

# Student Rights Slideshow Project (Instructions)

## Background Information

Students are in a unique legal position while they're in school for several reasons...

- ★ Students are usually minors, limiting their power to make their own decisions.
- ★ School officials (including teachers) are generally considered to be acting “in loco parentis” (“instead of the parent”) when parents aren’t immediately available. This means they have SOME of the same rights and responsibilities as your legal guardians - but not all.

The courts have generally found that students retain many of the same rights as adults, but there are some important exceptions:

- Students have SOME free speech, but not unlimited free speech.
- Students have SOME protection from unreasonable searches, but not the same protection they’d have outside of school.
- Students have SOME control over their day and their behavior, but schools are given substantial flexibility in terms of how much control they choose to exert.
- (You get the general idea...)

Many issues come down to the question of “substantial disruption.” Pretty much anything that causes a “substantial disruption” to learning or student safety can be controlled or prohibited by school officials.

In most situations *outside* of school, whether or not authorities can search your car, purse, or pockets is determined by “probable cause.” (In other words, they have to have a pretty good reason which involves at least some evidence or a clear and immediate danger.) *In* school, administrators need only have “reasonable suspicion.” (They can’t search your personal belongings for no reason at all, but it doesn’t take much for the courts to say it’s OK.)

There are EIGHT basic types of cases involving student rights which have made it to the Supreme Court at least once...

- student speech while **IN** school (symbolic as well as spoken or written)
- student speech **OUTSIDE** of school, but **ABOUT** teachers or schools
- searching students’ belongings / drug testing
- school or teacher-sponsored prayer or religious observations
- student religious expression / after-school clubs
- the Pledge of Allegiance
- Evolution / Darwinism (teaching science vs. promoting religious beliefs)
- vouchers / “school choice” (which are more about parents’ choices than students and which we won’t be covering in this assignment unless you really feel strongly about it and convince me otherwise)

## The Assignment:

You're going to create a Google Slideshow educating your audience about ONE of the following topics:

- student speech while IN school (symbolic as well as spoken or written)
- student speech OUTSIDE of school, but ABOUT teachers or schools
- searching students' belongings / drug testing
- school or teacher-sponsored prayer or religious observations
- student religious expression / after-school clubs

Your slideshow should be 8-12 slides and contain both text and helpful visuals. ALL TEXT MUST BE IN YOUR OWN WORDS AND IN PLAIN, SIMPLE ENGLISH.

Your FIRST slide should be a title slide which introduces your subject and key questions you'll be addressing. Your LAST slide should be a list of your sources with a brief description of each one.

You DO NOT have to present these in class, but they should be "presentation-ready" (meaning the QUALITY should be high enough that you wouldn't be embarrassed to share them with others).

NOTE: Some topics have been debated in MANY different Supreme Court cases. The advantage to these is that you only have to know the basics about each one. Some topics have only come before the Supreme Court a few times. The advantage to these is that there aren't as many cases to research and understand.

I'M PROVIDING YOU A LIST OF "MUST INCLUDE" CASES FOR EACH TOPIC. You are welcome to add to this list if there are other relevant cases, but these MUST be included in your presentation. *Please note that SOME of these cases were decided in federal court but didn't reach the Supreme Court itself.*

I'm also providing you a list of sources you may use as a "starting point." You should still include them on your sources slide with links to the specific pages or videos you used.

