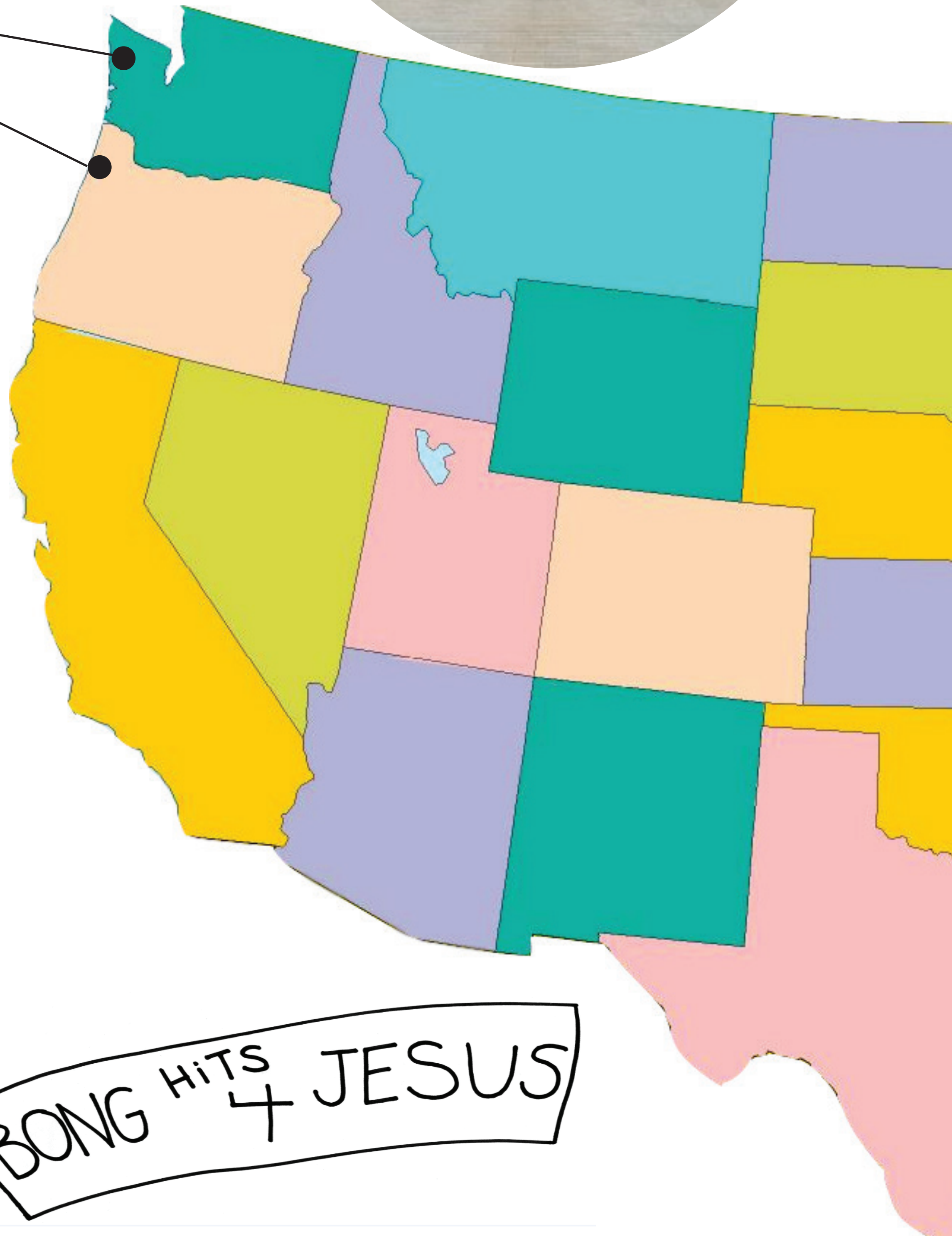
Landmark student rights c

Written by Ben Portnoy and Joey Schuman
Designed by McKenna Patterson

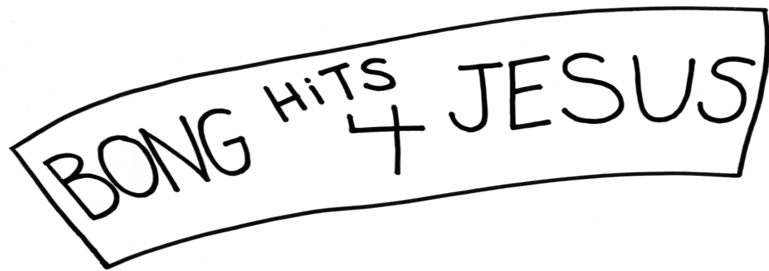
Bethel School District v. Fraser (1986)

On April 26, 1983, high school senior Matthew Fraser delivered a speech nominating a fellow student for a student elective office at a voluntary assembly that was held during school hours in Pierce County, Washington. The event was part of a school-sponsored educational program in self-government and was attended by approximately 600 students (many of whom were 14-year-olds). The entire speech was made in terms of an elaborate, graphic, and explicit sexual metaphor (but no obscenity). As a result, Fraser was suspended from school for three days along with being prohibited from speaking at his graduation ceremony. On July 7, 1986, the U.S. Supreme Court ruled by a 7-2 vote that these punishments did not violate the First Amendment, claiming that "the First Amendment, as applied through the Fourteenth, permits a public school to punish a student for giving a lewd and indecent, even if not obscene, speech at a school assembly."



