

Resource Sheet #3

What's Going On? : A Guide Booklet Prepared Especially for Students and Their Parents to Help Them with School Problems and the Law (1975)

WHAT'S GOING ON?

A GUIDE BOOKLET PREPARED ESPECIALLY
FOR STUDENTS AND THEIR PARENTS
TO HELP THEM WITH
SCHOOL PROBLEMS AND THE LAW.

FREEDOM HOUSE
INSTITUTE ON SCHOOLS & EDUCATION
14 Crawford Street
Roxbury, Massachusetts 02121

FOR FURTHER INFORMATION
CALL: 440-9610

O.K...SO WHAT ARE YOUR
RIGHTS IN SCHOOL?

The first thing all students and parents should do is ask the Principal or Headmaster of their school for a copy of the

BOSTON CODE OF DISCIPLINE (It is free!)

This will tell you the authority of school personnel in discipline matters and the procedures for suspensions and expulsions.

The BOSTON CODE OF DISCIPLINE provides that you may be suspended whenever you have engaged in:

- criminal conduct
- serious or repeated violations of school rules
- disruption of classes
- injury to others or intentionally placing others in fear of injury
- malicious damage to property of others
- use of profane or obscene language

You may also be suspended if you are found in possession of a dangerous weapon, mind-disturbing contraband such as marijuana, T.H.C., Acid, or Mescaline, or found to be under the influence of such drugs.

You should know that last year the most frequent reasons for student suspensions were:

- fighting
- cutting classes

- disruptive school behavior
- insolence
- misbehavior
- swearing and using foul language
- being late
- threatening or assaulting another student or a teacher, or other school personnel
- smoking

PLEASE NOTE: Headmasters and Principals may impose various penalties for the same conduct. The Code of Discipline does not prescribe which penalties should be imposed for particular violations of school rules. This means that the penalties imposed are at the discretion of the Principal. This means that at one school you may be suspended for conduct that someone would not be suspended for at another school.

The Code of Discipline (Art.III, Sec.I) states that a student under 16 years CANNOT BE SUSPENDED FOR MORE THAN 3 DAYS, and a student OVER 16 years CANNOT BE SUSPENDED FOR MORE THAN 5 DAYS. It also requires that before you are suspended, the Headmaster must provide you with a REASONABLE opportunity to present your side through witnesses or your own statement (Art.I).

However, last year the U.S. Supreme Court decided that in cases where a student is about to be suspended for less than 10 days, an informal hearing must be held by the Headmaster. This informal hearing usually takes place when you are in the Headmaster's

or Principal's office and he/she asks you, "What happened?" Thus, you should think carefully about what you tell him/her and be sure that your witnesses, if any, are brought in to confirm your story.

Headmasters have also been told to attempt to obtain the cooperation of your parents in solving discipline problems (Boston Code of Discipline Art. I). However, last year's experience has shown us that this does not always happen; so if you have had, or are having trouble with a teacher's aide, a teacher, a bus monitor or any school personnel, be sure to inform your parents even if you did not take it seriously. Last year, many students were suspended for incidents for which they would not have been suspended previously.

If you are suspended, the school should send a letter home at the end of the day to your parents informing them of:

- the charges against you
- the rule which you are supposed to have violated
- the length of your suspension
- the letter must be written in the language spoken at home, if it is not English.

WHAT YOUR PARENTS SHOULD DO IF YOU HAVE BEEN SUSPENDED OR PUNISHED

1. Get your side of the incident, write it down.

2. Call the Principal, ask for an immediate conference to discuss the matter. The Principal may reinstate you after the conference.
3. If you are not reinstated after the conference with the Principal, (and especially if the suspension has lasted for more than... 5 days if over 16, or 3 days if under 16) your parents should request a formal hearing from the Dist. Superintendent. This request should be in writing; be sure to keep a copy so that you have a record of your request.

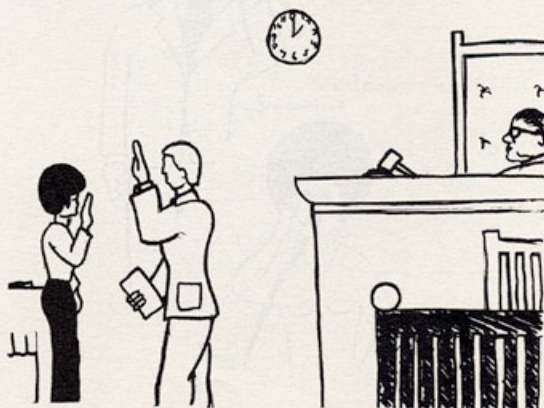


The name and address of your Dist. Superintendent can be obtained from the following places:

- a) The Headmaster or Principal of your school.
- b) Freedom House Community Information Center - 440-9610
14 Crawford Street
Roxbury, MA.

