

Summaries of the Facts and Decisions in Two Key U.S. Supreme Court Cases Involving the Rights of Students

Brief Summary of Facts of *Tinker v DesMoines*: (1969)

Three public school pupils in Des Moines, Iowa, were suspended from school for wearing black armbands to protest the Government's policy in Vietnam. They sued the school district arguing that their first amendment right to freedom of speech had been violated. The District Court dismissed the complaint on the ground that the regulation was within the School Board's power, despite the absence of any finding of substantial interference with the conduct of school activities. The Court of Appeals upheld the District Court's decision.

Summary of Supreme Court Decision (from majority opinion written by Justice Fortas):

1. In wearing armbands, the petitioners were quiet and passive. They were not disruptive, and did not impinge upon the rights of others. In these circumstances, their conduct was within the protection of the Free Speech Clause of the First Amendment and the Due Process Clause of the Fourteenth.
2. First Amendment rights are available to teachers and students, subject to application in light of the special characteristics of the school environment.
3. A prohibition against expression of opinion, without any evidence that the rule is necessary to avoid substantial interference with school discipline or the rights of others, is not permissible under the First and Fourteenth Amendments.

Brief Summary of Facts in *Bethel v Fraser* (1986)

A public high school student delivered a speech nominating a fellow student for a student elective office at a voluntary assembly that was held during school hours as part of a school-sponsored educational program in self-government, and that was attended by approximately 600 students, many of whom were 14-year-olds. During the entire speech, respondent referred to his candidate in terms of an elaborate, graphic, and explicit sexual metaphor. Some of the students at the assembly hooted and yelled during the speech, some mimicked the sexual activities alluded to in the speech, and others appeared to be bewildered and embarrassed. Prior to delivering the speech, the student discussed it with several teachers, two of whom advised him that it was inappropriate and should not be given. The morning after the assembly, the Assistant Principal called the student into her office and notified him that the school considered his speech to have been a violation of the school's "disruptive conduct



rule," which prohibited conduct that substantially interfered with the educational process, including the use of obscene, profane language or gestures...

Summary of Decision (taken from majority opinion written by Chief Justice Burger):

"It is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse. Nothing in the Constitution prohibits the states from insisting that certain modes of expression are inappropriate and subject to sanctions. The inculcation of these values is truly the work of the school and the determination of what manner of speech is inappropriate properly rests with the school board...Petitioner School District acted entirely within its permissible authority in imposing sanctions upon respondent in response to his offensively lewd and indecent speech, which had no claim to First Amendment protection.

...public education must prepare pupils for citizenship in the Republic...It must inculcate the habits and manners of civility as values in themselves conducive to happiness and as indispensable to the practice of self-government in the community and the nation. These fundamental values of 'habits and manners of civility' essential to a democratic society must, of course, include tolerance of divergent political and religious views, even when the views expressed may be unpopular. But these 'fundamental values' must also take into account consideration of the sensibilities of others, and, in the case of a school, the sensibilities of fellow students. The undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against the society's countervailing interest in teaching students the boundaries of socially appropriate behavior. Even the most heated political discourse in a democratic society requires consideration for the personal sensibilities of the other participants and audiences..." Based on these and other cases involving rights of students in a school environment, the following statement summarizes the most basic right of students:

Teachers and administrators have a responsibility to provide a safe environment for the students that is conducive to learning. In other words, the number one right of all students is the right to an environment in which they can learn.

