

Law and Public Education

Law and Public Education

Cases and Materials

SIXTH EDITION

E. Gordon Gee

PRESIDENT,
WEST VIRGINIA UNIVERSITY

Philip T.K. Daniel

WILLIAM AND MARIE FLESHER PROFESSOR OF EDUCATIONAL ADMINISTRATION,
EMERITUS, DEPARTMENT OF EDUCATIONAL STUDIES,
COLLEGE OF EDUCATION AND HUMAN ECOLOGY
THE OHIO STATE UNIVERSITY

Patrick D. Pauken

PROFESSOR AND DIRECTOR
SCHOOL OF COUNSELING, HIGHER EDUCATION, LEADERSHIP, AND FOUNDATIONS
SECRETARY, BOARD OF TRUSTEES
BOWLING GREEN STATE UNIVERSITY



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2024
Carolina Academic Press, LLC
All Rights Reserved

ISBN 978-1-5310-0986-1
eISBN 978-1-5310-0987-8
LCCN 2023946995

Carolina Academic Press
700 Kent Street
Durham, NC 27701
(919) 489-7486
www.cap-press.com

Printed in the United States of America

To my beautiful granddaughters, Ava and Elizabeth Patron

— President Gee

*To my two sons, Asegai and Thamret, who have been
generational beacons in my life.*

— Professor Daniel

*To all of the teachers and administrators in my life
who inspired me to a life in public education.*

— Professor Pauken

Contents

Table of Cases	xix
Preface	xli

PART ONE

HISTORY, STRUCTURE, AND CURRICULUM

Chapter 1 · History and Structure of American Public Education	3
A. Introduction	3
B. Historical Development of American Education	5
Massachusetts (Colony) Laws and Statutes, Ch. 88 (1647)	5
Colonial Records (Circa 1755) of the State of Georgia, Compiled and Published Under Authority of the Legislature by Allen D. Candler, Vol. 18 (1904–1910)	6
Thomas Jefferson, <i>Notes on Virginia</i> , in Four Works of Thomas Jefferson (Federal Ed. 1904)	6
Letter From Thomas Jefferson to N. Burwell, in <i>The Complete Jefferson</i> (1943)	8
Notes	8
C. Current Structure of Public Education	10
1. The School District	11
2. The State Education Agency and Intermediate Units	11
3. The Fiscal Structure of Public Education	13
4. The Federal Government and Educational Policy	13
Chapter 2 · Universal and Compulsory Education	15
A. Right of Universal Education	15
1. Foundations of the Right: Understanding the Origins of the Present Structure of American Education	15
Note	17
2. Expanding Boundaries of the Right — Educational Accountability	17
Notes	20
<i>Sain v. Cedar Rapids Cmty. Sch. Dist.</i>	21
Notes	28
B. Limitations on the Universal Right	29
<i>Plyler v. Doe</i>	29
Notes	35

C. Compulsory Education	39
<i>Pierce v. Society of Sisters of the Holy Names of Jesus Mary</i>	
<i>Same v. Hill Military Academy</i>	39
Notes	41
<i>Wisconsin v. Yoder</i>	43
Notes	49
D. International Perspectives on the Right to Education	53
UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD,	
adopted Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force	
Sept. 2, 1990)	53
Notes	55
Chapter 3 • Curriculum	57
A. State and Local Control of Curriculum	57
B. Constitutional Limitations on State and Local Control	58
<i>Meyer v. State of Nebraska</i>	58
Notes	60
<i>Epperson v. Arkansas</i>	61
Notes	64
<i>Board of Education, Island Trees Union Free School</i>	
<i>District No. 26 v. PICO</i>	67
Notes	77
<i>Virgil v. School Board of Columbia County, Florida</i>	79
Notes	82
C. Parent Control of Curriculum	86
<i>State ex rel. Kelley v. Ferguson</i>	86
Notes	88
<i>Mozert v. Hawkins County Board of Education</i>	89
Notes	93
<i>Owasso Independent School District v. Falvo</i>	96
Notes	99
D. Teacher Control of Curriculum	100
<i>Boring v. Buncombe County Board of Education</i>	100
Notes	104

PART TWO

STUDENTS' RIGHTS AND RESPONSIBILITIES

Chapter 4 • Student Classification by Sex, Gender, Age, and Race	113
A. Student Classification By Sex and Gender	113
1. Academic Opportunities	113
<i>United States v. Virginia</i>	113
Notes	119
<i>Sharif v. New York State Education Department</i>	122
Notes	129

2. Transgender Students	130
<i>G.G. v. Gloucester County School Board</i>	130
Notes	145
3. Athletics	148
<i>Communities for Equity v. Michigan High School Athletic Association, Inc.</i>	148
Notes	151
4. Remedies	155
<i>Franklin v. Gwinnett County Public Schools</i>	155
Notes	159
5. Sexual Harassment	161
a. Institutional Liability for Sexual Harassment	161
<i>Gebser v. Lago Vista Independent School District</i>	162
<i>Davis v. Monroe County Board of Education</i>	167
Notes	173
<i>M.D. v. Bowling Green Indep. Sch. Dist.</i>	175
Notes	178
b. Title IX and Due Process	180
<i>Doe v. Fairfax County School Board</i>	180
B. Student Classification by Age	184
<i>Arkansas Activities Association v. Meyer</i>	184
Notes	188
C. Student Classification by Race	190
1. Racial Harassment	191
<i>L. L. v. Evesham Township Board Of Education</i>	191
Note	195
2. Race Discrimination in Student Discipline	196
<i>Mohamed v. Irving Independent School District</i>	196
Notes	209
3. Race Discrimination and Students with Disabilities	210
<i>Blunt v. Lower Merion School District</i>	210
Note	227
Chapter 5 · School Control of Student Conduct and Issues in Enforcing Student Conduct	229
A. Student Conduct and School Authority	230
<i>Meyer v. Austin Independent School District</i>	230
Notes	232
B. Vagueness and the Need for Pre-Existing Rules	236
<i>Pro-Life Cougars v. University of Houston</i>	236
Notes	240
C. Right to an Administrative Hearing	241
1. Due Process Requirements	242
<i>Dixon v. Alabama State Board of Education</i>	242

<i>Goss v. Lopez</i>	246
Notes	251
<i>Gonzales v. McEuen</i>	256
Notes	260
2. Liability of School Authorities for Failure to Provide	
Procedural Protections	262
<i>Wood v. Strickland</i>	262
Notes	267
D. Sanctions for Breaches of Rules	269
1. Suspension	269
<i>Jennings v. Wentzville R-IV School District</i>	269
Notes	273
2. Expulsion	275
<i>Rippy v. Board of School Trustees</i>	275
Notes	279
<i>Tun v. Whitticker</i>	281
Notes	284
3. Corporal Punishment	286
<i>Ingraham v. Wright</i>	286
Notes	294
<i>Garcia v. Miera</i>	296
Notes	301
<i>Hatfield v. O'Neill</i>	302
Notes	310
4. Academic Sanctions	311
<i>State ex rel. Barno v. Crestwood Board of Education</i>	311
Notes	316
E. Schools and Law Enforcement	317
<i>Salazar v. Luty</i>	317
Notes	320
F. Search and Seizure	322
1. Reasonable Suspicion	322
<i>New Jersey v. T.L.O.</i>	322
Notes	328
2. Randomized Searches: Athletes	330
<i>Vernonia Sch. Dist. 47J v. Acton</i>	330
Notes	335
3. Randomized Searches: Extra-Curricular	337
<i>Board of Education Independent School District No. 92,</i>	
<i>Pottawatomie County v. Earls</i>	337
Notes	342
4. Sweep Searches	343
<i>Thompson v. Carthage School District</i>	343
Notes	346

5. Locker Searches	347
<i>State v. Jones</i>	347
Notes	352
6. Automobile Searches	353
<i>State of Washington v. Slattery</i>	353
Notes	354
7. “Sniff Searches”	355
<i>Horton v. Goose Creek Independent School District</i>	355
Notes	362
8. Strip Searches	363
<i>Safford Unified School Dist. No. 1 v. Redding</i>	363
Notes	367
<i>D.H. ex rel. Dawson v. Clayton County School District</i>	368
Notes	375
9. Search and Seizure Issues in the Technological Era	377
<i>Klump v. Nazareth Area School District</i>	377
Notes	381
Chapter 6 • School Control of Student Expression	383
A. Political and Other Student Expression	383
<i>Tinker v. Des Moines Independent Community School District</i>	383
Notes	387
<i>V.A. v. San Pasqual Valley Unif. Sch. Dist.</i>	395
Notes	401
<i>Bethel School District No. 403 v. Fraser</i>	402
Notes	406
<i>Crosby v. Holsinger</i>	407
Notes	408
B. Student Publications and Other School-Sponsored Student Activities	411
<i>Hazelwood School District v. Kuhlmeier</i>	411
Notes	415
<i>Planned Parenthood of Southern Nevada, Inc. v. Clark County School District</i>	418
<i>Pounds v. Katy Independent School Dist.</i>	424
Notes	430
<i>Henerey ex rel. Henerey v. City of St. Charles</i>	432
Notes	436
<i>Morse v. Frederick</i>	437
Notes	444
<i>B.H. ex rel. Hawk v. Easton Area School District</i>	445
Notes	456
C. Technology and Free Expression: School-Speech Nexus, Threats, and Vulgarities	458
<i>Mahanoy Area School District v. B.L.</i>	460

Notes	465
<i>Kowalski v. Berkeley County School</i>	468
Notes	477
<i>Bell v. Itawamba County School Board</i>	481
Notes	491

PART THREE

TEACHERS' RIGHTS AND RESPONSIBILITIES

Chapter 7 · Teachers and the Employment Relationship	499
A. Teacher Collective Bargaining	499
1. The "Right" to Bargain Collectively	499
<i>American Federation of Teachers v. Ledbetter</i>	501
Notes	505
<i>Wisconsin Education Association Council v. Walker</i>	507
Notes	520
2. Fair Share and Agency Shop Fees	521
<i>Janus v. American Federation of State, County,</i>	
<i>and Municipal Employees (AFSCME)</i>	521
Notes	534
3. Contractual and Statutory Rights for Public Sector	
Employee Associations	538
<i>Texas State Teachers Association v. Garland Independent</i>	
<i>School District</i>	538
Notes	543
4. The Right to Strike	545
<i>Davis v. Henry</i>	546
Notes	553
<i>Jersey Shore Area School District v. Jersey Shore</i>	
<i>Education Association</i>	555
Notes	559
B. Hiring and Discharge	561
1. Age	561
<i>DiRusso v. Aspen School District #1</i>	561
Notes	566
2. Race	567
<i>Wygant v. Jackson Board of Education</i>	568
<i>Krueth v. Independent School District No. 38,</i>	
<i>Red Lake, Minnesota</i>	578
Notes	583
<i>Carter v. Pulaski County Special School District</i>	586
3. Citizenship	589
<i>Ambach v. Norwick</i>	589
4. Gender	593
a. Sexual Harassment Under Title VII	595

<i>Meritor Savings Bank, F.S.B. v. Vinson</i>	595
Notes	603
b. Same-Sex Sexual Harassment Under Title VII	607
<i>Oncale v. Sundowner Offshore Services, Inc.</i>	607
Notes	610
c. Sexual Orientation and Gender Identity	611
<i>Bostock v. Clayton County</i>	611
Notes	620
d. Retaliation Under Title IX	623
<i>Jackson v. Birmingham Board of Education</i>	623
Notes	626
5. Religion	627
<i>Ansonia Board of Education v. Philbrook</i>	627
Notes	632
6. Disability	634
<i>Chalk v. United States District Court Central District of California</i>	634
Notes	640
<i>Cassimy v. Board of Education of the Rockford Public Schools,</i> <i>District # 205</i>	640
Notes	646
7. Due Process	649
<i>Board of Regents v. Roth</i>	649
<i>Perry v. Sindermann</i>	654
Notes	658
Chapter 8 • The Teacher as Citizen	661
A. School Control Over Teacher Expression	661
<i>Pickering v. Board of Education</i>	661
Notes	666
<i>Mt. Healthy City School Board of Education v. Doyle</i>	667
Notes	671
<i>Connick v. Myers</i>	673
Notes	678
<i>Waters v. Churchill</i>	681
Notes	689
<i>Garcetti v. Ceballos</i>	692
Notes	699
B. School Control of Teacher Conduct	702
1. Outside the School	702
<i>Keyishian v. Board of Regents</i>	702
Notes	704
2. Inside the Classroom	708
<i>Brown v. Chicago Board of Education</i>	709
Notes	713

