

THIS HANDBOOK IS DESIGNED TO INFORM YOU OF YOUR RIGHTS AS A STUDENT.

Individuals in America have basic freedoms that may not be infringed upon: the right to free speech, the right to practice one's own religion, the right to privacy, and the right for everyone to be treated fairly and equally under the law are just some of these rights. It's your job to know your rights; only after you understand them can you protect and exercise them.

The ACLU of Colorado thinks it's especially important for students to understand their rights because this understanding nurtures a commitment to civic engagement and develops a dedication to values that ensure our individual liberties.

Where do your rights come from?

Most rights enjoyed by Americans come from the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution. These rights prevent the government (public schools included) from overstepping its authority or treating some groups of people differently from other groups. In addition, the Colorado Constitution protects your rights, as do some Federal and Colorado laws.

What is the ACLU?

The American Civil Liberties Union (ACLU) is a nationwide non-profit organization dedicated to protecting the civil liberties of every individual. It does so through litigation, advocacy, and education. Working in the legislatures, courtrooms, and classrooms, the ACLU defends the civil rights and personal freedoms that apply to everyone in the U.S.

This handbook is organized by subject. Each section presents a description of the right at issue and an explanation of the laws surrounding this right. In some cases you'll find a "Case in Point" section, where we describe particularly important cases or statutes. We've also included sample questions and answers to help you understand how these rights might arise in a real-world setting, how they might be violated, and how you can protect them.

FREEDOM OF EXPRESSION



All people in the United States have the right to speak their minds. They have the right to criticize or praise policies, and the right to publish their thoughts. In Colorado, these rights are rooted in the First Amendment to the U.S. Constitution and Section Two Art. 10 of the Colorado Constitution.

THE SITUATION:

I edit my high school's student newspaper and our principal requires that he read over the final draft every week before it is printed. He says it is to make sure that we don't write about inappropriate material, like drugs or contraception. Can he do that?

Does that mean students can lie or write obscene material in the newspaper?



A. NEWSPAPERS

No. Colorado is one of six states that passed a student free expression law that prohibits school authorities from editing or censoring your school's sponsored or un-sponsored newspaper. In some states, if an administrator deems an article to be too controversial or s/he doesn't like the content of the message, it can be censored. Colorado gives students a much broader range to write and report without administrative interference.¹

No. The Colorado Student Free Expression Law provides students the right to an unrestrained press, but makes some exceptions. A student paper can be edited if material:

- Is obscene;
- Is libelous, slanderous, or defamatory under state law;
- Is false as to any person;
- Incites unlawful acts, the violation of school regulations, substantial disruption in school, gang activity, or violence;
- Violates other peoples' right to privacy.²

These protections and responsibilities also apply to student-run, un-sponsored newspapers distributed in school.

THE SITUATION:

When I was at home, I made fun of my geometry teacher on my MySpace site. It got to be pretty popular, and a few weeks later someone printed out the page and gave it to my principal. My principal said I had been disrespectful and suspended me for five days. Did this violate my right to free speech?

THE SITUATION:

My school uses an internet filter to block internet sites that contain pornography and other obscene material. But because the Internet filter blocks some sites that aren't pornographic, I couldn't access sites about sexual health or gay and lesbian issues. Is this O.K.?

B. Internet Speech Outside of School

Yes.³ When off school grounds, your school administrators cannot regulate what you publish on the Internet. In a 2006 ACLU of Colorado case a student was suspended for posting satirical commentary about his school on the web. With the ACLU's help the student threatened the school with a lawsuit. The school recanted and permitted the student to re-enter classes, erasing any records of the incident.

Keep in mind, however, that if you are on school grounds using school computers, school officials have more authority to censor you. In addition, even if you are off campus, you may not threaten someone or conduct illegal activity on the Internet. The school may be allowed to intervene if this is the case. To summarize, you can certainly write about or criticize school policies, you can satirize school officials, but you can't threaten to harm someone at your school, among other things.

C. Internet Speech In School

Yes. Courts have ruled that filters are unconstitutional in public libraries for this very reason.⁴ However, the law in public high schools is still developing. If you feel certain sites are being improperly blocked or you feel your school is trying to block information because it is politically controversial (like educational information about homosexuality or drugs) you should talk to your parents, a teacher, or a school administrator. You may have grounds to seek legal help.

