To foster a better understanding of student rights and responsibilities among school personnel and students and to develop understanding that will contribute to the realization of an equal educational opportunity for all students, this bibliography presents a representative sampling of legal, educational, and general education materials. Its 22 major categories include due process, corporal punishment, compulsory attendance, special education, student records, police in schools, searches, pregnant students, married students, tracking, free education, publication and distribution of literature, symbolic expression, dress and grooming, student demonstrations, religious and patriotic gestures, freedom of association, freedom of speech, academic freedom, arbitrary rules, discrimination in extra-curricular activities, and outside speakers, visitors, and use of school facilities. (Author/DW)
STUDENT RIGHTS & RESPONSIBILITIES

A Legal - Educational Bibliography

Prepared & Published Jointly
By

The Program for Educational Opportunity

The Saginaw Student Rights Center
CONCEIVED AND DEVELOPED

BY

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SAGINAW STUDENT RIGHTS CENTER

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PREFACE

For the Program for Educational Opportunity the project presented herein was performed pursuant to a contract (OEC 5-73-0068) with the Office of Education, Department of Health, Education and Welfare. However, the content and opinions expressed herein do not necessarily reflect the position or policy of the United States Office of Education and no endorsement should be inferred.

Please address inquiries to:

Dr. Charles Moody, Sr. Director
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1046 School of Education Building
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Ann Arbor, Michigan 48104

For the Saginaw Student Rights Center the materials presented herein were developed pursuant to a grant (OEO 50580) from the Office of Economic Opportunity. However, the content and opinions expressed herein do not necessarily reflect the position or policies of the Office of Economic Opportunity and no endorsement should be inferred.

Please address inquiries to:

Junious Williams, Director
Saginaw Student Rights Center
1407 Janes St.
Saginaw, Michigan 48601
The Saginaw Student Rights Center is sponsored jointly by the Saginaw County Community Action Committee and the Saginaw Community Affairs Department. The Center began operation in August of 1972 with funding from the Office of Economic Opportunity and the Community Affairs Department of the Saginaw Diocese of the Catholic Church. Since that time the Center has been active in developing and disseminating information about student rights as well as assisting students and parents with individual problems. The Center has also been involved in conducting training programs for students and parents designed to provide them with basic skills for problem solving in the schools. The Program Director is Junious Williams; the Assistant Director is Van Hindes.

One of the most difficult problems involved in assuring the protection of students' rights is that of informing the educational community that students do have rights. We hope that this bibliography will assist educators and attorneys in locating the information necessary to make informed and knowledgeable decisions in the area of student rights and responsibilities.

Additional materials in the area of student rights and responsibilities are available upon request.

For further information please contact:

Junious Williams, Director
Saginaw Student Rights Center
1407 Janes Street
Saginaw, MI 48601
The Program for Educational Opportunity (PEO) at the University of Michigan School of Education is a Desegregation General Assistance Center funded under a contract with the Office of Education, Department of Health, Education and Welfare. The Program provides technical assistance to school districts in the State of Michigan that are confronted with various problems incident to desegregation. Assistance available includes staff and organizational development programs, consultive assistance, resource materials, and research services.

One of the most prevalent problems encountered by the PEO is conflict concerning student rights and responsibilities in the secondary schools. This conflict has particularly onerous consequences in the newly desegregated school. This is reflected by the gross disparity in the rate at which minority students are suspended and expelled from school as compared to their white counterparts.

In the interest of fostering a better understanding of student rights and responsibilities among school personnel and students and with the hope that the understanding will contribute to the realization of an equal educational opportunity for all students, the Program for Educational Opportunity joins in presenting this bibliography. This bibliography, as well as other materials on student rights and equal educational opportunity, may be obtained by writing the PEO Resource Center.

For further information please contact:

Dr. Charles Moody, Director
Program for Educational Opportunity
1046 School of Education
The University of Michigan
Ann Arbor, MI 48104
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td></td>
<td>iii</td>
</tr>
<tr>
<td>Introduction</td>
<td></td>
<td>i</td>
</tr>
<tr>
<td>I.</td>
<td>DUE PROCESS</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Right to A Hearing</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>Hearing Before Impartial Party</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>Written Notice Of Charges</td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>Adequate Notice Of Hearing Date</td>
<td></td>
</tr>
<tr>
<td>E.</td>
<td>Knowledge Of Witnesses And Evidence</td>
<td></td>
</tr>
<tr>
<td>F.</td>
<td>Right To Present A Defense</td>
<td></td>
</tr>
<tr>
<td>G.</td>
<td>Right To Counsel</td>
<td></td>
</tr>
<tr>
<td>H.</td>
<td>Right To Cross Examine Witnesses</td>
<td></td>
</tr>
<tr>
<td>I.</td>
<td>Transcript Or Record Of Hearing</td>
<td></td>
</tr>
<tr>
<td>J.</td>
<td>Written Decision</td>
<td></td>
</tr>
<tr>
<td>K.</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>L.</td>
<td>Right of Hearing Before Removal</td>
<td></td>
</tr>
<tr>
<td>M.</td>
<td>Self-Incrimination</td>
<td></td>
</tr>
<tr>
<td>N.</td>
<td>Exhaustion Of Administrative Remedies</td>
<td></td>
</tr>
<tr>
<td>O.</td>
<td>Written Rules And Prior Knowledge Of Rules</td>
<td></td>
</tr>
<tr>
<td>P.</td>
<td>Punishment Other Than Suspension</td>
<td></td>
</tr>
<tr>
<td>Q.</td>
<td>Short Term Suspensions</td>
<td></td>
</tr>
<tr>
<td>R.</td>
<td>Evidence</td>
<td></td>
</tr>
<tr>
<td>S.</td>
<td>General Due Process</td>
<td></td>
</tr>
</tbody>
</table>
II. CORPORAL PUNISHMENT ...................................................... 20
   A. To Enforce School Rules ................................................. 20
   B. To Prevent Physical Harm ............................................... 21
   C. Liability Standards ...................................................... 21
   D. Procedures For .......................................................... 21
   E. Cruel And Unusual Punishment ......................................... 22
   F. Personal Security (14th Amendment) ................................. 22
   G. General ................................................................. 22

III. COMPULSORY ATTENDANCE .............................................. 24

IV. SPECIAL EDUCATION ...................................................... 27
    A. Evaluative Criteria .................................................... 27
    B. Hearing Rights ........................................................ 27
    C. Obligation To Provide ............................................... 28
    D. Maladjustment Schools ............................................... 29
    E. General ................................................................. 29

V. STUDENT RECORDS .......................................................... 30
    A. Access By Parents ..................................................... 30
    B. Access By Students ................................................... 31
    C. Access By Others ..................................................... 31
    D. Expungement .......................................................... 32
    E. Privilege ............................................................... 32
F. General .................................................. 33

VI. POLICE IN SCHOOLS ........................................... 35
   A. Interrogation By ....................................... 35
   B. Search Without Warrant ................................. 36
   C. General ................................................. 37

VII. SEARCHES IN SCHOOL .......................................... 38
   A. Search Of Person By School .............................. 38
   B. Search Of Person By Police .............................. 39
   C. Search Of Locker By School ............................. 39
   D. Search Of Locker By Police ............................. 40
   E. Search Of Vehicle By School ............................ 40
   F. Search Of Vehicle By Police ............................ 40
   G. Searches By Security Officers ......................... 40
   H. Police Accompanied By School Officials .............. 41
   I. College Dorm Room Searches ............................ 41
   J. Consent .................................................. 42
   K. Search And Seizure In Other Areas ..................... 42