PART FOUR
EQUAL EDUCATIONAL OPPORTUNITY

Chapter 9 · Racial Segregation in the Public Schools	717
<i>Brown v. Board of Education</i>	717
Notes	720
<i>Green v. County School Board</i>	722
Notes	726
<i>Swann v. Charlotte-Mecklenburg Board of Education</i>	728
Notes	737
<i>Keyes v. School District No. 1</i>	739
Notes	744
<i>Milliken v. Bradley</i>	746
Notes	749
<i>Board of Education of Oklahoma City Public Schools v. Dowell</i>	753
Notes	758
<i>Freeman v. Pitts</i>	759
Notes	765
<i>Missouri v. Jenkins</i>	768
Notes	776
<i>Parents Involved in Community Schools v.</i> <i>Seattle School District No. 1</i>	777
Notes	804
Chapter 10 · Ability Grouping and English Proficiency	809
A. Ability Grouping and Tracking	810
<i>Hobson v. Hansen</i>	810
Notes	823
<i>McNeal v. Tate County School District</i>	826
<i>Quarles v. Oxford Municipal Separate School District</i>	829
Notes	832
<i>Larry P. v. Riles</i>	836
<i>Parents in Action on Special Education (PASE) v. Hannon</i>	843
Notes	846
B. English Proficiency	850
<i>Castaneda v. Pickard</i>	852
<i>Valeria v. Davis</i>	861
Notes	863
<i>Horne v. Flores</i>	867
Notes	881
Chapter 11 · The Education of Exceptional Children	883
I. History of Special Education in the United States	883
II. Statutory Framework: Idea, ADA, and Section 504	884

A. IDEA: Child Find and Eligibility	885
<i>Timothy W. v. Rochester, New Hampshire School</i>	886
Notes	891
<i>Department of Education v. Cari Rae S.</i>	893
Notes	897
B. IDEA: Free Appropriate Public Education	898
<i>Board of Education of Hendrick Hudson Central</i>	
<i>School District v. Rowley</i>	898
<i>Endrew F. v. Douglas County School District RE-1</i>	905
Notes	912
C. IDEA: Individualized Education Program	914
<i>P. v. West Hartford Board of Education</i>	915
Notes	927
D. IDEA: Least Restrictive Environment	929
<i>Daniel R.R. v. State Board of Education</i>	929
<i>Sacramento City Unified School District Board</i>	
<i>of Education v. Holland</i>	938
Notes	941
E. IDEA: Provision of Related Services	945
<i>Irving Independent School District v. Tatro</i>	946
Notes	949
<i>Cedar Rapids Community School District v. Garret F.</i>	950
Notes	956
F. IDEA: Procedural Protections	958
1. Due Process	958
2. Stay Put	959
3. Burden of Proof	959
<i>Schaffer v. Weast</i>	959
Notes	964
4. Remedies	964
<i>Forest Grove School District v. T. A.</i>	966
Notes	973
G. ADA and § 504 Prohibitions on Disability Discrimination	974
III. Disciplining Students with Disabilities	976
<i>Shelton v. Maya Angelou Public Charter School</i>	977
Notes	992
IV. Bullying and Harassing Students with Disabilities	994
<i>Moore v. Chilton Cnty. Bd. of Educ.</i>	994
Notes	1010
Chapter 12 • Financing Public Education	1013
<i>San Antonio Independent School District v. Rodriguez</i>	1014
Notes	1024

<i>Robinson v. Cahill</i>	1025
Notes	1028
<i>Abbott v. Burke</i>	1030
Notes	1042
<i>Rose v. Council for Better Education, Inc.</i>	1045
Notes	1064
William E. Thro, <i>The Role of Language of the State Education Clauses in School Finance Litigation</i>	1065
Notes	1070
<i>Lewis E. v. Spagnolo</i>	1071
Notes	1079
<i>DeRolph v. State</i> (“DeRolph IV”)	1080
<i>State v. Lewis</i> (“DeRolph V”)	1081
Notes	1085

PART FIVE

CHURCH-STATE RELATIONS

Chapter 13 · The Religion Clauses and Public Education	1089
A. Religion and the Public School Curriculum	1089
1. Bible Reading and Prayer	1089
<i>School District of Abington Township v. Schempp</i>	1089
Notes	1092
<i>Wallace v. Jaffree</i>	1094
Notes	1105
<i>Kennedy v. Bremerton School District</i>	1109
Notes	1124
2. General Restraints	1125
<i>Lee v. Weisman</i>	1125
Notes	1133
<i>Santa Fe Independent School District v. Doe</i>	1135
Notes	1146
B. Released Time for Religious Instruction	1152
<i>McCollum v. Board of Education</i>	1152
<i>Zorach v. Clauson</i>	1153
Notes	1158
C. Religious Objections to Public School Activities	1160
<i>Smith v. Board of School Commissioners of Mobile County</i>	1160
Notes	1166
<i>West Virginia State Board of Education v. Barnette</i>	1169
Notes	1172
<i>Agostini v. Felton</i>	1175
Notes	1186
<i>Board of Education of Kiryas Joel Village School District v. Grumet</i>	1186
Notes	1193

Chapter 14 · Alternatives to Public Education	1195
A. Financing Private Schools for Public Benefit	1195
1. Textbooks, Transportation, and Other Special Services	1195
<i>Everson v. Board of Education</i>	1196
Notes	1199
<i>Mitchell v. Helms</i>	1201
Note	1207
2. Payment for Personnel Salaries, Tuition, and Other Tax Benefits	1207
<i>Lemon v. Kurtzman</i>	1208
<i>Committee For Public Education v. Nyquist</i>	1214
<i>Mueller v. Allen</i>	1222
Notes	1227
3. Free Exercise Analyses of Public Aid to Private Religious Schools	1230
<i>Trinity Lutheran Church of Columbia, Inc. v. Comer</i>	1230
<i>Espinoza v. Mont. Dep't of Revenue</i>	1241
<i>Carson v. Makin</i>	1253
Notes	1263
B. Educational Choice	1265
1. Public School Problems and Choice Proposals	1266
Jencks, <i>Is The Public School Obsolete?</i>	1266
Tom Tancredo, <i>The Case for Vouchers</i>	1272
Philip T.K. Daniel, <i>A Comprehensive Analysis of Educational Choice: Can the Polemic of Legal Problems Be Overcome?</i>	1275
Notes	1283
2. Vouchers and the Establishment Clause	1284
<i>Zelman v. Simmons-Harris</i>	1284
Notes	1290
3. Charter Schools	1291
Julie F. Mead, <i>Devilish Details: Exploring Features of Charter School Statutes That Blur the Public/Private Distinction</i>	1291
<i>Comprehensive Community Solutions, Inc. v. Rockford School District No. 205</i>	1292
Notes	1295
<i>In re Renewal Team Acad. Charter Sch.</i>	1296
Notes	1307

PART SIX

TORTS

Chapter 15 · Supervision and Tort Liability	1311
A. Negligence and Strict Liability	1313
<i>Johnson v. School Dist. of Millard</i>	1313
Notes	1316
<i>Dubose v. Akron Public Schools</i>	1318
Notes	1322

<i>Wyke v. Polk County School Board</i>	1323
Notes	1332
<i>Brownell v. Los Angeles Unified School District</i>	1333
Notes	1337
B. Defenses to Negligence and Strict Liability	1341
<i>Hurlburt v. Noxon</i>	1341
<i>White by Pearsall v. School District</i>	1343
Notes	1346
<i>Siegell v. Herricks Union Free School Dist.</i>	1349
Notes	1350
<i>Jarreau v. Orleans Parish School Board</i>	1351
Notes	1354
C. Tort Immunity	1357
<i>Stoneking v. Bradford Area School District</i>	1357
Notes	1365
<i>Doe v. Escambia County School Board</i>	1367
Notes	1369
<i>Parker v. Wynn</i>	1369
Notes	1371
<i>Haynes v. City of Middletown</i>	1372
Notes	1375
D. Defamation	1376
<i>Brewer v. Rogers</i>	1376
<i>Rocci v. Ecole Secondaire Macdonald-Cartier</i>	1380
Notes	1385
<i>Lifton v. Board of Education</i>	1386
Notes	1389
Index	1395

Table of Cases

Aaris v. Las Virgenes Unified School Dist., 1357	Abbott v. Burke (N.J. July 23, 2003), 17, 1043
Abbott by Abbott v. Burke (Abbott III) (N.J. 1994), 17, 1042	Abbott, Abbott ex rel. v. Burke (Abbott VIII) (N.J. 2002), 17, 1043
Abbott by Abbott v. Burke (Abbott IV) (N.J. 1997), 17, 1042	Abbott, Abbott ex rel. v. Burke (Abbott XX) (N.J. May 28, 2009), 17, 1043
Abbott by Abbott v. Burke (Abbott V) (N.J. 1998), 17, 1042	Abbott, Abbott ex rel. v. Burke (N.J. 2006), 1043
Abbott by Abbott v. Burke (Abbott VI) (N.J. 2000), 17, 1042	Abbott, Abbott ex rel. v. Burke (N.J. 2006), 17, 1043
Abbott v. Burke (Abbott I) (N.J. 1985), 1032	Abood v. Detroit Bd. of Ed., 521, 523, 527, 528, 529, 531, 534
Abbott v. Burke (Abbott II) (1990), 17, 1297	Abramson v. William Paterson Coll. of N.J., 194
Abbott v. Burke (Abbott IX) (N.J. 2002), 1043	Adam, In re, 352
Abbott v. Burke (Abbott VII) (N.J. 2000), 17, 1043	Adams by and Through Adams v. Baker, 153
Abbott v. Burke (Abbott XIV) (N.J. 2005), 1043	Adams Cnty./Ohio Valley Local Sch. v. Ohio Ass’n of Pub. Sch. Emps., 545
Abbott v. Burke (Abbott XIX) (N.J. Nov. 18, 2008), 17, 1043	Adams v. Robertson, 1251
Abbott v. Burke (Abbott XVII) (N.J. 2007), 17, 1043	Adams v. Sch. Bd. of St. Johns Cnty., 146
Abbott v. Burke (Abbott XVIII) (N.J. Feb. 19, 2008), 17, 1043	Adams v. Univ. of North Carolina-Wilmington, 709
Abbott v. Burke (Abbott XXI) (N.J. May 24, 2011), 17, 1043, 1304	Adarand Constructors, Inc. v. Pena, 137, 783, 784, 787
Abbott v. Burke (N.J. June 24, 2003), 1043	Adkins v. City of New York, 139
Abbott v. Burke (N.J. 1990), 1030	Adler v. Duval County Sch. Bd., 1147
Abbott v. Burke (N.J. 2004), 17, 1043	A.F. v. Ambridge Area Sch. Dist., 466
Abbott v. Burke (N.J. Apr. 29, 2003), 1043	Agostini v. Felton, 1175, 1186, 1201, 1204
	Aguilar v. Felton, 1175, 1176, 1187, 1202
	Akers v. Md. State Educ. Ass’n, 536
	Alamo Heights Indep. Sch. Dist. v. State Bd. of Educ., 957

