

An Examination of Legal Issues in Classroom Management

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ABSTRACT

The study examined legal issues in classroom management. The essence is how school management administrators and teachers must adhere to state laws in implementing classroom management policies and procedure. The study reviewed the concept of In loco parentis, due process protections and classroom management, federal law and classroom management, state law and classroom management, case law and classroom management, school management, policies on classroom management, legal responsibilities of teachers, the law and classroom management. The study was also able to consider procedural due process. The right to fair procedures, substantive due process: the right to reasonableness. The study still considered the guidelines that the teachers and school administrators need to follow; i.e implication for administrators, develop school district or management disciplinary policies and procedures, provide professional development activities, ensure that discipline students are afforded due process protection, implications for teachers, align classroom management procedures with school – wide behavior systems ensure that students and parents understand the classroom management systems must be reasonable, serve a legitimate educational purpose and be applied disciplinary fairly and consistently and document disciplinary actions.

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I. Introduction

Classroom management has been an issue of concern to teachers and administrator since the early days of public education. A management related issue that has caused apprehension among school personnel is how the law affects teacher's ability to manage their classrooms and administrators' ability to manage student's behaviour on a school wide basis (Pageley 2017). He has also observed that discipline and order is essential if the educational function is to be performed. In this case it was recognized that for teaching and learning to occur in schools and classrooms teachers must be able to manage student behavior. However students have right that need to be balanced with this need to maintain order in the classroom. Such right include a reasonable expectation of privacy, expression and dues process.

Through the National Universities Commission, National Board for technical Education, state Primary Education Boards and various School boards, government possesses full power over public schools, intermediate and local agencies. The ministries of education directly or indirectly provide the finance, curriculum, staffing, management policies and administrative procedures of public schools. Operational decisions, prescription of textbooks. School calendar, hours of school operation and practically every detail of school administration are regulated by government.

The legal structure of public education in Nigeria involves the three layers of government (ie Federal, State and Local Government). The legislature enacts laws or may delegate its rule-making function to the administration. An enabling legislation on educational institution usually prescriber extensive provisions affecting policies, regulation and decision in schools. Sweeping power are delegated or conferred on administrators to enacts implement and review the laws under which schools operate and to which they may be called upon to give account. While the executive and commissioners for education, governing council, teaching service commission and local schools boards perform such function of government like the appointment, promotion, discipline and determination of the career of teaching and non – teaching staff of school.

Judicial control of Education in Nigeria through the regular courts is less pronounced. According to butler (2013), literature are few, school laws and regulations are mostly untested in the courts. They are rarely the subjects of judicial interpretation. Where dispute arise on school laws and administration they are frequently on the enforcement of constitution provisions or breach of rules of procedure. Judicial pronouncement are

nevertheless, increasingly becoming significant on school matters. Frequently, of record usually, trials are commenced at the high court. Dissatisfied litigants appeal from the judgments of the high court to the court of appeal from where appeals lie to the Supreme Court which is the apex court Yeli (2012), asserts that once a case is before the court its role is to interpret the law applicable to the facts. The court carefully refrains from legislating school policies and recasting school legislation. This is especially so where compliant arise from a governing council or schools board's discretion in making rules policies and procedures for schools, teachers and pupils. Public schools are creatures of law. Their creation, control and management and the countless day – to – day decisions are directly or indirectly products of the law. Matters of school finance, teacher – board relation or teaching service commission – employment relations, curriculum, policy making and the effect on teachers, pupils and parents and a variety of relationship among schools, the community and other bodies all derive from the constitution or enabling legislation. Most school problems arise from human interactions that are generated and reserved within the framework of law. The overlapping involvement of the three layers of federal, state and local governments in education create problems of coordination, uniformity, management and control in Nigeria. It is against this background that the student seeks to investigate an examination of legal issues in classroom management.

