

## Supreme Court Cases applicable to secondary education settings

West Virginia State Board of Education v. Barnette (1943)

The Free Speech clause of the First Amendment prohibits public schools from forcing students to salute the American flag and say the Pledge of Allegiance. (ie, schools can not suspend a student for refusing to say the pledge)

Everson v. Board of Education (1947)

In addition to incorporating the Establishment Clause (applying it to the States through the Due Process Clause of the Fourteenth Amendment), *Everson* was the beginning of a powerful separationist drive by the Court, during which many programs and practices given government sanction were found to have religious purposes or effects and thus invalidated. 5-4 decision, based on Constitutional amendments 1 and 14

Brown v. Board of Education of Topeka, Kansas (1954)

Segregation of students in public schools violates the Equal Protection Clause of the Fourteenth Amendment, because separate facilities are inherently unequal. District Court of Kansas reversed. Unanimous decision declaring "separate but equal" unconstitutional. Unanimous 9-0 decision, relying on Constitutional amendment 14

Engel v. Vitale (1962)

Government-directed prayer in public schools, even if it is denominationally neutral and non-mandatory, violates the Establishment Clause of the First Amendment. 6-1 ruling emphasizing Constitutional amendment 1

Epperson v. Arkansas (1968)

States may not require curricula to align with the views of any particular religion. 9-0 decision, based on the Constitution amendment 1

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

The First Amendment, as applied through the Fourteenth, did not permit a public school to punish a student for wearing a black armband as an anti-war protest, absent any evidence that the rule was necessary to avoid substantial interference with school discipline or the rights of others. 7-2 decision, applying the Constitution amendments 1 and 14

New Jersey v. T. L. O. (1985)

School officials are State agents when enforcing disciplinary rules mandated by law. Officials may search without a warrant using reasonable suspicion of a violation of the law or school rules. 7-2 ruling, citing Constitutional amendment 4

Bethel School District v. Fraser (1986)

The First Amendment, as applied through the Fourteenth, permits a public school to punish a student for giving a lewd and indecent, but not obscene, speech at a school assembly.

Hazelwood v. Kuhlmeier (1988)

The Court held that public school curricular student newspapers that have not been established as forums for student expression are subject to a lower level of First Amendment protection than independent student expression or newspapers established (by policy or practice) as forums for student expression.

Broussard v. School Board of Norfolk (1992)

A student was disciplined for wearing a t-shirt that read "Drugs Suck". When he sued, his lawyer claimed that his shirt was a form of free speech protected by the First Amendment of the United States Constitution and the Tinker Standard. The court ruled in favor of the school board, saying that although the shirt displayed an anti-drug message, the word "sucks" was a vulgar word with a sexual connotation and therefore not allowed in school.

Vernonia School District v. Wayne Acton (1995)

The Fourth Amendment allows random drug testing of high school students involved in athletic programs  
6-3 ruling

Santa Fe Independent School District v. Doe (2000)

Student-led, student-initiated prayer at football games violates the Establishment Clause. 6-3 decision

Owasso Independent School District v. Falvo (2001)

Peer grading does not violate the Family Educational Rights and Privacy Act

Board of Education v. Earls (2002)

Coercive drug testing imposed by school district upon students who participate in extracurricular activities does not violate the Fourth Amendment. 5-4 ruling

Morse v. Frederick (2007)

Because schools may take steps to safeguard those entrusted to their care from speech that can reasonably be regarded as encouraging illegal drug use, the school officials in this case did not violate the First Amendment by confiscating the pro-drug banner and suspending [student] Frederick