

Class 3
Study Guide
EDU 550 School Law for Administrators
UMF Spring 2007

Many of these questions come directly from questions at the end of each case. I have shortened and modified some of the questions. You can find the full question by looking at the Case Study book.

Tinker v. Des Moines

1. What are the differences between “symbolic speech” and “pure speech” in a school setting?
2. Justice Fortas said, “in our system, state-operated schools may not be enclaves of totalitarianism” What does he mean?
3. How if at all would you change the Tinker decision, if you could?

Goss v. Lopez

1. With whom does the authority to expel rest in Maine?
2. What was the legal basis for the students’ claim that their suspensions from school violated the law?
3. Does the Supreme Court say that students have a constitutional right to attend school?
4. Why were these students entitled to “due process” before their expulsion from school?
5. Who were the defendants in this case? Why did the Court apply the 14th Amendment to the conduct of the local school districts?

6. Were the students deprived of “property” within the meaning of the 14th Amendment? If so, what was that property?
7. Where the students deprived of “liberty” within the meaning of the 14th Amendment? If so, what was that liberty?
8. What are the fundamental elements of due process? What factors does the Court consider in deciding how much process is due?
9. What procedures does the 14th Amendment require in the case of an indefinite expulsion?
10. What is the Court’s position regarding imposing their judgment over the judgment of school officials?

Wood v. Strickland

1. What is the difference between substantive due process and procedural due process?
2. For what proposition does the Court in footnote 9 cite *Donahoe v. Richards* the 1854 decision of Maine’s Supreme Judicial Court?

New Jersey v. T.L.O

1. How does “reasonable suspicion” differ from “probable cause?”

2. On what grounds does the Supreme Court conclude that the 4th Amendment applies to public schools?
3. What precisely are the respective interests of the student and school that must be balanced?
4. According to the Court, in what areas and to what extent may a student reasonably expect privacy in school?
5. Warrants are required for searches conducted by law enforcement officials and searches must be based on “probable cause.” What is the standard the Court establishes for searches conducted by school officials? Why does the Court decline to adopt the higher “probable cause” standard?
6. What standard would the courts apply if the police had participated with school officials in the search of T.L.O.’s purse? Why?
7. What are the two prongs of the reasonableness test?

Bethel v. Fraser

1. The test described in *Tinker* for regulating the student speech was whether the speech was materially and substantially disruptive. Do you think Fraser’s speech in the school assembly met that test?

Hazelwood v. Kuhlmeier

1. Why does the majority conclude that the student newspaper, the *Spectrum*, is not a “public forum”? What is the standard for determining whether a public forum has been created?
2. Write a definition of prior restraint.
3. Do you believe the large circulation of the *Spectrum* and the age of its intended audience is a legitimate factor to consider in censoring the student articles in question?