- Alex R. v. Forrestville Valley Cmty.
Unit Sch. Dist., 993
- Alexander v. Sandoval, 130, 194, 208, 211
- Allen v. Santa Clara Cnty. Corr. Peace
Officers Ass'n, 536
- Alter v. City of Newton, 1375
- Alwin v. St. Paul Saints Baseball Club,
Inc., 1356
- Am. Civil Liberties Union of Florida,
Inc. v. Miami-Dade Cnty. Sch. Bd.,
83, 84
- Am. Library Ass'n, Inc., United States
v., 79
- Am. Trucking Ass'ns Inc. v. City of Los
Angeles, 398
- Ambach v. Norwick, 31, 32, 69, 72, 73,
75, 589
- American Broadcasting-Paramount
Theatres, Inc. v. Simpson, 1378
- American Federation of Teachers v.
Ledbetter, 501
- American Humanist Association v.
McCarty, 1175
- American Legion v. Amer. Humanist
Ass'n, 1117, 1125
- Americans United for Separation of
Church & State v. Benton, 1200
- Anders v. Fort Wayne Community
Schs., 354
- Anderson v. Creighton, 204, 205, 1361,
1362
- Anderson v. Liberty Lobby, Inc., 1379
- Anderson v. Wachovia Mortgage Corp.,
193
- Andreucci v. Foresteire, 1385
- Andrews v. City of Phila., 212
- Ansonia Board of Education v. Phil-
brook, 627
- Aptheker v. Secretary of State, 703
- Arce v. Douglas, 85
- Arkansas Activities Association v.
Meyer, 184
- Arlington Cent. Sch. Dist. Bd. of Educ.
v. Murphy, 956, 957, 965, 972
- Arlington Central School District v.
Murphy, 964
- Armstrong Education Ass'n. v. Arm-
strong School Dist., 556, 558
- Associated Press v. Otter, 400
- Association for Retarded Children v.
Commonwealth, 962
- Auer v. Robbins, 954
- Ayers v. Western Line Consolidated
School District, 672
- B. by & Through Christine B. v. Board
of Sch. Comm'rs, 957
- B.M. v. State of Montana, 29
- B.W.C. v. Williams, 1168
- Bacus v. Palo Verde Unif. Sch. Dist.,
1174
- Badger Catholic, Inc. v. Walsh, 1151
- Bailey v. Callaghan, 510
- Baisden v. West Va. Secondary Schools
Activities Commission, 188
- Baker v. Briarcliff Sch. Dist., 1340
- Baker v. Lafayette College, 1393
- Baker v. Owen, 296
- Bannon v. Sch. Dist., 83
- Barbin v. State, 1318
- Barnard v. Inhabitants of Shelburne,
262
- Barnes Found. v. Twp. of Lower Merion,
212
- Barnes v. Costle, 619
- Barno, State ex rel. v. Crestwood Board
of Education, 311
- Basarich v. Rodeghero, 1391
- Bauchman v. West High School, 95
- Bayer v. Neiman Marcus Grp., Inc., 400
- Bd. of Curators of Univ. of Missouri v.
Horowitz, 182
- Bd. of Educ. for Rockford Pub. Sch. v.
Ill. State Bd. of Educ., 660
- Bd. of Educ. of Montgomery Cnty.,
Maryland v. S.G., 893
- Bd. of Educ. of the Highland Local Sch.
Dist. v. U.S. Dep't of Educ., 139
- Beard v. Whitmore Lake Sch. Dist., 376

- Beasley v. Morton, 1348
 Bell v. Itawamba Cnty. Sch. Bd., 273,
 467, 479, 481, 493
 Bell v. Wolfish, 296
 Bellefonte Area Education Ass'n v.
 Board of Education, 557
 Bellnier v. Lund, 368
 Benitez v. New York City Bd. of Educ.,
 1340
 Benner v. St. Paul Pub. Schs, 660
 Bennet v. Council 31 of the AFSCME,
 535
 Bergen Commercial Bank v. Sisler, 193
 Berrett v. Clark Cnty. Sch. Dist. No. 161,
 701
 Beth B. v. Van Clay, 943
 Bethel Park School Dist. v. Bethel Park
 Federation of Teachers, 557
 Bethel School Dist. No. 403 v. Fraser,
 108, 183, 398, 399, 402, 407, 408, 412
 437, 445, 462, 472, 474, 485, 486, 712
 Beverly v. Highfield, 1056
 Bey, Commonwealth v., 51
 Billinger v. Board of Educ., 1351
 Birabil v. Martinez, 2016 U.S. Dist.
 LEXIS 110107, 202
 Bishop v. Colaw, 234
 Bishop v. Wood, 658
 Black v. Stephens, 1364
 Blase v. State, 1069
 Blunt v. Lower Merion Sch. Dist., 194, 210
 Board of Curators of the Univ. of Mis-
 souri v. Horowitz, 262
 Board of Ed. of Hendrick Hudson Cen-
 tral School Dist., Westchester Cty. v.
 Rowley, 953, 955, 982, 984
 Board of Educ. of Deer Park Union
 Free Sch. Dist. v. Deer Park Teach-
 ers' Ass'n, 545
 Board of Educ. of Mineola Union Free
 Sch. Dist. v. Mineola Teachers Ass'n,
 545
 Board of Educ. of Westside Commu-
 nity Schools v. Mergens, 1148
 Board of Educ. v. Grumet, 1229
 Board of Education for the School Dis-
 trict, United States v., 410
 Board of Education Independent
 School District No. 92, Pottawatomie
 County v. Earls, 337, 342, 349
 Board of Education of Kiryas Joel Vil-
 lage School District v. Grumet, 1186
 Board of Education of the City School
 District of the City of Cincinnati v.
 Walter, 1068
 Board of Education v. Allen, 1199, 1227
 Board of Education v. Nyquist, 1044
 Board of Education v. Rowley, 1045
 Board of Education v. Wilder, 109
 Board of Education, Independent
 School District No. 92, Pottawato-
 mie Cty v. Earls, 445
 Board of Education, Island Trees Union
 Free School District No. 26 v. PICO,
 67, 78, 80, 84, 107, 108
 Board of Regents v. Roth, 649, 1389
 Board of Trustees v. T.H. by & Through
 T.H., 233
 Boim v. Fulton County School District,
 408
 Bolling v. Sharpe, 810
 Bolton v. City of Dallas, Tex., 203
 Bonifate v. Ringgold Sch. Dist., 545
 Bonnell v. Lorenzo, 109
 Bonner v. Lincoln Parish Sch. Bd., 316
 Bordanaro v. McLeod, 1361
 Boring v. Buncombe County Board of
 Education, 100, 417, 708
 Boster v. Philpot, 255
 Bostock v. Clayton County, 143, 607,
 610, 611, 621
 Boucher v. School Board of School
 District of Greenfield, 475
 Bowen v. Gilliard, 139
 Bown v. Gwinnett County School Dis-
 trict, 1105, 1106
 Braaksma v. Bd. of Dirs. of the Sibley-
 Ocheyedan Cmty. Sch. Dist., 660

- Brady v. Maryland, 699
 Brazzel v. Board of Educ. of Niskayuna Public Schools, 1351
 Brener v. Diagnostic Center Hospital, 631
 Brentwood Academy v. Tennessee Secondary Sch. Ath. Ass'n, 150, 151
 Brewer v. Quarterman, 792
 Brewer v. Rogers, 1376
 Brian A. v. Stroudsburg Area School District, 261
 Bristol Twp. Sch. Dist. v. Z.B., 993
 Bronx Household of Faith v. Bd. of Educ. (2d Cir. 2011), 1151
 Bronx Household of Faith v. Bd. of Educ. (2d Cir. 2014), 1151
 Brown v. Board of Educ. (Brown II) (U.S. 1955), 572, 720, 755, 760, 784, 785
 Brown v. Board of Education (10th Cir. 1989), 722
 Brown v. Board of Education (U.S. 1954), 15, 42, 72, 120, 190, 571, 592, 717, 722, 728, 760, 771, 776, 784, 793, 804, 832
 Brown v. Chicago Board of Education, 106, 417, 709
 Brown v. Entm't Merchants Ass'n, 492
 Brown v. Louisiana, 70
 Brownell v. Los Angeles Unified School District, 1333
 Bundy v. Jackson, 596
 Burlington N. & S. F. R. Co. v. White, 613
 Burnham v. West, 362
 Burnside v. Byars, 472
 Busch v. Marple-Newtown Sch. Dist., 431
 Bush v. Vera, 789
 Bushnell v. Berne-Knox-Westerlo School Dist., 1342
 Bustop Inc. v. Los Angeles Bd. of Ed., 738, 793
 Butler v. Rio Rancho Pub. Schs. Bd. of Ed., 316
 Butler v. South Glens Falls Cent. Sch. Dist., 160
 Butler, United States v., 382
 Byrd v. Bossier Parish Sch. Bd., 1355
 Bystrom v. Fridley High School, 416
 C.B. By & Through Breeding v. Driscoll, 320
 C.D. v. Career Tech. Ctr., 174, 1010
 C.R. v. Seattle Pub. Schs., 261
 C.Y. v. Lakeview Pub. Schs., 260
 Cabaniss v. Hipsley, 1380
 Calandri v. Ione Unified School Dist., 1335
 Cales v. Howell Pub. Schs., 330
 Calhoun Intermediate Sch. Dist. v. Calhoun Intermediate Educ. Ass'n, 520
 California Parents for the Equalization of Educ'l Materials v. Torlakson, 1168
 California, United States v., 552
 Cameron v. Board of Education, 606
 Cammack v. Waihee, 1159
 Cannon v. University of Chicago, 121, 126, 155, 170, 624, 626
 Capistrano Unified Sch. Dist. v. S.W., 929
 Carcieri v. Salazar, 618
 Carey v. Phipus, 268
 Cariddi v. Kansas City Chiefs Football Club, Inc., 598
 Carmona v. Resorts Int'l Hotel, Inc., 195
 Carson v. Makin, 1253
 Carter v. Pulaski County Special School District, 586
 Cassimy v. Board of Education of the Rockford Public Schools, District # 205, 640
 Castaneda v. Partida, 608
 Castaneda v. Pickard, 852, 863
 Castleberry v. STI Group, 194
 Caston v. Benton Public Sch., 260
 Castro v. New York City Board of Education, 659
 Cavalier v. Caddo Parish School Board, 191

- Cedar Rapids Community School District v. Garret F., 950
 Cenicerros v. Board of Trustees, San Diego Unif. Sch. Dist., 1150
 Centennial School District v. Commonwealth of Pennsylvania, 188
 Chalk v. United States District Court Central District of California, 634
 Chamberlin v. 101 Realty, Inc., 604
 Chandler v. McMinnville Sch. Dist., 398
 Chandler v. Siegelman, 1147
 Chaplinsky v. New Hampshire, 463
 Chavez v. Martinez, 204
 Cheadle v. N. Platte R-1 Sch. Dist., 467
 Cheli v. Taylorville Cmty. Sch. Dist., 545
 Chi. Acorn v. Metro. Pier & Exposition Auth., 511, 512
 Chicago Teachers Union, 528, 529, 535
 Childress v. Madison County, 1357
 Chinchello v. Fenton, 1364
 Chiu v. Plano Indep. Sch. Dist., 544
 Christa McAuliffe Intermediate Sch. PTO, Inc. v. de Blasio, 849
 Christian Legal Soc’y v. Martinez, 512
 Church of Lukumi Babalu Aye, Inc. v. Hialeah, 1232, 1233, 1234, 1236, 1245, 1248, 1249, 1257
 City of Canton v. Harris, 1360
 City of Cleburne v. Cleburne Living Ctr., Inc., 128, 137, 139, 140, 141, 201
 City of Ladue v. Gileo, 513
 City of Madison Joint School District No. 8 v. Wisconsin Employment Relations Comm’n, 536
 Clark v. Chicago, 1318
 Clark v. Jesuit High Sch., 352
 Clark v. Sachem Sch. Dist., 1356
 Clevenger v. Oak Ridge Sch. Bd., 943
 Clever v. Cherry Hill Township Bd. of Educ., 1186
 Clovis Unified Sch. Dist. v. California Office of Admin. Hearings, 950
 Coalition for Equitable School Funding v. State, 1066
 Cochran v. Louisiana State Bd. of Education, 1199, 1228
 Cockrel v. Shelby County Sch. Dist., 105, 106, 666
 Cohen v. Brown Univ., 159
 Cohen v. California, 463
 Cole v. Newton Special Municipal Separate School District, 254
 Cole v. Richardson, 704
 Coles v. Cleveland Bd. of Educ., 1174
 Collins v. City of Harker Heights, Tex., 306
 Comfort v. Lynn School Committee, 190, 738
 Comite Organizador de Trabajadores v. Levin, 505
 Committee for Educational Rights v. Edgar, 1072, 1074
 Committee For Public Education v. Nyquist, 1214, 1222, 1227, 1228, 1289
Commonwealth v. (see name of defendant)
 Communities for Equity v. Michigan High Sch. Athletic Ass’n, 148, 153
 Comprehensive Community Solutions, Inc. v. Rockford School District No. 205, 1292
 Compston v. Borden, Inc., 598
 Connecticut Coalition for Justice in Educ. Funding, Inc. v. Rell, 38
 Connecticut Nat. Bank v. Germain, 618
 Connell v. Higginbotham, 652, 704
 Connick v. Myers, 102, 103, 525, 673, 680, 681, 682, 692, 693, 695, 698, 710
 Coombs v. Diguglielmo, 221
 Coomes v. Edmonds School District No. 15, 700
 Cooper v. Aaron, 803
 Cooper v. McBeath, 238
 Coppedge v. Franklin County Board of Education, 752
 Cordrey v. Euckert, 957