VIII. PREGNANT STUDENTS .......................................... 44
   A. Suspension For .......................................... 44
   B. Married v. Unmarried ................................... 45
   C. Alternative Educational Programs .................... 45
   D. General .................................................. 45
IX. MARRIED STUDENTS ..................................................... 47
   A. Suspension ......................................................... 47
   B. Exclusion From Extra-Curricular Activities .................. 47
   C. Placement In Alternative Programs .......................... 48
   D. General ........................................................... 49

X. TRACKING .............................................................. 50

XI. FREE EDUCATION ...................................................... 52

XII. PUBLICATION AND DISTRIBUTION OF LITERATURE .......... 54
    A. Prior Submission For Approval .............................. 54
    B. Identification Of The Author .............................. 55
    C. Advertising .................................................... 55
    D. Obscenity And Pronography ............................... 56
    E. Defamation-Libel ............................................... 57
    F. Plagiarism-Copyright ......................................... 57
    G. Personal And Institutional Criticism ..................... 57
    H. Location Of Distribution .................................... 58
    I. Manner Of Distribution ....................................... 58
    J. Reasonable Content Regulations ........................... 59
    K. Withdrawal Of School Support .............................. 59
    L. Control Of School Sponsored Press ....................... 59
    M. General ........................................................ 60
    N. Free Press In Other Areas .................................... 63
XIII. SYMBOLIC EXPRESSION ................................. 65
   A. Buttons, Armbands, Emblems ...................... 65
   B. Disruptive v. Non-Disruptive ...................... 66
   C. General .............................................. 67
   D. Other Areas ......................................... 68

XIV. DRESS AND GROOMING ................................. 69
   A. Hair Length .......................................... 69
   B. Disruptive v. Non-Disruptive ...................... 73
   C. Equal Application Between Sexes .................. 74
   D. Rules Based On Health And Safety ................. 75
   E. Rules Within Extra-Curricular Programs .......... 76
   F. Rules Based On Discipline .......................... 76
   G. Rules Developed By Students ....................... 76
   H. Dress .................................................. 77
   I. Court Abstention-Injunctive Relief ................ 78
   J. General ............................................... 78
   K. Dress And Grooming In Other Areas ............... 80

XV. STUDENT DEMONSTRATIONS ........................... 82
   A. On School Property During School Time .......... 82
   B. Blocking Entrances And Exits ...................... 82
   C. Blanket Prohibitions Against ....................... 82
   D. Disruptive v. Non-Distruption ..................... 83
F. Limited Prohibitions .............................................. 84
G. Warning To Cease Demonstration .............................. 85
H. Punishment For Demonstration On School Grounds .......... 85
I. General ................................................................. 85
J. Demonstrations In Other Areas ................................. 86

XVI. RELIGIOUS AND PATRIOTIC GESTURES ......................... 88
A. Flag Salute .............................................................. 88
B. National Anthem ...................................................... 89
C. Religious Freedom .................................................... 89
D. General ................................................................. 91

XVII. FREEDOM OF ASSOCIATION (STUDENT ORGANIZATIONS) ........ 92
A. Disclosure Of Membership Lists ................................. 92
B. Fraternity-Sorority Prohibitions ................................. 92
C. Organizational Recognition ....................................... 93
D. General ................................................................. 94
E. Association In Other Areas ....................................... 94

XVIII. FREEDOM OF SPEECH (VERBAL) .............................. 95
A. Use Of Profane Language ........................................... 95
B. Criticism Of School Personnel ................................... 95
C. Criticism Of Policies ................................................ 96
D. Urging Lawless Conduct ............................................ 96
E. Disrupting Supervised Activities ............................... 96
F. Abusive And Threatening Language ............................ 97
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.</td>
<td>General</td>
<td>97</td>
</tr>
<tr>
<td>H.</td>
<td>Free Speech In Other Areas</td>
<td>98</td>
</tr>
<tr>
<td>XIX.</td>
<td>ACADEMIC FREEDOM</td>
<td>99</td>
</tr>
<tr>
<td>A.</td>
<td>Teacher Wearing Armbands</td>
<td>99</td>
</tr>
<tr>
<td>B.</td>
<td>Teacher Criticism Of Administration</td>
<td>99</td>
</tr>
<tr>
<td>C.</td>
<td>Classroom Topics And Materials</td>
<td>99</td>
</tr>
<tr>
<td>D.</td>
<td>Teacher Freedom Of Association</td>
<td>100</td>
</tr>
<tr>
<td>E.</td>
<td>General</td>
<td>100</td>
</tr>
<tr>
<td>XX.</td>
<td>VAGUE, UNCERTAIN, OVERBROAD, AND ARBITRARY RULES</td>
<td>103</td>
</tr>
<tr>
<td>A.</td>
<td>Due Process</td>
<td>103</td>
</tr>
<tr>
<td>B.</td>
<td>Corporal Punishment</td>
<td>105</td>
</tr>
<tr>
<td>C.</td>
<td>Compulsory Education</td>
<td>105</td>
</tr>
<tr>
<td>D.</td>
<td>Special Education</td>
<td>105</td>
</tr>
<tr>
<td>E.</td>
<td>Pregnant Students</td>
<td>106</td>
</tr>
<tr>
<td>F.</td>
<td>Married Students</td>
<td>106</td>
</tr>
<tr>
<td>G.</td>
<td>Tracking</td>
<td>107</td>
</tr>
<tr>
<td>H.</td>
<td>Publication and Distribution of Literature</td>
<td>107</td>
</tr>
<tr>
<td>I.</td>
<td>Symbolic Expression</td>
<td>108</td>
</tr>
<tr>
<td>J.</td>
<td>Dress and Grooming</td>
<td>108</td>
</tr>
<tr>
<td>K.</td>
<td>Student Demonstrations</td>
<td>109</td>
</tr>
<tr>
<td>L.</td>
<td>Freedom of Association</td>
<td>109</td>
</tr>
<tr>
<td>M.</td>
<td>Freedom of Speech (Verbal)</td>
<td>110</td>
</tr>
</tbody>
</table>
N. Academic Freedom .............................................. 110
O. Sex Discrimination in School Athletics ..................... 111
P. Outside Speakers, Visitors, and Use of School Facilities .. 111
Q. General Materials on Student Rights ....................... 112

XXI. DISCRIMINATION IN EXTRA-CURRICULAR ACTIVITIES
A. Race Discrimination in Athletics ............................. 113
B. Waiting Periods For Transfer Student ....................... 114
C. Sex Discrimination in Athletics ............................. 114
D. Marriage as a Bar To Participation .......................... 116
E. Membership In Fraternity or Sorority as a Bar To Participation .......................... 116
F. Grooming Codes .............................................. 117
G. General ...................................................... 117

XXII. OUTSIDE SPEAKERS, VISITORS, AND USE OF SCHOOL FACILITIES ... 119
A. Restriction of Outside Speakers .............................. 119
B. Restriction of Outside Visitors ............................... 121
C. Restriction on Use of Facilities ................................ 121

XXIII. GENERAL MATERIALS ON STUDENT RIGHTS ................ 122

ERI: * A


Page 41 under Appeals Courts reads "Piazzola." Should read "Piazzola."

Page 48 under State Courts reads "Mesick Controlled." Should read "Mesick Consolidated."

