

LEGAL MATTERS

10 Supreme Court Cases Every Principal Should Know About

BY JULIE F. MEAD, MARK PAIGE, AND SUZANNE E. ECKES

School principals need to be legally literate to effectively perform their important work in our nation's schools, but with such a vast legal landscape, it can be difficult to know which cases and decisions to focus on most closely. We, therefore, have identified 10 U.S. Supreme Court cases that will assist secondary school leaders in their everyday practice, as they specifically pertain to students' rights.

Access to Education

Plyler v. Doe (1982)

A state law denied education funding for the children of illegal immigrants. The law was challenged under the 14th Amendment's Equal Protection Clause, and the court found that public school officials may not deny a child access to a public education based on their immigration status. This decision remains especially relevant as the nation debates the status of undocumented students and their right to access public education. The U.S. Department of Education has issued a questions-and-answers sheet for further guidance: <https://tinyurl.com/edqaccess>.

Student Expression

West Virginia State Board of Education v. Barnette (1943)

This case involved whether students could be required by public school officials to recite the Pledge of Allegiance. The court determined that no student could be compelled to participate, as the First Amendment protects the freedom to dissent. As the court explained:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act

their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

Professor Julie Underwood explains the case and its application to contemporary issues such as kneeling during the national anthem in the September 2017 issue of *Kappan* magazine, available at www.kappanonline.org/kneeling-during-the-national-anthem-at-schools-its-protected-speech.

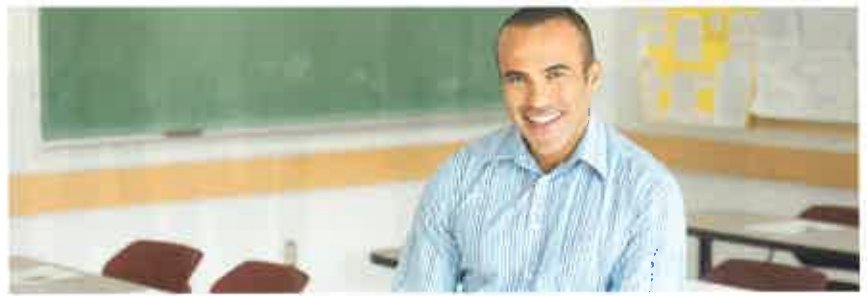
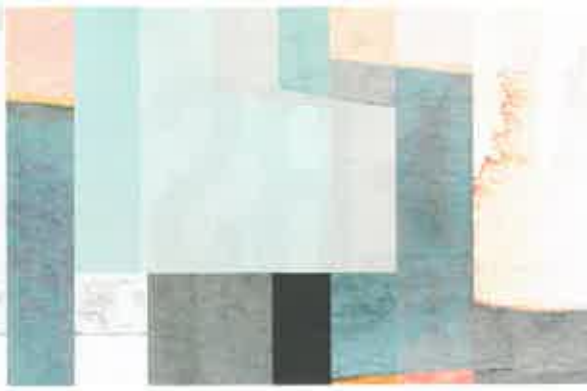
Tinker v. Des Moines Independent Community School District (1969)

Students were disciplined for wearing armbands to school to protest the Vietnam War. The court ruled that public school students do not lose their First Amendment rights to freedom of speech at the schoolhouse gate. In order to curtail student speech, school leaders must be able to prove that the speech in question would "materially and substantially interfere" with the operation of the school; in this case, the court warned that school officials could only fear possible disruption. This case has been relied upon in recent controversies involving students' internet speech and when students wear T-shirts to school (e.g., Confederate flag shirts). The Constitution Center further highlights the importance of this decision at constitutioncenter.org/blog/tinker-v-des-moines-protecting-student-free-speech.

Searches and Other Privacy Issues

Safford Unified School District v. Redding (2009)

Under the Fourth Amendment, the search of a backpack or cellphone must be both reasonable at its inception and reasonable in scope. When school officials strip-searched a student because they had reason to believe she was hiding nonprescription painkillers in her underwear, the court held that her



data that show progress or need for a change in your goals, and then share it and have conversations about it regularly. This is time-consuming, so delegate some data sifting to others if possible: an instructional coach, a teacher who is interested in leadership, or a district data expert. Of course, you still need to have a conversation about any key data discovered. Consider exploring the Professional Learning Community (PLC) model developed by Richard DuFour.

#4: Create Systems That Make It More Difficult to Reach You for Smaller Things

Since you are the principal of the school, people certainly need to be able to reach you in an emergency. But the things many people consider urgent may not be urgent to you at all. Take the time to train your office staff to respond politely but firmly to requests to see you that are not urgent. In the vast majority of cases, you can respond to the issue later. Also, remember that you don't have to immediately respond to emails and texts in most cases. You can spend time immediately responding to everyone, or you can spend time focused on your goals, but you cannot do both.

#5: Use Your Calendar as an Indicator

Deploy your calendar the way that teachers use lesson plans. Use it to plan ahead. Invest a little time planning for

the upcoming week. Make sure you have specific time blocked out to focus on your priorities. Show me someone's calendar, and I will tell you what their priorities are.

#6: Meet Less, but Better

Some meetings in schools are necessary, but learning how to have shorter, more effective meetings when possible will help tremendously. I'm sorry to say that nobody covered this important topic in any of my administration classes. A great resource here is Patrick Lencioni's aptly titled book *Death by Meeting*.

#7: Listen to and Communicate With Your Staff


Michael Fullan once observed that education is "technically simple but socially complex." As you go through the process of getting more focused, some people might feel hurt that you are not as available as you once were. Be careful not to forget about the emotional aspects of leadership. Set aside a little time to listen to their concerns, show them you care by responding to those concerns when appropriate, and constantly remind them of the priorities.

