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# Implications of *Goss v. Lopez* and *Wood v. Strickland* for Educators: Proceedings of The National Institute of Education Conference

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## Introduction

On April 18–19, 1975, the National Institute of Education held a conference in Washington, D. C. on the implications for educators of two recent United States Supreme Court decisions. The two cases, *Goss v. Lopez*, decided January 22, 1975 and *Wood v. Strickland*, decided February 25, 1975, will have a strong impact on educators' professional discretion and personal liability in handling student disciplinary actions.

The purpose of the conference was twofold. First, the decisions themselves needed to be analyzed and presented to educators in a manner which would make the legal requirements clear and understandable. Second, the practical implications of the decisions needed to be explored. The underlying task was to present both lawyers and educators with a setting in which their mutual concerns could be discussed.

The conference was divided into three sections. The first section was devoted to a speech outlining the legal foundation of *Goss* and *Wood*. The second section was devoted to short presentations by attorneys representing the plaintiff's and defendant's point of view for both *Goss* and *Wood*. After the presentation on each case, a discussion of that case by all conference participants followed. The third section was devoted to two more general speeches on the implications of the cases for school practice. These speeches were also followed by discussion by all participants.

The keynote speech, constituting the first section, outlined the important legal concepts and cases underlying *Goss* and *Wood*. It was delivered by Professor William Buss of the University of Iowa Law School. Professor Buss is the author of a 1971 University of Pennsylvania Law Review article, "Procedural Due Process for School Discipline: Probing the Constitutional Outline", considered by many to be the most comprehensive article written on the subject. Professor Buss is currently working on developing a model code of student conduct. Because of the nature of his comments, Professor Buss' speech was footnoted for inclusion in this issue of the *Journal*.

The presentations on *Goss v. Lopez* were made by Arthur Kola and Alan Levine. Mr. Kola is a partner in the law firm which submitted a brief to the Supreme Court supporting the defendant's position. Mr. Levine is the staff counsel of the New York Civil Liberties Union and the author of *The Rights of Students*, a widely distributed book designed to aid students in formulating their rights in school situations. Mr. Levine represented the plaintiff's point of view. The case was seen as a mild victory for the defendant by Arthur Kola, since so many of the due process safeguards asked for by plaintiff were not allowed. On the other hand, Alan Levine depicted the case as a ratification of a basic right for students: the right to be heard before being punished.

G. Ross Smith and Elliot Lichtman spoke on *Wood v. Strickland*. Mr. Smith was counsel for the defendant and argued the case before the Supreme Court. His interpretation of *Wood* is directed at the undesirable as well as desirable holdings of the case. Elliot Lichtman, partner in a Washington, D.C. law firm involved in civil rights litigation, represented the plaintiff's point of view. He saw *Wood* as a necessary tool to ensure that students' constitutional rights are indeed accorded them.

The presentations on *Goss* and *Wood* constituted the second section of the conference. After the opposing sides in each case were presented, the conferees were given an opportunity to question the lawyers about the meaning of the cases. Section three looked at the implications for school practice of the two cases.

William Hazard, Associate Dean and Professor of Education at the School of Education of Northwestern University spoke first. Professor Hazard, who has been a teacher, an administrator and author in education for over twenty years, sees more procedures on the horizon and the need for a better educated school administrator to deal with the students' growing rights. Tom Shannon, Deputy Superintendent of the San Diego Public Schools and Legal Adviser to the American Association of School Administrators, spoke last. Mr. Shannon, a Professor of both Law and Education, tied together many of the concepts underlying the conference proceedings in outlining his view of the proper role of *Goss* and *Wood* in the educational context.

The work of preparing this material owes much to the efforts, both substantive and editorial, of Dr. Peter Kuriloff, Associate Professor at the School of Education, University of Pennsylvania. Dr. Kuriloff, who is currently directing a major investigation sponsored by the National Institute of Education on the effectiveness of due process procedures for misclassified retarded children in Pennsylvania, brought an exacting and comprehensive practical knowledge of due process procedures and a keen analytical ability to bear.

A final note of thanks goes to Dr. Luvern Cunningham, who acted as chairperson throughout the conference. Dr. Cunningham steered us expertly through many a Scylla and Charybdis during the conference, keeping the pace lively and the discussion focused. Himself a widely published and recognized expert on matters of school organization and management, Dr. Cunningham was able to unobtrusively guide interactions toward the critical issue on many occasions.