

Landmark Student Rights Supreme Court Cases

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Far are we from the days when teachers could use rulers to discipline students with a slap on the hand. How did we get here? By examining court cases over the years, we can try to piece together the journey student rights has made.

The First Amendment, including freedom of speech, is part of what makes America what it is. However, there are many cases where students claim their First Amendment rights are being violated.

Tinker vs Des Moines 1969:

The first of many such court cases is Tinker vs. Des Moines. In 1965, Robert Kennedy called for a cease-fire in the Vietnam War, and many people agreed, including the Tinker family. The five Tinker children made black armbands with peace signs to wear to school in support of the cease-fire. The school caught wind of the plan and said they weren't allowed to wear the armbands to school. The Tinker family wore them anyway and were suspended. That's when the American Civil Liberties Union stepped in, and the Supreme Court upheld the students' right to symbolic protest, even if it's an unpopular opinion. This was a win for students right to free speech. However, many court cases following Tinker set back the progress made.

Hazelwood vs Kuhlmeier 1988:

When two student journalists wanted to publish articles prohibited by their principal, the issue of student rights entered the Supreme Court once again. Two students wanted to post articles on divorce and teen pregnancy in the school paper. The students went to the Supreme Court claiming their rights had been stepped on. In the end, the Supreme Court ruled the First Amendment rights of student journalists are not violated when school officials forbid certain material from being published. However, it is important to note that, in Iowa, students have the luxury of the Iowa Student Free Expression Law (1989). This law gives Iowa student journalists protection from administrative censorship.



On February 24, 1969, in the landmark case Tinker v. Des Moines Independent Community School District, it was decided that students do not surrender their constitutional rights at school. But what does this mean for students today?

Obviously, certain rules apply at school. While you are permitted to express your opinion according to your freedom of speech, you are not allowed to swear or speak hatefully. While you are entitled to wear what you want, dress codes prevent you from wearing certain things. How is it legal for your school to tell you what you can or cannot say or wear in school?

The simple answer is that you are a minor. Minors are less mature than adults and cannot make the same kinds of choices that adults may make. This is why minors are assigned a guardian to make decisions for them, usually a parent. In the case of students, however, courts have determined that schools can and often should act as parents to protect students when students require protection. In the same way that a parent may make a rule that a child is required to follow, a school may also make such a rule.

The other main reason why schools are allowed to enforce rules that restrict what students say, do, and wear is that the primary goal of a school is to educate. Actions that defy this goal may be restricted by the school. This is why phones are not allowed in class and dress codes are enforced; students are not permitted to act in a way that detracts from the school's ability to educate.

Struggle for Free Speech and Press Within School

As students grow more and more vocal about current events, the issue of free speech in school environments is becoming more hotly contested than ever before. To give some background to the argument, here's a brief timeline of how free speech in schools has changed over the years.

In the late 1960s, a landmark Supreme Court case was held that forever changed how constitutional rights are observed in the classroom. The holiday season was approaching in the heat of the Vietnam War and a few students from Des Moines were planning to mourn the casualties on both sides by wearing black armbands to school. Administration, catching wind

of this plan, met two days before the date of the protest to arrange a policy of suspension for any student caught participating. Nevertheless, a few students still followed through and, wearing the armbands, were sent home and suspended until New Year's.

The protest sparked a lengthy lawsuit – now widely known as Tinker v. Des Moines – and the case was argued all the way to the federal Supreme Court. They ruled that students in state-funded public schools have no obligation to give up their freedom of expression upon entering school grounds: a famous quote from the hearing is "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

The battle for freedom of speech at school didn't end there, though. In the years following Tinker v. Des Moines, there were a few other landmark cases that began to set stricter boundaries on what students do and do not have the right to say in an educational setting. In 1986, Bethel v. Fraser posed the question of how school districts are to handle vulgar language at their events. Matthew Fraser, a senior, was giving a speech to the student body that was punctuated with lots of sneaky innuendos but no actual obscenities. Nothing outstandingly 'vulgar' was said during the speech, but the school still opted for disciplinary action, with the Supreme Court also ruling in their favor.

Another 80s case, Hazelwood v.

Kuhlmeier, ruled that schools have the right to censor their student newspapers if they believe there would arise a "legitimate pedagogical concern" in publishing the paper. In most states to this day, the principal or somebody else in administration still goes through and personally approves every piece as safe to publish.

The Pelladium is lucky in that we don't have to have that prior approval. Only a few states today - Iowa included - have put this policy out to pasture. Here, there's an addition to the First

Amendment that allows "no prior restraint of material prepared for official school publications" unless the material is obscene, slanderous or inciting other students to

do things that are either illegal or violate reasonable school policy.

In 2007, a student unfurled a huge banner reading "BONG HITS 4 JESUS" across the street from a school event and was still subject to discipline even though he wasn't technically on school property (Morse v. Frederick), marking an important step in how far school districts are able to reach with their power.

But even though there have been a few strange outlier cases over the years, most students nowadays – in public schools, at least – enjoy virtually all the First Amendment rights that they would off campus. A more recent example of the free speech debate at school would be walkouts: the general ruling in that scenario is that students are free to express themselves however they want as long as they're not harassing anyone or directly inciting violence, but they have to face the individual consequences of leaving class unexcused. Even though public schools are free to hand out detentions to students who skip class for a walkout, they aren't allowed to harshen punishments on a political or personal basis. School districts over the years have learned to accept that since high school is the final step before college and the real world, they have to find a real balance between allowing freedom of expression and showing students the consequences of that expression when it's necessary.