Vernonia School District 47J v. Acton (1995)

After school officials in the district of Vernonia, Oregon, noticed a dramatic rise in drug use among students, especially from student athletes, various efforts were made to curb the problem. This included special classes, speakers, presentations to the students, and specially trained dog to detect drugs. These measures proved to be ineffective, so the school's administration instituted a drug testing plan that was required for student athletes. At the beginning of the season, all athletes were tested, and throughout each week of the season, 10% of the athletes were randomly selected to provide a urine sample. After being met with contempt, the policy was taken to the Supreme Court. On June 26, 1995, the Supreme Court ruled by a 6-3 holding that "the Fourth Amendment allows random drug testing of high school students involved in athletic programs."



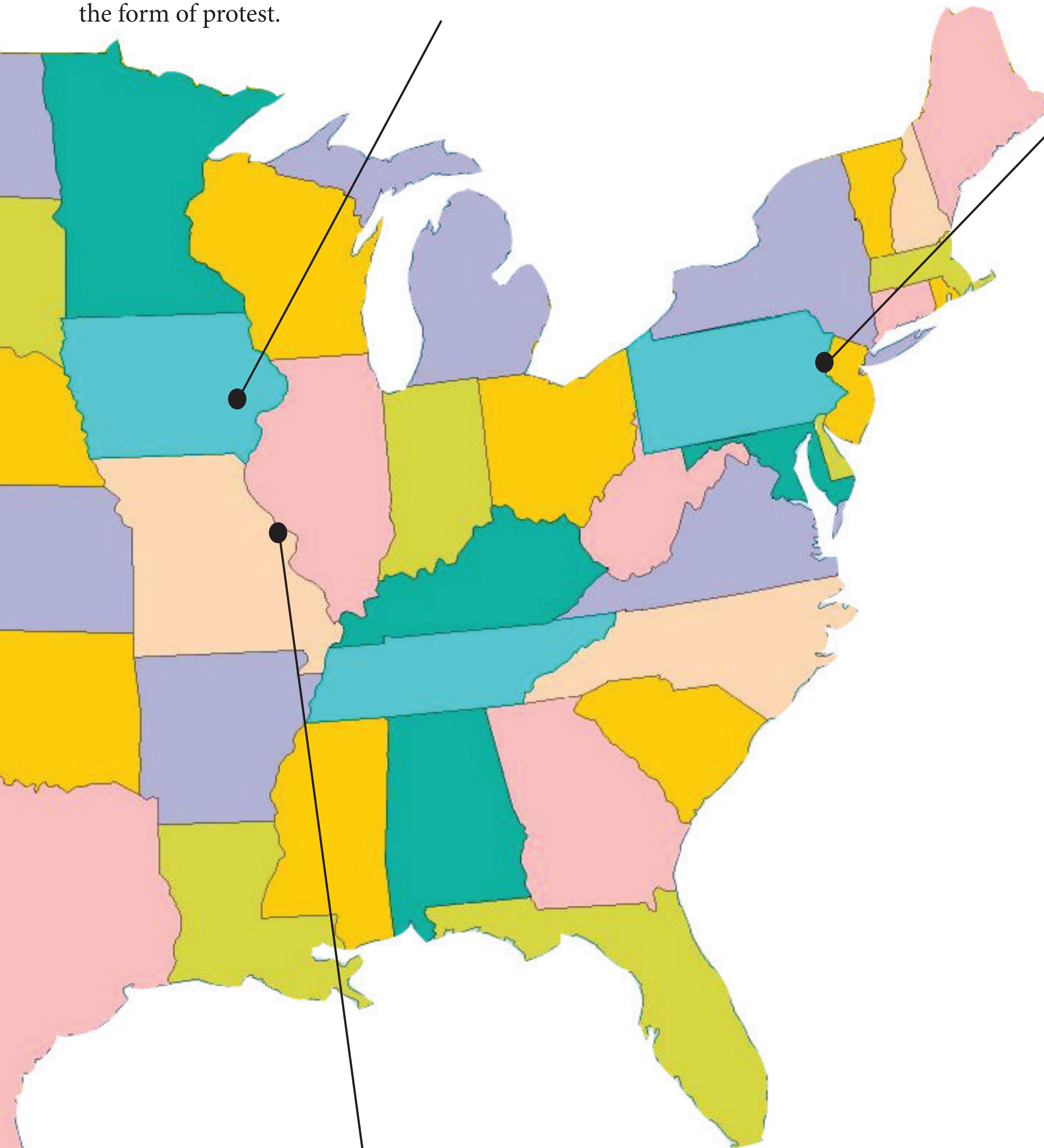
Morse v. Frederick (2007)

