

Fictional Case # 2

Lincoln School District v. Joe Stayley

Question: Did Lincoln High Schools dismissal of Joe Stayley for wearing attire against school rules violate his 1st and 14th Amendment right of symbolic speech?

Schools rule: Students may be suspended or excluded from attending classes when, **in the opinion of the building principal**, the student wears clothing that disrupts the educational purpose. (Rule in student handbook)

Joe Stayleys' attire: A shirt with a large Confederate Flag on the back and front of the shirt.

Background:

Mr. Joe Stayley, a 15-year-old sophomore at Lincoln Public High School, wore a shirt (described above) to his public high school. Fifty Percent of Mr. Joe Stayley's classmates are African American. Mr. Joe Stayley and his parents are Caucasian. After the Human Rights/Holocaust teacher went to Mr. B.Z. to complain about the shirt, Lincoln's principal, asked Joe Stayley to go home and change the shirt (noon). Joe Stayley put his jacket over it.

Mr. B.Z. saw Joe Stayley with the same shirt on two weeks later at lunch time and called Joe Stayley into his office after five African American students complained about the shirt. One of the 5 students that complained was just reinstated into the school after being in a fight 1 year ago in which he was sentenced to juvenile detention for 6 months. Mr. Joe Stayley was then suspended from school and suspended for 3 days. Mr. B.Z. claimed that the shirt could have caused a disruption among students. Joe Stayley's teachers testified in lower court that they were not aware of any disruptions at the school and that there were no disruptions in their classroom when Joe Stayley wore the shirt to class. Mr. X, the human rights teacher, testified that it contradicted the principles and lessons in his class. Mr. B.Z. testified that he was concerned for Mr. Joe Stayley's safety and the educational purpose disruption.

Mississippi's Supreme Court heard the appeal and ruled that the school rules were constitutional and they were protecting the educational atmosphere. Mr. B.Z. testified that more than one student came to him and complained that the t-shirt offended him. Therefore, the court ruled that symbolic speech of the T-shirt could have interfered with the education of others and the purpose of the message taught at school.

The Federal Court of Appeals overturned the State's ruling stating that Joe Stayley's constitutional rights were violated when he was asked to take off the shirt and then suspended. Ruling: The shirt was symbolic speech protected by the 1st and 14th Amendments. The school rule is too vague when giving restrictions based upon the principle's "opinion". They also ruled that religious speech and political speech are protected in the public schools, which would include Joe Stayley's shirt. The **assumption** of the disruption of "educational purpose" went too far.

U.S Supreme Court agreed to hear the case:

Joe Stayley: Argue that the 1st and 14th protects a student's freedom of symbolic speech. You may also argue that the "rule" violates student's rights because it is too vague and gives too much constitutional overreach to the principal's religious views.

Lincoln School District: Argue that the school/educational system has an obligation to the student and the educational purpose along with the atmosphere of learning. Joe Stayley's shirt could cause harm to him and cause other students to be distracted.