LANDMARK COURT DECISIONS
(All are Supreme Court decisions unless noted)

Desegregation


   Case dealt with a man who was 1/8 black and 7/8 white who was told to “sit at the back of the bus.” The S.C. held that as long as equal facilities are provided for each race, a state could require racial separation. This was also applied to schools. (Separate but Equal)


   Case dealt with black students wanting to attend “white” schools. They argued that the “separate but equal” doctrine violated the 14th Amendment and that separate schools did not provide equal education. The S.C. agreed that the *Plessey* case of 1896 did violate the 14th Amendment of the U.S. Constitution and that “separate but equal” was no longer acceptable.

Religion and Public / Private Schools


   Case dealt with Oregon state constitution amendment which required all residents to send their children to public schools. According to the S.C., parents have a right to be free of unreasonable state interference in the upbringing and education of their children. States were forbidden from standardizing resident children by forcing their attendance at public schools only. Also, this case reconfirmed the duty of the states, not the federal government to control education.


   Case dealt with Wisconsin’s compulsory school-attendance law requiring all students to attend school until age 16. Old Order Amish conducted their own vocational and religious instruction of their children until age 14 or 15. The evidence showed that the Amish provided continuing informal vocational education to their children designed to prepare them for life in the rural Amish community, and that the Amish parents sincerely believed that high school attendance was contrary to Amish beliefs. The S.C. stated that the state’s interest in universal education needed to be balanced against the traditional interests of parents and the Free Exercise Clause of the 1st Amendment. The intent was that students should be educated. There was no evidence that this education was not taking place. The Amish were allowed to continue with their practices and the S.C. stated this was not in violation of *Pierce v. Society of Sisters*.


   Case dealt with the state of New Jersey providing transportation of students attending parochial schools. The S.C. stated that while one part of the “establishment clause” of the 1st amendment prohibited contributing tax-raised funds to the support of an institution which is religious, another part of the amendment cannot hamper its citizens in the free exercise of their own religion. Therefore the S.C. allows, but does not require, transportation of students to private schools using public school transportation.
(The beginning of the “Child Benefit Theory” which states that if an act benefits the child and not the organization, it is acceptable.)


   Case dealt with Pennsylvania statute which provided state money to finance the operation of parochial schools (paying part of salary). The S.C. reviewed the 1st Amendment...”Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” and subsequently established a three part test for determining whether government aid to religious schools violated the 1st Amendment. This three-part test, known as the *Lemon Test*, asks three questions: 1. Does the act have a secular purpose? 2. Does the primary effect of the act either advance or inhibit religion? and 3. Does the act excessively entangle government and religion?


   Case dealt with a school board mandate which directed the school principal to have a prayer read aloud by each class in the presence of a teacher at the beginning of each school day. Even though the New York Court of Appeals held that the practice was OK as long as the schools did not compel any pupil to join in the prayer over the student’s parents’ objections, the S.C. held that the practice was wholly inconsistent with the Establishment Clause and that the activity was in no doubt a religious activity.


   Case dealt with an Alabama statute that allowed a period of silence for “meditation or voluntary prayer.” The S.C. reviewed the case and concluded that the intent of the Alabama legislature was to affirmatively reestablish prayer in the public schools. The inclusion of the words “or voluntary prayer” in the statute indicated that it approved a religious activity and therefore violated the first prong of the *Lemon test* and the 1st Amendment.


   Case dealt with a school inviting members of the clergy to give invocations and benedictions at the schools’ graduation ceremonies. In this case, state officials directed the performance of a formal religious exercise. The principal decided that a prayer should be given, he selected the religious participant, and through a pamphlet which provided guidelines, directed and controlled the prayer’s content. The S.C. said that all three prongs of the *Lemon test* had been violated: first, the prayer was wholly religious, not secular; second, prayers at a public school, chosen by public school personnel, communicated a message of government endorsement of religion; and third, excessive entanglement was evident because the school designed the prayer and selected the prayer giver. The S.C. also stated that the argument that graduation ceremonies are voluntary and a student who might be offended simply does not have to attend--”A student is not truly free to be absent from the exercise in any real sense of the term voluntary.”