* *
INTRODUCTION

As our work progressed towards completion of this bibliography, we arrived at two basic conclusions. First, that the volume of information available in the area is voluminous. And second, that the development of an exhaustive or comprehensive bibliography is a near impossibility. Consequently we make no claims as to the exhaustiveness of the bibliography. Suffice it to say that this bibliography is a representative sampling of the legal, educational and general literature in the area.

Although we were initially pleased with the amount of information available, the volume was ultimately productive of serious formatting difficulties. We hope that the present format is easily understandable and will aid in the use of the bibliography as a research tool. But just in case, here is a short explanation.

The bibliography contains twenty-two major categories. Each major category is identified with a Roman Numeral and a few descriptive words (e.g., I. DUE PROCESS). Immediately below this is the citation of cases or articles we feel are especially worthwhile. These are designated "SELECTED MATERIALS". Additionally we have included "APPLICABLE STATUTES" and "ATTORNEY GENERAL OPINIONS" from the State of Michigan because it is the service area for both of the programs contributing to this publication.

Following this general information, each major category has been divided into subcategories which represent areas directly related to the topic of the major category. These are identified with alphabet and a few descriptive words (e.g., A. RIGHT TO A HEARING). Each subcategory contains citations for judicial decision (federal and state courts), as well as legal, educational, and general literature.

The final note concerns major category "XX. VAGUE, UNCERTAIN, OVERBROAD, AND ARBITRARY RULES." The Descriptive words following the alphabetical designations of the subcategories refer to vague, uncertain, overbroad, and arbitrary rules in that specific category. For example, the descriptive words for category XX, subcategory A is Due Process. Materials found under that heading will pertain to vague, uncertain, overbroad, and arbitrary due process rules.

J.W.
July 9, 1974
I. DUE PROCESS

SELECTED MATERIALS


APPLICABLE STATUTES

Indiana Public Laws 162 section 1 p. 806.
Michigan Compiled Laws Annotated 340-613.

ATTORNEY GENERAL OPINIONS


A. RIGHT TO A HEARING

Cases

Appeals Courts


*Dixon v. Alabama Board of Education*, 249 F. 2d 150 (5th Cir. 1961).

*Williams v. Dade County*, 441 F. 2d 229 (5th Cir. 1971).

*Jones v. Tennessee Board of Education*, 407 F. 2d 834 (6th Cir. 1968).

District Courts


State Courts


Periodical Literature

Legal

Angerman and Smith, Constitutional Defenses to a School Discipline Case, 17 Prac. Law 45 (April 1971).


Constitutional Law-Right to Counsel-Student Held Entitled to Counsel at Public School Disciplinary Hearing, 42 NY U.L. Rev. 961 (1967).

Due Process in Public Colleges and Universities-Need for Trial-Type Hearings, 13 Howard L.J. 414 (1967).

Suspension of Student Pending Disciplinary Hearing, 2 Texas Tech. L. Rev. 271 (Spring 1971).

Educational

R. HEARING BEFORE IMPARTIAL PARTY

Cases

Appeals Courts

Wasson v. Trowbridge, 382 F. 2d 807 (2nd Cir. 1967).
Sill v. Pennsylvania State University, 462 F. 2d 463 (3rd Cir. 1972).
Dixon v. Alabama Board of Education, 294 F. 2d 150 (5th Cir. 1961).
Sullivan v. Houston, 475 F. 2d 1071 (5th Cir. 1973).

District Courts


C. WRITTEN NOTICE OF CHARGES

Cases

Appeals Courts

Pervis v. LaMarque Independent School District, 466 F. 2d 1054 (5th Cir. 1972).

District Courts


Periodical Literature

Legal


Educational


D. ADEQUATE NOTICE OF HEARING DATE

Cases

Appeals Courts

Dixon v. Alabama, 294 F.2d 150 (5th Cir. 1961).

Wright v. Texas Southern University, 392 F.2d 728 (5th Cir. 1968).

District Courts


E. KNOWLEDGE OF WITNESSES AND EVIDENCE

Cases

Appeals Courts

Dixon v. Alabama, 294 F. 2d 150 (5th Cir. 1961).

District Courts

F. RIGHT TO PRESENT A DEFENSE

Cases

Appeals Courts

Dixon v. Alabama, 294 F. 2d 150 (5th Cir. 1961).

District Courts


G. RIGHT TO COUNSEL

Cases

Appeals Courts

Madera v. Board of Education of City of New York, 386 F. 2d 778 (2nd Cir. 1967).

District Courts


State Courts


Periodical Literature

Legal

Constitutional Law - Due Process Does Not Require That a Student Be Afforded the Right to Counsel At a Public School Suspension Hearing, 22 Rutgers L. Rev. 342 (1968).
Frey, Right of Counsel in Student Disciplinary Hearings, 5 Val. L. Rev. 48 (1970).

Right to Counsel - Student Held Entitled to Right to Counsel at Public School Disciplinary Hearing, 42 N.Y.U. L. Rev. 961 (1967).


H. RIGHT TO CROSS EXAMINE WITNESSES

Cases

Appeals Courts

Dixon v. Alabama, 294 F. 2d 150 (5th Cir. 1961).

District Courts


State Courts


Periodical Literature

Legal

Angerman and Smith, Constitutional Defenses to a School Discipline Case, 17 Prac. Law 45 (April 1971).

School and School Districts - Due Process - Rights of Confrontation and Cross-Examination Accorded to Students at Expulsion Hearings, 3 Seton Hall L. Rev. 523 (Spring 1972).

I. TRANSCRIPT OR RECORD OF HEARING

Cases

Appeals Courts

Dixon v. Alabama, 294 F. 2d 150 (5th Cir. 1961).

District Courts


J. WRITTEN DECISION

Cases

District Courts


K. APPEAL

Cases

Appeals Courts

Barker v. Hardway, 399 F. 2d 639 (4th Cir. 1968).

Periodical Literature

Legal


Educational


L. RIGHT OF HEARING BEFORE REMOVAL

Cases

Appeals Courts

Black Students of North Meyers Junior-Senior High School v. Williams, 470 F. 2d 957 (5th Cir. 1972).


District Courts


Periodical Literature

Legal

Right of Student to Hearing on Charges Before Suspension or Expulsion from Educational Institution. 58 A.L.R. 2d 903.

M. SELF-INCRIMINATION

Cases

Supreme Court


District Courts


N. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Cases

Supreme Court

District Courts


Periodical Literature

Legal


O. WRITTEN RULES AND PRIOR KNOWLEDGE OF RULES

Cases

Appeals Courts


*Betts v. Board of Education City of Chicago*, 466 F. 2d 629 (7th Cir. 1972).

District Courts


State Courts


P. PUNISHMENT OTHER THAN SUSPENSION

Cases

Appeals Courts


*Betts v. Board of Education of City of Chicago*, 466 F. 2d 629 (7th Cir. 1972).
Periodical Literature

Legal


Educational


Q. SHORT TERM SUSPENSIONS

Cases

District Courts


Periodical Literature

Legal


Educational


R. EVIDENCE

Cases

Supreme Court


District Courts


Periodical Literature

Legal

Admissibility of Evidence Seized by Private University Officials In Violation of Fourth Amendment Standards, 56 Cornell L. Rev. 507 (February 1971).

Admissibility of Testimony Coerced By a University, 56 Cornell L. Rev. 435 (1970).

Rules of Evidence In Disciplinary Hearings In State-Supported Universities, 15 St. Louis U. L.J. 467 (Spring 1971).


