

LA 4.4: Article - What does a Supreme Court Decision Mean?

By Brian J. Rice

The highest court in the land is fallible and rarely do the justices agree. The case of *Tinker v. Des Moines* was decided 7-2, *Goss v. Lopez* was split 5-4, *Hazelwood v. Kuhlmeir* was decided 5-3, *New Jersey v. TLO* was decided 6-3, *Santa Fe Independent School District v. Doe* was decided 6-3. The purpose of this reading is to inform readers about some of the basic principles of understanding Supreme Court decisions in educational contexts, particularly classrooms and schools.

Isn't education a right in this country?

Let me begin by saying that education is not a right. If you read the Constitution of the United States, nowhere does it guarantee citizens an education. Neither does the Bill of Rights. The responsibility of education falls to the states. This is not to say that the federal government does not have an interest in public education. I simply want to point out that with fifty states there are fifty distinct educational agendas.

It might be helpful to think of education like driving a motor vehicle. No one has the right to an education. Instead, each state has internal variances in obtaining an education,

qualifications for promotion and graduation, in addition to differing curriculum. There exists no national education curriculum because there exists no national education. If states have the same curriculum, it is because they all agreed as individual states to adopt that curriculum.

Why is there so much federal involvement in education then?

You might be thinking, "But the feds are always dictating what has to be done in the classroom." This is not completely accurate. If states want federal monies there are often attached restrictions, conditions, and compliance issues in accepting such funds. States are not required to follow federal mandates if they do not accept federal monies. State budgets are dependent upon federal monies and therefore states must follow federal guidelines when accepting monies directed toward education (or any federal program).

Federal conditions upon education funds are simply a "pressure" upon states to comply individually, not a "compulsion" to do so (*South Dakota v. Dole*, 483 U.S. 203 (1987)). In interpreting compliance with No Child Left Behind (NCLB), each state creates its own curriculum, tests, and compliance measurements. Looking at National Assessment of Educational Progress (NAEP) data one notices that although many schools are meeting their state's criteria for NCLB, there is still a wide disparity between student performance on the NAEP from state to state.

What does a Supreme Court decision mean?

When the Supreme Court makes a decision, it provides is an

interpretation of law as well as the individual state's responsibility, as well as limits, to educate children, which is often followed in lower courts in that state and potentially even in other states, with some modification. However, there have been instances where the Court's decisions contradict each other. How can this be? Simply put, the attitude, biases, and beliefs of the justices are very personal. As the appointed justices rotate through retirement or because of death, so do the criteria used to interpret the legal arguments for various cases. One stark example of this is the decision of *Plessy v. Ferguson*, which validated the notion of separate but equal social access for Blacks and White students, but was eventually overturned by *Brown v. Board of Education of Topeka*. In the *Brown* case, it was decided that separate educational facilities for Black students and White was inherently unequal.

As another example, in the 1985 case of *Aguilar v. Felton*, the Court ruled that the educational program that sent public school teachers into parochial schools to provide remedial education to disadvantaged students was an excessive entanglement of church and state and as a result violated the Establishment Clause of the United States Constitution. Twelve years later, the Court overruled itself in *Agostini v. Felton*. This time, the Court decided that it was not a violation of the Establishment Clause of the First Amendment for a state-sponsored education initiative to allow public school teachers to instruct at religious schools, so long as the material was secular and neutral in nature and no "excessive entanglement" between government and religion was apparent. What changed between cases was the composition of the court and the experiences, both personal and professional, that they brought to the bench.

Simply looking at some free speech issues in public education decided by the Supreme Court we gain some additional insight. In this case, the court decided that schools can limit student speech if it “materially and substantially interfere(s) with the requirements of appropriate discipline in the operation of the school.” In *Tinker v. Des Moines Independent Community School District*, it was decided that students do not leave “their constitutional rights to freedom of speech or expression at the school house gate.” However, the court also emphasized that there must be more than a fear of disruption before student rights can be imposed upon. If the disruption comes from the staff making a big deal out of the speech, then the lower courts do not support schools, taking into account the *Tinker* decision.

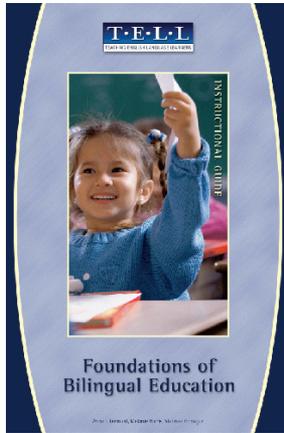
How does the Supreme Court handle similar cases from different states?

Remember that education is a state issue. Depending on the state’s constitution, cases may be decided differently. Although the federal government does not guarantee education, some state constitutions have education as a right. Cases from these states could be decided differently by the Supreme Court from states whose constitutions do not. Nuances within a particular case influence the decision. *Hazelwood School District et al. v. Kuhlmeier et al.* is a good example of how a nuance of situation determined the legal outcome. This case is about a school newspaper where the principal was limiting what could be published there. The court found in favor of the school district, deciding that administrators were publishers of the newspaper and therefore could make decisions about content. Had the Hazelwood paper accepted donations, sold advertisement space, or distributed the paper outside the school it could have

been enough for the Court to decide the school paper was a student forum and school censorship of free speech was a violation of the First Amendment.

Now what?

As you look at the cases in a homework activity in this and in your work as an educator, ask yourself some questions. What legal issues are at stake? How are lower courts in my state likely to use this decision to interpret nuances in the cases that they hear? Why is it important to know about Supreme Court rulings where schools are involved?



Pinnegar, S. E. (2019). *Foundations of Bilingual Education*. EdTech Books. Retrieved from https://edtechbooks.org/bilingual_education

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