In the formal hearing, which is conducted at the level of the Dist. Superintendent, the burden of proof is with the School Department, as represented by your Headmaster or Principal.

PLEASE NOTE: Although the Dist. Superintendent is supposed to be impartial at this hearing, remember, he is also the immediate superior of your Headmaster or Principal and as such he is sometimes consulted when discipline problems arise in a school.



A FAIR HEARING MUST:

1. Be aimed at finding facts;
2. Give you the opportunity to present your side with written or oral testimony, including written or oral statements from your own witnesses.
3. Hear BOTH SIDES of the controversy in detail; (you have a RIGHT to cross-examine the School's witnesses and to dispute any written statements)
4. Uncover substantial evidence to justify your suspension or expulsion;
5. Provide you with names of witnesses against you and summary of their testimony;
6. Be conducted in the spirit of fair play.

You have the right to be represented by your parents, another responsible adult or lawyer. You also have the RIGHT to have a written or taped (at your expense) record of the proceedings, in addition to the written statements of the decision reached.

PLEASE NOTE: Because of the serious nature of the hearing and the importance of the outcome, it is advisable to bring a tape recorder if it can be afforded, because this will provide you with an accurate account of the proceedings and could also be useful in preparing for an appeal to the Superintendent of Schools, the School Committee or the Courts.

The School Code of Discipline requires that a hearing be held within 6 days after the day you were suspended, if you are under 16, and 10 days if you are over 16.

PLEASE NOTE: If a hearing is not held within that time schedule because the school officials have failed..... to meet with you, you are entitled to be immediately reinstated. DON'T BE FOOLED BY THEIR INSISTENCE THAT THEY CANNOT MEET THAT TIME SCHEDULE. YOUR PARENTS SHOULD INSIST THAT YOUR RIGHT TO AN EDUCATION COMES FIRST.

School officials should give your parents all information or statements which would support or dispute the charges against you. This means that your parents or whoever is representing you, should be given the names of any witnesses and be allowed to inspect in advance of the hearing any documents or written statements that will be used against you.

PLEASE NOTE: When you are suspended, some sections of the Code of Discipline might not be told to you or to your parents, so that in many cases your parents will have to request information, preferably in writing, from the Headmaster or Dist. Superintendent. Send the letter to both of them and be sure that you keep a copy for yourself.

The most effective way to make school officials respond to your requests is to have your parents get a lawyer or a community agency to also write or call in your behalf. If school officials know that there are other people interested in you, they will respond quickly.

Once the hearing is held, the Dist. Superintendent must make a decision within 5 days and a written statement of his decision must be sent to your parents or counsel and to your Headmaster or Principal. If you feel the decision reached is unsatisfactory, you may appeal to the Superintendent of Schools, to the School Committee and finally to the Courts.

HOW TO WRITE WHAT YOU SEE

There are many agencies in your community working to assist you with any problems arising from school desegregation. The collection of written documentation of incidents which happen to Black students going to and from school and while in school is an essential element in making the law work for you. Many community people and agencies are asking for your assistance in this documentation effort.

Take a look at the sample documented incident at the back of this booklet. It can be used as a guide when writing your report of an incident.

Last year, there were incidents in which many Black students were arrested or suspended from school following a fight with one or more White students. As part of the attacks on Black students, White students would, after consultation with their parents, file an assault and battery complaint in the District Court against the Black student whom they identified as the attacker. Therefore, in many instances where

Black and White students were fighting, it was the Black student who suffered the consequences. In part, this was due to the fact that,

1. Black students didn't know or remember the description of the White students they were fighting;
2. Black students did not report many of the incidents they were involved in, but the White students did; (in the legal system, the first one who files a complaint gets the response);
3. Police and school personnel did not catch as many White students as they did Black students.

It should be understood by all Black students that when there has been a disturbance in school between Blacks and Whites, it appears to have been the Black student who is grabbed first, (see sample incident). Because of this, it is very important for Black students to be able to:

1. Describe the White students involved;
2. Have other students who were not involved to be their witnesses
3. Document (write down on paper) what happened.

