

# Discipline in the public school

[Education](#), [Discipline](#)



Assignment 1: Discipline in the Public Schools Patricia Williams Dr. Sonya S. Shepherd EDU 520 Education and the Law July 22, 2012 Every child and young person has a right to an education. Along with those rights students, have the responsibilities to follow rules. If rules get broken schools can impose punishments to try to correct the behaviors from happening again. Schools must let the students be able to voice their opinions on whether the punishment is fair.

The purpose of this paper is to examine three (3) current rulings about different types of discipline in public schools. Next summarize the cases and the court's decision for each case. Finally give an opinion whether for or against the court's decision and justify the position. Bethel School District No. 403 v. Fraser Michael Fraser a student at Bethel High School made a speech in front of an assembly that was considered to be lewd. In reaction to the speech, he was suspended from school. Michael Fraser brought suit against the school in a U. S. district court, claiming that his First Amendment right to freedom of speech had been violated. (Essex p. 51, 2012) The Supreme Court said Bethel High School officials in Washington did not violate the First Amendment by punishing Matthew Fraser for a campaign speech that was considered lewd. Both of the lower courts had ruled for Fraser because there was no disruption following the speech given in the school auditorium. Because it was a school sponsored activity, the Supreme Court said school officials had the right to punish the risque content of his speech.

While students are afforded the First Amendment freedoms of speech and expression, they are still answerable for their actions when they are offensive to others. Matthew Fraser's behavior was disruptive to the

educational process. Fraser was in a public high school and at a school-sponsored activity. He was under the authority of the school, not standing on a street corner. Schools must have the authority to guide young people into healthy and acceptable social forms of expression.

Speech is limited even for adults, and no one can claim that high school students are adults. Fraser was not punished for the political nature of his speech, but rather for its sexual innuendo and obscenity. *Hermitage School District v. Layshock* In December 2005, Justin Layshock and three other high school students created fake MySpace profiles for their principal, Eric Trosch. The profiles included an official school portrait of Trosch and answers to the website's template questions for creating a profile.

Many of the answers were derogatory and sexually explicit. One profile indicated that Trosch's favorite movie was a pornographic film. Another indicated that Trosch liked to have sex with students and brutalize women. A third said that he kept a keg of beer at his desk at school, was on steroids, and smoked marijuana. School officials discovered the profile, and the school district suspended Layshock for 10 days, ordered him to finish high school in an Alternative Education Program, and forbid him from attending graduation.

In *Layshock*, the court ruled for Justin Layshock, who was a 17-year-old senior when he created a MySpace profile portraying his principal as a big drinker, a smoker of a 'big blunt' and a "big steroid freak." The school had suspended Layshock, placed him in an alternative education program, despite his classification as a gifted student, and barred him from extracurricular activities. (ABA Journal) After the school district disciplined

Layshock, he brought a federal lawsuit claiming that the school's punishment violated his First Amendment rights.

In July 2007, the district court granted summary judgment to Layshock on his claim that that the school's punishment violated his First Amendment rights. The only school resource which Justin even arguably involved in creating the web parody was a photograph available to the public on the school's website which the student cut and pasted into his website. I think Justin's behavior did not cause disruption in the school, because a school district does not have the authority to reach outside the schoolhouse to control student behavior.

Justin's actions were not related to any school sponsored event. *Morse v. Frederick* Joseph Frederick, a senior at Juneau-Douglas High School, unfurled a banner saying " Bong Hits 4 Jesus" during the Olympic Torch Relay through Juneau, Alaska on January 24, 2002. (Education and the Law Journal, p. 57) Frederick's attendance at the event was part of a school-supervised activity. The school's principal, Deborah Morse, told Frederick to put away the banner, as she was concerned it could be interpreted as advocating illegal drug activity. After Frederick refused to comply, she took the banner from him.

Frederick originally was suspended from school for 10 days for violating school policy, which forbids advocating the use of illegal drugs. The U. S. District Court for the District of Alaska ruled for Morse, saying that Frederick's action was not protected by the First Amendment. The U. S. Court of Appeals for the Ninth Circuit reversed and held that Frederick's banner was constitutionally protected. In this case the principle jumped the gun and <https://assignbuster.com/discipline-in-the-public-school/>

assumed that the word bong was referencing drugs and I think it did not. Fredrick even stated that that was words to try to get the television station to see their banner and a way to get on TV.

I think he was telling the truth about wanting to be seen on TV because crazy teenagers will say and do just about anything to be on TV so they can brag to their friends just to say they were on TV. I think that if all these cases were up to date, that they will re-evaluate the rulings now because you have so many people committing suicide over the words that people are saying whether it is on the internet or at their school. It is a shame that you do have people that are doing cyber bullying and you cannot be sure of how the victims react, because they may retaliate.

The world is forever changing and the words are being recognized as being hurtful. References ABAJournal. com: " Students Disciplined for Fake MySpace Profiles of Principals Get 3rd Circuit Rehearing" Cooper, Madeleine Arsenault. BONG HiTS 4 JESUS . . . IN CANADA? The Implications of Morse v. Frederick for Student Free Speech in the United States and Canada, Education ; Law Journal, Volume 18, Number 1, July 2008, 57. Essex, E. L. School Law and the Public Schools: A Practical Guide for Educational Leaders. 5th ed. Boston MA: Allyn and Bacon, 2012.