Concept of In Loco Parentis

A common law principle that forms the basis of much of the legislation and litigation on classroom management is the doctrine of *in loco parentis*. The courts have long recognized the importance of giving school administrators and teachers the authority to manage student behavior. Thus, the principal and teachers have the authority not only to organize their schools and to teach but also to guide, correct, and discipline students. Clearly, such control is necessary to accomplish the mission of schools. Much of this authority originates from the English common law doctrine of *in loco parentis*, which translates to “in the place of the parent.” When the term is applied to schools, it essentially means that school personnel have authority over students while they are at school or traveling to and from school. *In loco parentis* does not mean, however, that school personnel have the same degree of authority as parents have over their children. The *in loco parentis* doctrine implies that teachers have a duty to see that school order is maintained by requiring students to obey reasonable rules and commands, respect the rights of others, and behave in an orderly and safe manner when at school. 'I his means that students should clearly know which behaviors are acceptable and which are prohibited. If students violate reasonable school rules by behaving in ways that are prohibited, they should be held accountable. Although *in loco parentis* does not have the legal force it once had because courts and legislatures have limited it, it is nonetheless still an active concept used by courts (Schimmel, Stelman, & Fischer, 2011).

Due Process Protection and Classroom Management

Students have two categories of due process rights: procedural and substantive. In terms of discipline, procedural due process involves the fairness of methods and procedures used by the schools; substantive due process refers to the protection of student rights from violation by school officials and involves the reasonableness of the disciplinary processes (Valente & Valente, 2005) Educators are vested with broad authority for establishing rules and procedures to maintain order and discipline; however, the due process rights of students must be considered in the development of establishment such rules and procedures.

Procedural Due Process: Pie Right to Fair Procedure: The importance of education to a student's future certainly requires that disciplinary actions that result in the student being deprived of an education (e.g suspension, expulsion) be subjected to the standards of due process. The purpose of due process. Procedures is to ensure that disciplinary actions are made in a fair manner. Due process procedures in school settings do not require the full range of protection that a person would get in a formal court trial (e.g., representation by counsel, cross .JH examination of witnesses). Due process procedures in school settings do, however, include the basic protections such as notice and hearing.

The U.S. Supreme Court in *Goss v. Lopez* (1975) outlined the due process protections that must be extended to all students. Tins case involved nine high students who had been suspended from school without a hearing. The students filed a lawsuit claiming that they had been denied due process of law under the 14th Amendment. The Supreme Court agreed, ruling that the students had the right to at least minimal due process protections in cases of suspension. The high court stated: “Having chosen to extend the right to an education ... (the state] may not withdraw the right on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct had occurred”

Court noted that schools have broad authority to prescribe and enforce standards of behavior. However, in their decision, the Supreme Court held that students are entitled to public education as a property interest, which is protected by the 14th Amendment. Because education is protected, it may not be taken away without adhering to the due process procedures required by the Constitution. The school's lawyers had argued that a 10-day suspension was only a minor and temporary interference with the students education; the high

court disagreed, stating that a 10-day suspension was a serious event in the life of the suspended child. When school officials impose 10-day suspensions, therefore, they must grant the suspended student the fundamental requisite of due process of law, the opportunity to be heard.

The opportunity to be heard, when applied to the school setting, involves the right to notice and hearing. The right to notice and hearing requires that students are presented with the charges against them and have an opportunity to slate their case (Schimmel, Stellman, & Fischer, 2011). These protections will not shield students from properly imposed suspensions. The protections will, however, protect them from an unfair or mistaken suspension. The court in *Goss v. Lopez* (1975) recognized the necessity of order and discipline and the need for immediate and effective action, stating that suspension is a “necessary tool to maintain order [and] a valuable educational device”. The prospect of imposing lengthy and cumbersome hearing requirements on every suspension case was a concern to the Court. However, the majority believed that school officials should not have the power to act unilaterally, free of notice and hearing requirements. The Court held that when students are suspended for a period of 10 days or less, the school must give them oral or written notice of the charges, an explanation of the reasons for the suspension, and an opportunity to present their side of the story.

The notice and hearing requirement does not mean that a formal notice to a student and a meeting must always precede suspension. It is permissible to have a reasonable delay between the time the notice is given and the student's hearing. For example, if the behavior poses a threat to other students or the academic process, “a student can be immediately removed from school. The notice and hearing should follow within 24 to 72 hours. A teacher or an administrator who is disciplining the student could also informally discuss the misconduct with the student immediately after the behavior occurred. This would give the student notice and an opportunity to explain his or her version of the facts before the teacher or administrator carried out the disciplinary sanction. In this case, the notice and hearing would precede discipline.

