

Expression Rights of Students

1. **The *Tinker* Standard**

(*Tinker v. Des Moines Independent School District*, 1969)

This is the first case to define acceptable student speech in schools. School Administrators enacted a no-armbands policy after learning about a planned protest of the Vietnam War. Their reasoning was based on fear that the armbands would create disturbances at school. Students, however, would still be able to wear other symbols. Three students (John and Mary Beth Tinker and Christopher Eckhardt) wore black armbands despite the new policy. The school was supported by a Federal Court, but the decision was reversed by the Supreme Court. The Court ruled that “school officials may not silence student expression just because they dislike it” (168). In order to ban potentially disruptive expression, schools must prove that the expression would cause a “reasonable” disruption or violate the rights of other students.

2. **The *Fraser* Standard**

(*Bethel School District, No. 403 v. Fraser*, 1986)

When Matthew Fraser gave a speech supporting a candidate for school government, school officials punished him for what they thought were “lewd” references within the speech. Fraser protested his punishment, stating that it violated the precedent established by *Tinker*. The Court distinguished between “political” speech that is protected under *Tinker* and “vulgar” speech during a school-sponsored event. The main rationale is that schools have the responsibility of teaching students socially appropriate behavior; therefore, controversial views may be expressed, but not if they include anything the school deems “vulgar.” The main problem is defining the line between “political” and “vulgar” expression.

3. **The *Hazelwood* Standard**

(*Hazelwood School District v. Kuhlmeier*, 1988)

Two articles in the school newspaper—one about divorce, the other about pregnancy—were censored by the principal because such material was offensive and inappropriate. A federal appeals court ruled against the school, using the *Tinker* Standard to show that the school had not proven a “legitimate fear of disruption” (170). The Supreme Court overruled the appeals court, stating that “a school must be able to set high standards for student speech that is disseminated under its auspices” (171). School publications, theatrical events, and other activities that might be considered to represent the school in some way are included in this decision.