CASE IN POINT Lopez v. Littleton Public Schools

In this case, Littleton High School junior Bryan Lopez had written satirical remarks about his school on his MySpace site. He wrote about the poor conditions of the school, his perceptions of racial biases of administrators and teachers, and the poor resources available to students. Although MySpace.com couldn't be accessed through school computers, someone obtained a copy of the material and re-posted it. Soon thereafter, school administrators obtained the material and suspended Bryan for five days. The school superintendent then added an additional ten days to the suspension, allocating time for the school administrators to decide whether expulsion was an option. The ACLU of Colorado charged that Bryan's First Amendment (Freedom of Speech) rights were in jeopardy and resolved the matter with the school district without litigation. Bryan was shortly back in school and all accounts of the incident were expunged from his record.

D. Print Censorship

THE SITUATION:

What about books? Can schools or school districts censor books from the library or classrooms?

This is a difficult question. Every year some Coloradans take objection to material in public and school libraries. Sometimes a book contains sexual material not considered age appropriate for a middle school student so the book is moved to a high school library. But a book cannot be banned simply because school officials dislike the message it delivers.⁵ On the other hand, public schools have been given more power to regulate books when the material is considered to be vulgar or overtly sexual. In general, it is pretty hard for a school or a school board to ban a book from a school or public library, but it can happen. If a book has been banned from your school's library and you think the ban was unjust, talk to your school's administrators and consider contacting the ACLU of Colorado.

Can a school district prohibit teachers from assigning specific books in class?

Yes. School districts in Colorado have the power to determine the curriculum and materials that are taught in schools.⁶ If they don't like the content or message of a specific book, they are allowed to prohibit teachers from assigning it or teaching it. This is different from removing books from a school library. Yet courts have ruled schools boards can prohibit teachers from assigning a certain book. This does not violate the First Amendment because school boards are responsible for creating the curriculum.

CASE IN POINT Cary v. Board of Education of the Adams-Arapahoe School District

The ACLU of Colorado represented a group of teachers who fought a school board's decision to ban ten books from the curriculum for an upper level English class. For years, teachers teaching "Contemporary Literature," "Contemporary Poetry," and "American Masters" had lectured on and discussed books including *A Clockwork Orange*, *The Exorcist*, *Coney Island of the Mind* and others. The school board had the responsibility of approving a long list of potential books that were allowed to be taught in these three classes. One year the board decided that the above books, along with seven others, should not be taught in classes and students should receive no credit for reading them. The teachers, feeling this was a violation of academic freedom, filed suit declaring the ban violated the First Amendment. The court ruled, however, that since the school district was responsible for selecting the text books for various classes, it had the authority to remove certain books from the curriculum, even though the decision was a political one made by the personal opinions of the board members.

CASE IN POINT Board of Education v. Pico

A school district in New York declared nine books in the district's libraries contained objectionable content. It ordered the books to be removed from school library shelves. Stephen Pico, a student at one of the schools along with other students, filed suit asserting the removal violated his First Amendment rights. The case eventually reached the United States Supreme Court in 1982. In a 5-4 decision, The Supreme Court ruled the school's policy unconstitutional. The Court stated "local school boards may not remove books from school libraries simply because they dislike the ideas contained in those books..."

Note: Books banned in the Pico case include *Slaughterhouse 5* by Kurt Vonnegut; *Black Boy* by Richard Wright; and *Soul on Ice* by Eldridge Cleaver. Many books are regularly contested today. The books most challenged in the Twenty First century are as follows

1. *Harry Potter* series by J.K. Rowling
2. *The Chocolate War* by Robert Cormier
3. *Alice* series by Phyllis Reynolds Naylor
4. *Of Mice and Men* by John Steinbeck
5. *I Know Why the Caged Bird Sings* by Maya Angelou
6. *Fallen Angels* by Walter Dean Myers
7. *It's Perfectly Normal* by Robie Harris
8. *Scary Stories* series by Alvin Schwartz
9. *Captain Underpants* series by Dav Pilkey
10. *Forever* by Judy Blume.⁷

E. School Protest

THE SITUATION:

Can I organize a protest at my school?



Yes. The right to protest is a fundamental right protected by the Constitution. But this does not mean you can protest whenever and wherever you want. The school has an obligation to create a learning environment and your protest cannot disrupt it. For example, you might not be able to have a protest that blocks the front door to your school, or one that prevents students from reaching their classrooms. You also can be disciplined for cutting class to attend a protest. You can talk to school administrators about your plans for a protest. If the school refuses to let you have any protest, however, or severely restricts your speech in a way that you believe is unreasonable and unfair, you can contact the ACLU of Colorado.