- Cornelius v. NAACP Legal Defense & Educ. Fund, 517, 544
- Cornfield v. Consolidated High Sch. Dist., 376, 377
- Coronado v. State, 355
- Cottrell v. Caldwell, 303
- County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter, 1117, 1133
- County of Sacramento v. Lewis, 306, 307
- Covington County v. G.W., 253
- Crager v. Bd. of Educ., 336
- Craig v. Alabama State University, 584
- Craig v. Selma City School Board, 281
- Crews v. McQueen, 311
- Crittenden v. Florence Sch. Dist. One, 295, 296
- Crocker v. Tennessee Secondary School Athletic Ass'n, 188
- Crosby v. Holsinger, 407
- Cross v. Princeton City Sch. Dist. Bd. of Educ., 320
- Curtis v. Board of Regents of University System, 1370
- Cutter v. Wilkinson, 1238
- D.B., Bridges ex rel. v. Scranton Sch. Dist., 196
- D.M. v. Minn. State High Sch. League, 154, 174, 1010
- D.M., D.J.M. ex rel. v. Hannibal Pub. Sch. Dist. No. 60, 467, 487, 488, 490
- D.S., Stiles ex rel. v. Grainger Cty., 177, 179
- D.T.W., State v., 355
- Dale v. Edmonds, 1348
- Dallas Airmotive, Inc. v. FlightSafety Intern., Inc., 29
- Dallas Indep. Sch. Dist., 1009
- Daniel R.R. v. State Board of Education, 929, 942
- Daniels v. Williams, 306
- Danno v. Peterson, 658
- Darby v. School, 280
- Daubert v. Merrell Dow Pharm., Inc., 214
- Davidson v. Arlington Community School Board of Education, 700, 701
- Davignon v. Hodgson, 680
- Davis v. Grover, 1071
- Davis v. Henry, 546
- Davis v. Monroe County Board of Education, 167, 173, 174, 175, 176, 177, 178, 194, 624, 994, 999, 1000, 1004, 1006, 1009, 1011, 1333, 1351, 1367
- Davis v. Passman, 156
- Davonne B. v. Houston I.S.D., 895
- Dawson, D.H. ex rel. v. Clayton County School District, 368
- Dayton Board of Education v. Brinkman, 737, 738
- De Luca v. New York News, Inc., 1392
- Deal v. Hamilton County Bd. of Educ., 944
- Dean v. Timpson Indep. Sch. Dist., 100
- DeJohn v. Temple Univ., 473
- DeLeo v. City of Stamford, 159
- Demers v. Austin, 417, 709, 711
- Department of Education v. Cari Rae S., 893
- DeRolph v. State (DeRolph IV) (Ohio 2002), 1044, 1080
- DeRolph v. State (Ohio 1997), 1044
- DeRosa v. New York, 132 A.D.2d 592, 28
- DeShaney v. Winnebago County Dep't of Social Servs, 1357
- Detsel v. Board of Ed. of Auburn Enlarged City School Dist., 952
- Diamond v. Pa. State Educ. Ass'n, 536
- Dickerson v. United States, 738
- DiRusso v. Aspen School District #1, 561
- Disend v. Meadowbrook School, 1390
- District 27 Community School Bd. v. Board of Education, 637
- District of Columbia v. Ramirez, 984
- Dixon v. Alabama State Board of Education, 242

- Doe v. Baum, 180, 183
 Doe v. Belleville, 608
 Doe v. Board of Education, 28
 Doe v. Boyertown Area Sch. Dist., 146
 Doe v. Champaign Cmty. Unit 4 Sch. Dist., 376
 Doe v. Durtschi, 1348, 1349
 Doe v. Elmbrook Sch. Dist., 1134
 Doe v. Escambia County School Board, 1367
 Doe v. Fairfax County School Board, 180
 Doe v. Hamilton Cty. Bd. of Educ., 179
 Doe v. Hopkinton Pub. Schs, 467
 Doe v. Howell, 1369
 Doe v. Indian River Sch. Dist., 1174
 Doe v. McMillan, 1393
 Doe v. Renfrow, 357, 362, 368
 Doe v. Rutherford County Board of Education, 178
 Doe v. San Diego Unif. Sch. Dist., 1168
 Doe v. Sch. Bd. of Broward Cnty. Fla., 1005
 Doe v. School Bd. of Ouachita Parish, 1106
 Doe v. Tangipahoa Parish Sch. Bd., 1174
 Doe v. Taylor Indep. Sch. Dist., 1365
 Doe v. Yunits, 147, 236
 Does v. Se. Delco Sch. Dist., 180
 Dombrowski v. Pfister, 542, 543
 Domico v. Rapides Parish School Board, 671
 Donegan v. Livingston, 336
 Doninger v. Niehoff, 466, 472, 475, 487, 488, 489, 490
 Donohue v. Copiague Union Free School District, 19
 Dorothy J. v. Little Rock Sch. Dist., 1366
 Duggins v. Appoquinimink Sch. Dist., 648
 Dupree v. Alma School Dist. No. 30, 1066
 E.F. v. Cecil Cnty. Pub. Sch., 928
 E.M., E.M. ex rel. v. Pajaro Valley Unified Sch. Dist. Off. of Admin. Hearings, 897
 Eagle Point Educ. Ass'n/SOBC/OEA v. Jackson Cnty. Sch. Dist. No. 9, 705
 East Brunswick Bd. of Education v. East Brunswick Education Ass'n, 554
 East Hartford Educ. Ass'n v. Board of Educ. of East Hartford, 671
 Edinburg Consol. Indep. Sch. Dist. v. Esparza, 660
 Edmund v. MidAmerican Energy Co., 589
 Edwards v. Aguillard, 66, 1120, 1121, 1147
 Edwards v. Cal. Univ. of Pa., 711
 Eisenberg v. Montgomery County Public Schools, 191
 Eklund v. Byron Union School District, 1167
 Elfbrandt v. Russell, 703
 Elk Grove Unified School District v. Newdow, 394, 1173, 1174
 Ellerbee v. Mills, 1392
 Elliott v. New Miami Board of Educ., 1366
 Ellis v. Railway Clerks, 533
 Ellison v. Brady, 605
 Ellsworth v. Streetsboro City Sch. Dist. Bd. of Educ., 660
 Ely v. Dearborn Hts. Sch. Dist. No. 7, 701
 Emmett v. Kent School District No. 415, 495
 Employment Div. v. Smith, 1113, 1124, 1233
 Endrew F. v. Douglas County School District RE-1, 905, 928
 Engel v. Vitale, 1092, 1093, 1096, 1105, 1129, 1130
 Englewood on the Palisades Charter School (Englewood), In re, 1296, 1297, 1299, 1302, 1303
 Epperson v. Arkansas, 61, 70, 77, 91, 1148, 1165, 1216
 Equal Emp. Opportunity Comm'n v. Atlantic Community Sch. Dist., 567

- Espinosa v. Fresno Unified School Dist., 1348
- Espinoza v. Mont. Dep't of Revenue, 1241, 1255, 1257, 1259, 1260, 1261, 1264
- Esteban v. Central Missouri State College, 241, 252
- Eugene v. Alief Indep. Sch. Dist., 201
- Eulitt v. Maine Dept. of Ed., 1255
- Eva N. and Timothy H. v. Brock, 892
- Evancho v. Pine-Richland Sch. Dist., 139, 146
- Evangelical Lutheran Church & School v. EEOC, 633
- Evans-Marshall v. Bd. of Educ. of Tipp City Exempted Vill. Sch. Dist., 711
- Everson v. Board of Education, 91, 1101, 1196, 1199, 1209, 1223, 1232, 1233, 1244
- Ex rel. (see name of relator)**
- Fabre v. Marin, 1323, 1331
- Fair School Finance Council, Inc. v. State, 1068
- Fairley v. Andrews, 710
- Fallon v. Indian Trail School, 1316
- Farace v. Board of Educ. of Guilford, 1371
- Favia v. Indiana Univ. of Pa., 159
- FCC v. Beach Commc'ns, Inc., 515
- FCC v. Fox Television Stations, Inc., 712, 713
- FCC v. Pacifica Foundation, 405
- Felter v. Cape Girardeau School Dist., 1201
- Fennell v. Marion Indep. Sch. Dist., 205
- First Nat'l Bank v. Bellotti, 70
- Fisher v. Clackamas County School Dist., 1158
- Fisher v. Tucson Unified Sch. Dist., 728
- Fisher v. Univ. of Texas, 190, 285, 286, 806
- Fitzgerald v. Fairfax County Sch. Bd., 993
- Flemming v. Nestor, 652
- Florence Community School District Four v. Shannon Carter, 965, 968, 972
- Flores v. School Bd. of Desoto Parish, 311
- Floreay v. Sioux Falls Sch. Dist., 1186
- Florida v. J.T.D., 377
- Flory v. Smith, 232
- Foley v. Benedict, 262
- Foley v. Connelie, 591
- Forest Grove School District v. T. A., 966
- Forrest v. School City of Hobart, 280
- Foster v. City of Lake Jackson, 204, 205
- Fowler v. Board of Education, 108
- Frain v. Baron, 394
- Frances T. v. Village Green Owners Ass'n, 1336
- Frank v. Arapahoe County Sch. Dist., 658
- Franklin v. Gwinnett County Public Schools, 113, 121, 155, 159, 161, 164, 170, 624, 1367
- Freedom from Religion Foundation v. Chino Valley Unif. Sch. Dist., 1175
- Freeman v. Flake, 234
- Freeman v. Pitts, 738, 759, 766, 767, 769, 775, 776, 804, 805, 836
- Freidhoff v. Board of School Directors of Conemaugh Valley School Dist., 560
- Freier v. Independent School Dist., 1389
- Freiler v. Tangipahoa Parish Bd. of Educ., 66
- Friedenberg v. Sch. Bd. of Palm Beach Cnty., 336
- Fullilove v. Klutznick, 573, 577, 779
- G.D.M. v. Bd. of Educ. of the Ramapo Indian Hills Reg'l High Sch. Dist., 274
- Gabrielle M. v. Park Forest-Chicago Heights, Ill. Sch. Dist. 163, 1007
- Garcetti v. Ceballos, 106, 417, 525, 526, 532, 533, 666, 692, 708, 710, 711, 1114, 1115, 1116, 1123
- Garcia v. Bd. of Educ. of Albuquerque Pub. Sch., 973