It is important to remember that the basic due process protections outlined by the U.S. Supreme Court in *Goss v. Lopez* (1975) apply only to short suspensions of under 10 school days. According to the Court, longer suspensions, or expulsions, require more extensive and formal notice and hearings. Although many common disciplinary procedures such as time-out, detention, response cost, and overcorrection do not require that due process procedures be extended to students, it is a reasonable assumption that notice and hearing procedures should be followed when using in-school suspension.

Substantive Due Process: The Right to Reasonableness

The courts have tended to give great authority to teachers and school officials to write rules that govern student behavior in school. Courts have also granted school officials the authority to develop and impose consequences on students who break the rules. There is a limit to this power, however. These rules and consequences must not violate students' constitutional protections discussed earlier (e.g. due process). Generally, rules and consequences will not violate students' constitutional rights when they are reasonable. Reasonable rules and consequences have a carefully considered rationale and a school-related purpose. Schools may not prohibit or punish behavior that has no adverse effect on the school environment. Furthermore, schools cannot use disciplinary penalties or restraints that are unnecessary or excessive to achieve safety and order in school. School and classroom rules and consequences must be rational, fair, and related to legitimate educational purposes (i.e. maintaining order and ensuring safety). Rules must be sufficiently clear and specific to allow students to distinguish permissible from prohibited behavior. School rules that are too vague or general may result in the violation of students' rights because students will not have a clear understanding of them. Appropriate school rules are specific and definitive. They provide students with information regarding behavioral expectations.

A federal district court in Indiana addressed the issue of the reasonableness of a school's use of discipline in *Cole v. Greenfield-Central Community Schools* (1986). The plaintiff, Christopher Bruce Cole, was diagnosed as emotionally disturbed under Indiana state law. The student exhibited behavior management and adjustment problems. The school had attempted and documented numerous positive behavioral procedures that it had used to improve Christopher's behavior. When these procedures failed, school officials decided to use behavior reduction strategies such as time-out, response cost, and corporal punishment. The plaintiff sued the school, contending that in using these procedures the school had violated his civil rights.

The court recognized that Christopher, although he had a disability covered by the Individuals with Disabilities Education Act (IDEA), was not immune from the school's disciplinary procedures. The court held that the validity of the plaintiff's claim, therefore, rested on the “reasonableness” of the disciplinary procedures used by the school in attempting to manage Christopher's behavior. The court analyzed four elements to determine whether the rules and consequences were reasonable which included:

- (1) Did the teacher have the authority under state and local law to discipline the student?
- (2) Was the rule violated within the scope of the educational function?
- (3) Was the rule violator the one who was disciplined? And
- (4) Was the discipline in proportion to the gravity of the offense? Finding that all four elements of

reasonableness were satisfied, the court held for the school district. The ruling ([provided further guidance to school districts developing and implementing discipline procedures.

Federal Law and Class Management

Whereas education is a state prerogative, federal involvement has played an important role in the growth of education in the United States. The federal government's role provided under the authority given Congress by the Constitution's General Welfare Clause is indirect (Yell, 2012). The primary way in which the federal government influences education in the states is through categorical grants. The purposes of the categorical grants have been to provide supplementary assistance to the state systems of education and to influence educational policy in the states. States have the option of accepting or rejecting the categorical grants offered by the federal government. If a state accepts a categorical grant from the federal government, the state must abide by the federal guidelines for the use of any funds they receive through the grants. Examples of categorical grants include the Elementary and Secondary Education Act of 1965 and IDBA. The federal government may also influence education in the states by either requiring agencies that are supported by federal dollars to take certain actions or prohibiting these agencies from taking certain actions. Two examples of this type of federal law is Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities based solely on their disability in all agencies receiving federal funding, and the Children's Health Act of (2013), which prohibits hospital and other health care agencies supported by federal dollars from using seclusion and restraint except in emergencies.

Federal laws may also address classroom management issues. For example, IDEA required that the individualized education programs (IEPs) of students with disabilities "consider the use of positive behavioral interventions and supports for any student whose behavior impedes his or her learning or the learning of others (IDEA, 20 U.S.C. 141 -i [d] (3) [B] /i/). Another example of such a federal law addressing a management/discipline issue is the proposed Keeping All Students Safe Act (2013), which if passed would "prevent and reduce the use of physical restraint and seclusion in schools" (H.R 1893 § 3[1], [2013]). The bill allows restraint and seclusion to be used in school only when the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others and less restrictive interventions would be ineffective in stopping such imminent danger of physical injury.