IMPORTANT NOTE: All of these are VERY IMPORTANT if we are to ensure that

Black students are dealt with fairly during the desegregation of the Boston School System.

Writing on paper the details of what happened at a particular time or incident, is very useful and very important when school or police officials are trying to find out how.... an incident started and what followed what. Having a written eye witness report will also be of great help to those students who might have gotten arrested, or to a student facing suspension. Therefore, if you are not involved in an incident, but witnessed some aspect of the incident, you should write down what happened and if necessary, volunteer to be a witness in school or in court. The way that things are going, you might be in need of a witness at some time.

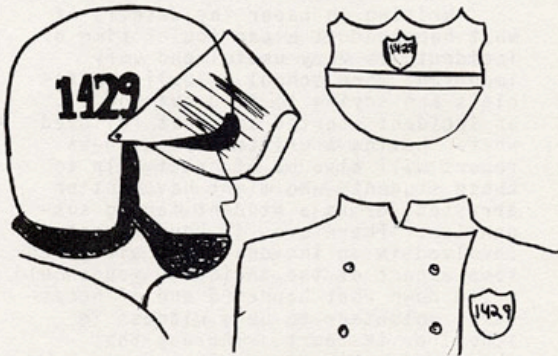
The several important things to remember when documenting an incident are:

1. You must be able to describe the person or persons involved in the incident. If police are involved, it is important to GET BADGE NUMBERS of those officers who OVER-REACT.

DON'T FORGET: A Police Officer has two badges, one is worn on his chest and the other on the front of his hat. If he has a helmet, then the white numbers across the helmet are his badge numbers.

2. You should be able to give the exact time and location of the incident, and be able to....

3. Describe, in very exact detail, how the incident started, who said what and who did what.



While it will be hard for one person to remember all the details of the incident, nevertheless, it is VERY IMPORTANT for you to remember as much as possible. The best way to ensure that you remember as much as possible is to write down all that you remember as soon as you can, and if later you recall any additional details add them to your original description.

In cases where Black students are identified by White students a day or so after an incident has occurred, this type of written documentation becomes valuable evidence, as an eye witness account in the brother's or sister's defense.

If you are involved in an incident in school and you acted in self-defense, it is VERY IMPORTANT that you:

1. Report the incident and the people involved

2. Describe them as accurately as possible to some responsible school official, preferably to a teacher, guidance counselor, etc.

THIS SHOULD BE DONE IN WRITING if possible, and you should:

- a. Keep one copy for your records along with -
* The name of the person to whom you gave the information



Therefore, you should make at least three copies of your report on the incident:

1. You keep a copy, and if the incident happened in school
2. Give one copy to a school official, principal, teacher or guidance counselor
3. Give the remaining copy to the brother or sister who is faced with suspension

If a person is arrested and you witnessed any part of the incident leading to the arrest, you should:

Bring a copy of your report to:

FREEDOM HOUSE INC.
14 Crawford Street
Roxbury, MA. - 440-9610
so that it can be sent to the student's lawyer.

IMPORTANT: BE SURE THAT YOU HAVE THE DATE THAT THE INCIDENT HAPPENED AND THE DATE YOU REPORTED IT IN YOUR REPORT.

SAMPLE DOCUMENTED INCIDENT

In City High School on Monday, September 8, 1975, at approximately 12:35 in the corridor on the third floor, opposite room 312, there was a fight between 3 White males and 2 Black males.

I was coming out of the Men's Room opposite Room 308 when I saw a Black male (give name if known) who was wearing a red and white print shirt and dark colored pants. As he was walking towards me, he was approached by 2 White males who came up from downstairs.

One of the White males was wearing a white T-shirt with the letters R.O.A.R. across the chest. He was medium hight (approx. 5'6") and weighed 120 lbs. and had dark red hair. The other student was taller and was wearing a dark shirt and plaid pants.

The student with the R.O.A.R. T-shirt and the red hair said to the Black student, "Get out of our school, Nigger." At that point, the Black student punched the White student and another Black student joined in the fighting after attempting to separate the two White and one Black students.

The Teacher's Aide stationed at the end of the corridor came on the scene after the fight was in progress. I don't know if he heard what the White student said, but he did talk with the White students after the fight was over and the Black students had been taken to the office by two male teachers.

The White students who started the fight were not taken to the office, the Teacher's Aide just asked them a few questions about what happened and they went into a classroom at the far end of the corridor.

I gave a copy of this report to my home room teacher (Mrs. Smith of Room 301) who said that she would give it to the Principal at the end of the day (9/8/75).