Educational


S. GENERAL DUE PROCESS

Cases

Appeals Courts


Woods v. Wright, 334 F. 2d 369 (5th Cir. 1964).

Wright v. Texas Southern, 392 F. 2d 728 (5th Cir. 1968).

Linwood v. Board of Education of Peoria, #150, 463 F. 2d 763 (7th Cir. 1972).

Jones v. Snead, 431 F. 2d 115 (8th Cir. 1970).

District Courts


Periodical Literature

Legal


Civil Rights - Private College Discipline and Due Process Afforded to Students - Jurisdiction of Federal District Court Over Class Actions of First, Fifth, and Fourteenth Amendment Rights By a Private College Disciplinary Board is Dependent on Their Being State Action, 23 S.C.L. Rev. 175 (1971).

Degree of Discretionary Authority Possessed by University Officials in Student Disciplinary Matters - The Availabilities of Mandamus, 21 S.W.L.J. 664 (1967).

Comment, Fourteenth Amendment Rights and University Disciplinary Procedures, 34 Mo. L. Rev. 236 (1969).

Gyory, Constitutional Rights of Public School Pupils, 40 Fordham L. Rev. 201 (December 1971).


Pettigrew, Due Process Comes to the Tax Supported Campus, 20 Cleve. State L. R. III (January 1971).


Seavy, Dismissal of Students: Due Process, 70 Harv. L. Rev. 1406.

Schools - Expulsion Hearings - Comprehensive New Statute Provides Extensive Rights to Students In Expulsion Hearings, 6 Ind. L. Rev. 330 (1972).


Van Alstyne, The Student as University Resident, 45 Denver L. J. 582, 1968).


Educational


General


T. DUE PROCESS IN OTHER AREAS

Cases

Supreme Court


In Re: Gault, 387 U.S. 1 (1967).

Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123.


Appeals Courts

Brown v. Macy, 340 F. 2d 115 (5th Cir. 1965).

District Courts


Periodical Literature

Educational


II. CORPORAL PUNISHMENT

SELECTED MATERIALS


APPLICABLE STATUTES

M.C.L.A. 340.755
M.C.L.A. 340.756
M.C.L.A. 340.757

A. TO ENFORCE SCHOOL RULES

Cases

District Courts


State Courts

Indiana State Personnel Board v. Jackson, 244 Ind. 321, 192 N.E. 2d 1740 (Ind. 1963).


Periodical Literature

Legal

B. TO PREVENT PHYSICAL HARM

Cases

Appeals Courts

Palacious v. Foltz, 441 F. 2d 1196 (10th Cir. 1971).

State Courts


C. LIABILITY STANDARDS

Cases

State Courts


Periodical Literature

Legal

Annotation, Criminal Liability for Excessive or Improper Punishment Inflicted on Child by Parent, Teacher, or One in Loco Parentis. 89 A.L.R. 2d 396 (1963).

Educational


D. PROCEDURES FOR

Cases

District Courts

E. CRUEL AND UNUSUAL PUNISHMENT

Cases

Appeals Courts

Jackson v. Bishop, 404 F. 2d 571 (8th Cir. 1968).


District Courts


Periodical Literature

Legal


Educational

"Beating School Children - A Practice That Doesn't Improve their Behavior or their Learning," American School Board Journal, (June 1973).

F. PERSONAL SECURITY (14TH AMENDMENT)

Periodical Literature

Legal


G. GENERAL

Cases

Appeals Courts
Wright v. McMann, 387 F. 2d 519 (2nd Cir. 1967).

District Courts


Periodical Literature

Legal


Educational


III. COMPULSORY ATTENDANCE

SELECTED MATERIALS


APPLICABLE STATUTES


ATTORNEY GENERAL OPINIONS


Cases

Supreme Court


District Courts


State Courts

People v. Levisen, 404 Ill. 574 (Ill. 1950).
People v. Turner, 263 P. 2d 685 (Calif. 1953).

State v. Counort, 69 Wash. 361 (Wash. 1912).


Periodical Literature

Legal

Amish and Compulsory School Attendance: Recent Developments, 1971 Wis. L. Rev. 832 (1971).


Compulsory School Attendance Case, 6 Akron L. Rev. 95 (1973).


Educational

"Agony of the Amish: Exodus from America," Schools and Society 100 (Summer 1972); 281-82.

Castan, F., "Is There a Right Not To Go To School?" The Education Digest 38 (January 1973): 9-12.


Mackler, B., "Right, Or Is It a Privilege to Attend Public School?" Journal of Special Education 4 (Spring 1970): 129-37.


General


IV. SPECIAL EDUCATION

SELECTED MATERIALS

Burt, R.A., "Beyond the Right to Treatment: Strategies for Judicial Action to Aid the Retarded," President's Committee on Mental Retardation and the Project on Classification of Exceptional Children, Vanderbilt University (1973).

APPLICABLE STATUTES

M.C.L.A. 340.1701 et. seq.

A. EVALUATIVE CRITERIA

Cases

Appeals Courts

Reid v. New York State Board of Education, 453 F. 2d 238 (2nd Cir. 1971).

Flemming v. Adams, 377 F. 2d 975 (10th Cir. 1967).

State Courts


B. HEARING RIGHTS

Cases

Appeals Courts

Wright v. Board of Public Instruction of A u cha County, 431 F. 2d 1200 (5th Cir. 1970).

District Courts


C. OBLIGATION TO PROVIDE

Cases

Supreme Court


Appeals Courts


District Courts


Periodical Literature

Legal


Court and the Classroom, 11 Santa Clara Law 72 (Fall 1970).

Public Schools - Constitutional Law - Failure to Provide Education to Physically or Emotionally Handicapped Children, 52 B.U.L. Rev. 884 (Fall 1972).


Educational


Treatises/ Monographs/ Dissertations

Burt, R.A., Beyond the Right to Treatment: Strategies for Judicial Action to Aid the Retarded, President's Committee on Mental Retardation and the Project on Classification of Exceptional Children, Vanderbilt University (1973).

D. MALADJUSTMENT SCHOOLS

Periodical Literature

Legal


E. GENERAL

Cases

District Courts


Periodical Literature

Educational


V. STUDENT RECORDS

SELECTED MATERIAL


APPLICABLE STATUTES

M.C.L.A. 340.1007
M.C.L.A. 340.1106
M.C.L.A. 600.2165
M.C.L.A. 340.1107

ATTORNEY GENERAL OPINIONS


A. ACCESS BY PARENTS

Cases

State Courts


Periodical Literature

General


B. ACCESS BY STUDENTS

Cases

State Courts


Periodical Literature

Educational


C. ACCESS BY OTHERS

Cases

State Courts


Periodical Literature

Educational


General


D. EXPUNGEMENT

Cases

Appeals Courts

Pervis v. LaMargue Independent School District, 466 F. 2d 1054 (5th Cir. 1972).

Hatter v. Los Angeles City High School District, 452 F. 2d 673 (9th Cir. 1971).

District Courts


State Courts


Periodical Literature

Legal


E. PRIVILEGE

Cases

Appeals Courts

Iverson v. Frandsen, 237 F. 2d 898 (10tl. Cir. 1956).
State Courts


Periodical Literature

Educational


General


F. GENERAL

Cases

State Courts


Periodical Literature

Educational


Treatises/ Monographs/ Dissertations


Goslin and Bordier, "Record Keeping In Elementary Schools," In On Record: Files and Dossiers in American Life, Edited by S. Wheeler (1970).