State Law and Classroom

Because the U.S. Constitution does not grant the federal government the power to regulate education, the states have this responsibility. State constitutions create a right to an education for its citizens. Thus, most laws that affect education and therefore classroom management are state laws. States clearly have the right to require school districts to establish and enforce reasonable codes of student conduct to protect their rights and safety of students and to ensure that school environments are conducive to learning (McCarty, Cambron-McCabe, & Eckes, 2014). A complete review of state laws is beyond the scope of this chapter, however. Interested readers can³ their state laws regarding education and classroom management in states where such laws exist, on state websites. All states now publish the unofficial versions of their laws on the Internet in some format. State legislative websites generally allow interested persons to search by keyword (e.g., "classroom management," "discipline") and to browse by title of the law. For access to legislative websites for all states readers can consult the website for the National Conference of State Legislatures.

Generally, state education laws do not specifically address classroom management. In fact, according to Rapp (2013), state laws impose few limits on school district actions in establishing rules to regulate student conduct. When they do, state laws often prohibit certain disciplinary sanctions. Although these state laws vary widely, the types of discipline that are commonly prohibited or restricted by states are seclusion, restraint, and corporal punishment. Although the Supreme Court ruled that the U.S. Constitution does not prohibit the use of corporal punishment in schools (*Ingraham v. Wright*, 1977), currently corporal punishment is illegal in 31 states and the District of Columbia (for a list of the states and their corresponding laws on corporal punishment).

Courts have upheld terminations of teachers who have used corporal punishment in states in which its use is prohibited (McCarthy, Cambron-McCabe, & Eckes, 2014). Similarly, seclusion and restraint are also prohibited in some states. Seclusion is the involuntary isolation of the single student in a room from which staff member(s) physically prevent the student from leaving by locking or blocking the door (Peterson, Ryan, & Rozalski, 2013). Physical restraint is defined by federal regulation as "the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. The term personal restraint does not include briefly holding without undue force a resident in order to calm or comfort him or her, or holding a resident's hand to safely escort a resident from one area to another".

According to the Committee on Education and the Workforce (Butler, 2003) 19 states have some sort of meaningful protections regarding the use of seclusion and restraint, 20 states prohibit restraints that restrict breathing, 13 states limit the use of restraints to emergencies involving immediate risk of harm, 15 states ban

the use of mechanical restraints, and 30 states have a requirement that parents be notified if their child was secluded or restrained at school. Usually, if a state's laws address teachers' use of disciplinary procedures, these laws will be reflected in the disciplinary policies in that state's school districts. Many states also have policies requiring schools to implement stringent security measures and zero tolerance policies (McCarty, Cambron-McCabe, & Eckes, 2014).

Case Law and Classroom Management

Case law has clearly established the right of a state and its local education agencies to establish and enforce reasonable standards of student conduct to ensure a safe, secure, and orderly learning environment that is conducive to student learning (Rapp, 2013; Schimmel, Stelman, Fischer, 2014). In fact, courts have seldom addressed individual teacher's classroom management systems. Moreover, courts have traditionally been reluctant to interfere with student conduct codes, and students have seldom been successful in challenging school-wide discipline policies and procedures (Yell, 2012). As the U.S. Supreme Court noted in *Wood v. Strickland* (1975), "It is not the role of the federal courts to set aside decisions of school administrators" (p. 308). Similarly, courts must "refrain from second-guessing the disciplinary decisions made by school administrators" (*Cabrielle M. r. Park Forest-Chicago Heights Illinois School District 163*, p. 825). This is because courts see school district rights to impose disciplinary policies and procedures as a right that is bestowed by the states (McCarty, Cambron-McCabe, & Eckes, 2014). For example, the U.S. Circuit Court of Appeals for the Seventh Circuit in *Boucher v. School Board* (1998) noted that the U.S. Supreme Court had repeatedly affirmed the comprehensive authority of the states and of school officials, consistent with fundamental Constitutional safeguards, to prescribe and control conduct in the schools. That is, reasonable school discipline policies and procedures have been consistently upheld as long as they serve a legitimate educational purpose, do not conflict with federal or state law, do not abridge a student's Constitutional rights, and are not discriminatory.