On Jan. 24, 2002, Joseph Frederick, a senior at Juneau-Douglas High School, displayed a banner stating "Bong Hits 4 Jesus" during the Olympic Torch Relay through Juneau, Alaska. Frederick was at the event on a school-supervised trip, but the school's principal, Deborah Morse, told Frederick to put away the banner out of concern that he was advocating for the use of illegal drugs. Frederick refused to comply, however, and Morse took the banner away from him and suspended him for ten days. On June 25, 2007, the U.S. Supreme Court ruled that schools may "take steps to safeguard those entrusted to their care from speech that can be regarded as encouraging illegal drug use," therefore confiscating the banner and establishing that Frederick's suspension did not violate the First Amendment.

cases that swept the nation

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

In December of 1965, a group of students led by Christopher Eckhardt and Mary-Beth Tinker planned to show their support for peace in Vietnam by wearing black armbands in school. School administrators discovered the plan just two days before it was set to begin and instituted a policy that banned armbands in school. Any student who refused to remove the armbands faced suspension. The day the protest began, Eckhardt, Tinker, and her brother John refused to remove the armbands and were subsequently suspended. Due to the suspensions, the students took their case to court, suing the school district for violating their First Amendment rights to free speech and expression. The school district argued that the armbands "hastily enacted school district rule that prohibited the classroom display of symbols of protest." Upon reaching the Supreme Court, the Court held in a 7-2 decision that the students' First Amendment rights were violated when the school refused to allow the protest. Justice Abe Fortus famously articulated in his opinion, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Tinker served as a landmark case for student rights because it reinforced the First Amendment right to free speech and prevents the school from limiting that speech in the form of protest.



Minersville School District v. Gobitis (1939)

Minersville, Pennsylvania 1939. In a time of heightened patriotism, the Supreme Court made one of their most controversial decisions in history. Lillian and William Gobitis were students in the Minersville School District in Schuylkill County, Pennsylvania. The Gobitis' were disciplined by the district for not saluting the American flag during the school's daily mandatory salute. The Gobitis children, who were Jehovah's Witnesses, claimed that saluting the flag was against their religious beliefs. However, the school refused to comply with their religious views and had the children expelled.

When Minersville reached the Supreme Court, it posed the constitutional question of whether the school's expulsion of the Gobitis children violated liberties guaranteed in the First and Fourteenth Amendments. The Court voted 8-1 in favor of Minersville, upholding the mandatory flag salute, explaining they did not want to become "the school board for the country." However, this ruling came under immediate scrutiny when in a similar case, *West Virginia State Board of Education v. Barnette (1943)* the West Virginia State board of Education attempted to mandate saluting the flag in all public schools. The Supreme Court ruled 6-3 in favor of Barnette, that the mandate of a flag salute was unconstitutional and thereby overturned the ruling in Minersville v. Gobitis. The Minersville case stands as a landmark case for student rights as it ultimately granting students more rights to free speech in schools, and enforces the freedom of religion, even in public schools.

Hazelwood School District v. Kuhlmeier (1987)

Hazelwood East High School's principal, Robert Reynolds, ordered the removal of two articles he deemed inappropriate from the May 13, 1983 issue of The Spectrum, the school's newspaper. Reynolds objected to the first article, a story profiling the experiences of three pregnant students at Hazelwood East, and the second article, an exposé on the experiences of students with divorced parents. Three students who wrote for The Spectrum, including Catherine Kuhlmeier, the namesake for the case, objected to Reynolds' decision and filed suit in the U.S. District Court for the Eastern District of Missouri. The students asserted that the First Amendment protected them from Reynolds' censorship. Once Hazelwood reached the Supreme Court, it posed the question of the rights of student journalists and, in particular, whether a public school could limit their First Amendment rights of free speech and freedom of the press. The Court held in 5-3 that the school district was within their constitutional rights to censor The Spectrum. In his majority opinion, Justice Byron White concluded that The Spectrum was not entitled to full First Amendment protection because it was not a "public forum." He continued that "school facilities may be deemed to be public forums only if school authorities have 'by policy or by practice' opened those facilities 'for indiscriminate use by the general public,' or by some segment of the public, such as student organizations."