VI. POLICE IN SCHOOLS

SELECTED MATERIALS


ATTORNEY GENERAL OPINIONS


A. INTERROGATION BY

Cases

Supreme Court


Appeals Courts


State Courts


Periodical Literature

Legal


Educational


B. SEARCH WITHOUT WARRANT

Cases

Appeals Courts

Piazrola v. Watkins, 442 F. 2d 284 (5th Cir. 1971).

District Courts


State Courts

In re Boykin, 237 N.E. 2d 400 (IL 1968).

In re Ired C., 102 Cal. Rptr. 682 (1972).


C. GENERAL

Cases

State Courts


Periodical Literature

Legal

Bible, The College Dorm Student and the Fourth Amendment - A Sham or a Safeguard, 4 U.S.F. L. Rev. 49 (1969).


Educational


General


Treatises/ Monographs/ Dissertations

VII. SEARCHES IN SCHOOL

SELECTED MATERIALS


A. SEARCH OF PERSON BY SCHOOL OFFICIALS

Cases

State Courts


Periodical Literature

Legal


Gyory, Constitutional Rights of Public School Pupils, 40 Fordham L. Rev. 201 (December 1971).

Search and Seizure - Is the School Official a Policeman or Parent? 22

Education

Knowles, Laurence W., "Frisking Students for Drugs: How Far Can You
Go?" Nation's Schools, 89 (January 1972): 84.

B. SEARCH OF PERSON BY POLICE

Cases

District Courts


State Courts

In Re: Boykin, 237 N.E. 2d 466 (IL 1968).

In Re: Fred C., 102 Cal. Rptr. 682 (CA 1972).

C. SEARCH OF LOCKER BY SCHOOL

Cases

State Courts

In Re Donaldson, 75 Cal. Rptr. 220 (CA 1969).

Periodical Literature

Legal

Gyory, Constitutional Rights of Public School Pupils, 40 Fordham L. Rev.
201 (December 1971).

Educational

Hudgins, H.C. Jr., "Are Student Lockers Off-limits to Principals?"

Hudgins, H.C. Jr., "Locker Searches and the Law. Fourth Amendment."


**Treatises/ Monographs/ Dissertations**


**D. SEARCH OF LOCKER BY POLICE**

**Treatises/ Monographs/ Dissertations**


**E. SEARCH OF VEHICLE BY SCHOOL**

**Cases**

District Courts


**F. SEARCH OF VEHICLE BY POLICE**

**Cases**

District Courts


**G. SEARCHES BY SECURITY OFFICERS**

**Cases**

District Courts


State Courts


H. POLICE ACCOMPANIED BY SCHOOL OFFICIALS

Cases

State Courts

In Re: Fred C., 103 Cal. Rptr. 682 (CA 1972).


I. COLLEGE DORM ROOM SEARCHES

Cases

Appeals Courts

Plazzola v. Watkins, 442 F. 2d 284 (5th Cir. 1971).

District Courts

Moore v. Student Affairs Committee of Troy State University, 284 F. Supp. 725 (M.D. AL 1968).

State Courts


Periodical Literature

Legal


Educational


J. CONSENT

Cases

State Courts


K. SEARCH AND SEIZURE IN OTHER AREAS

Cases

Supreme Court


Appeals Courts
Wilhelm v. Turner, 431 F. 2d 177 (8th Cir. 1970).

State Courts


Periodical Literature

Legal


Donoghoe, Diane C., Emerging First and Fourth Amendment Rights of the Student, 1 Journal of Law and Education 449-67 (July 1972).

Fourth Amendment and High School Students, 6 Willamette L. J. 567 (1970).

Wetterer, Charles M., Search and Seizure in the Public Schools, 1 NOLPE School Law Journal 20-7 (Spring 1971).

Educational


VIII. PREGNANT STUDENTS

SELECTED MATERIALS


APPLICABLE STATUTES

M.C.L.A. 388.391 et. seq.

A. SUSPENSION FOR

Cases

District Courts


State Courts

Alvin Indiana School District v. Cooper, 40 S.W. 2d 76 (IN 1966).

Periodical Literature

Legal


Educational


B. MARRIED v. UNMARRIED

Periodical Literature

Educational


C. ALTERNATIVE EDUCATIONAL PROGRAMS

Periodical Literature

Legal

Marriage, Pregnancy, And the Right To Go To School 50 Tex. L. Rev. 248 (April 1973).

Educational


General


D. GENERAL

Cases

Supreme Court

Cleveland Board of Education v. LaFleur, 414 U.S. 905 (1973).
Periodical Literature

Educational


Treatises/ Monographs/ Dissertations


IX. MARRIED STUDENTS

SELECTED MATERIAL


A. SUSPENSION

Cases

State Courts


Periodical Literature

Educational


B. EXCLUSION FROM EXTRA-CURRICULAR ACTIVITIES

Cases

District Courts


State Courts

Board of Directors v. Green, 259 la. 1260, 147 N.W. 2d 854 (1967).


Periodical Literature

Legal


Educational


C. PLACEMENT IN ALTERNATIVE PROGRAMS

Cases

State Courts

Alvin Independent School District v. Cooper, 404 S.W. 2d 76 (TX 1966).

Periodical Literature

Legal

D. GENERAL

Periodical Literature

Legal


Educational


General

X. TRACKING

SELECTED MATERIAL


APPLICABLE STATUTES

M.C.L.A. 600.2165.

Cases

Appeals Courts


Anthony v. Marshall County Board of Education, 419 F. 2d 1211 (5th Cir. 1970).


Lemon v. Bossier Parish School Board, 444 F. 2d 1400 (5th Cir. 1971).


United States v. Hinds County School Board, 433 F. 2d 602 (5th Cir. 1970).


United States v. Tunica County School District, 421 F. 2d 1236 (5th Cir. 1970).
Wright v. Board of Instruction Alachua County, Florida, 419 F. 2d 1211 (5th Cir. 1970).

Youngblood v. Board of Public Instruction at Bay County Florida, 419 F. 2d 1211 (5th Cir. 1970).

Goss v. Board of Education of City of Knoxville, Tennessee, 305 F. 2d 523 (6th Cir. 1962).

District Courts


Periodical Literature

Legal

Classification Materials, Center for Law and Education, Harvard University (March 1972).


Equal Protection and Intelligence Classifications, 26 Stan. L. Rev. 647-72 (February 1974).


Educational

XI. FREE EDUCATION

SELECTED MATERIAL


APPLICABLE STATUTES

Michigan State Constitution, Article VIII, Section 2.

ATTORNEY GENERAL OPINIONS


Cases

Supreme Court

Johnson v. New York State Education Department, 149 F. 2d 871. cert. granted 92 S. Ct. 986, vacated 93 S. Ct. 259 (2nd Cir. 1971).


District Courts


State Courts


Periodical Literature

Legal

Sectarian Books, the Supreme Court and the Establishment Cause, 79 Yale L. J. Ill (November 1969).

Student Fees, Center for Law and Education, Harvard University (March 1972).

Educational

XII. PUBLICATION AND DISTRIBUTION OF LITERATURE

SELECTED MATERIALS


A. PRIOR SUBMISSION FOR APPROVAL

Cases

Appeals Courts


Baughman v. Frenimuth, 478 F. 2d 1345 (4th Cir. 1973).


Troy State University v. Dickey, 402 F. 2d 515 (5th Cir. 1968).

Fujishima v. Board of Education, 460 F. 2d 1355 (7th Cir. 1972).