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**Student Rights**

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Case dealt with a group of adults and high school students who wanted to publicize their objection to the hostilities in Vietnam and wore black armbands during the holiday season and fasted on December 16 and New Year’s Eve. The principals of the Des Moines schools heard of the plan and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Three students wore their armbands and were suspended until the agreed to come back without the armband. They did not return to school until the planned protest period had ended. The S.C. stated that “neither students nor teachers shed their constitutional rights to freedom of speech or expression at the school-house gate.” There was no evidence that an expression of objections to the Vietnam war would materially interfere with the operation of the school and the expressive act of wearing black armbands did not interrupt school activities, nor intrude in school affairs or the lives of others. The S.C. stated that the Constitution did not permit school officials to deny this form of expression.


Case dealt with an Ohio law that authorized public school principals to suspend students for misconduct for up to ten days without a hearing. Several students who had participated in a demonstration were suspended. Their suspensions were handed down, according to state law, without the benefit of a hearing. Some of the students brought a class action suit against the school officials, seeking a declaration that the Ohio law permitting suspensions without hearings was unconstitutional. When the case reached the S.C., the Court held that students facing temporary suspension from public schools have a property and liberty interest that qualify for protection under the Due Process Clause of the 14th Amendment. Students facing such potential losses of liberty must be given oral or written notice of the charges against them along with an opportunity at a hearing to present their version of what happened. The court, realizing that circumstances may not allow time for adequate procedures prior to suspension, stated that, at the very least, proper notice and hearing should be given as soon as is practicable. The Court also stated that if a student is threatened with suspension longer than ten days, more elaborate safeguards might be necessary.


Case dealt with a Florida school that used corporal punishment as a means of maintaining discipline, permissible under Florida state law and local school board regulations. Two students who had received corporal punishment sued the district claiming that the beatings violated the 8th Amendment’s prohibition of cruel and unusual punishment and that the lack of a hearing before the punishment violated the Due Process Clause of the 14th Amendment. The S.C. held that the 8th Amendment’s Cruel and Unusual Punishment Clause did not apply to disciplinary corporal punishment in the public schools (it was intended to protect accused criminals, not students), and that the openness of the public school afforded significant safeguards against abuses covered by the 8th Amendment. The Court also held that the Due Process Clause of the 14th Amendment did not require notice and hearing prior to the imposition of corporal punishment because this burden would significantly intrude into the area of educational responsibility.

Case dealt with a teacher in a New Jersey school who found two girls smoking the school lavatory—a violation of school rules. When the girls were brought to the assistant vice principal, one of the girls admitted to smoking; however, the other girl denied even being a smoker. The assistant vice principal then asked the latter girl to come to his private office where he opened her purse and found a pack of cigarettes. As he reached for them he noticed rolling papers and decided to thoroughly search the entire purse. He found marijuana, a pipe, empty plastic bags, a substantial number of one dollar bills and a list of “people who owe me money.” He then turned the girl over to the police. The girl appeared in juvenile court and was adjudged delinquent. She appealed the decision, contending that her rights had been violated by the search of her purse. When the case was reviewed by the S.C., the Court held that the search did not violate the 4th Amendment prohibition against unreasonable search and seizure. The Court stated: “The legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search.” Two considerations are relevant in determining the reasonableness of a search: First, the search must be justified initially by reasonable suspicion, and Second, the scope and conduct of the search must be reasonable related to the circumstances which gave rise to the search, and school officials must take into account the student’s age, sex, and the nature of the offense. The Court stated that the search of the student in this case was acceptable because the initial search for cigarettes was supported by reasonable suspicion, and the discovery of the rolling papers then justified the further searching since such papers are commonly used to roll marijuana cigarettes. The “reasonableness” standard was met and the evidence used against the girl was properly obtained.


Case dealt with two emotionally disturbed children in California who were given five day suspensions from school for misbehavior which included destroying school property and assaulting and making sexual comments to other students. Following California state law, the suspensions were continued indefinitely while the school was preparing for expulsion proceedings. The students sued the district contesting the extended suspensions on the ground that they violated the “stay put” provision of the EHA (Education of the Handicapped Act—now known as IDEA—Individuals with Disabilities Education Act) which provides that a student must be kept in his or her “then current” educational placement during the pendency of proceedings which contemplate a change in placement. In other words, a special Ed child can not have his placement changed without a new IEP (Individual Education Plan) being approved. When the case was reviewed by the S.C., the Court stated that an indefinite suspension did constitute a “change in placement” and that it violated the EHA. The Court went on to say that where a disabled student poses an immediate threat to the safety of others, school officials may temporarily suspend him or her for up to ten school days. The Court held that this authority insured 1) that school officials can protect the safety of others by removing dangerous students, 2) that school officials can seek a review of the student’s IEP and try to persuade the members of the IEP team, including the student’s parents, to agree to an interim placement, and 3) that school officials can seek court rulings to exclude students whose parents “adamantly refuses to permit any change in placement.” This can only be done when the school can show that maintaining the child is his or her current placement is likely to result in injury either to himself or herself, or to others. The Court did affirm that temporary suspensions up to ten days did not constitute a change in placement, but left intact the principle that where a student’s misbehavior is caused by his or her disability, any attempt to expel the student from school will be turned aside.

