

# **Chapter 10: The Courts and The Schools**





# Teachers' Rights

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- Tenure
- Rights and limitations of speech of teachers in the classroom
- Rights of teachers outside of school
- Rights and limitations of speech and conduct of teachers in relationship to administrators and school boards



# Teachers' Liability

- Student injuries
- Gay and Lesbian



# Teachers' Private Lives

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- *Keyishian v. Board of Regents of New York* (1967) and the Feinberg Law
- Private lives and professional conduct



# Parents' Rights

- School counseling
- Condom and AIDS information distribution



# The Constitution

- The Fourteenth Amendment
- The First Amendment



# Student Suspensions

- *Gross v. Lopez*
- Due process



# Do School Authorities Have the Right to Paddle Children?

- *Ingraham v. Wright*





# Child-Benefit Theory

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- Lemon v. Kurzman
- Lemon test. Government aid to religious schools must:
  - Have a secular purpose
  - Not inhibit or advance religion
  - Not cause excessive entanglement of government in religion



# Religion and State School Requirements

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- Amish beliefs
- *State of Wisconsin, Petitioner v. Jonas Yoder et al.*
- Jehovah's Witnesses and the flag ceremony and pledging allegiance to the flag
- *West Virginia State Board of Education v. Barnette*



# School Prayer, Bible Reading, and Meditation

- *Engel v. Vitale*
- Minute of silence



# Secular Humanism and the Religion of Public Schools

- Secular humanism
- Removal of books that teach secular humanism



# Evolution and Creationism

- Creationism Act
- *Edwards v. Aguillard* (1987)



# School Finances

- *Serrano v. Priest* (1971)
- *Rodriguez v. San Antonio Independent School District*



# What Would You Do? (I)

During the year, schools hold sporting events and, in the spring, graduation ceremonies. In which of these school rituals would you think prayer could or should be allowed?

# What Would You Do? (I)

The U.S. Supreme Court ruled the following:

- Prayer given by an individual in a graduation speech is allowed
- Prayer before a sporting event is not constitutional



## What Would You Do? (II)

A group of students wear black arm bands to school to protest the War in Iraq and are suspended. Is this a violation of their constitutional rights? Why or why not?

*Tinker v. Des Moines Independent School District (1969)*

## What Would You Do? (II)

The U.S. Supreme Court ruled that students “may express his opinion, even on controversial subjects like the conflict in Vietnam... Under our Constitution, free speech is not a right that is given only to be so circumscribed that it exists in principle but not in fact.” However, they cannot interfere with normal activities of the school.

## What Would You Do? (III)

A local school decides to require urine testing for drugs before any student participates in competitive and/or certain extracurricular activities. Is this reasonable? Why or why not?

# What Would You Do? (III)

- The Court's decision states that students in school are in "temporary custody of the state" and a "student privacy interest is limited in a public school environment."
- The manner in which the school collects the urine samples is not an invasion of privacy.
- Schools do not need to prove probable cause before searching a student's possessions as long as the search is conducted in a reasonable manner.

*Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.*