- Garcia v. Elf Atochem North America, 607
- Garcia v. Miera, 296
- Garrett v. Board of Educ. of School Dist., 120
- Garrett v. Rader, 301
- Gates v. Unified Sch. Dist. No. 449, 1366
- Gault, In re, 51, 52
- Gay Activists Alliance v. Board of Regents, 1376
- Gebser v. Lago Vista Independent School District, 162, 171, 209, 173, 624, 1004, 1006, 1333, 1367
- Geisler, State v., 37
- Georgia State Conference of Branches of NAACP v. Georgia, 127
- Gertz v. Robert Welch, Inc., 1385
- Gholston v. Franklin Cnty. Bd. of Educ., 160
- Gilmore v. Brown, 1106
- Gitlow v. New York, 472
- Givhan v. Western Line Consol. School Dist., 667, 672, 696
- Glaser v. Emporia Unified Sch. Dist. No. 253, 1347
- Gleason v. University of Minnesota, 245
- Glenn v. Brumby, 138, 146
- Gloucester Cty. Sch. Bd. v. G.G. ex rel. Grimm, 135
- Goben v. School Dist. of St. Joseph, 1375
- Golden v. Anders, 295
- Gomez-Perez v. Potter, 627
- Gomillion v. Lightfoot, 798
- Gonzales v. McEuen, 256, 260
- Gonzales v. Passino, 308, 309
- Gonzalez v. Lee Cnty. Hous. Auth., 303
- Good News Club v. Milford Central School, 544, 1117, 1150
- Goodwin v. Pennridge Sch. Dist., 179
- Gordon v. Traverse City Area Pub. Sch., 177
- Goss v. Lopez, 182, 231, 246, 252, 254, 256, 272, 277, 295, 316, 318, 324, 344
- Gott v. Berea College, 262
- Graham v. Renbrook Sch., 567
- Graham v. Richardson, 591
- Granowitz v. Redlands Unified School District, 253
- Gratz v. Bollinger, 190, 779, 780
- Gray v. Greyhound Lines, 598
- Greece, Town of v. Galloway, 1117, 1118, 1125, 1174
- Green v. County School Board, 722, 729, 737, 755, 760, 766
- Greenberg v. BellSouth Telecomms., Inc., 1002
- Greer v. Amesqua, 712
- Griffin v. Thomas, 680, 681
- Griggs v. Duke Power Co., 567, 602
- Grim v. Rhinebeck Cent. Sch. Dist., 927
- Grimm v. Gloucester Cty. Sch. Bd., 136, 138, 140
- Grimm, G.G. ex rel. v. Gloucester County School Board, 130, 135, 145, 146, 622
- Griswold v. Connecticut, 42, 61, 70
- Groden v. City of Dallas, 201, 202
- Grove City College v. Bell, 126, 130, 157
- Grove v. Mead School District, 94
- Grutter v. Bollinger, 190, 779, 781, 789, 798, 806
- Guardians Ass'n v. Civil Service Comm'n, 126, 211, 841
- Guerra v. Roma Independent School District, 658
- Guhn v. Board of Educ., Clyde-Green Springs Sch. Dist., 1338, 1339
- Guzick v. Drebus, 393
- Gylten v. Swalboski, 1346
- H.C. by Hewett v. Jarrard, 296
- H.S. v. Huntington County Cmty. Sch. Corp., 1159
- Hall v. Tawney, 298, 306
- Hallett v. Stow Bd. of Educ., 1322
- Hamm v. DeKalb County, 296
- Harden v. Adams, 672
- Hardwick v. Heyward, 183, 408

- Harleston v. Jeffries, 690
 Harlow v. Fitzgerald, 204, 268, 299, 1361
 Harper v. Edgewood Bd. of Educ., 236
 Harper v. Poway Unified School District, 408
 Harris v. Crenshaw County Board of Education, 738
 Harris v. Galilley, 294
 Harris v. Robinson, 295, 301
 Harris v. United States, 355
 Harte-Hanks Communications, Inc. v. Connaughton, 1379
 Harty v. City of Sanford, 1002
 Harvey v. Anheuser-Busch, Inc., 588
 Hatfield v. O'Neill, 302
 Hawk, B.H. ex rel. v. Easton Area School District, 407, 445, 446, 457
 Hawkins v. Sarasota Cnty. Sch. Bd., 1004, 1005, 1006
 Haynes v. City of Middletown, 1372
 Hazelwood and Cornelius v. NAACP Legal Defense & Educ. Fund, 421, 422
 Hazelwood Sch. Dist. v. Kuhlmeier, 80, 81, 82, 83, 101, 102, 398, 408, 411, 417, 418, 420, 433, 437, 691, 708, 713
 Hazelwood School Dist. v. United States, 570, 571
 Hearne v. Board of Education, 514, 515
 Helbig v. City of New York, 28
 Heller v. Doe, 513, 514
 Hendrickson v. AFSCME Council 18, 535
 Henerey, Henerey ex rel. v. City of St. Charles, 432
 Hennessy v. City of Melrose, 105
 Hennessy v. Webb, 1371
 Henson v. Dundee, 598, 599
 Hernandez v. Metro Transit Auth., 204
 Herrera v. Santa Fe Pub. Sch., 377
 Herzog v. Will, 382
 Higginbotham v. Community Christian Acad., Inc., 1323
 Hill v. Blount County Bd. of Educ., 196
 Hill v. Cundiff, 375
 Hinds County Sch. Dist. Bd. v. R.B., 260
 Hingel v. Bd. of Educ. of Austintown Local Sch. Dist., 317
 Hiss v. Perkins Local Sch. Dist. Bd. of Educ., 660
 Hobson v. Hansen, 810
 Hodgson v. Greyhound Lines, Inc., 594
 Hohe v. San Diego Unified Sch. Dist., 1357
 Holloman v. Harland, 1108
 Holloway v. Arthur Andersen & Co., 619
 Holt, State ex rel. v. Thompson, 1158
 Holthaus v. Board of Education, Cincinnati Public Schools, 659
 Holton v. City of Thomasville Sch. Dist., 836
 Holub v. Gdowski, 700
 Honig v. Doe, 906, 955, 959
 Hood v. Encinitas Union School District, 886
 Hornbeck v. Somerset County Bd. of Educ., 1044
 Horne v. Flores, 867
 Horton v. Goose Creek Consolidated Independent School District, 352, 355
 Horton v. Meskill, 1066, 1068, 1070
 Hortonville Education Ass'n v. Hortonville Joint School Dist. No. 1, 554
 Horwitz v. Bd. of Educ., 660
 Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC, 633
 Howard v. Colonial Sch. Dist., 274
 Hoyem v. Manhattan Beach City School Dist., 1335, 1336
 Hudson v. Craven, 691
 Hurlburt v. Noxon, 1341
 Ianson v. Zion-Benton Twp. High Sch., 382
In re (see name of party)
 Independence-Nat. Educ. Ass'n v. Independence Sch. Dist., 502, 503

- Ingraham v. Wright, 286, 293, 297, 298, 307, 311, 1362
- International Brotherhood of Teamsters v. United States, 212
- Irving Independent School District v. Tatro, 946, 952
- Isiah B., In re, 352
- J.F.K. v. Troup Cnty. Sch. Dist., 1006
- J.L. v. Mercer Island School District, 913
- J.S. v. Bethlehem Area Sch. Dist., 495
- J.W. v. DeSoto County School District, 381, 382
- Jackson v. Birmingham Board of Education, 153, 220, 623
- Jackson v. Dorrier, 234
- Jackson v. McCurry, 381
- Jager v. Douglas County Sch. Dist., 1107
- Jantz v. Muci, 606
- Janus v. American Federation of State, County, and Municipal Employees (AFSCME), 521, 537
- Jarreau v. Orleans Parish School Board, 1351
- Jean-Baptiste v. Gutierrez, 306
- Jeffries v. Harleston, 690, 691
- Jennings v. Wentzville R-IV School District, 269
- Jersey Shore Area School District v. Jersey Shore Education Association, 555
- Jew v. University of Iowa, 606
- Johnson v. California, 779, 783
- Johnson v. Clovis Unif. Sch. Dist., 1010
- Johnson v. District of Columbia, 992
- Johnson v. Pinkerton Academy, 673
- Johnson v. Poway Unified Sch. Dist., 711
- Johnson v. School Dist. of Millard, 1313
- Johnson v. Southwestern Newspapers Corp., 1392
- Johnson v. Transportation Agency, Santa Clara Cty., 608
- Johnston v. Corinthian Television Corp., 1391
- Joint Anti-Fascist Refugee Committee v. McGrath, 251, 652
- Joliet v. Harwood, 1317
- Jones v. Clear Creek Indep. Sch. Dist., 1137
- Jones v. Latexo Independent School District, 357, 362
- Jones v. Wesco Invest., Inc, 603
- Jones, State v., 347
- Judd v. Board of Education, 1199
- Junction City School District, United States v., 727
- K.S. v. Detroit Pub. Sch., 179
- Kadmas v. Dickinson Public Schools, 38, 39
- Kahn v. East Side Union High School Dist., 1340
- Kalispell Educ. Ass'n v. Bd. of Trustees, Kalispell High Sch. Dist. No. 5, 545
- Kane v. DeBlasio, 1168
- Karnoski v. Trump, 139
- Karr v. Schmidt, 233
- KB v. Daleville City Bd. of Educ., 1010
- Kelley v. Bonney, 1390
- Kelley, State ex rel. v. Ferguson, 86
- Kelly v. McCarrick, 1339
- Kennedy v. Bremerton School District, 1109, 1124, 1230
- Kennedy v. Providence Hockey Club, 1356
- Kerr v. Marshall Univ. Bd. of Governors, 182
- Keyes v. School District No. 1, 739, 745
- Keyishian v. Board of Regents, 70, 655, 702, 708, 711
- King v. Saddleback Junior College District, 234
- King, People ex rel. v. Gallagher, 832
- Kinsey v. Salado Independent School District, 666
- Kirkland v. Greene County Bd. of Educ., 295, 309
- Kirkland v. Northside Independent School Dist., 103, 105
- Kitzmiller v. Dover Area Sch. Dist., 67
- Klaassen v. Trs. of Indiana Univ., 1168

- Klump v. Nazareth Area School District, 377
 Knox County Education Ass'n v. Knox County Board of Education, 336
 Knox v. Serv. Emps. Int'l Union, 515, 523, 524, 530, 531, 535
 Konop v. Northwestern School District, 376
 Kountze Indep. Sch. Dist. v. Matthews, 1147
 Kowalski v. Berkeley Cnty. Sch., 273, 467, 468, 487, 488, 490
 Kraft v. William Alanson White Psychiatric Foundation, 1393
 Krueth v. Independent School District No. 38, Red Lake, Minnesota, 578
 Kurilla v. Callahan, 295, 301
 L.I., Mr. I. ex rel. v. Maine Sch. Admin. Dist. No. 55, 897
 L.L. v. Evesham Township Bd. of Educ., 191
 La Mountain v. South Colonie Cent. School Dist., 1340
 Laborers Local 236 v. Walker, 507
 Laboy v. Wallkill Cent. Sch. Dist., 1356, 1357
 Lafferty v. Sch. Bd. of Fairfax Cnty, 147
 LaGatta v. Pa. Cyber Charter Sch., 648
 Lake v. Yellow Transp. Inc., 588
 Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 1148, 1149
 Lane v. Franks, 699, 700, 701, 1115
 Lanier, United States v., 310
 Lanner v. Wimmer, 1159
 Larkin v. Grendel's Den, Inc., 1188
 Larry P. v. Riles, 836, 845
 Larsen v. United States Navy, 985
 Lassonde v. Pleasanton Unif. Sch. Dist., 1147
 Lau v. Nichols, 854
 Lawrence v. Texas, 61
 Layshock, Layshock ex rel. v. Hermitage Sch. Dist., 467, 478, 479, 487
 Leal v. Everett Pub. Schs., 431
 Leathers v. Medlock, 510
 Lee v. Ohio Educ. Ass'n, 536
 Lee v. Weisman, 430, 1093, 1118, 1119, 1120, 1121, 1122, 1123, 1125, 1133, 1134, 1137, 1138, 1145, 1146, 1229
 Lee v. York Cnty. Sch. Div., 711, 713
 Lee-Walker v. N.Y. City Dep't of Educ., 417
 Lehnert v. Ferris Faculty Assn., 528, 533, 535, 537
 Lemon v. Bossier Parish School Board, 828
 Lemon v. Kurtzman, 537, 1105, 1120, 1127, 1162, 1179, 1202, 1208, 1224, 1228, 1230
 Lemon v. Williamson Cty. Sch., 660
 Lescoe v. Pa. Dep't of Corrs.-SCI Frackville, 1002
 Lesesne v. District of Columbia, 990
 Lester v. Powers, 1393
 LeVake v. Indep. Sch. Dist. #656, 417
 Lewis (DeRolph V), State v., 1044, 1081, 1086
 Lewis E. v. Spagnolo, 1071, 1079
 Lewis v. Board of Councilmen of Frankfort, 1056
 Lewis v. Dependent School Dist. No. 10, 1355
 Lifton v. Board of Education, 1386, 1389
 Lisa G., In re, 352
 Little Rock School Dist. v. Joshua, 728
 Lochner v. New York, 42
 Locke v. Davey, 1232, 1235, 1239, 1243, 1246, 1247, 1252, 1260, 1261, 1263
 Locke v. Karass, 533
 Lockett v. Board of Educ. for Sch. Dist. No. 189, 1348
 Lomonoco v. St. Anne Inst., 566
 London v. Directors of DeWitt Pub. Schs., 301, 302
 Long v. Murray County School District, 1000, 1011
 Lopez, United States v., 321
 Lord, Broussard ex rel. v. Sch. Bd., 458