All rules and disciplinary sanctions should also be reviewed to determine whether they may violate a student's Constitutional rights or are discriminatory. According to the U.S. Supreme Court in *Bethel v. Fraser* (1965), "students do not shed their Constitutional rights at the schoolhouse gate" (p. 681). Students are "persons" under the Constitution and have fundamental rights that a state must respect. Constitutional issues that should be respected are those that involve freedom of speech, freedom from search and seizure, and procedural due process (Rapp, 2013). Nonetheless Constitutional considerations must be applied in light of the special characteristics to the school environment (*Long v. Board of Education*, 2000). Rules and disciplinary sanctions should therefore be reviewed to ensure that they are consistent with Constitutional standards.

Additionally, rules should be consistent with statutory law. Federal and state laws prohibit discrimination on the basis of race, color, national orientation, sex, and disability (Rapp, 2013). Seldom are rules or sanctions discriminatory on their face. It is usually in the application of nondiscriminatory rules or sanctions that discriminatory occur. Thus, the use of rules and sanctions should be monitored to ensure there is no discriminatory impact.

Another problem that may derail school conduct policies is a lack of specificity. School-wide discipline policies have been overturned if they are so vague that the policies have not specified what constitutes prohibited student behavior (*Killion v. Franklin School District*, 2001). In the case of *Woodis v. Westark County College* (1998), the U.S. Court of Appeals for the 8th Circuit noted that the wording of a discipline policy should be exact enough to alert students specifically what behavior is unacceptable. According to Rapp (2013), school district officials should prepare a comprehensive document covering school-wide rules and consequences. McCarty, Cambron-McCabe, and Eckes (2014) suggested that school district officials should ensure that students and parents are knowledgeable about rules of conduct by having students and parents read and sign a form indicating that they understand the school rules. When behavioral issues arise that are not covered in such documents, educators have flexibility to address these situations (Rapp, 2013). In such situations when disciplinary sanctions are applied, a warning should usually precede the sanction.

School District Policies on Classroom Management

Many, if not most, school districts have established policies on the use of discipline with students. It is important that school district officials provide training to their administrators, teachers, and staff on school-wide policies. School districts have also established policies that call for zero tolerance of weapons, drugs, and violent acts that are committed on school grounds. Some schools, especially middle and high schools, have implemented security measures such as metal detectors. Moreover, many school districts throughout the United States have implemented procedures to prevent disciplinary problems and to teach proactive social skills. An example of such a procedure is school-wide positive behavior intervention and support (PBIS) (see Chapter 3 in this text). When such policies and procedures exist, it is incumbent on employees of the district to understand and adhere to these policies. In fact, failure of an administrator, teacher, or staff members to follow school district policies could be grounds for terminating employment.

Legal Responsibilities of Teachers

Statutes and case law impart special responsibilities upon teachers. These responsibilities, especially with respect to maintaining a safe and orderly school and classroom environment, can be gleaned from an examination of tort laws in the 50 states, tort laws offer remedies to individuals harmed by the unreasonable actions of others. Tort claims usually involve state law and are based on the legal premise that individuals are liable for the consequences of their conduct if it results in injury to others (Schimmel, Stelman, & Fischer, 2011). Tort laws involve civil suits, which are actions brought to protect an individual's private rights. Such civil actions may be brought against individual teachers, but they are most likely brought against a school district. This is because of the doctrine of *respondent superior*, which infers that the master is responsible for the servant or let the master answer. Under this doctrine, many situations the employer is responsible for the actions performed by his or her employees during the course of employment.

Two major types of tort violations are most likely to involve teachers: intentional and negligence torts. Intentional torts are usually offenses committed by a person who attempts or intends to do harm. For intent to exist, the individual committing the offense must be aware that injury will be the result of the act. Courts have typically given teachers great leeway in cases involving intentional torts because such cases often arise from a teachers attempt to discipline a student or stop a student from injuring another, and courts traditionally have been reluctant to interfere with a teacher's authority to discipline students (Valente & Valente, 2005). When teachers are found to have injured a student and to be liable under tort laws, it has often involved a teacher administering a consequence for a disciplinary infraction that was cruel, excessive, and administered with malice, anger, or intent to injure.