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What Rights Do Students

Backpack
Pella High
Conversion
Student
Rights

Do you



Senior Camryn Huys

"Kind of! It's hard with a backpack across the school and sometimes you need things out of your backpack that you don't have them with you"

Have in School?



That being said, certain rights are not surrendered in school. While a school is permitted to act as a pseudo-parent in many instances, as long as an activity does not violate a school's goal to educate and protect students, it is permitted. If a student wishes to wear a pride flag, the school cannot object. This does not detract from the school environment or endanger other students; thus, it is perfectly permissible. If a student wishes to wear a MAGA hat to school, this is also allowed. These actions are merely expressions of opinion and do not violate the school's terms.

These rules worked pretty well in America for some time; however, life is changing for students and educators. Technology, violence, and increased social acceptance of minority groups in recent years has caused many changes in society, and nowhere are these changes more apparent than in young people. As the landscape of education changes, the rights of students and the kinds of rules that schools enforce will be adjusted. The truth of the matter is that students today live in a societal limbo; technology has caused things to change more rapidly than schools and courts can keep up with. Student rights are not a cut and dry matter, rather they are constantly evolving, now more so than ever.

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Back Ban at Pella High Sparks Discussion on Student Rights

Pella Administration Bans Backpacks During School

Recently at Pella High School, a no backpack rule has been put in place. Students will no longer be allowed to bring backpacks into classrooms and are required to put it in their locker, in the morning before classes start. Schools across the nation have started to implement this rule, and many have started to question whether having a backpack is a student right.

Schools in Florida, Illinois, and Ohio have already made rules against backpacks. The main reason behind this new rule is to keep schools safe. In Ohio, this policy was put into place after bomb threats and school shootings. In Florida, after the Parkland shooting, schools issued the rule of no backpacks.

This year, the high school administration decided to follow these other states in hopes to improve safety.

"The reasons for saying no backpacks is for safety, learning environment and not carrying so much weight," stated Principal Eric Nelson. "Classrooms were cluttered

from backpacks and would make it harder if we had to evacuate. Having a backpack is not a student right, and you are given a locker to use."

Students at Pella High took umbrage to this new rule. There were many complaints towards the start of the year about not being able to bring backpacks into classrooms. Many students think having a backpack would be easier than carrying everything around.

"I get it, but I don't like it. If we can bring it into school, why not be able to bring it into the classroom?" asked sophomore Joshua Miller.

Not being able to bring backpacks into classrooms can be a struggle, especially when students have lockers far from a class. Since this new rule has been enforced, fanny packs and other small bags are coming into style. Another solution is having students bring a clear or mesh backpack.

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Bethel School District vs Fraser:

For instance, in 1986, senior Mathew Fraser at Bethel High School in Bethel, Washington, was suspended for using inappropriate speech at an assembly. Fraser was nominating one of his friends for student body government. On stage, he made many sexual innuendos, although no curse words were spoken. While Fraser's friend did win, Fraser was suspended for three days.

Fraser's parents appealed to the Washington Supreme Court who agreed Fraser's first amendment rights had been violated.

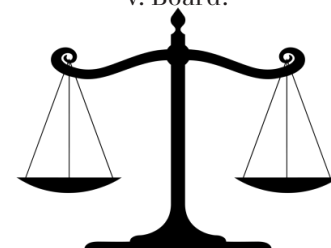
When the school appealed to the U.S. Supreme Court, the Supreme Court sided with the school board. Essentially, in a 7-2 vote, the court decided that the vulgarity of the speech has no place in public education, where the values of America should be taught.

Morse Vs Frederick:

Another court case regarding students' right to free speech is Morse vs Frederick. Essentially, senior Joseph Frederick from Juneau-Douglas High School displayed a banner saying "Bong Hits 4 Jesus" during the Olympic Torch Relay through Juneau, Alaska. Frederick's principal told him to put the banner away, and Frederick was suspended for violating school policy, which forbids advocating for drug use. Since the event was school sponsored, the court sided with the school.

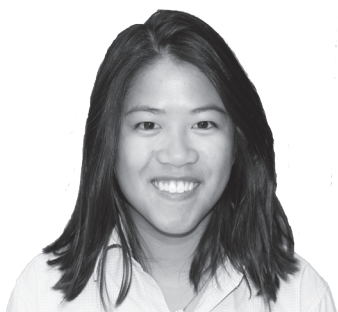
Brown v. Board of Education:

It would be naive to gloss over perhaps the most famous student rights court case there is: Brown v. Board of Education. In reality, what we call Brown v. the Board of Education (1954) consisted of five separate court cases, all involving the issue of public school segregation. Before this landmark court case, public school children in America were not allowed to go to school with other students who were a different race than themselves. The argument was separate schools are inherently unequal, and are, therefore, unconstitutional. The Supreme Court ended up ruling that segregation was unconstitutional, and thus began the long process of desegregation. While even today there are accounts of racial injustice in schools, the American school system has come a long way since pre-Brown v. Board.



Action // Reaction

Do you think the new backpack policy violates your student rights?



Junior Lin Nikkel:

"The no backpack rule hinders people who do the right thing everyday. It's unfair that a couple of people doing the wrong thing ruined it for everyone."



Sophomore Levi Roose:

"I don't get the point of doing it. If you can bring your backpack into the school [before and after school], what's it really stopping?"



Freshman Aidan Brand:

"We should be able to [have backpacks], so we have time between classes and don't have to rush around."

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