

Obj. 2.06 1st amendment speech in Public Schools

Tinker v. Des Moines School District

- Vietnam War protest in a public school
- Students wore black armbands to protest war & were suspended
- **Issue: Can schools limit freedom of expression?**
- Court ruled in favor of Tinkers (students)
 - “it can hardly be argued that students shed their constitutional rights of freedom of speech or expression at the schoolhouse gate”

Hazelwood School District v. Kuhlmeier

- Interpretation of “free speech” in schools
- Student newspaper prevented from printing a story about pregnant students
- Issue: Can schools limit freedom of the press?

Bethel School District v. Fraser

- Student gave a speech nominating a peer for student gov’t was sexually suggestive speech
 - warned by teachers beforehand that the speech was “inappropriate”
 - School suspended student for 3 days & prohibited him from further public speaking
- Issue: Can school limit free speech?
- Court ruled that school could punish student for lewd speech at school sponsored events

Can schools govern “free speech”?

- Since the Tinker decision several cases have further defined the meaning of the 1st Amendment in regard to schools.
- Public schools may:
 - Limit symbolic “pure” speech when it causes substantial disruption to school’s mission
 - edit and prohibit vulgar and offensive language
 - limit speech when the school is considered the instrument of dissemination (newspaper, website)