Negligence torts are the most common type of tort case involving teachers. In negligence, unlike unintentional tort claims, acts that lead to injury are unexpected and unintended. Typically, persons who bring negligence claims against teachers or a school district must prove that school personnel could have foreseen and prevented an injury by exercising proper care. Accidents that could not have been prevented by reasonable care do not constitute negligence (Schmine, Stelman, & Fischer, 2011).

Four elements must be present for negligence to be proven: (1) The teacher must have a duty to protect students from unreasonable risks; (2) the teacher must have failed in that duty by not exercising a reasonable standard of care; (3) there must be a causal connection between the breach of the duty to care and the resulting injury; and (4) there must be an actual physical or mental injury resulting from the negligence. In a court, all four elements must be proven before damages will be awarded for negligence.

These four elements—duty, failure to exercise a reasonable standard of care, connection between a teachers negligence and injury, and actual injury—essentially outline a teacher's responsibility to his or her students. Thus, teachers have a duty to supervise students, maintain a safe environment, provide instruction, and be conscientious in fulfilling their duties. According to Morrison (2011), the standards for avoiding negligence provide the following two lessons to teachers: (1) Always keep the best interests of students in the forefront of their planning, and (2) always act in a manner that can pass the reasonable, prudent person test (i.e., in similar circumstances would a reasonable person have acted in this manner?). With respect to classroom management, teachers need to (1) maintain a safe and orderly classroom; (2) teach students the behaviors that are expected of them; (3) be aware of, and plan for, potentially dangerous situations; and (4) supervise students at all times.

The Law and Classroom Management

Maintaining a safe and orderly education environment is one of the most important and difficult duties that teachers face. If schools and classrooms are to be orderly environments where teachers can teach and students can learn, teachers should develop and implement classroom management strategies and adopt rules to indicate what behaviors are unacceptable. When teachers have to use disciplinary procedures it is important that they understand their rights and responsibilities as well as those of their students. It is also important that school officials fashion school district policies and procedures that comport with the law. Following are suggested guidelines that will help to ensure that administrators and teachers meet federal, state, and local requirements when using discipline with public school students.

Implication for Administration

The law is clear regarding the responsibilities of administrators for events that occur in their schools. A school's principal is responsible for actions taken in his or her school, and a school district's superintendent is responsible for actions that occur in his or her school district. We believe that district and school administrators should take the following actions with respect to school-wide discipline policies and teachers classroom management programs.

Develop School District Disciplinary Activities

School district administrators should develop written policies and procedures for teaching appropriate behavior and disciplining students when they violate school rules. These policies and procedures should be

developed to ensure that schools are safe and orderly environments in which students are provided with an appropriate public education. That is, the rules must have a legitimate education purpose. The policies should include rules of student conduct, prohibited student behaviors, and disciplinary sanctions when those rules are broken. Developing the policies with the participation of administrators, teachers, parents, and students will help to ensure that they are reasonable and related to a legitimate educational function. Moreover, school district policies must be in line with state laws and regulations and must not be discriminatory or violate students' Constitutional rights.

After school-wide policies and procedures are developed school district officials should ensure that teachers, administrators, staff, and parents have access to and understand these policies and procedures. Methods that district officials can use to ensure parental access include mailing discipline policy brochures to parents and having teachers explain the procedures in parent-teacher conferences. It is important that policies and procedures apply equally to all students and that they are administered fairly and consistently.

Provide Professional Development Activities

Administrators should ensure that all staff and teachers receive professional development in the district's school-wide discipline policies and procedures and on how to construct their own classroom management plans. In addition to familiarizing teachers with the school district policies, such training should include the use of positive behavioral programming (e.g., developing rules and consequences, run forcing appropriate behavior), acknowledging and encouraging appropriate student. Behavior, and using consequences when students violate rules. It is especially important that teachers understand their legal responsibilities to their students. Professional development activities should stress the importance of thorough documentation in situations in which students are disciplined. Documentation should include the problem behaviors, warnings given to the student, the actions taken to correct the behavior, the disciplinary procedures administered, and the results.

