

Honig v. Doe

Argued: November 9, 1987

Decided: January 20, 1988



About the case...

- In November of 1980, a 17-year old student from California responded violently to a peer's taunts by choking him and then kicking out a window while being taken away by school personnel.
- At the time of the incident, "John Doe" was receiving special education services under what was then the Education for All Handicapped Children Act (EAHCA). One of his IEP goals was "...improvement in ability to relate to peers and cope with frustrating situations without resorting to aggressive acts."
- Doe was suspended for five days, then recommended for expulsion. His mother was informed that his suspension would continue until his expulsion became official.

The litigants...

Doe

- Claimed that an indefinite suspension violated the “stay-put” provision of EAHCA (now IDEA), which would allow him to return to school until (and if) expulsion proceedings were complete.

Honig

- The school superintendent, named as defendant in the case, claimed that the “stay-put” provision should not apply to students who exhibit violent behaviors and may pose a risk other students.

Ready Player Two...

- In the same school district of the same year, middle school student “Jack Smith” was also suspended indefinitely, pending expulsion, for hostile behavior and inappropriate remarks to female classmates.
- Smith’s family joined Doe’s suit, arguing that his misconduct was disability-related and his rights under EAHCA were violated.
- District courts ruled in favor of “Doe”, and barred school officials from suspending students with disabilities for more than five days if their behavior was disability-related.

U.S. Supreme Court Decision

- In 1987, following an appeal in the Ninth Circuit Court of Appeals, the U.S. Supreme Court reviewed the case.
- The question: Can school and local authorities override the “stay-put” provision of EAHCA with a “dangerousness exception”?
- The 1988 ruling: No, they cannot.



Details...



- This ruling does not insulate students with disabilities from the consequences of their behavior. Rather, it clarifies the rules of due process surrounding cases such as “Doe”.
 - Any student with an IEP or 504 plan cannot be suspended for more than 10 total days in a given school year without an IEP team meeting to determine whether the behavior was disability related. *(If an IEP meeting cannot be arranged within the 10 days of suspension, the school must provide an education to the child in question after that time!)*
 - The IEP team can decide to adjust the student’s plan to help improve the behavior.
 - They can also determine whether or not the current IEP was being followed properly and if that contributed to the student’s misconduct.

More details...

- Any time a school removes a child from education services, even for disciplinary reasons, it is officially a “change in placement”.
- Any change in placement is a change in the child’s IEP; therefore the school must provide parents with written notice.
- In order for a child to be expelled without parental consent, the school must prove in a court of law that the danger posed to other students outweighs the individual child’s right to a free and appropriate public education.
- Any disciplinary measures taken at school should be consistent with the individual child’s IEP or behavior intervention plan.

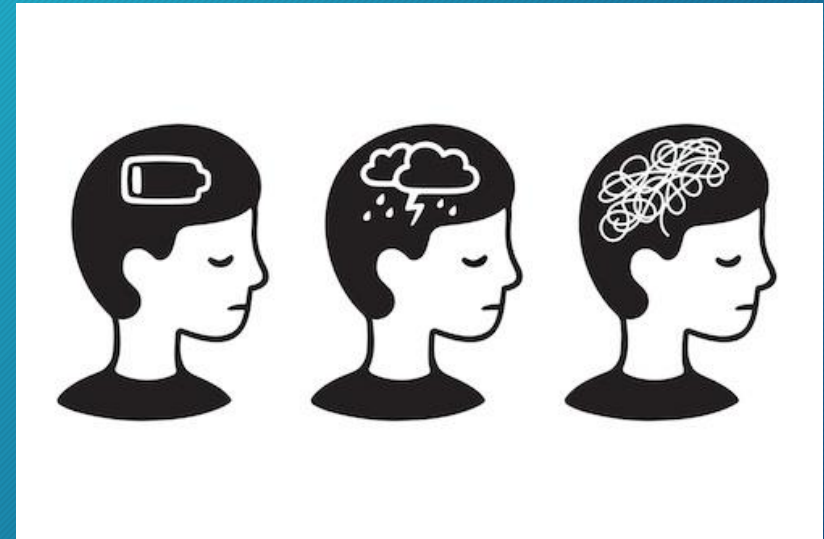
Significance

- This ruling removed power from school districts to deal out swift disciplinary punishments against violent student behavior.
- However, the U.S. Supreme Court reminded schools that there are multiple methods of managing potentially dangerous behavior related to a students' disability that do not involve removing them from school.

On one side...

This ruling shined an early light on student mental health issues and advocated for students acting in ways in which they could not control.

As a family member of a person with impulse control issues related to a disability, I appreciate the Honig vs. Doe ruling. Those without disabilities, including myself, who can easily keep their emotions and actions in check can find it difficult to understand those who cannot. It is important that there are laws in place that protect children and keep them in a supportive educational setting for as long as possible.



The due processes affirmed by the Honig vs. Doe ruling promote problem solving rather than problem avoidance and removal.

On the other side...

- Public schools today are facing heavy scrutiny, particularly in the aftermath of increased school shootings. To some, the Honig vs. Doe ruling may present unnecessary barriers in keeping entire student populations safe from potentially violent individuals.
- Additionally, there can be misunderstanding of the ruling and its implications. Specifically, that it gives ‘special treatment’ to students with disabilities who behave violently in school. These misunderstandings can lead to mistrust between parents and educators.

Teachers and principals overseeing students with IEPs involving any kind of emotional disturbance should familiarize themselves with the details of the Honig vs Doe ruling. By doing this, they can...

...actively maintain positive and constructive relationships with the parents of any students whose IEPs reveal any potential for aggressive behavior during school in the future.

...prepare a document, available on the school's website, which outlines the procedures involved in the event of a violent incident involving a student with a disability.

...research the events leading up to the initial incident of the "Doe" case, and make sure that there are clear preventative (anti-bullying, empathy training, etc) initiatives for all students at their school.

References

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