IN THE CONSTITUTION

Colorado Constitution Sec. 2, Art. 10 Annotations

“Content neutral regulations of time, place, and manner of speech may be enforced if they are narrowly tailored to serve a significant governmental interest and leave ample alternative channels of communication.” This means a public school can place restrictions on a protest, demonstration or any kind of speech if it serves a legitimate purpose. The school can restrict you to conduct your protest at a legitimate time (like before or after classes) to hold it at a legitimate place (a spot that won’t disrupt foot or car traffic) and to execute the protests in a legitimate manner (you can’t threaten people in your demonstration or vandalize property).

THE SITUATION:

Is it okay to wear buttons or arm bands while protesting?

For the most part, yes. As long as your clothing or accessories do not create a substantial disturbance at school, it should be fine. Vulgar or threatening speech is not allowed on buttons, but wearing something that protests a school or governmental policy is protected.

CASE IN POINT

Tinker v. Des Moines School District

This U.S. Supreme Court case concerned students who had fought for their right to protest the United States’ involvement in the war in Vietnam by wearing black armbands during school. The students, including John and Mary Beth Tinker, planned on wearing black armbands to school to protest the nation’s involvement in the war. School administrators, having heard about the plan beforehand, announced a new school policy prohibiting students to wear armbands. The Tinker children and a friend, well aware of the policy, attended school a few days later wearing the black armbands and were suspended.

Their fathers filed suit, and in a case that was appealed to the Supreme Court, the school policy was declared unconstitutional. The Court stated, “it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” The Court noted schools have the right to prohibit items or symbols that would disrupt the school, but school authorities didn’t have a reason to anticipate that the wearing of the armbands would be a “substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred.”

THE SITUATION:

A friend of mine gave a speech at an assembly that had some sexual innuendo and the school suspended him. Didn’t that violate his right to free speech?

No. The Supreme Court has ruled schools have the authority to maintain proper decorum and respectful speech at school events. Schools have the responsibility to teach students the importance of civil debate and discussion and to train them in appropriate forms of discourse. Schools can censor you if your speech is vulgar or offensive, but they can’t censor you because they dislike your message.

CASE IN POINT Bethel School District v. Fraser

A student, campaigning for his friend to win the position of class officer, gave a school speech to an assembly of over 600 students. The speech was an “elaborate, graphic, and explicit sexual metaphor.” The court ruled such speech was not protected by the First Amendment in schools. Schools have a responsibility to “demonstrate the appropriate form of civil discourse and political expression,” the opinion read.

F. Uniforms

THE SITUATION:

Can my school make students follow a dress code or uniform policy?

Yes. School districts in Colorado have the authority to enforce dress codes and implement uniform policies. They must, however, hold all students to the same standards and may not prohibit political speech simply because they do not agree with the message of the speech.

Does that mean that gang members can wear their gang symbols and gang tattoos at school?



In general, school authorities can prohibit speech that would incite violence or cause substantial disruption in school. Gang “colors,” clothes, or symbols can be prohibited, provided the schools do not target one gang, one group of students, or a particular race, ethnicity or nationality. The school district must be specific as to what constitutes gang clothes or symbols. Officials cannot prohibit you from wearing a whole assortment of clothes because they decide they are gang symbols without having a basis for their decision. Restrictions must be specific not vague.⁸

THE SITUATION:

Do I have to say the pledge of allegiance in school?

G. Pledge of Allegiance

No. Although each school in Colorado must provide an opportunity for willing students to recite the Pledge of Allegiance, any person who decides s/he doesn’t want to recite the pledge cannot be forced to do so or punished for refusing to do so.⁹

FREEDOM OF RELIGION



Freedom of religion means the government may not establish or encourage any one religion, nor may the government limit your freedom to practice any religion. These rights are rooted in the First Amendment of the U.S. Constitution and in Article II Sec. IV of the Colorado Constitution.

IN THE CONSTITUTION

The First Amendment Establishment Clause says the government cannot promote, teach, or “establish” religion in any way. Since the government runs public schools, these institutions cannot promote religion either. The First Amendment Free Exercise Clause says the government cannot prohibit or penalize your religious practice, your “free exercise” of religion. It protects your right to practice a religion or to be non-religious. The Colorado Constitution has similar provisions. It also guarantees the “free exercise” of religion, and prohibits laws from giving “preference” to any one denomination.