Ensure that Discipline Students are Afforded Due Process Protections

Minor disciplinary sanctions, such as removing points, assigning detention, and brief periods of time-out, only require minor procedural protections, such as an explanation of the behavior that led to the sanction. More significant sanctions, such as in-school or out-of-school suspension, require a more formal notification of a student and his or her parents and an opportunity to tell their side of the story. Additionally, students with disabilities are afforded additional procedural protections under Section 504 of the Rehabilitation Act and the IDEA (1973). Administrators and staff should know how to provide these procedural protections with students who are disciplined.

Implications for Teachers

Teachers should develop classroom management plans that consist of rules for student conduct and consequences for violating the code of conduct. Moreover, these plans must be fair, reasonable, and implemented with consistency. Classroom management plans may include reasonable sanctions that are used when students violate classroom rules. Teachers should ensure that the following conditions are met in the classroom policies and procedures.

Align Classroom Management Procedures with School-Wide Behavior Systems

When there is a school- or district-wide behavior or discipline system, teachers should develop their individual classroom management systems to align with the larger system. Of course, the management system must also comport to any state laws or regulations. Teachers should not develop classroom management systems that include procedures that are prohibited by the school district in which a teacher works.

Ensure That Students and Parents Understand the Classroom Management System

It is imperative that students and their parents understand the classroom management policies and procedures that are in place. The management policy should be specific enough that students know specifically what behaviors are unacceptable and the consequences for engaging in such behaviors. Classroom management systems that are too vague or general may result in the violation of students' rights because students will not have a clear understanding of them. Thus, appropriate management systems should be specific and definitive and should provide students with information regarding behavioral expectations. Teachers can take steps to, them read and sign a form indicating that they have reviewed and understand school rules.

Classroom Management Systems Must Be Reasonable, Serve a Legitimate Education Purpose, and Be Applied Fairly and Consistently

The most effective classroom management systems have a minimum number of rules on student conduct, the purpose of which is to ensure that a classroom environment is conducive for learning (Smith & Yell, 2013). The rules that a teacher develops should serve an important educational purpose. When rules are arbitrary or unrelated to the teaching function, they are more likely to be problematic from educational and legal standpoint. Reasonable rules and consequences in a classroom management system should have a carefully considered rationale and a

<- related purpose. Moreover, rules and consequences should be applied fairly and consistently. Teachers may not prohibit or punish behavior that has no adverse effect on the school environment. Classroom management systems designed to achieve order in school should not include disciplinary penalties or restraints? Unnecessary or excessive.

Document Disciplinary Actions

When using disciplinary procedures with students, teachers should keep written records of all disciplinary actions taken. An examination of court disciplinary matters indicates that in many instances, decisions turned on the school records (Yell, 2012). That is, when a school district is, a particular disciplinary incident, a court may examine the records of the Keeping records on emergency disciplinary actions is also important. Sri, should contain an adequate description of the incident, warnings (if any) given to allow a student to stop the misbehavior, and avoid the discipline disciplinary action taken, results of the disciplinary actions, and the witnesses present. Documenting a disciplinary action is advisable when disciplinary sanctions are used (e.g., seclusion timeout, in- or out-of school but would not be necessary in situations involving minor disciplinary removing points, after school detention).

II. Conclusion

This study focused on an examination of legal issues in classroom management. An important issue with teachers and administrator is how law affect administrators or teachers' ability to manage their classroom and administrator ability to manage their students' behavior on a school wide basis. State law court cases have allowed latitude when developing and implementing things on classroom management systems. In developing such system, it is advisable for teachers not to deprive students of the right of an education, which is the right of the students by the constitution. Neither should schools wide and classroom management administrators and teachers must adhere to state laws in implementing classroom management policies and procedure. Teachers can ensure that their classroom management system is educationally beneficial to students and legally sound if the system is reasonable, is related to a legitimate educational purpose and is applied in a fair and consistent manner.

III. Recommendations

Based on the literatures reviewed in this study, the researcher therefore, made the following suggestions.

1. Students constitution right to education should not bridge by the by the teachers or school administration.
2. Students' right in school should be limited so that discipline can still have its way in the school system.
3. To ensure effective classroom management, teachers and administrators right should be protected.
4. Issues enacting from school should be handled or resolved within the school by the school management to avoid escalating to court action.

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