Karp v. Becken, 477 F. 2d 171 (9th Cir. 1973).

District Courts


**Periodical Literature**

**Legal**


Constitutional Law - Inherent Disciplinary Powers of University Include Proscription of Student Distribution of Pamphlets Where There is a Reasonable Forecast of Substantial Campus Disruption, 21 Syracuse L. Rev. 1260 (Sum. 1970).


**B. IDENTIFICATION OF THE AUTHOR**

**Cases**

**District Courts**


**ADVERTISING**

**Cases**

**District Courts**


D. OBSCENITY AND PORNOGRAPHY

Cases

Supreme Court


Appeals Courts

Bazaar v. Fortune, 476 F. 2d 570 (5th Cir. 1973).

District Courts


State Courts


Periodical Literature

Legal

Gyory, Constitutional Rights of Public School Pupils, 40 Fordham L. Rev. 201 (December 1971).


Educational


E. DEFAMATION - LIBEL

Cases

State Courts


Periodical Literature

Legal


F. PLAGIARISM - COPYRIGHT

Periodical Literature

Legal


G. PERSONAL AND INSTITUTIONAL CRITICISM

Cases

Appeals Courts

Scoville v. Board of Education of Joliet, 425 F. 2d 10 (7th Cir. 1970).

District Courts


State Courts


Periodical Literature

Legal


Educational


H. LOCATION OF DISTRIBUTION

Cases

Appeals Courts

Riseman v. School Commissioners of City of Quincy, 439 F. 2d 148 (1st Cir. 1971).

Eisner v. Stamford Board of Education, 440 F. 2d 803 (9th Cir. 1971).

Jones v. Board of Regents of University of Arizona, 436 F. 2d 616 (9th Cir. 1970).

I. MANNER OF DISTRIBUTION

Cases

Appeals Courts

Bonner-Lyons v. School Commissioners of City of Boston, 480 F. 2d 442 (1st Cir. 1973).

District Courts

J. REASONABLE CONTENT REGULATIONS

Cases

District Courts


Periodical Literature

Legal


Educational


K. WITHDRAWAL OF SCHOOL SUPPORT (Financial and Sponsorship)

Cases

Appeals Courts


District Courts


L. CONTROL OF SCHOOL SPONSORED PRESS

Periodical Literature
Educational


Treatises/ Monographs/ Dissertations


M. GENERAL

Cases

Appeals Courts

Katz v. McAulay, 438 F. 2d 1058 (2nd Cir. 1971).

Baughman v. Freienmuth, 478 F. 2d 1345 (4th Cir. 1973).


Hatter v. Los Angeles City High School District, 452 F. 2d 673 (9th Cir. 1971).

District Court


Periodical Literature
Legal


Campus Pamphletting: The Emerging Constitutional Standards. 5 U. Mich. J. L. Ref. 109 (Fall 1971)

Donoghoe, Emerging First and Fourth Amendment Rights of the Student 1 J. of Law and Education 449-67 (July 1972)


Public School and Freedom of Speech: Student Newspapers. 46 Chi-Kent L. Rev. 202 (Fall 1969).


Educational


**Treatises/Monographs/Dissertations**


N. FREE PRESS IN OTHER AREAS

Cases

Supreme Court


Jamison v. Texas, 318 U.S. 413 (1943).

Lowell v. City of Griffin, Georgia, 303 U.S. 444 (1938).


State Courts

XIII. SYMBOLIC EXPRESSION

SELECTED MATERIALS


A. BUTTONS - ARMBANDS - EMBLEMS

Cases

District Courts


Periodical Literature

Legal


Punke, H.H. Regulation of Students Clothing and Insignia 31 Ala. Law 302 (July 1970).

Educational


B. DISRUPTIVE V. NON-DISRUPTIVE

Cases

Supreme Court


Appeals Courts

Blackwell v. Issaquena County Board of Education, 363 F. 2d 749 (5th Cir. 1966).

Burnside v. Byars, 363 F. 2d 744 (5th Cir. 1966).


District Courts


Periodical Literature

Legal


Educational


C. GENERAL

Cases

Appeals Courts

Caldwell v. Craighead, 432 F. 2d 213 (6th Cir. 1970).
Periodical Literature

Legal


Educational


D. OTHER AREAS

Cases

Supreme Court

XIV. DRESS AND GROOMING

SELECTED MATERIAL


A. HAIR LENGTH

Cases

Appeals Courts

Richards v. Thurston, 424 F. 2d 1281 (1st Cir. 1970).


Davis v. Firment, 408 F. 2d 1085 (5th Cir. 1969).

Ferrell v. Dallas Independent School District, 392 F. 2d 697 (5th Cir. 1968).

Karr v. Schmidt, 460 F. 2d 609 (5th Cir. 1972).

Lansdale v. Tyler Junior College, 470 F. 2d 659 (5th Cir. 1972).

Pound v. Holladay, 444 F. 2d 234 (5th Cir. 1971).

Valdes v. Monroe County Board of Public Instruction, 468 F. 2d 952 (5th Cir. 1971).


Breen v. Keating, 419 F. 2d 1034 (7th Cir. 1969).

Whitson v. Panama Independent School District, 439 F. 2d 1198 (5th Cir. 1971).

Bishop v. Colaw, 450 F. 2d 1069 (8th Cir. 1971).
King v. Saddleback Junior College District, 445 F. 2d 932 (9th Cir. 1971).
Olff v. East Side Union High School District, 445 F. 2d 932 (9th Cir. 1971).
Cranson v. East Otero School District R-1, 448 F. 2d 258 (10th Cir. 1971).
New Rider v. Board of Education Independent School District #1 Pawnee County, Oklahoma, 480 F. 2d 693 (10th Cir. 1973).

District Courts


State Courts


Shows v. Freeman, 230 So. 2d 63 (MS 1969).


Periodical Literature

Legal


Barber and the Board: Constitutional Aspects of Administrative Regulation of Student's Hairstyle, 23 S.C. L. Rev. 150 (1971).

Brown, J.M., Hair, the Constitution, and the Public Schools, 1 Journal of Law and Education 371-82 (July 1972).


Dilemma in Public High Schools: School Board Authority vs. the Constitutional Right of Students to Wear Long Hair, La. L. Rev. 697-707 (Summer 1973).


In-Hair-ent Rights and Tonsorial Tutelage, 32 Montana L. Rev. 294 (Summer 1971).


Long-Haired Student: A Constitutionally Protected Right of Personal Appearance, 8 Idaho L. Rev. 194 (Fall 1971).


Public School Hair Regulations: Are They Constitutional? 16 St. Louis U. L. J. 112 (Fall 1971).


Note: School Authorities Regulate the Style of Student's Hair, 47 N.C.L. Rev. 171 (1968).

Schools - Constitutional Law - Hair Regulations - Regulation Governing the Length of Hair is One that is Not Cognizable in the Federal Courts, Nor is Such a Right to be Found Within the Plain Meaning of the Federal Constitution, 4 St. Marys L. J. 232 (Summer 1972).

Educational


General

"Hair Do's and Don'ts - Faculty Student Squabble Over Hair and Dress Styles," Newsweek 68 (October 3, 1966): 94.


B. DISRUPTION V. NON-DISRUPTION

Cases

Appeals Courts

Ge v. Stanley, 453 F. 2d 205 (3rd Cir. 1971).


King v. Saddleback Junior College District, 445 F. 2d 932 (9th Cir. 1971).

District Courts


State Courts

Laine v. Dittman, 259 N.E. 2d 824 (IL '970).