A. School “Establishment” of Religion

THE SITUATION:

My history teacher begins each class with a recitation of the Lord’s Prayer. Most of the kids at my school are Christian and don’t mind saying the prayer, but my Jewish friend feels out of place. Since my school is mostly Christian, my teacher is allowed to lead us in the Lord’s Prayer, right?

No. Your teacher is promoting Christianity. This is a clear violation of the Establishment Clause, which prohibits schools from promoting a religion. No teacher or school administrator may promote or encourage any one religion, even if it is the faith of most students. Think about the two or three students in your class who don’t practice Christianity. The message to them is that they’re different, outsiders, and maybe even that they’re not welcome.¹⁰

Can we have a school-wide prayer before a football game?

No. A formal prayer recitation at a school-sporting event even if it is voted on by the students is an example of the state promoting a religious belief or religion over non-religion. For all intents and purposes a school football game is a school event, and schools cannot advocate a religious belief.^{11, 12}

THE SITUATION:

Okay, but my homeroom teacher orders a moment of silence each morning. She says we’re supposed to think about the upcoming day while we’re quiet. Is that allowed?

Probably. As long as the teacher doesn’t imply that the students should praise God or a specific religious figure, this would not violate the Establishment Clause.¹³

What about guest speakers? Last week our principal invited a rabbi to our school to celebrate Yom Kippur. He led us in prayer and encouraged us to join his church. Since the rabbi doesn’t work at the school he can speak, right?

No. This still violates the Establishment Clause because your school is providing a venue for the speech and promoting the event. He is using the school’s facilities, time in the school day, and demanding the attention of the students to give a religious message. The fact that the rabbi doesn’t work at the school doesn’t allow him to promote religion or proselytize to its students.¹⁴

However, if the speech were designed to give an educational message about a religion, rather than indoctrinate students into a religion, the presentation would not violate the Establishment Clause of the First Amendment.

Can our school sponsor Christmas pageants, lead us in singing religious songs, or display religious symbols around the winter holidays?

These are difficult legal questions, and largely depend on the facts of the particular case. In general, schools cannot promote one religion over others. Singing songs, or making displays that encourage one religion would violate the Establishment Clause, so months of preparation for a Christmas pageant may not be permissible. However, schools are allowed to educate their students about various religions and engage in secular holiday traditions, so a production with multiple religious and secular songs or one that celebrates the holiday season without proselytizing may not violate the Establishment Clause.

THE SITUATION:

My literature class was assigned to read a section of the Bible for homework, is that allowed?

Like many Establishment Clause questions, the answer largely depends on the facts of the particular case. Religious texts can be used for scholarly research and educational purposes. If you study how the Bible was written or what effect it had on customs and other religions, that may not violate the Establishment Clause. If you read the New Testament in conjunction with class prayers; that would be promoting Christianity and violates the Establishment Clause.



THE SITUATION:

My biology class was assigned to read a section of the Bible for homework, is that allowed?

No. In a 2006 ACLU case, a judge ruled that intelligent design, a theory on the origins of the universe rooted in Judeo-Christian theology, was not a scientific but a religious theory. Therefore it should not be taught in a science class, not even as a counterpart to evolution. Teaching intelligent design would violate the Establishment Clause because it substitutes a particular religious theory over a scientific theory.

CASE IN POINT **Kitzmiller et al. v. Dover Area School District**

The Dover, Pennsylvania School District required biology teachers read a statement emphasizing evolution is a theory. It then posited Intelligent Design as an alternate theory. In December 2004, the ACLU of Pennsylvania sued the Dover Area School District on behalf of eleven parents who objected to the policy. The ACLU of Pennsylvania alleged Intelligent Design was not a theory founded on scientific evidence, but rather a kind of creationism in disguise. The school district was therefore teaching a religious doctrine in science class, violating the Establishment Clause.

THE SITUATION:

My friends and I are all practicing Christians, is it okay for us to start a Bible study club on campus after school?

B. Accommodating Religious Students

Yes. As long as a teacher doesn't organize or promote the group, a student-run religious group is fine. The Free Exercise Clause protects those activities. But if the school permits religious groups to meet and use the school's facilities, they need to give the same privileges to other students.^{15,16,17}

I'm a Muslim, and I pray during the day. Is it okay to pray during school hours?

