

# Student First Amendment Cases

## ***The First Student First Amendment Rights Case***

*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) was a [United States Supreme Court](#) case that resulted in a decision defining the constitutional rights of students in [U.S.](#) public schools. It is considered one of the Court's more controversial decisions of the [1960s](#) regarding [freedom of speech](#). The *Tinker test* is still used by courts today to determine whether a school's disciplinary actions violate students' [First Amendment](#) rights.

### **Holding**

The First Amendment, as applied through the Fourteenth, did not permit a public school to punish a student for wearing a black armband as an anti-war protest, absent any evidence that the rule was necessary to avoid substantial interference with school discipline or the rights of others. Eighth Circuit reversed and remanded.

## Student newspapers

### Are student newspapers protected by a free press?

*Hazelwood School District et al. v. Kuhlmeier et al.*, 484 U.S. 260 (1988) was a [United States Supreme Court](#) decision that held that [public school](#) curricular student [newspapers](#) that have not been established as [forums](#) for student expression are subject to a lower level of [First Amendment](#) protection than independent student expression or newspapers established (by policy or practice) as forums for student expression. It was decided on [January 13, 1988](#) in favor of [Hazelwood School District](#), overruling a [Court of Appeals](#) reversal of a [District Court](#) ruling.

### **Holding**

The Court held that [public school](#) curricular student [newspapers](#) that have not been established as [forums](#) for student expression are subject to a lower level of [First Amendment](#) protection than independent student expression or newspapers established (by policy or practice) as forums for student expression.

*Dean v. Utica Community Schools* (345 F.Supp.2d 799 [E.D. Mich. 2004]) is a landmark case in [United States constitutional law](#). The case further clarified the role of [censorship](#) in a [public school](#) environment. The case consisted of Utica High School Principal Richard Machesky ordering the deletion of an article in the *Arrow*, the high school's newspaper, a decision later deemed "unreasonable" and "unconstitutional" by District Judge Arthur Tarnow. The case expanded on the ruling definitions of

*Hazelwood v. Kuhlmeier*, a high school journalism-oriented trial on censorship that limited the [First Amendment](#) right to [freedom of expression](#).

## ***Graduation Prayers***

*Lee v. Weisman*, [505 U.S. 577 \(1992\)](#)<sup>[1]</sup>, was a [United States Supreme Court](#) decision regarding school prayer. It was the first major school prayer case decided by the conservative [Rehnquist](#) Court. It involved prayers led by religious authority figures at public school graduation ceremonies, and was slated to be a loss for the separationist position. Instead, it turned out to be a victory for the broad interpretation of the [Establishment Clause](#) that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as *Engel v. Vitale*, [370 U.S. 421 \(1962\)](#) and *Abington v. Schempp*, [324 U.S. 203 \(1963\)](#).

### **Holding**

Including a clergy-led prayer within the events of a public high school graduation violates the Establishment Clause of the First Amendment.

## **Student Speech**

*Bethel School District v. Fraser*, [478 U.S. 675 \(1986\)](#), was a [United States Supreme Court](#) decision involving free speech and public schools.

On [April 26, 1983](#), Matthew Fraser, a [Spanaway, Washington](#), high school senior, gave a speech nominating classmate Jeff Kuhlman for [Associated Student Body Vice President](#). The speech was filled with sexual innuendo, but not obscenity, prompting disciplinary action from the administration.

### **Holding**

The First Amendment, as applied through the Fourteenth, permits a public school to punish a student for giving a lewd and indecent, but not obscene, speech at a school assembly. Ninth Circuit reversed and remanded.