades. In some cases, a school will first have to be persuaded to provide the proper hearing and then be persuaded by the hearing to adjust its decisions. Although the hearing is presumed to be fair, as a realistic matter, the school is not likely to change its prior decision. Nonetheless, it may be willing to compromise the penalty.

2. Litigation

There are times when a school simply refuses to provide the necessary due process or provides "sham" process. Appendix B attached hereto is a complaint filed in the case of *Jack Doe v. Unnamed School, et al.*[4] Essentially, the *Doe* case alleges that a student was denied due process

[3]The discussion that follows focuses on student disciplinary hearings, but is equally applicable to IEP hearings and teacher discipline hearings though the injuries counsel is trying to address may differ.

[4]This is an actual case litigated before the United States Court for the Northern District of

before being suspended and later given a sham expulsion hearing during which his counsel was subjected to vitriolic and vulgar language by the district's attorney who was "playing judge." At the end of the hearing, Plaintiff was expelled essentially because another student testified that after smiling at the Plaintiff he believed that the Plaintiff believed that he, was gay and that the Plaintiff "liked him." This, the school board reasoned, constituted sexual harassment.

Doe v. Unnamed School, et al. was a case where the Dean, the Principal, and at least one member of the school board had personal issues with the Plaintiff and everyone involved was biased. In addition, at the time of the expulsion hearing Plaintiff had already filed a previous complaint in Federal Court naming the Principal, Dean, and at least one member of the school board as individual defendants.

Illinois. However, because of the nature of the claims and the students involved, the case was maintained under seal. Thus name changes and use of initials have been made to protect the parties.

Injunctive relief is available if counsel can get a complaint filed and an emergency motion heard before action will be taken. In the *Doe* case, because the initial suspension was made at the end of the school year and was to go into effect at the start of the next school year, there was time to file such a motion over the summer.[5]

Procedural Due Process litigation is rare for good reason. Any federal litigation is time consuming, expensive, and emotionally taxing. In the school setting it is even more taxing on an emotional level, particularly where minors are concerned. Thus it is to be avoided if possible and if pursued, pursued with a vengeance.

Sample Substantive Due Process Litigation

Although most of the law's application to schools involves Procedural Due Process, most litigation involves Substantive Due Process. Such claims can arise in both the criminal context (e.g. *T.L.O.* where the search resulted in the school finding cannabis in the student's purse which was later used in a criminal proceeding) as well as civil complaints like *Tinker* and *Barnette*.

Attorneys who have enough of their practice focused on school law to see a variety of cases will encounter both procedural and substantive due process claims. Two claims handled by Maduff & Maduff (predecessor firm to Maduff, Medina, & Maduff) are described below as examples.

A. *Hilton v. Lincoln Way High School:* The KKK Case

Lincoln-Way High School is one of the largest in Illinois and is well known for its very high quality 400 member marching band, known as "The Marching Knights". Students audition for the marching band at the beginning of the school year. Kimberly Hilton was accepted into the marching band just before her sophomore year of school. Before school starts, the band takes an annual retreat to Sangamon County (Springfield, Illinois area) to work on team building and to perform at the State Fair.

Ms. Hilton alleged, among other things, that along with all other first year band members, she was subjected to significant hazing including: being locked in a room, led around with a blindfold climbing under and over objects in the dark, being forced to wear a bag over her head as a bus drove in circles, and culminating with a walk through the woods along a candle lit trail to a bonfire where she was required to kneel before a man in a white robe with white mask and white pointed hat and insult herself before being knighted. The impact on Ms. Hilton was such that she became physically ill and suffered from post traumatic stress disorder. A complaint was filed in Federal Court alleging violations both of 42 U.S.C. § 1983 and § 1985 along with common law torts.

[5]The TRO was denied because the court determined that there was an adequate legal remedy as Jack Doe was not being expelled and the suspension would not impact his grades.

Unlike *Tinker* and *Barnette*, *Hilton* was not a case demanding injunctive relief for the future (although there was talk of modifying the "induction ceremony"). Rather, this was a case demanding damages for injuries sustained.

B. *Bell v. Marseilles*: The Strip Search Case

Bell v. Marseilles Elementary School, 00 C 2553, N.D.Ill., presented a complaint by eight eighth grade boys who had been strip searched by a police officer in their middle school locker room in an effort to recover $47 purportedly missing.[6] Both the police officer and school officials were named in the complaint. The school officials filed a summary judgment motion essentially asserting that the police officer was liable and the police officer filed a motion essentially asserting that he was acting on behalf of the school.

Plaintiffs chose to not contest the facts asserted in either summary judgment motion and requested summary judgment in their favor based on the Defendants' uncontested facts. Summary judgment was granted to the school officials under the more lenient standards of *T.L.O.*, and in favor of the Plaintiffs as to the police. The case went to trial on the question of damages only.

Conclusion

42 U.S.C. § 1983 has significant application in the public school setting for both procedural and substantive due process issues. Although the procedural due process hearings in this setting rarely involve litigation over the actual statute, it is precisely because civil rights attorneys are familiar with § 1983 and its application that they are particularly qualified to represent both students and teachers in such hearings.

Although the procedural due process required is minimal, it relies on the assumption that school officials will act with fundamental fairness. Where that assumption is borne out, these procedures provide a powerful means of preserving the rights both of students and teachers alike. Knowing the law is helpful, but in its application as in all other cases, it is far better to resolve these issues short of litigation if at all possible. Nonetheless, litigation over procedural due process rights in the school context does exist and can be pursued if necessary though at great cost.

Substantive due process claims are more common in Federal Litigation, and more closely mirror the more common § 1983 cases brought against law enforcement and municipal entities. However, while students and teachers do not "check their Constitutional rights...at the school house

[6]The entire eight grade class was subjected to the strip search, but only eight chose to participate in the lawsuit.

door," school officials are held to a lower standard than are city officials and law enforcement officers.

Appendix
Complaint in the matter of *Doe v. Unnamed School District*