NOTE: Contained in this eye witness account of this incident are:

- date of incident

- time of incident
- general description of students involved
- what school officials did

Usually, it is best that you be as detailed as possible when describing persons involved in an incident, but if you can't, then try to remember:

- what they were wearing
- where they went
- whom they might have talked with
- anything that could lead to a positive identification at a later time.

Moreover, this written documentation of what happened on September 8, 1975, at 12:35 could provide the brothers involved, particularly the one who threw the first punch, with support when and if he faces suspension from school or if he had to go into court on an assault and battery charge.

Also, you could provide the Judge with the knowledge that the White student went looking to start trouble and the brothers were defending themselves.

HERE ARE SOME LEGAL TIPS

The most common charges that were filed in court against Black students who were arrested in school were:

- Assault and Battery
- Disrupting a School Assembly
- Participating in a Fray
- Assault with a Deadly Weapon

- Attempted Murder
- Assault upon a Police Officer
- Possession of a Deadly Weapon

This year, persons involved in ANY incidents might also be charged with violation of Federal Civil Rights Laws.

Black students should be aware of the legal process and how it works. The National Lawyers' Guild has written a booklet entitled, WHAT YOU'RE UP AGAINST!! which will give you an in depth account of how the legal process works.

Here are some facts that students should keep in mind while tension exists in school. They are:

1. There is NO LEGAL JUSTIFICATION for assaulting someone
2. Proof of self-defense requires witnesses
3. When arrested by Police, it is better not to resist because the police may use "REASONABLE FORCE" in order to make an arrest. Once apprehended by Police Officers, resisting might only get you hurt.

IF YOU ARE ARRESTED

If you are in the custody of the Police or are faced with being arrested, there are several things to remember:

1. Don't make any statements without your parents or a lawyer being present

2. Before you can be questioned by Police Officers you must be advised of your RIGHTS to:

- a) REMAIN SILENT and
- b) HAVE A LAWYER PRESENT (if you can't afford one, one will be provided) because what you say CAN and WILL be used against you in a Court of Law

3. You should also be informed of the charges against you.

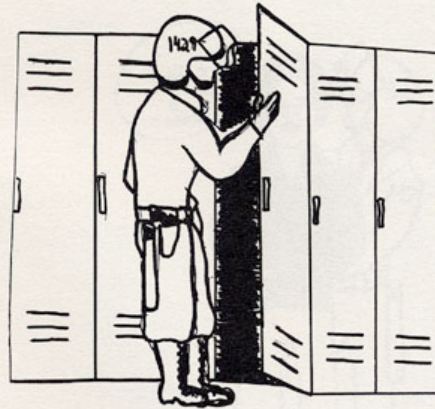
Once arrested, Police process, adults and juveniles the same; this process is called BOOKING. This means that the Police will record:

- your name
- address
- date of birth
- your school
- names and occupations of your parents

You probably won't have to get your picture taken (MUG SHOT), unless the charges against you are of a very severe nature. After you are BOOKED usually your parents or a responsible adult will be contacted and you will be responsible to them upon your release. When you are released from the police station, you must appear the NEXT DAY in the Court within the district you were arrested.

In the event there is a disturbance in your school and people are arrested, there will be people from the community agencies at the Police Station. They will be prepared to

assist you and refer you to a lawyer, if necessary.



SEARCH OF STUDENT LOCKERS

Because there were a number of injuries in schools last year, there were frequent searches for weapons in many schools. These searches included students' personal lockers and the use of metal detectors. Ordinarily, searches of this type without a warrant, are illegal, but this is questionable when public property is involved. But in any case, the best way to protect yourself is:

- 1. It is advisable NOT TO GIVE PERMISSION TO ANYONE to search your locker unless you are present.
- 2. BE PRESENT, if possible, when a search of your locker is being carried out.

3. Don't bring ANY Contraband
into your school.



REMEMBER.....

This year if you are in a
fight it could cost you your
education. Therefore, Black stu-
dents must remember that the fight
is for QUALITY EDUCATION, and not
with White students in school.

The goal of the Anti-
Integrationist is to keep Black
students from getting equal access
to educational opportunities. If
you are arrested and charged with a
Federal crime, you will be helping
them to reach that goal.

GOOD LUCK

-19-

Freedom House, Inc., records
1941-1996 (bulk 1949-1986)
University Libraries
Archives and Special Collections Department
Northeastern University, Boston, Massachusetts
Box 72, folder 1-4.