



www.cbldf.org

KNOW YOUR RIGHTS!



KEY SUPREME COURT CASES ON THE FIRST AMENDMENT FOR PUBLIC SCHOOLS

The Supreme Court of the United States has addressed how the First Amendment regulates the way public, K-12 schools may curtail or compel expression in the school community. If constitutional rights in your school community have been infringed, contact the Comic Book Legal Defense Fund at info@cbldf.org or call 888-88-CBLDF.

Supreme Court Case	Kind of Expression	Message at Issue	Entitled to Constitutional Protection?	Why or Why Not?
<i>West Virginia State Board of Education v. Barnette</i> (1943)	Refusal by students to salute the flag and recite the Pledge of Allegiance as required by school	Religious objections by Jehovah's Witnesses	Yes	A school cannot prescribe orthodoxy or force students to agree in matters of opinion.
<i>Epperson v. Arkansas</i> (1968)	Teaching curriculum contradicting that prescribed by the state	Teaching of evolution	Yes	A school may not require curriculum be tailored to reflect the views of a particular religious group or dogma.
<i>Tinker v. Des Moines Independent Community School District</i> (1969)	Students wearing black armbands to school	Political protest against the Vietnam War	Yes	A school cannot create a rule to silence expression it disfavors, when that expression does not give rise to a reasonable forecast of a material or substantial disruption of school activities.
<i>Board of Education, Island Trees Union Free School District No. 26 v. Pico</i> (1982)	Middle school and high school library books	School board characterized books as "anti-American, anti-Christian, anti-Semitic, and just plain filthy"	Yes	Though a school board has broad discretion to set educational policy, a school cannot remove books simply because it dislikes the ideas and seeks to prescribe intellectual orthodoxy.
<i>Bethel School District No. 403 v. Fraser</i> (1986)	High school student giving a speech to a student assembly	Sexual innuendo in the speech	No	A school can punish offensively lewd and indecent speech.
<i>Hazelwood School District v. Kuhlmeier</i> (1988)	Students writing articles in a student newspaper run through a journalism class	Experiences of students with pregnancy and divorce	No	Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.
<i>Morse v. Frederick</i> (2007)	Students unfurling a banner at an outside, school-sponsored activity	Banner said "Bong Hits 4 Jesus"	No	A school can prevent a student from advocating illegal drug use, even if that censors a particular viewpoint.



Art by Matthew Loux