**Rough Draft due \_\_\_\_\_ = 100 possible points**

- Topic is chosen and slideshow has been started = 25 points
- At least FIVE specific, useful sources (on paper or slideshow) = 25 points
- At least FIVE slides contain some useful text / supporting visuals = 50 points

**Final Draft due \_\_\_\_\_ = 100 possible points**

- All required cases covered and clearly explained = 40 points
- Text is clear and sounds like it's in your own words = 20 points
- Supporting visuals which relate to specifics of each case = 20 points
- Title Slide / Sources Slide = 20 points
- Supreme Court terminology related to cases / subject clearly defined as part of presentation = 5 -10 bonus points each (maximum of +25)

### **Required Cases for Student Speech IN School:**

- ❖ *Tinker v. Des Moines ISD* (1969),
- ❖ *Bethel School District No. 403 v. Fraser* (1986)
- ❖ *Hazelwood School District v. Kuhlmeier* (1988)
- ❖ *West v. Derby Unified School District* (10th Circuit Court) (2000)
- ❖ *Lavine v. Blaine School District* (9th Circuit Court) (2001)
- ❖ *Morse v. Frederick* (2007)
- ❖ *Dariano v. Morgan Hills Unified School District* (9th Circuit Court) (2014)

Make sure you explain how the courts determine what IS and IS NOT protected student speech. Feel free to include additional cases decided by district courts which didn't make it to the Supreme Court.

### **Required Cases for Student Speech OUT of School:**

- ❖ *Beussink v. Woodland School District* (Eastern District Court of Missouri) (1998)
- ❖ *Morse v. Frederick* (2007)
- ❖ *Bell v. Itawamba County School Board* (5th Circuit Court of Appeals) (2015)
- ❖ *Mahanoy Area School District v. B.L.* (2021)

Explain how the courts determine what IS and IS NOT protected student speech outside of the school day. Feel free to include additional cases decided by district courts which didn't make it to the Supreme Court.

### **Required Cases for Searching Students, Students' Stuff, and Drug Testing**

- ❖ *New Jersey v. T.L.O.* (1985)
- ❖ *Vernonia School District v. Acton* (1995)

Explain "probable cause" vs. "reasonable suspicion" & how the courts determine what IS and IS NOT an appropriate search by school officials. Feel free to include additional cases decided by district courts.

### **Required Cases for School or Teacher-Sponsored Prayer or Other Religious Observances**

- ❖ *McCollum v. Board of Education* (1948)
- ❖ *Engel v. Vitale* (1962) & *Abington v. Schempp* (1963)
- ❖ *Stone v. Graham* (1980)
- ❖ *Wallace v. Jaffree* (1985)
- ❖ *Lee v. Weisman* (1992)
- ❖ *Santa Fe Independent School District v. Doe* (2000)
- ❖ *Kennedy v. Bremerton School District* (2022)

### **Required Cases for School or Teacher-Sponsored Prayer or Other Religious Observances**

- ❖ *Westside Community Schools v. Mergens* (1990)
- ❖ *Lamb's Chapel v. Center Moriches Union Free SD* (1993)
- ❖ *Good News Club v. Milford Central School* (2001)

PARTIAL List of Resources (you can look up plenty of others on your own)

“Mr. Beat” on YouTube - [https://www.youtube.com/playlist?list=PLHtE7NbaKRef-x3QBDpwv\]sr6irZ3I6TN](https://www.youtube.com/playlist?list=PLHtE7NbaKRef-x3QBDpwv]sr6irZ3I6TN)

“Student Rights Explained” (Hip Hughes History) - <https://www.youtube.com/watch?v=HFZgce7TZRI>

The ACLU on YouTube - <https://www.youtube.com/c/ACLU>

“Student Rights While in School” (LawShelf) - <https://www.youtube.com/watch?v=UN6lbVD-wvo>

“Student Rights At School: Six Things You Should Know” (ACLU) -

<https://www.aclu.org/news/juvenile-justice/student-rights-school-six-things-you-need-know>

“Students’ Rights” (ACLU) - <https://www.aclu.org/know-your-rights/students-rights>

“Rights of Students” (MTSU) - <https://www.mtsu.edu/first-amendment/article/931/rights-of-students>

“When Can Schools Limit Students’ Free Speech Rights?” (Lawyers.com) -

<https://www.lawyers.com/legal-info/research/education-law/when-can-schools-limit-students-free-speech-rights.html>

Oyez.org (Supreme Court resources from the Legal Information Institute)

<https://www.oyez.org/>