Periodical Literature

Legal


Constitutional Law - Schools and School Districts - Prohibition of Long Hair Absent Showing of Actual Disruption Violates High School Students Constitutional Rights. Requirement that High School Students Shave is Valid If Founded on a Rational Basis, 84 Harv. L. Rev. 1702 (1971).


Educational


C. EQUAL APPLICATION BETWEEN SEXES
Appeals Courts

**Crews v. Clonces**, 432 F. 2d 1259 (7th Cir. 1970).

District Courts


State Courts


D. RULES BASED ON HEALTH AND SAFETY

Cases

Appeals Courts

**Stevenson v. Board of Education of Wheeler County, Georgia**, 426 F. 2d 1154 (5th Cir. 1970).

**Crews v. Clonces**, 432 F. 2d 1259 (7th Cir. 1970).

**Gfell v. Rickelman**, 441 F. 2d 444 (6th Cir. 1971).

District Courts


Periodical Literature

**Legal**

_The Right to Dress and Go to School_, 37 U. Colo. L. Rev. 492 (1965)

**Educational**

E. RULES WITHIN EXTRA-CURRICULAR PROGRAMS

Cases

Appeals Courts


District Courts


Periodical Literature

General


F. RULES BASED DISCIPLINE

Cases

Appeals Courts

Freeman v. Flake, 448 F. 2d 258 (10th Cir. 1971).

District Courts


G. RULES DEVELOPED BY STUDENTS

Cases
Appeals Courts

Arnold v. Carpenter, 459 F. 2d 939 (7th Cir. 1972).

District Courts


Periodical Literature

Educational


H. DRESS

Cases

District Courts


State Courts


Periodical Literature

Legal

Goldstein, The Scope and Sources of School Board Authority to Regulate
Student Conduct and Status: A Non-Constitutional Analysis, 117 U. Pa.

Plasco, School Student Dress and Appearance Regulations, 18 Cleve-

Note: The Right to Dress and Go to School, 37 U. Colo. L. Rev. 492
(1965).

Educational

Browden, L.H., "New American Success Story is Called Student Confront-

Gorton, R.A., "Student Activism in the High School: the Underground
Newspaper and Student Dress and Appearance, The High School Journal,

"Hair Do's and Don'ts-Faculty Student Squabble Over Hair and Dress

I. COURT ABSTENTION-INJUNCTIVE RELIEF

Periodical Literature

Educational

Nolte, Chester M., "Your District's Dress Code and Why It Probably
Hasn't a Hair of a Chance in Court," The American School Board Journal,

J. GENERA

Cases

Supreme Court


Appeals Courts

Torvik v. Decorah Community Schools, 453 F. 2d 779 (8th Cir. 1972).
Freeman v. Flake, 448 F. 2d 258 (10th Cir. 1971).

District Courts


State Courts


Periodical Literature

Legal


Personal Appearance of Students-the Abuse of a Protected Freedom, 20 Ala. L. Rev. 104 (1967).


Runkel, R.R., Public School and Personal Appearance: Some Theories, 7 Willamette L. J. 419 (December 1971)

Short History and Future Developments Regarding School Dress and Grooming Codes. 31 Oh. S. L. J. 315 (Spring 1970).

Student Right to Choice of Personal Appearance in the Public Schools. 36 Mo. L. Rev. 529 (Fall 1971).

Sweezy, G.G., Free Speech and the Student's Right to Govern His Personal Appearance. 7 Osgoode Hall J. 293 (March 1970).


Educational

Brickman, W., "Civil Liberties and Uncivility in the Schools. Schools and Society. 95 (February 18, 1977): 102.


La Morte, M.W., "Courts and the Governance of Student Conduct." Schools and Society, 104 (February 1972): 89-93.


General


K. DRESS AND GROOMING IN OTHER AREAS
Cases

District Courts

Ho Ah Kow v. Nunan, 12 Fed. Cas. 252 (C.C.D CA 1879).
XV. STUDENT DEMONSTRATIONS

SELECTED MATERIALS

Shapiro, Sheldon, Participation of Student in Demonstration On or Near Campus As Warranting Expulsion or Suspension from School or College. 32 A.L.R. 3rd 864 (1970)

A. ON SCHOOL PROPERTY DURING SCHOOL TIME

Cases

Appeals Courts

Sword v. Fox, 446 F. 2d 1091 (4th Cir. 1971).

District Courts


B. BLOCKING ENTRANCES AND EXITS

Cases

District Courts


C. BLANKET PROHIBITIONS AGAINST

Cases

District Courts


Periodical Literature

Legal

D. DISRUPTIVE V. NON-DISRUPTIVE

**Cases**

**Supreme Court**


**Appeals Courts**

Saunders v. Virginia Polytechnic Institute, 417 F. 2d 1127 (4th Cir. 1969).

Sword v. Fox 446 F. 2d 1091 (4th Cir. 1971), cert. deh. 404 U.S. 994.

Bright v. Nunn, 488 F. 2d 245 (6th Cir. 1971).

Esteban v. Central Missouri State College, 415 F. 2d 1077 (8th Cir. 1969).

Tate v. Board of Education of Jonesboro Arkansas, 453 F. 2d 975 (8th Cir. 1972).

Karp v. Becker, 477 F. 2d 171 (9th Cir. 1973).

**District Courts**


**Periodical Literature**

**Legal**


**General**

TREATISES/MONOGRAPHS/DISSERTATIONS


E. PRIOR RESTRAINT

Cases

Appeals Courts

Karp v. Becker, 477 F. 2d 171 (9th Cir. 1973).

District Courts


Periodical Literature

Legal

Nahmod, Beyond Tinker: The High School As An Educational Forum. 5 Harv. Cir. Rts. L. Rev. 278 (1970)

F. LIMITED PROHIBITIONS

Cases

Appeals Courts

Sword v. Fox, 446 F. 2d 1091 (4th Cir. 1971).

Periodical Literature

Legal

Regulation of Demonstrations, 80 Harv. L. Rev. 1773 (1967).

Educational

G. WARNING TO CEASE DEMONSTRATION

Cases

Appeals Courts

Farrell v. Joel, 437 F. 2d 160 (2nd Cir. 1971).

Ponce v. Miles, 407 F. 2d 73 (2nd Cir. 1968).

H. PUNISHMENT FOR DEMONSTRATION ON SCHOOL GROUNDS

Cases

Supreme Court


Appeals Courts

Woods v. Wright, 334 F. 2d 369 (5th Cir. 1964).

District Courts


I. GENERAL

Cases

Supreme Court


Appeals Courts

Powe v. Miles, 407 F. 2d 73 (2nd Cir. 1968).

Periodical Literature

Legal

Equity on Campus - The Limits of Injunctive Regulation of University Protest. 80 Yale L. J. 987 (April 1971).

Note Regulation of Demonstrations. 80 Harv. L. Rev. 1772 (1967).

Shapiro, Sheldon, "Participation of Student in Demonstration on or Near Campus As Warranting Expulsion or Suspension from School or College." 32 A.L.R. 3rd 864 (1970).

Educational


Treatises/ Monographs/ Dissertations

Augusta, Georgia and Jackson State University, Southern Episodes in a National Tragedy, Southern Regional Council, Inc., Atlanta, Georgia, 1970.

Campus Disorders, A Symposium of Relevant Papers, Association of Physical Plant Administrators, Corvallis, Oregon, April, 1969.

