

---

**SOCIETY**

petition over who is more discriminated against, and who more worthy of federal or other protection," says Glazer, "may well develop." The consequences for society could be disastrous.

The answer, he suggests, is to return to the long-abandoned vision of the American "melting pot." Assimilation as an ideal worked for the old immigrants; it may yet work for the new ones.

### *Student Rights and the Supreme Court*

"Past Court Cases and Future School Discipline" by Henry S. Lufler, Jr., in *Education and Urban Society* (Feb. 1982), Sage Publications, 275 South Beverly Dr., Beverly Hills, Calif. 90212.

During the 1970s, the Supreme Court considered fewer than 10 cases involving the rights of public school students. Its rulings, which generally expanded student rights, are having an impact on the schools—often in indirect and unintended ways, according to Lufler, assistant dean at the University of Wisconsin's School of Education.

In 1969, the Justices ruled in *Tinker v. Des Moines Independent Community School District* that wearing an antiwar armband was insufficient grounds for suspension unless school officials could prove that the student's display would disrupt classes. The Court leashed school administrators again in 1975. *Goss v. Lopez* established that students were entitled to a hearing by an administrator before being suspended for even a few days. And in *Wood v. Strickland*, the Court added that school officials could be held personally liable if they knew or "reasonably should have known" that they were depriving students of their rights.

These cases were based on a Court interpretation of government services (such as welfare payments) as property rights, not discretionary benefits. Due process, ruled the Justices, was required before entitlements could be withdrawn. But the Justices appear reluctant to expand students' rights much beyond *Tinker*, *Goss*, and *Wood*, maintains Lufler. Due process requires only that students be told why they are being suspended and that they be given a chance to tell their side of the story. In 1977, the Court ruled in *Ingraham v. Wright* that hearings are not required before corporal punishment could be carried out.

Now, legal uncertainties (How much due process is required for suspensions longer than 10 days? Can grades be lowered as punishment for truancy?) plague school administrators and school boards fearful of lawsuits. A 1977 survey reveals that both teachers and students believe the courts have provided greater protection for students than is really the case. Under such misapprehensions, teachers today hesitate to discipline their students, who, not surprisingly, feel freer to misbehave.

It's up to educators to inform themselves about the Court rulings, says Lufler. Otherwise, "the gloomiest prophecies about the negative impact of courts on schools" will come true.