Yes. Any student can pray during the day on his or her own. A rule that categorically prohibits Muslim prayer, or any prayer for that matter, violates the Free Exercise Clause. You have the right to exercise your religion. That doesn't mean you can disrupt class to pray, however. Find times and places that are not disruptive.

Can I hand out copies of my favorite parts of the New Testament during school?

For the most part, **yes.** As long as your activities don't impede or disrupt the educational process, you can tell other students about your ideas, opinions, and religion. That includes distributing information about a religion. This does not mean, however, that you can stand up in the middle of class and start reciting a religious text or that you can block a busy doorway to hand out flyers. Courts have ruled that teachers and administrators have the authority to maintain a decorum that encourages a learning environment. You can exercise your freedom of religion, but not by disrupting the school day.¹⁸

MEDICAL CARE/ FAMILIES



A. Sex Education

THE SITUATION:

Do I have to attend sex education (sex-ed) classes?

No. As long as your parents or guardian give the school written notification you may be excused from sex-ed classes or any classes that include the "discussion of or instruction concerning human sexuality."¹⁹

If I don't go to a sex-ed class, will that lower my GPA?

No. You may not be penalized for opting out of a sex-ed class.²⁰

How will my parents know about the sex-ed classes, and how will they know how to excuse me from them?

If your school district offers sex-ed classes, the district must provide your parents with a detailed description of the classes. The district must also inform them, in writing, that they may excuse you from the classes, and how they may excuse you.²¹

B. Sexually Transmitted Diseases

THE SITUATION:

If I want to get tested for a sexually transmitted disease (STD), do I have to be 18?

No. Testing is open for all ages.

Do I have to get my parents' permission to be tested?

No. It is your choice to get tested for any STD. And you have the right to privacy when tested. Your doctor can test you, as can a clinic. If, however, you use your parents' insurance carrier, your parents may have access to your medical records. If you're worried about this, your best bet is to talk to a family planning clinic. There are easy ways to pay for STD tests other than through family insurance – whether it's out of pocket or with Medicaid.



C. Pregnancy and Parenting

THE SITUATION:

My friend was not let into the National Honor Society even though she met all the academic qualifications. The Society said it was because she was pregnant. Is this discrimination?

Yes. Although abstinence from premarital sex may be a qualification for joining the National Honor Society, the society must treat everyone who has engaged in premarital sex the same way, even if students are not pregnant. For example, if a National Honor Society prohibits 100% of pregnant girls from joining, but doesn't make any attempt to disqualify boys who engaged in pre-marital sex or girls who engaged in pre-marital sex and didn't get pregnant or had terminated their pregnancy, the Society is discriminating on the basis of pregnancy alone, which violates Title IX. Think of it this way: if the National Honor Society simply prohibited pregnant girls from joining, boys who had caused a pregnancy and girls who had had abortions would not suffer the same consequences. Pregnancy alone is not basis for exclusion.²²

If I am pregnant and need to take time off school, can I be penalized through reductions in my grades?

No. Schools must let you make up work outside of class or find a way to accommodate your needs.²³

If I am pregnant, can my school kick me off the debate team?

No. Schools cannot discriminate against you because you're pregnant, married, or a parent.²⁴

How can I be sure I don't get pregnant?

The only fail-safe method for preventing pregnancy is abstinence from sex. If you want to be 100 percent sure you do not become pregnant, don't have sex.

What are other ways I can avoid becoming pregnant?

Using condoms, birth control pills and other forms of birth control will significantly decrease the chances of a pregnancy.

What is Emergency Contraception, what does it do?

Emergency Contraception, also known as "the morning after pill," can prevent a pregnancy if taken within days of having unprotected sex.

THE SITUATION:

If I am pregnant and want to give the baby up for adoption, can I?

Yes. Your county department of social services or a licensed child placement agency can give you adoption counseling and help you find parents to take the child.²⁵

I'm pregnant, 15 years old, and I want to keep the child, can I?

Yes. Unless a court finds it is not in the child's best interest, you can keep your child.²⁶

What if my parents want me to have the child adopted? Can they force me to give the child up for adoption?

No. The only entity that can force a mother to give up her child is a court of law.²⁷

I'm two weeks pregnant and I want to have an abortion, can I?