Lori Drew, United States v., 480
 Los Angeles Dept. of Water and Power
 v. Manhart, 616
 Los Angeles Unified School District v.
 Garcia, 913
 Love v. Philadelphia, 1344
 Lowery v. Euverard, 473
 Lujan v. Colorado State Board of Edu-
 cation, 1068
 Lujan v. Franklin County Bd. of Educ.,
 585
 Lynch v. Donnelly, 1098, 1106, 1134, 1167,
 1229
 Lyng v. Northwest Indian Cemetery
 Protective Association, 1234, 1244,
 1251, 1256
 M.A.B. v. Bd. of Educ. of Talbot Cty.,
 138, 139
 M.A.L. v. Kinsland, 431, 436
 M.B. v. Rankin County Sch. Dist., 1134
 M.C. on Behalf of J.C. v. Cent. Reg'l
 Sch. Dist., 973
 M.C. v. Shawnee Mission Unif. Sch.
 Dist., 393
 M.D. v. Bowling Green Indep. Sch.
 Dist., 175, 179
 M.D. v. Natick Pub. Sch. Dist., 943
 M.M. v. Anker, 368
 Machinists v. Street, 527
 Macklin v. FMC Transp., Inc., 587, 588
 Macon Tel. Pub. Co. v. Elliott, 1378
 Maddox v. New York, 1357
 Magee, Doe ex rel. v. Covington Cty.
 Sch. Dist., 201
 Mahanoy Area School District v. B.L.,
 273, 459, 460
 Maine Human Rights Comm'n v.
 Maine Principals Ass'n, 154
 Malley v. Briggs, 205
 Maness v. City of New York, 1337
 Marino v. Indus. Crafting Co., 221
 Mark Anthony B., State v., 376
 Marlowe v. Rush-Henrietta Cent.
 School Dist., 1356

Marsh v. Chambers, 1107, 1174
 Martin v. Georgia Dep't of Public
 Safety, 1370
 Marzano v. Struthers City Sch. Dist.
 Bd. of Educ., 545
 Massachusetts Bd. of Retirement v.
 Murgia, 593
 Masson v. New Yorker Magazine, 1378,
 1379
 Mathews v. Eldridge, 260, 277, 962
 Matos v. Clinton School District, 382
 Matthews v. Quinton, 1199, 1200
 Mayer v. Monroe, Cnty. Cmty. School
 Corp., 709, 710
 McCarthy v. Hornbeck, 1201
 McCartney v. Oblates of St. Francis
 deSales, 1390
 McClelland v. Katy Indep. Sch. Dist.,
 467
 McCollum v. Board of Education, 1152,
 1153, 1156, 1158
 McCollum, Illinois ex rel. v. Board of
 Education, 1102
 McDaniel v. Paty, 1232, 1233, 1234, 1236,
 1245
 McDaniel v. Thomas, 1029, 1069
 McDonnell Douglas v. Green, 193, 537,
 586, 587, 630
 McFarland v. Jefferson County Public
 Schools, 190
 McGee v. South Pemiscot School Dist.,
 672
 McKinnon, State v., 354
 McMahan v. Fenves, 409
 McNeal v. Tate County School District,
 826, 832
 McPherson v. Michigan High Sch. Ath-
 letic Ass'n, 188
 McVey v. City of Cincinnati, 1321
 McWilliams v. Fairfax County Board of
 Supervisors, 608
 Meche v. Rapides Parish School Bd.,
 1351
 Meditz v. City of Newark, 216

- Meek v. Pittenger, 1177, 1180, 1202, 1207
 Meltzer v. Board of Public Instruction, 1146
 Members of Jamestown School Committee v. Schmidt, 1200
 Memphis Community Sch. Dist. v. Stachura, 268
 Meritor Savings Bank, F.S.B. v. Vinson, 595, 624
 Meriwether v. Hartop, 709
 Merrick Union Free Sch. Dist. v. Merrick Faculty Ass'n, 545
 Meyer v. Austin Independent School District, 230
 Meyer v. Nebraska, 31, 36, 41, 42, 58, 61, 63, 69, 93
 Michigan High Sch. Athletic Ass'n, Inc. v. Communities for Equity, 152
 Miles v. Denver Public Schools, 106
 Milkovich v. Lorain Journal Co., 1385
 Milkovich v. News-Herald, 1391
 Miller v. Cooper, 1146
 Miller v. Johnson, 782
 Milliken v. Bradley, 745, 746, 749, 751, 752, 771, 772, 783, 801, 804
 Mills v. Board of Education, 254, 883, 962
 Milonas v. Williams, 298
 Minersville School Dist. v. Gobitis, 1169
 Mirand v. City of New York, 1339
 Mississippi Employment Sec. Com. v. McGlothlin, 410
 Mississippi Univ. for Women v. Hogan, 115, 137
 Missouri v. Jenkins, 768, 786
 Missouri-K.T. R. Co., 629
 Mitchell v. Forsyth, 1362
 Mitchell v. Helms, 1106, 1201, 1236, 1237, 1238, 1247
 Mitchell v. Louisiana High School Athletic Assoc., 186
 Mitchell v. United States, 738
 Mohamed v. Irving Independent School District, 196
 Monell v. Department of Social Services, 268
 Monroe v. Board of Commissioners, 726
 Monteiro v. Tempe Union High School District, 95, 196
 Montgomery v. Starkville Municipal Separate School Dist., 830
 Moore v. Bryant, 409
 Moore v. Chilton Cnty. Bd. of Educ., 994
 Moore v. Vanderloo, 23
 Morrison v. Mobile County Bd. of Education, 1393
 Morse v. Frederick, 273, 437, 462, 472, 473, 478, 485, 486, 494, 495
 Morton v. Mancari, 581, 585
 Moses v. Washington Parish School Board, 828
 Mosley v. Portland Sch. Dist. No. 1J, 1369
 Moss v. Spartanburg County Sch. Dist. Seven, 1159
 Moss v. Stockard, 1389
 Moyer v. Amador Valley J. Union High School Dist., 1385
 Mozert v. Hawkins County Board of Education, 89
 Mt. Healthy City School Board of Education v. Doyle, 537, 667, 677, 688
 Mueller v. Allen, 1204, 1222, 1227, 1228, 1287, 1290
 Mulbah v. Detroit Bd. of Educ., 660
 Mullen v. Tiverton Sch. Dist., 680
 Munroe v. Cent. Bucks Sch. Dist., 667
 Murray v. Pittsburgh Bd. of Pub. Educ., 105
 Murrell v. Sch. Dist. No. 1, Denver, Colo., 1005
 Myers v. Loudoun County Sch. Bd., 394
 N.A.A.C.P. v. Claiborne Hardware Co., 493
 N.E. Indep. Sch. Dist. v. Riou, 660
 N.L.R.B. v. American Nat'l Ins. Co., 504

- NAACP v. Georgia, 833
 Naranjo v. Southwest Independent School Dist., 1371
 National Endowment for the Arts v. Finley, 510
 National Treasury Emples. Union, United States v., 525, 693, 695
 Neal, Neal ex rel. v. Fulton Cnty. Bd. of Educ., 301, 307, 308, 309, 310
 Neely v. Rutherford County School, 952
 Neske v. City of St. Louis, 503
 Nevada Local Government Employee-Management Relations Board v. Educ. Support Emps. Ass'n, 506
 New Jersey v. T.L.O., 321, 322, 328, 329, 346, 349, 372, 374, 537
 New Orleans v. Police Ass'n of Louisiana, 550
 New Roads v. Dukes, 549
 New York State Ass'n for Retarded Children, Inc. v. Carey, 637
 New York Times Co. v. Sullivan, 1379, 1381, 1390, 1391
 Newdow v. Rio Linda Union Sch. Dist., 1174
 Newdow v. United States Congress, 394
 Newsome v. Batavia Local Sch. Dist., 255
 Newton v. Slye, 105
 Nichol v. Arin Intermediate Unit 28, 410
 Nicholson v. Board of Education, 416
 Niederhuber v. Camden County Vocational & Technical School Dist. Bd. of Education, 632
 Noble v. Branch Intermediate School District, 173
 Noble v. Sombrotto, 986
 Nodar v. Galbreath, 1390, 1391
 Nyrop v. Indep. Sch. Dist. No. 11, 1002
 O.T. v. Frenchtown Elem. Sch. Dist. Bd. of Educ., 431
 O'Brien v. Bd. of Educ., 554
 O'Brien, United States v., 513, 520
 Oberti v. Board of Educ. of Clementon Sch. Dist., 944
 Oklahoma City Public Schools v. Dowell, 738, 752, 753, 758, 804
 Oncale v. Sundowner Offshore Services, Inc., 607, 616, 617, 618
 Osseo Area Sch., Indep. Sch. Dist. No. 279, v. M.N.B. by & through J.B., 956, 957
 Osterback v. State, 311
 Owasso Independent School District v. Falvo, 96, 99
 P. v. West Hartford Board of Education, 915
 P.B. v. Koch, 308
 P.H. v. School Dist. of Kansas City, 660
 Pacernick v. Bd. of Educ. of the Waukegan Cmty. Unit Sch. Dist. No. 60, 660
 Pahssen v. Merrill Cmty. Sch. Dist., 177
 Paliska v. St. Anselm Sch., 1339
 Palmer v. Bennington Sch. Dist., 1392
 Papasan v. Allain, 37
 Parducci v. Rutland, 100
 Paredes v. Curtis, 255
 Parents for Privacy v. Dallas Sch. Dist., 147
 Parents in Action on Special Education (PASE) v. Hannon, 843
 Parents Involved in Community Schools v. Seattle School Dist. No. 1 (PICS), 190, 191, 583, 737, 738, 777, 804, 805, 806, 807
 Parker v. Wynn, 1369
 Patrick Y., In re, 352
 Patterson v. McLean Credit Union, 955
 Patterson v. Meramec Valley R-III Sch. Dist., 1348
 Pauley v. Kelly, 1059, 1066
 Pavesich v. New England Life Ins. Co., 1380
 Payne v. Tennessee, 533
 Peck by Peck v. Lansing Sch. Dist., 1201

- Peloza v. Capistrano Unified School District, 105
- Peltier v. Charter Day Sch., Inc., 236
- Pembaur v. City of Cincinnati, 1361
- Pennhurst State School and Hospital v. Halderman, 956, 972
- Pennsylvania Ass'n for Retarded Children (PARC) v. Pennsylvania, 883
- Pennsylvania v. Porter, 1364
- Pension Benefit Guaranty Corporation v. LTV Corp., 617
- People Who Care v. Rockford Bd. of Educ., Sch. Dist. #205, 835
- Peoples v. Oswego Cmty. Sch. Dist., 376
- Perna v. Conejo Valley Unified School Dist., 1335
- Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 422
- Perry Education Ass'n. v. Perry Local Educators' Ass'n., 539
- Perry v. Sindermann, 654, 695, 706, 707
- Person v. Gum, 1338
- PETA, Inc. v. Gittens, 83
- Peter W. v. San Francisco Unified School District, 18, 29
- Peters v. Jenney, 195
- Peters v. Union-Endicott Cent. Sch. Dist., 545
- Peterson v. Baker, 303
- Philadelphia Federation of Teachers v. Ross, 557
- Phillips v. Anderson County Sch. Dist. Five, 408
- Phillips v. Martin Marietta Corp., 615, 617, 619
- Pickering v. Board of Education, 532, 661, 673, 694, 695, 696, 697, 710, 1114, 1115
- Pierce v. Society of Sisters, 36, 39, 44, 69
- Pierce v. Sullivan W. Cent. Sch. Dist., 1159
- Pierson v. Ray, 264
- Piggee v. Carl Sandburg Coll., 710
- Pinard v. Clatskanie Sch. Dist. 6J, 399
- Pinsker v. Joint Dist. Number 28J, 632
- Pinto v. Massapequa Pub. Sch., 648
- Piotrowski v. City of Houston, 203
- Piver v. Pender County Bd. of Education, 666
- Place, United States v., 362
- Planned Parenthood of Southern Nevada, Inc. v. Clark County School Dist., 109, 418
- Planned Parenthood v. Casey, 61
- Plessy v. Ferguson, 190, 583, 718, 721, 740, 789
- Plyler v. Doe, 29, 35, 201
- Poe v. Hamilton, 28
- Poling v. Murphy, 416
- Poloceno v. Dall. Indep. Sch. Dist., 130
- Ponce v. Socorro Independent School District, 444, 486, 490, 495
- Porter v. Ascension Parish Sch. Bd., 487, 488, 495
- Porto v. Town of Tewksbury, 1010
- Pottgen v. Missouri State High Sch. Activities Ass'n, 188
- Pounds v. Katy Independent School Dist., 424
- Price Waterhouse v. Hopkins, 614
- Price, Price ex rel. v. La. Dep't of Educ., 208
- Prince George's County Public Schools, 623
- Prince v. Massachusetts, 50
- Princeton Education Ass'n v. Princeton Board of Education, 536
- Pro-Life Cougars v. University of Houston, 236
- Prowse v. Board of Education for Christian County, 1058
- Pryor v. Nat'l Collegiate Athletics Ass'n, 220
- Psi Upsilon v. University of Pennsylvania, 274
- Pyle v. S. Hadley Sch. Comm., 458
- Quality Education San Diego v. Barrera, 1167