Interim Report of the Select Committee to Investigate Campus Disturbances to the 108th Ohio General Assembly Pursuant to Am. Sub. S. Con. R. No. 34, Ohio House of Representatives, Columbus, Ohio, 1971.

J. DEMONSTRATIONS IN OTHER AREAS

Cases

Supreme Court


Amalgamated Food Employees Union Local 590 v. Logan Valley Plaza, 391 U.S. 308 (1968).


Appeals Courts

People Active Through Community Effort v. Doorley, 468 F. 2d 1143 (1st Cir. 1972).


Sellers v. Johnson, 163 F. 2d 877 (8th Cir. 1947).


District Courts


State Courts

XVI. RELIGIOUS AND PATRIOTIC GESTURES

SELECTED MATERIALS


A. FLAG SALUTE

Cases

Supreme Court


Appeals Courts

Goetz v. Ansell, 477 F. 2d 636 (2nd Cir. 1973).


District Courts


State Court


Periodical Literature

Legal

Goldstein, S.R., The Scope and Sources of School Board Authority to


B. NATIONAL ANTHEM

Cases

District Courts


C. RELIGIOUS FREEDOM

Cases

Supreme Court


Appeals Courts

Stein v. Oshinsky, 348 F. 2d 999 (2nd Cir. 1965), cert. den. 382 U.S. 957 (1965).

Alabama Civil Liberites Union v. Wallace, 456 F. 2d 1069 (5th Cir. 1972).


District Courts


Periodical Literature

Legal


Educational


D. GENERAL

Periodical Literature

Educational


XVII. FREEDOM OF ASSOCIATION (STUDENT ORGANIZATIONS)

SELECTED MATERIALS


APPLICABLE STATUTES

M.C.L.A. 340.921

A. DISCLOSURE OF MEMBERSHIP LISTS

Cases

State Courts

Eisen v. Regents of University of California, 75 Cal. Rptr. 45 (CA 1969).

B. FRATERNITY-SORORITY PROHIBITIONS

Cases

Supreme Court


Waugh v. Board of Trustees, 237 U.S. 589 (1915).

District Courts


State Courts


Passal v. Fort Worth, 453 S.W. 2d 888 (Texas 1970).
Periodical Literature

Legal


C. ORGANIZATIONAL RECOGNITION

Cases

Supreme Court


Appeals Courts

University of Southern Mississippi Civil Liberties Union v. University of Southern Mississippi, 452 F. 2d 564 (5th Cir. 1971).

District Courts


Periodical Literature

Legal

Colleges and Universities - College Authorities Improperly Deny Recognition to a Local Chapter of the Students for a Democratic Society. 52 B.U. L. Rev. 311 (Spring 1972).


Withholding Official College Recognition from Radical Student Groups: A Denial of First Amendment Rights. 57 La. L. Rev. 937 (February 1972).

D. GENERAL

Cases

Appeals Courts

University of Southern Mississippi Chapter of the Mississippi Civil Liberties Union v. University of Southern Mississippi, 452 F. Supp. 564 (5th Cir. 1971).

District Courts


Periodical Literature

Legal


Educational


E. ASSOCIATION IN OTHER AREAS

Cases

Supreme Court


National Association for the Advancement of Colored People v. Alabama Ex Rel. Patterson, 357 U.S. 449 (1960).
XVIII. FREEDOM OF SPEECH (VERBAL)

SELECTED MATERIAL


Palacios v. Foltz, 441 F. 2d 1196 (10th Cir. 1971).


A. USE OF PROFANE LANGUAGE

Cases

State Courts


Periodical Literature

Legal


B. CRITICISM OF SCHOOL PERSONNEL

Cases

District Courts

C. CRITICISM OF POLICIES

D. URGING LAWLESS CONDUCT

E. DISRUPTING SUPERVISED ACTIVITIES

F. ABUSIVE AND THREATENING LANGUAGE

Cases

Supreme Court


District Courts


Periodical Literature

Legal


G. GENERAL

Cases

State Courts


Periodical Literature

Legal

H. FREE SPEECH IN OTHER AREAS

Cases

Supreme Court


XIX. ACADEMIC FREEDOM

SELECTED MATERIALS

Keefe v. Ganakos, 418 F. 2d 359 (1st Cir. 1969).


A. TEACHERS WEARING ARMBANDS

Cases

Appeals Courts

James v. Board of Education of Central District Number One of Town of Addison, 461 F. 2d 566 (2nd Cir. 1972).

B. TEACHER CRITICISM OF ADMINISTRATION

Cases

Supreme Court


Periodical Literature

Educational


C. CLASSROOM TOPICS AND MATERIALS

Cases

Supreme Court


Appeals Courts


District Courts


D. TEACHER FREEDOM OF ASSOCIATION

Cases

Supreme Court


District Courts


E. GENERAL

Cases

Appeals Courts

Keefe v. Ganakos, 418 F. 2d 359 (1st Cir. 1969).

District Courts


State Courts

Todd v. Rochester Community Schools, 200 N.W. 2d 90 (MI 1972).

Periodical Literature

Legal


Educational


General


Treatises/ Monographs/ Dissertations

XX. VAGUE, UNCERTAIN, OVERBROAD, AND ARBITRARY RULES

SELECTED MATERIALS

*Bringing the Vagueness Doctrine on Campus.* 80 Yale L.J. 1261 (1971).


APPLICABLE STATUTES

M.C.L.A. 340.614

ATTORNEY GENERAL OPINIONS


A. DUE PROCESS

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B. CORPORAL PUNISHMENT

Cases

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C. COMPULSORY EDUCATION

Cases

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State Courts


D. SPECIAL EDUCATION

Cases

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District Courts


E. PREGNANT STUDENTS

Cases

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Appeals Courts


District Courts


State Courts

Board of Education v. Bentley, 383 S.W. 677 (Kentucky 1964).

F. MARRIED STUDENTS

Cases

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State Courts

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G. TRACKING

Cases

District Courts


H. PUBLICATION AND DISTRIBUTION OF LITERATURE

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District Courts


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I. SYMBOLIC EXPRESSION

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J. DRESS AND GROOMING

Cases

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District Courts


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K. STUDENT DEMONSTRATIONS

Cases

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L. FREEDOM OF ASSOCIATION (STUDENT ORGANIZATIONS)

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M. FREEDOM OF SPEECH (VERBAL)

Cases

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District Courts


N. ACADEMIC FREEDOM

Cases

Supreme Court


District Courts


O. SEX DISCRIMINATION IN SCHOOL ATHLETICS

Cases

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State Courts


P. OUTSIDE SPEAKERS, VISITORS, AND USE OF SCHOOL FACILITIES

Cases

Appeals Courts

Bayless v. Martini, 430 F. 2d 873 (5th Cir. 1970).

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Q. GENERAL MATERIALS ON STUDENT RIGHTS

Cases

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XXI. DISCRIMINATION IN EXTRA-CURRICULAR ACTIVITIES

SELECTED MATERIALS

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A. RACE DISCRIMINATION IN ATHLETICS

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B. WAITING PERIODS FOR TRANSFER STUDENTS

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D. MARRIAGE AS A BAR TO PARTICIPATION

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E. MEMBERSHIP IN FRATERNITY OR SORORITY AS BAR TO PARTICIPATION

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F. GROOMING CODES

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G. MISCELLANEOUS

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XXII. OUTSIDE SPEAKERS, VISITORS, AND USE OF SCHOOL FACILITIES

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A. RESTRICTION OF OUTSIDE SPEAKERS

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