Teacher Termination and Tenure

Case dealt with an Illinois high school teacher who was fired for sending a letter to the editor of the local newspaper criticizing the school board and the district superintendent for their handling of school funding. The letter particularly criticized the board’s handling of a bond issue and allocation of funds between school educational and athletic programs. The teacher also charged the superintendent with attempting to stifle opposing views on the subject. The board then held a hearing at which it charged the teacher with publishing a defamatory letter and after deeming the teacher’s statements to be false, the board fired the teacher. The teacher filed suit in an Illinois court which affirmed the board’s actions. The matter finally made its way to the U.S. Supreme Court that reversed the case finding no support for the view that public employment subjected the teacher to deprivation of his constitutional rights. Since there was no proof of reckless disregard for the truth by the teacher and the matter concerned the public interest, the board could not constitutionally terminate his employment.


Ohio law protected all civil service employees from dismissal except for “misfeasance, or nonfeasance in office.” Employees who were terminated for cause were entitled to an order of removal stating the reasons for termination. Unfavorable orders could be appealed to a state administrative board whose determinations were subject to state court review. A security guard hired by a school board stated on his job application that he had never been convicted of a felony. Upon discovering he had in fact been convicted of grand larceny, the school board dismissed him for dishonesty in filling out the job application. He was not afforded an opportunity to respond to the dishonesty charge or to challenge the dismissal until nine months later. In a second case, a school bus mechanic was fired because he had failed an eye examination. The mechanic appealed his dismissal after the fact because he had not been afforded a pretermination hearing. A federal district court rejected both of the claims and they appealed to the Court of Appeals which reversed the district’s decisions. Upon appeal to the S.C., both cases were consolidated. The S.C. held that the employees possessed a property right in their employment and were entitled to a pretermination opportunity to respond to the dismissal charges against them. The pretermination hearing, stated the Court, need not resolve the propriety of the discharge, but should be a check against mistaken decisions—essentially a determination of whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action. The Due Process Clause of the 14th Amendment required a hearing “at a meaningful time,” and the Court stated that the employees entitled to a pretermination hearing.

**School Finance**

Case dealt with assessed valuation of property and the taxes received by the districts to support public education. The problem lay in the fact that poorer district could not provide the amount of property taxes that rich districts could, and this, in the opinion of Seranno and the California Supreme Court caused disparity in the educational opportunities of the students residing in the different districts. The California Supreme Court agreed and stated that California’s method of school funding was unconstitutional. It required that school funding be determined on some basis other that district property wealth; however, it did not say that property tax (ad valorem) was unconstitutional. (This case had a bearing on Oklahoma because it took place within the 10th Circuit.)


Another case, this one in Texas, occurred and challenged the state system of allocating state funds for education, claiming that many rural school districts were underassessed and this resulted in some districts obtaining disproportionate amounts of state funds. This case also claimed that education is a “fundamental interest” and that the unequal funding violated the 14th Amendment—equal protection. A district court agreed and ruled the Texas method of funding schools unconstitutional and that it violated the 14th Amendment. The S.C. agreed to hear this case (The first and only equal protection case concerning school finance to be heard by the S.C. to date) and reversed the lower court’s decision, stating that the Texas school finance system did not discriminate against any class of persons because it dealt with school districts and not individuals. The Court also held that education was not among the rights protected by the U.S. Constitution. Of equal importance, the S.C. decision in Rodriguez effectively removed school finance reform litigation from the federal courts. The S.C. has spoken and it is clear that the problem of education funding reform must be handled by the states. This has been strengthened by the fact that the S.C. has refused to review any other cases in this area since Rodriguez.