- Quarles v. Oxford Municipal Separate School District, 829, 833
 R.D. v. Concord Cmty. Schs, 376
 R.E. v. New York City Dep't of Educ., 928
 R.S. v. District of Columbia, 992
 Rabidue v. Osceola Refining Co., 605
 Racial Equality v. St. Louis, 598
 Rafferman v. Carnival Cruise Lines, 1331
 Rancho Palos Verdes v. Abrams, 152
 Rankin v. McPherson, 693, 695, 697
 Rankins v. Commission on Professional Competence of Ducor Union School District, 633
 Ray v. School Dist., 637
 Ream v. Centennial Sch. Dist., 317
 Redd v. Springfield Township Sch., 1319
 Reddick v. Stanton Pub. Sch. Dist. No. 55, 1340
 Regan v. Taxation with Representation, 509, 510, 511
 Regents of the University of California v. Bakke, 780, 800, 804
 Regents of University of Michigan v. Ewing, 262
 Reichley by Wall v. North Penn School District, 560
 Reid v. Dist. of Columbia, 965, 973, 984
 Religion Found., Inc. v. Concord Cmty. Schs., 1146
 Rembert v. Monroe Twp. Bd. of Educ., 235
 Rendell-Baker v. Kohn, 672, 673
 Renewal Team Acad. Charter Sch., In re, 1296
 Reno v. ACLU, 78, 492
 Rhode Island Federation of Teachers v. Norberg, 1222, 1227, 1228
 Rice v. Cayetano, 784
 Richards v. Thurston, 234
 Richmond Newspapers v. Lipscomb, 1391
 Riddick v. School Bd., 755
 Rizzo v. Goode, 1365
 RM, In re, 281
 Roberson v. Duval County Sch. Bd., 1347, 1348
 Roberts v. Boston, 832, 833
 Roberts v. Colorado State Bd. of Agric., 159
 Robinson v. Cahill (Robinson II), 1029
 Robinson v. Cahill (Robinson III), 1029
 Robinson v. Cahill (Robinson V), 1029, 1031
 Robinson v. Cahill (Robinson VI), 1030
 Robinson v. Cahill (Robinson VII), 1030
 Robinson v. Cahill, 303 A.2d 273 (N.J. April 3, 1973), 16, 1025
 Rocci v. Ecole Secondaire Macdonald-Cartier, 1380
 Rochin v. California, 1362
 Rode v. Dellarciprete, 195
 Rodgers v. Magnet Cove Pub. Schs., 159
 Roman v. Appleby, 1393
 Roncker v. Walter, 933
 Rosa R. v. Connelly, 281
 Rose v. Council for Better Education, Inc., 1045
 Rosenberger v. Rector and Visitors of Univ. of Va., 510, 696, 1236, 1243, 1252
 Rosenbloom v. Metromedia, 1380
 Ross v. Board of Education, 640
 Ross v. Creighton University, 18, 19
 Rubin v. United States, 618
 Rubio v. Turner Unified Sch. Dist., 209
 Rupp v. Bryant, 1328, 1347
 Russman v. Luckett, 1050
 Russo v. Chippewa Valley Sch. Dist., 260
 Rust v. Sullivan, 705, 706, 708
 Ryan v. Burlington County, 1361
 Ryan v. Kanne, 25
 S & W Seafoods Co. v. Jacor Broadcasting of Atlanta, 1378
 S.H. v. Lower Merion Sch. Dist., 211, 220

- S.K. v. North Allegheny Sch. Dist., 179
 S.P.R.L. v. Imrex Co., 618
 S.W. v. Clayton Cnty. Pub. Sch., 179
 Sabol v. Walter Payton Coll. Preparatory High Sch., 274
 Sacramento City Unified School District Board of Education v. Holland, 938, 943
 Safford Unified School Dist. No. 1 v. Redding, 363, 365, 366, 375, 376
 Sain v. Cedar Rapids Cmty. Sch. Dist., 21
 Saint v. Nebraska School Activities Assoc., 153
 Salazar v. Luty, 317
 Salazar v. South San Antonio Indep. Sch. Dist., 175
 San Antonio Independent School District v. Rodriguez, 16, 17, 31, 32, 752, 944, 1014, 1028
 San Diego v. Roe, 695
 Sandison v. Michigan High School Athletic Ass'n, 188
 Santiago v. Puerto Rico, 1000
 Saucier v. Katz, 204
 Saylor v. Board. of Educ., 295
 Scanlon v. Cnty. of Los Angeles, 329
 Scanlon v. Mt. Union Area Bd. of School Directors, 558
 Schaffer v. Weast, 959
 Schall v. Martin, 296
 Schmelz v. Sheriff of Monroe County, 1332
 Schneider, B.S. ex rel. v. Bd. of Sch. Trustees, Fort Wayne Cmty. Sch., 280
 Schneyder v. Smith, 195
 School Comm. of Boston v. Board of Education, 792, 793
 School Comm. of Burlington v. Dep't of Educ. of Mass., 965, 966, 968, 969, 972
 School Dist. v. Ball, 1179, 1187, 1202
 School District of Abington Township v. Schempp, 31, 64, 92, 93, 1089, 1094, 1097, 1103, 1117, 1129, 1130, 1216
 Schware v. Board of Bar Examiners, 652
 Scoggins v. Bd. of Educ., 584
 Scoville v. Board of Education, 392
 Seattle School District Number 1 v. State, 1066, 1069
 Sedlock v. Baird, 1167
 Seemuller v. Fairfax County School Board, 667
 Sellers by Sellers v. School Board, 28, 29
 Serrano v. Priest (Serrano I) (Cal. 1971), 1024
 Serrano v. Priest (Serrano II) (Cal. 1977), 1030, 1066, 1069
 Serrano v. Priest (Serrano III) (Cal. App. 1986), 1030
 Seyfried v. Walton, 416
 Shaffer v. Schenectady City School District, 659
 Sharif v. New York State Education Department, 122, 129, 161, 848
 Shaw v. Reno, 784
 Sheibley, State ex rel. v. School-Dist., 86
 Shelton v. Maya Angelou Public Charter School, 977
 Shelton v. Tucker, 655
 Sherpell v. Humnoke Sch. Dist. No. 5, 235
 Shields v. Poway Unified School Dist., 660
 Shineman, State ex rel. v. Board of Education, 16
 Shoemaker v. State, 352
 Shore Reg'l High Sch. Bd. of Educ. v. P.S. ex rel. P.S., 1011
 Siegell v. Herricks Union Free School Dist., 1349
 Silano v. Sag Harbor Union Free Sch. Dist. Bd. of Educ., 417
 Singleton v. Jackson Municipal Separate School Dist., 827

- Sisson v. Douglas County School Dist., 1370
 Skeen v. State, 1071
 Skinner v. Railway Labor Executives' Ass'n, 332
 Slaughter-House Cases, 797
 Slochower v. Board of Higher Education, 652
 Smith County Educ. Ass'n v. Smith County Bd. of Educ., 336
 Smith v. Board of School Commissioners of Mobile County, 1160, 1166, 1167
 Smith v. City of Jackson, 566
 Smith v. City of Salem, 138
 Smith v. Illinois Sch. Dist. U-46, 701
 Smith v. Jefferson Cnty. Bd. of Sch. Comm'rs, 1134
 Smith v. Liberty Mut. Ins. Co., 619
 Smith v. Ricci, 88
 Smith v. School City of Hobart, 233, 316
 Smith v. Smith, 1158
 Smith, Smith ex rel. v. Revere Local School Dist. Bd. of Educ., 316
 Smuck v. Hobson, 823
 Snider v. Snider, 1339
 Snow v. Judy, 1318
 Snyder v. Phelps, 492
 Snyder, J.S. ex rel. v. Blue Mountain Sch. Dist., 467, 475, 479, 487, 488, 490
 Soglin v. Kauffman, 240
 Soltys, M.S. ex rel. v. Seminole County School Board, 309
 Sonnier v. Quarterman, 205
 Southeastern Community College v. Davis, 635
 Southworth v. Bd. of Regents of the Univ. of Wis. Sys., 511, 512
 Spangler v. Pasadena City Board of Education, 755
 Spiller v. City of Tex. City, Police Dep't, 202
 St. Amant v. Thompson, 1379
 St. John the Baptist Parish Ass'n of Educators v. Brown (La. 1985), 551
 St. John the Baptist Parish Ass'n of Educators v. St. John the Baptist Parish School Bd. (La. App. 5 Cir. 1986), 551
 St. Mary's Honor Center v. Hicks, 585
 St. Pierre v. Lombard, 1340, 1341
 Stanley v. Georgia, 70
 Startzell v. City of Phila., 212
State ex rel. (see name of relator)
 State Farm Mut. Auto. Ins. Co. v. Pharr, 1346
State v. (see name of defendant)
 Steele v. Louisville & Nashville R. Co., 524
 Stewart v. Rutgers, 194
 Stone v. Graham, 1108
 Stoneking v. Bradford Area School Dist., 1357, 1358, 1360, 1362
 Stout v. Jefferson County Board of Education, 753
 Strauder v. West Virginia, 797
 Strongin v. Nyquist, 658
 Students for Fair Admissions v. President and Fellows of Harvard College (SFFA), 190, 807
 Sugarman v. Dougall, 591
 Sullivan v. Hous. Indep. Sch. Dist., 487
 Sullivan v. Little Hunting Park, Inc., 624
 Sutton v. Duplessis, 1346, 1347
 Sutton v. United Air Lines, Inc., 643, 648, 1001
 Suvada v. White Motor Co., 1317
 Swann v. Charlotte-Mecklenburg Board of Education, 728, 770, 786, 793, 794, 806
 Sweezy v. New Hampshire, 702
 Swentek v. USAIR, Inc., 603
 Swift & Co., United States v., 755
 Swindle v. Livingston Parish Sch. Bd., 281

