QUIMETTE v. BABBIE

405 f. Supp. 525 (1975)

In September, 1975, Yvonne Quimette entered Missosquoi Valley Union High School. Like the other seventh graders, Yvonne was required to take courses in English literature, mathematics, science, history, and physical education. In the past, physical education classes had been required for only two hours a week; this year, because a lack of funds had necessitated canceling a language arts class, physical education was required for five hours a week.

When school opened, Yvonne attended all regularly scheduled classes except physical education. She did not like the class and hoped that the school administration would drop the physical education requirement. During this period, Yvonne was permitted to attend study hall in place of physical education classes.

On September 18, Yvonne and her parents were given the opportunity to appear before the school board to formally present their objections to the policy of mandatory participation in the physical education program. Yvonne's reasons against attendance were not based on any health or religious claims. Rather, she stated that a student "should have every right to do only what she wanted to do." The board voted to continue the physical education requirement, explaining that the program was necessary to the transition of seventh graders from elementary school, where there were frequent recesses, to secondary school where no recesses were scheduled. Leon Babbie, the principal in Yvonne's school, also sent a letter to Mr. Quimette which explained the board's action, and which informed him that Yvonne had been advised that she would be suspended from school if she still refused to attend physical education classes. Yvonne was in fact subsequently suspended, and her father brought suit on her behalf in federal district court. He claimed that Yvonne's suspension without prior hearing violated her right to due process of law under the Fifth and Fourteenth Amendments. He asked the court to prohibit Yvonne's suspension from school and to award damages for her loss of education and the school's denial of her rights.

The court granted a hearing on November 14 to decide if Yvonne should be allowed to return to school pending trial, and Mr. Quimette expanded upon the reasons for Yvonne's refusal to attend physical education classes. He explained that she had trouble getting to her next class on time, that she resented the lack of privacy in the showers, and the compulsory attendance would have an adverse emotional impact as well as hurt her scholastic efforts in other courses. The school officials voluntarily permitted Yvonne to return to classes in the period before her case came to trial. In addition, the school board held a public meeting on November 20 where Yvonne and her parents were allowed to appear with their attorney to present evidence in opposition to the policy of establishing physical education as a required course and to show cause why Yvonne's suspension from school should be rescinded. The board voted to continue its policy, and on November 28, the District Court heard the case.

QUIMETTE v. BABBIE
DECISION

The Fifth and Fourteenth Amendments to the Constitution insure the right to due process. The Fifth Amendment prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." The Fourteenth Amendment provides the same protection against action by the states.

The definition of due process is not precise. As the United States Supreme Court has interpreted it, what constitutes due process depends on the facts and circumstances of each particular case. The nature of the alleged right involved, the nature of the proceeding, the severity of the potential penalty, and the possible burden on the proceeding are all factors which the Court may take into account. In general, however, due process includes at least the following two elements: (1) notice of the charge against a person, and (2) an opportunity to defend and be heard in an orderly proceeding adapted to the nature of the case.

In dealing with due process questions raised by students, however, a court must first look to see if school authorities' actions have deprived the student of a constitutionally protected right to either life, liberty, or property. If so, the Court must then examine the facts of the case to determine what process is due in the school setting.

In analyzing what process was due in cases of short suspension, however, the Supreme Court held that students were entitled to minimal procedural guarantees. Specifically, the Court held that "in connection with a suspension of ten days or less, that the student be given oral or written notice of the charges against him/her and if he/she denies them, an explanation of the evidence the authorities have and an opportunity to present his/her side of the story." The Court stated that this informal hearing should precede removal of the student from school and could take place in the principal's office, involving only a school administrator and the student facing suspension. But, they noted, this prior notice and hearing were not required when the student's presence in school "poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process." In such cases, the necessary notice and hearing should follow the suspension "as soon as practicable."

The District Court held that Yvonne was granted her due process rights in this case. The court recognized that Vermont law establishing public schools and compulsory attendance gave Yvonne a property right in her entitlement to a public education. The court then examined the procedures followed by the school officials to determine whether or not Yvonne had been grated required prior notice and hearing.

The court found that " . . . [e]ach of these requirements was fulfilled in Yvonne's temporary suspension, both at the initial hearing on November 20, when the plaintiffs had the assistance of counsel. From the record it appears that both hearings were essentially fair." The court went on to recognize that ". . . the deprivation of the opportunity to attend the regularly scheduled classes at the junior high school level is a serious loss of the young plaintiff in this action and to her parents. But the deprivation in this instance is the product of the plaintiffs'

choice. While there is a legal entitlement to a public education provided by the State, free from impairment of protected liberties, there is no right under the paramount law to receive a public education on special terms and conditions designed by the student."

In its decision in this case, the court described Yvonne's suit as a "misguided effort to revise the curriculum to accommodate the wishes of the student and the educational philosophy of the father."