

# Goss v Lopez brief



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i. Case Citation Goss v. Lopez, 419 U. S. 565 (1975) ii. Facts Public school students from Columbus, Ohio brought this suit. They claimed that their constitutional right to due process was violated. The students were suspended without hearing prior to their suspension. They were suspended for destroying school property but principals can only suspend up to 10 days or expel them. If suspended they must notify parents without 24 hours and give the reasons. Students may appeal to the board of education. iii. Primary Issue Can students be suspended without due process? No iv. Decision or conclusion of the court

Goss established that due process is required when a student is suspended. It also established that you can't suspend a student for more than 10 days and you have to notify the parent. Due process will be required depending on the severity of the consequences of the students. When it is a longer and severe case you usually are required witnesses. v. Reasoning Under Ohio law you have a right to public education. School has the authority to establish code of conducts however; authority is subject to constitutional limits. Students have a right to education under the Fourteenth amendment.

The court reasoned “ Having chosen to extend the right to an education to people of appellate class generally, Ohio may not withdraw that right on grounds of misconduct, absent fundamentally fair procedures to determine whether the misconduct has occurred, and must recognize a student's legitimate entitlement to a public education as a property interest that is protected by the Due Process Clause, and that may not be taken away for misconduct without observing minimum procedures required by that Clause.

” Reference: [http://en.wikipedia.org/wiki/Goss\\_v.\\_Lopez](http://en.wikipedia.org/wiki/Goss_v._Lopez)

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