**Student Rights Court Cases**

U.S. History – Mr. White

**1st Amendment: Free Speech and Expression Issues**

-In *Board v Barnette* (319 US 624 [1943]), for example, the Supreme Court ruled that students could not be forced to recite the **Pledge of Allegiance** nor otherwise salute the flag against their will.

-In *Tinker v Des Moines* (393 US 503 [1969]), the Supreme Court ruled that students wearing black arm bands **to protest the Vietnam War** could not be forced to remove the arm bands by school officials.

-The Supreme Court has recognized **the importance of the free flow of ideas in schools**: "The classroom is peculiarly the 'marketplace of ideas.' The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas." (*Keyishian v Board of Regents* [385 US 589 {1967}])

-In *Bethel School v Fraser* (478 US 675 [1986]), the Court ruled that a school was not violating a students rights when it **suspended a student for the use of crude language** in a speech to a school assembly.

-In *Hazelwood School v Kuhlmeier* (484 US 260 [1988]), the Supreme Court ruled that **articles in the school paper** that were counter to the educational mission of the school were **subject to censorship**.

-Though untested in court, it is probably true that students are protected in **publication of "underground" newspapers, and perhaps web pages,** but the distribution of those papers or use of school computers to view web pages could be restricted. \*\*\*No court cases cited\*\*\*

-In *New Rider v Board* (414 US 1097 [1973]), a pair of male Pawnee Indian students were **suspended from school for wearing long hair in the tradition of their ancestors**. The suspension was for violation of a school rule which forbade the wearing of hair that extended past the collar or ears. Another dissent in a **hair-length case** for *Olff v East Side Union* (404 US 1042 [1972])

-**Dress codes** that prohibit certain kinds of dress (like cut-off shorts or shirts with obscene or commercial messages) have not been challenged at the level of the Supreme Court, but have generally been upheld as promoting the educational process. \*\*\*No court cases cited\*\*\*

-In 2007, in the widely-reported case of *Morse v Frederick* (06-278 [2007]), the court narrowly decided that **student speech off campus can be suppressed** by school administrators if the student is at a school event (or school related event) and if the speech promotes illegal activity — drug use, in this case.

**4th Amendment: Privacy and Search and Seizure Issues**

-The most relevant case is *New Jersey v TLO* (469 US 325 [1985]) in which **rules were established for searches,** such as reasonableness, not excessively intrusive, and related to the offense that is being investigated. In the TLO case, a **search of a student's purse**, the purpose for which was to find cigarettes the student was suspected of smoking on school grounds, was upheld.

-**Urine tests of student athletes** were upheld in *Vernonia School v Acton* (515 US 646 [1995]), when the court again used in loco parentis, a lowered expectation of privacy for athletes, and the need for deterrence of drug use, particularly among athletes, as justifications for forced testing.