#8: Review Your Plan Quarterly

No plan is perfect. Build a trusted leadership team and reflect with them. Discuss the evidence for what worked and what did not. Be open to criticism, but do not allow too many priorities to creep into your plan. Monitor and adjust as needed.

Chris McChesney, Sean Covey, and Jim Huling, authors of *The 4 Disciplines of Execution*, write about the challenge of trying to be disciplined and focused in the whirlwind of competing priorities in any organization. I believe this whirlwind is even more difficult in schools due to the sheer number of stakeholders with so many competing interests. But that is all the more reason to tackle the principalship with a focused set of tools to simplify your leadership and the many distractions that surround you.

Changing how you approach your job is never easy. It requires you to let go of some ideas that are comfortable, such as "If I stay busy, everything will be OK." And it requires you to try some new ideas that might be a bit awkward at first: "Since I can't do everything, I will focus more of my time on the key things to improve our school."

The complication and messiness of schools—caused by politicians, changing society, and the many competing tasks in your school—do not have to keep you from being a successful principal. By using the outlined strategies, you can significantly decrease your stress, be more effective in reaching your goals, and enjoy the job more. I know this because it is exactly what I did. Simplifying your school leadership is worth it. 

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rights were violated. The court found that this particular search was too intrusive based on the evidence involved. The case suggests that strip searches are not impossible, but will be difficult to justify. C-SPAN provides an overview of this case and its implications at <https://tinyurl.com/safred>.

Board of Education v. Earls (2002)

In *Earls*, a school district required all students to consent to random and suspicionless drug testing to participate in extracurricular activities. Students challenged the policy as violative of the Fourth Amendment (prohibiting unreasonable searches and seizures), but the court held that such a policy was constitutional. In doing so, the court balanced the privacy interests of the students (which is limited in the school context) against the school's concern about student drug use (which the court found was reasonable, given the "nationwide epidemic" of drug use and evidence of drug use in the school district). While the court concluded a school *can* implement such a drug policy, it left open the wisdom of such a policy. School administrators, therefore, must determine whether a similar policy is appropriate or in the best interest of the school. A discussion on the Fourth Amendment and public schools can be found here: constitutioncenter.org/blog/when-does-a-public-school-have-the-right-to-search-its-students.

Owasso Independent School District v. Falvo (2002)

Owasso reminds school administrators of the importance of the Family Educational Rights and Privacy Act of 1974 (FERPA), which prohibits the release of a student's educational records without parental consent (with a few exceptions). The court found that the practice of peer grading tests in classrooms (where students grade one another's tests and report the grade aloud) did not violate FERPA. Teachers can exchange certain educational information about a student so long as there is a "legitimate educational interest" (e.g., a guidance counselor might review a student's transcript to prepare for

college applications). More guidance on FERPA can be found here: <https://tinyurl.com/edferpa>.

Student Discipline

Goss v. Lopez (1975)

In *Goss*, several students were suspended without a hearing. The court found that the school district's actions violated the students' rights to due process under the 14th Amendment. Importantly for school administrators, the court noted that due process (a hearing and an opportunity to contest the discipline) in suspensions with durations shorter than 10 days could be informal. Indeed, given how fast events transpire in schools, a notice and hearing may occur immediately after the alleged misconduct. However, administrators should be aware of the following: a) longer suspensions—and certainly expulsions—require more formal procedures (more time between the notice of suspension and a hearing, for example) and b) state laws may require such formal procedures even in the context of a "short" suspension. Find an overview of this topic here: <https://tinyurl.com/edlawdis>.

Special Education

Andrew F. v. Douglas County School District (2017)

This case considered how much benefit is required to meet the requirement for free appropriate public education (FAPE) under the Individuals With Disabilities Education Act (IDEA). The parents of a child with autism argued that the Individualized Education Program (IEP) provided by the school did not provide sufficient benefit. The school district argued it had done enough. A lower court ruled that all that was required to satisfy IDEA's FAPE requirement was "some educational benefit" that was more than "de minimus." The court disagreed, ruling that an IEP must consider the "unique circumstances of the child for whom it was created" and should outline goals and services "to enable a child to make progress appropriate in light of the child's circumstances." National Public Radio's *All Things Considered* provides a discussion of the case at <https://tinyurl.com/supspeced>.



Fry v. Napoleon Community Schools (2017)


Whether or not a service animal must be permitted in schools framed the dispute in this case. Parents argued that the school district violated Section 504 and the Americans with Disabilities Act by refusing to allow their child to attend school with a service dog. School officials contended that the parents should first have to file a due process complaint under IDEA. The court determined that parents do not have to use IDEA's administrative procedures if the heart of the dispute does not implicate FAPE. The court established two questions to determine whether the issue is about FAPE:

"First, could the plaintiff have brought essentially the same claim if the alleged conduct had occurred at a public facility that was not a school? Second, could an adult at the school have pressed essentially the same grievance?"

The court remanded the case for consideration of those questions with regard to the girl's dog. The U.S. Department of Justice provides a guide on frequently asked questions about service animals, available at www.ada.gov/regs2010/service_animal_qa.html.

Prayer in School

Santa Fe Independent School District v. Doe (2000)

A school district permitted students to elect a classmate to lead a prayer over the public announcement system before high school football games. Other students challenged this policy, and the court ruled that it violated the Establishment Clause of the First Amendment because the school appeared to endorse religion by maintaining control over this speech. In recent years, questions have arisen about whether prayers in school should be characterized as private speech or school-sponsored speech. Prayer at school-related events continues to be challenged. The First Amendment Center provides greater clarity to this issue: www.firstamendmentcenter.org/school-prayer. 

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