

15. Public School Expulsions

On May 02, 2000 James M., then fifteen years old, caused an explosion by placing a quarter stick of dynamite in a toilet at his school. On May 06, 2000 the school district expelled him for a period of two years. The decision to expel James did not provide for him to receive any alternative education during the period of expulsion. James explained his behavior at the expulsion hearing as a prank, instigated by another student, to get them sent home from school for the day. By May 06, 2000, when the school district issued its decision to expel James, he had amassed nineteen disciplinary infractions throughout the 1999-2000 school year. His grades for the immediately prior grading period had been two F's and a D+.

Early in the fall of 1999 James' mother had expressed her concerns to the assistant principal for discipline that James might be using drugs. She inquired of him about the possibility of implementing for James a program she had heard about under which, with parental consent, a student is subjected to random drug testing in school. The assistant principal for discipline said he would try to learn more about the program, but never got back to her about it. Later in the fall (December, 1999) a truant officer found James and a friend smoking marijuana in the friend's home during school hours and returned them to school. In the following spring (April, 2000) James was sent home from school for shouting profanities in a school corridor. That evening he attempted suicide by swallowing twenty- six tablets of Ritalin, his prescribed medication for attention deficit hyperactivity disorder (ADHD). James' mother brought him to a hospital emergency room immediately. He was released the next day, fortunately alive and unharmed. James' mother promptly informed the assistant principal for discipline of the attempted suicide, discussing it with him at school for approximately a half hour.

Most educators, even those who decry what they consider widespread excessive reliance upon expulsions, would say that no public school could accomplish its fundamental purposes without authority to expel. Educators would point, in this regard, to considerations such as maintenance of an environment in which learning can proceed, provision of basic security and safety for students, and affirmation of respect for indispensable rules of school conduct by communicating an unmistakable message that certain kinds of violations are forbidden completely.

The two-year expulsion period for James M., with no provision for alternative education, was (and remains at this time) a permissible disciplinary measure under the Illinois School Code. Despite such compliance with the laws of Illinois, however, it is apparent that, in many cases, a two-year expulsion, without providing for alternative education during the expulsion period, makes it all but certain the expelled student will drop out of school. Such a consequence, in turn, is correlated strongly with a bleak future that includes unemployment, necessity to rely on public assistance, substance abuse, and/or incarceration for criminal activity.

A case now pending before the Supreme Court of North Carolina involves a student expelled in January of 2008 for the remainder of the 2007-08 school year. The student contends that the expulsion violated her right to receive a free public education, under the State Constitution of North Carolina because no alternative education program was provided for her during the expulsion period.