- Swofford v. Cooper, 1370
 Swogger v. Erie Sch. Dist., 159
 Sypniewski v. Warren Hills Reg'l Bd. of Educ., 474
 T.A. O'B. v. State, 330
 Tartar v. Raybuck, 368
 Taylor v. Jones, 601
 TEAM Acad., In re, 1305
 Tennessee Small School Systems v. McWherter, 1066
 Tenney v. Brandhove, 264
 Terre v. Hopson, 566
 Terrell v. Smith, 306
 Texas Department of Community Affairs v. Burdine, 586, 630
 Texas State Teachers Association v. Garland Independent School District, 538
 Texas v. Johnson, 472
 Thigpen v. McDuffie County Bd. of Education, 1370
 Thomas County Branch of the NAACP v. City of Thomasville Sch. Dist., 835
 Thomas v. Atascadero Unified School Dist., 636
 Thomas v. Review Bd. of Ind. Employment Security Div., 1246
 Thomas v. Roberts, 372, 373
 Thomas v. St. Mary's Roman Catholic Church, 1355
 Thomason v. Times-Journal, Inc., 1378, 1380
 Thompson v. Carthage School District, 343
 Thompson v. Modesto City High Sch. Dist., 659
 Thurmond v. Mount Carmel High Sch., 196
 Thurmond v. Richmond County Bd. of Educ., 1367
 Tice v. Botetourt County Sch. Bd., 950
 Tigrett v. Rector & Visitors of Univ. of Va., 183
 Time, Inc. v. Hill, 1380
 Timothy H. v. Cedar Rapids Comm. Sch. Dist., 957
 Timothy W. v. Rochester, New Hampshire School, 886, 950
 Tinker v. Des Moines Indep. Cmty. Sch. Dist., 69, 70, 183, 233, 321, 324, 383, 393, 398, 403, 406, 408, 412, 420, 437, 461, 462, 472, 473, 474, 475, 481, 486, 491, 493, 537, 541
 Tinkham v. Groveport-Madison Local School Dist., 1349, 1369
 Tinkham, State v., 377
 Tometz v. Board of Ed., Waukegan School Dist. No. 61, 796
 Torcaso v. Watkins, 91
 Torgerson v. City of Rochester, 588
 Torres Santiago v. Fajardo, 705
 Torres v. Little Flower Children's Services, 28
 Toyota Motor Mfg., Ky., Inc. v. Williams, 643, 644, 646
 Trachtman v. Anker, 416
 Trans World Airlines v. Hardison, 629, 631
 Trautvetter v. Quick, 604
 Trinity Lutheran Church of Columbia, Inc. v. Comer, 1230, 1243, 1244, 1245, 1246, 1248, 1249, 1250, 1252, 1253, 1256, 1257, 1259, 1260, 1261, 1263
 Troeger v. Ellenville Cent. Sch. Dist., 648
 Tucker v. Union of Needletrades, Indus. & Textile Emps., 178
 Tun v. Whitticker, 281
 United Food & Commercial Workers Local 99 v. Brewer, 510
 United Mine Workers of America, United States v., 552
 United States Civil Serv. Comm'n v. Nat'l Ass'n of Letter Carriers, 712
United States v. (see name of defendant)
 United Steelworkers of America v. Warrior & Gulf Navigation Co., 657
 Univ. of Mo. v. Horowitz, 316

- University of Tex. Southwestern Medical Center v. Nassar, 613, 627
 V.A. v. San Pasqual Valley Unif. Sch. Dist., 395
 Valentine v. Indep. Sch. Dist. of Casey, 317
 Valeria v. Davis, 861, 865
 Van Orden v. Perry, 1117
 Vance v. Spencer Cty. Pub. Sch. Dist., 177
 Vaughns v. Board of Education, 584
 Vernonia Sch. Dist. 47J v. Acton, 330, 349, 537
Village of (see name of village)
 Virgil v. School Board of Columbia County, Florida, 79
 Virginia v. Black, 493
 Virginia, United States v., 113, 119, 137
 Vogel v. Langer, 1343, 1345
 Vukadinovich v. Board of Sch. Trs. of N. Newton Sch. Corp., 660
 W. v. Fairbanks N. Star Borough Sch. Dist., 28
 W.B. v. Matula, 895
 W.G. v. Bd. of Trustees of Target Range School Dist., 896
 Walker v. District of Columbia, 992
 Wallmuth v. Rapides Parish Sch. Bd., 1316
 Walter v. Or. Bd. of Educ., 409
 Waltz v. Wake County Bd. of Educ., 1322, 1323
 Walz v. Egg Harbor Twp. Board of Education, 431
 Walz v. Tax Com. of New York, 1216, 1239, 1262
 Wangsness v. Watertown Sch. Dist. No. 14-4 of Codington County, South Dakota, 632
 Ward v. Flood, 16
 Wards Cove Packing Co. v. Atonio, 567, 568
 Washakie County School Dist. No. 1 v. Herschler, 1066
 Washington v. Davis, 840
 Washoe Cnty. Sch. Dist. v. White, 545
 Waters v. Churchill, 681, 690, 691, 694
 Watson v. Beckel, 260
 Watson v. Fort Worth Bank & Trust, 213
 Waugh v. Morgan Stanley & Co., Inc., 29
 Wayne County Board of Education v. Tyre, 254
 Weast v. Schaffer, 959
 Webb v. McCullough, 308
 Webster v. New Lenox School Dist. No. 122, 417
 Weese v. Muir, 1346
 Weisman v. Lee, 1107
 Weller v. Dept. of Soc. Servs., 476
 Werth v. Bd. of Directors of Pub. Sch. of City of Milwaukee, 1011
 West Virginia State Board of Education v. Barnette, 60, 69, 71, 91, 394, 398, 522, 1092, 1096, 1124, 1168, 1169
 West, State ex rel. v. Diemer, 505
 Westfield High Sch. L.I.F.E. Club v. City of Westfield, 430
 White by Pearsall v. School District, 1343
 Whitney v. Board of Educ., 660
 Wieman v. Updegraff, 652
 William G., In re, 330
 Williams v. Bd. of Regents of Univ. Sys. of Ga., 1004, 1006
 Williams v. Columbus Bd. of Educ., 82 Ohio App. 3d 18, 1369
 Willner v. Committee on Character & Fitness, 652
 Willowbrook, Village of v. Olech, 137
 Wilson, S.J.W. ex rel. v. Lee's Summit R-7 Sch. Dist., 467
 Wilson, T.W. ex rel. v. Sch. Bd. of Seminole Cnty., Fla., 307, 309, 999
 Winkelman v. Parma City School District, 964
 Winn v. First Bank of Irvington, 1055
 Wis. Educ. Ass'n Council v. Walker, 507, 513, 519

- Wisconsin v. Yoder, 32, 42, 43, 49, 50,
 52, 53, 93, 94, 1249
 Wise v. Pea Ridge Sch. Dist., 254
 Wisniewski v. Board of Education of
 the Weedsport Cent. Sch. Dist., 466,
 475, 479
 Witcher v. Pender, 1378
 Witters v. Washington Dep't of Services
 for Blind, 1182, 1204, 1228, 1287, 1290
 Wofford v. Evans, 476
 Wolman v. Walter, 1177, 1202, 1207
 Wood By & Through Wood v. Henry
 County Pub. Sch., 316
 Wood v. Arnold, 1167
 Wood v. Strickland, 232, 260, 261, 262,
 283, 1376
 Woodard v. Andrus, 206
 Wooley v. Maynard, 522
 Wrightson v. Pizza Hut of America, 608
 Wygant v. Jackson Board of Education,
 568
 Wyke v. Polk County School Board,
 1323
 Wynar v. Douglas County Sch. Dist.,
 467, 487, 488, 490
 Y.F., F.F. ex rel. v. State of New York,
 1168
 Yarbray v. Southern Bell Tel. & Tel. Co.,
 1380
 Yick Wo v. Hopkins, 590
 Ysursa v. Pocatello Educ. Ass'n, 509,
 510, 511, 516
 Yusuf v. Vassar Coll., 181
 Zamora v. Pomeroy, 357
 Zearley v. Ackerman, 992
 Zeller v. Donegal School Dist. Board of
 Education, 233
 Zelman v. Simmons-Harris, 1238, 1254,
 1257, 1261, 1266, 1284
 Zobrest v. Catalina Foothills Sch. Dist.,
 1194, 1201, 1287
 Zorach v. Clauson, 1153

Preface

All three branches of government — legislative, executive, and judicial — play a significant role in shaping and influencing the enterprise of American public education. Certainly, since the decision in *Brown v. Board of Education*, the federal government has reformed educational policy, and much decision-making undertaken by local and state school officials has been litigated in the courts. This sixth edition of *Law and Public Education* represents the authors' efforts to keep pace with the changes in education and the dynamic impact the law has had on this transformation of authority. The changes have been substantial since the publication of the fifth edition in 2014 and, as a result, much of the current edition represents a rewriting of materials and the introduction of the most recent case law.

In focusing on the institution of public education, an education law course divides the law vertically and therefore intersects horizontal slices of the law, particularly administrative and constitutional law. *Law and Public Education* can thus serve as an advanced course of study in these areas, enabling students to further develop their analytical and critical skills by focusing on the application of general administrative, statutory, and constitutional law principles to the particular institution of public education, and, it is hoped, provide occasions for them to rethink such principles in light of this analysis. The book can be used additionally as an introduction to the general areas of the law for students who have not yet been exposed to the horizontal courses. In view of the dynamic development of the challenging field of law, we offer this book to students, attorneys, educators, and others concerned with public education for study and analysis as an end in itself.

Although primarily a legal work, the book also contains historical, pedagogical, economic, and other social science literature as required to understand and analyze the subject matter. Three themes pervade these materials. The first concerns the decision-making process and the proper allocation of decision-making power among those who compete for it. The other two themes relate to the substance of the decisions made by this process: the conflicts involved in a liberal, democratic society seeking to inculcate values in its young; and the tensions that pervade a nation and an educational system torn between values of national unity, secularism, and universalism on the one hand and the desire to preserve pluralism and enhance sectarian and parochial subgroup cultures and values on the other.

The cases and other materials in this book have generally been included in fuller versions than in many other casebooks, as we believe it important for the student

to deal with the complexities, ambiguities, and nuances of meaning that can only be experienced when the cases are edited with a slight hand. Where substantive material has been removed from cases or other materials, the deletions are indicated. Many citations and footnotes contained in cases and materials have, however, been eliminated without indication. Where such footnotes have been included, they retain their original numbers, enclosed in brackets. The editors' footnotes are indicated by asterisks. Some clearly typographical errors in cases or other materials have been corrected without indication.

The first edition of this book was written by Professor Stephen R. Goldstein while teaching at the University of Pennsylvania Law School. He emigrated to Israel and joined the faculty at the Hebrew University of Jerusalem, where he served as director of the Harry and Michael Sacker Institute for Legislative Research and Comparative Law, edited the *Israel Law Review*, and served as dean of the Faculty from 1987 to 1990. Professor Goldstein passed away in 2009. The following former students provided valuable research assistance in developing the first edition: Rita L. Bernstein, Ellen Josephson, Linda Lipton, Roderick R. McKelvie, Helen M. Pomerantz, Sherri E. Raiken, Stephen A. Saltzburg, Stephen J. Shapiro, and Diana J. Simon.

President Gee, who assumed major responsibility for the second edition of the book, would like to thank Jeanne Bryan, a former student at the J. Reuben Clark Law School, Brigham Young University, and Susan Marks, a former student at the West Virginia University College of Law, who acted as research assistants.

Professor Daniel and President Gee, who authored the third edition, extend appreciation for research assistance to Patrick Pauken, J.D., Ph.D., a former student in both law and educational administration at The Ohio State University. They also thank Suzanne Cupp, Angela Doerschlag, Marianne L. Johnson, and Dina M. Minton for their contributions toward preparing the manuscript for publication.

The fourth edition was authored by Professor Daniel and President Gee. We are grateful for the research assistance of Jill Meinhardt, Rachel Shapiro, and Lisa Whitaker, all former students at The Ohio State University Moritz College of Law.

Professor Daniel and Professor Gee authored the fifth edition. We extend gratitude to research assistants Matthew Aumann, Seth Chodosh, Rachel Kepley, Marta Stewart-Bates, and Ama Attah-Mensah, all former students at The Ohio State University Moritz College of Law. We want to especially acknowledge the work of Jillian Wolosiansky Boone, also a Moritz College graduate and a wonderful editor. We pay tribute to Professor Patrick D. Pauken, who worked on the third edition as a student in the Moritz College of Law and a Ph.D. student in the College of Education at Ohio State and, more recently, professor of educational leadership at Bowling Green State University, who provided valuable assistance in the update of Chapter 8 for the fifth edition.

President Gee and Professors Daniel and Pauken authored the sixth edition. Professor Daniel and President Gee extend gratitude to Christopher Thomas, research assistant, and Ph.D. from The Ohio State University College of Education and

Human Ecology, J.D. from the Moritz College of Law, attorney and now Assistant Professor of Educational Leadership and Policy, University of Florida. We also give many thanks to Jasmine Corrie, research assistant and graduate from the Moritz College of Law and now a practicing attorney. Professor Pauken would like to thank former student Tyler Sherman for his valuable and energized assistance with the early work on the sixth edition.

E. Gordon Gee
Philip T.K. Daniel
Patrick D. Pauken
Columbus, Ohio
December 2023