Yes. The 1973 Supreme Court decision Roe v. Wade protects a woman's right to have an abortion.

I'm 17, do I have to tell my parents if I want to get an abortion?

It depends. In general, you must notify a parent or guardian at least 48 hours before the procedure. This does not mean your parents have to give consent. There are, however, exceptions to this law. You may get an abortion without notifying your parents if:

- You are married;
- You are an emancipated minor; A doctor decides there is a medical emergency and you must get an abortion immediately;
- You have been abused by your parent/s and you tell your doctor about it.
- You receive a "Judicial Bypass." A judicial bypass is issued when a judge has determined you are mature enough to get an abortion without notifying your parents, or that it is in your best interests not to notify your parents.²⁸

In general, if you become pregnant and are worried about having a child, you should talk to your parents and/or a health care professional. If you have a substantial fear of talking to your parents about your pregnancy and want an abortion, you can seek a judicial bypass.



THE SITUATION:

Where can I get an abortion?

If I father a baby before I'm 18 and I'm not married, can I take part in the mother's decision to have an abortion or to put the baby up for adoption?

You should talk to your gynecologist or a health care professional from a family planning clinic.

The father has no legal right to decide whether or not the mother gets an abortion. As far as adoption, the father has rights as long as he establishes the fact that he is indeed the father and he does not abandon the child. Abandonment includes not giving the mother or child emotional or financial support. In order for the baby to be put up for adoption, both parents must relinquish their parental rights to the child. If the mother wants to have the baby adopted, yet the father wants to care for the child, the father must demonstrate his ability to do so, and the court will determine whether the father is fit to have custody of the child. However, the court may decide that neither parent should raise the baby and it can take away both parents' right to keep their child.²⁹

D. Marriage

THE SITUATION:

If I get married before I graduate, can my school kick me off the football team?

Can I get married if I am not yet 18?

No. A school cannot discriminate against you because you are married. Such a policy would deprive you of rights that others have solely because you are married, in violation of the Fourteenth Amendment of the U.S. Constitution.³⁰

If you are over sixteen years old, you can get married if your parent/guardian gives you consent or the juvenile court permits it. If you are sixteen or younger, you will need the consent of your parent/guardian and the consent of a juvenile court.³¹



THE RIGHT TO PRIVACY



A. Searches

On the street, a police officer must have a fairly high level of suspicion of a crime, "probable cause," to search you, your possessions, or your car. In a public high school the right to be free from an unwarranted search is dramatically reduced. School authorities need less suspicion of wrongdoing and must adhere to a less restrictive "reasonable suspicion" standard to search you. That is, if they suspect you of having broken a school rule, they may search you and your property to attempt to confirm or disprove that suspicion.



THE SITUATION:

Can teachers search my locker whenever they want to?

Each school district in Colorado is responsible for creating a policy concerning locker searches. In general, if your school district notifies you that lockers are school property and subject to search, school officials are legally permitted to search lockers whenever they deem necessary. It's best to check your school district's student handbook and investigate their locker search policy.³²

What about school-wide locker searches? Can my principal order all lockers in the school be searched at once?

Yes. If your school district notifies you that there will be random locker searches on some or all of the school lockers throughout the year, they are entitled to search them. They cannot, however, search individualized student lockers without reasonable suspicion.

My teacher said he thought I had been smoking cigarettes at lunch and demanded to search my backpack. I hadn't been smoking, I wasn't around smokers, and I didn't smell like cigarettes, can he do that?

Probably not. He didn't have "reasonable suspicion" that you had done something wrong and that the search would uncover cigarettes. If, for example, your teacher saw a lighter fall out of your backpack or smelled cigarettes on your breath, he'd have reasonable suspicion to search your backpack.³³

CASE IN POINT New Jersey v. T.L.O

A teacher in a New Jersey high school caught two girls (T.L.O. and her friend) smoking cigarettes in a rest room. The teacher brought them to the principal's office and the principal questioned them. T.L.O.'s³⁴ friend admitted to smoking in the lavatory, but T.L.O. did not. The principal demanded to look inside T.L.O.'s purse. In the purse he found a pack of cigarettes, a small amount of marijuana, empty plastic bags, a substantial amount of money, and two letters that implicated T.L.O. in marijuana dealing. She was sentenced to a one-year probation. T.L.O. appealed the ruling, declaring the evidence found in her purse should not be used against her because it was found in an illegal search. The case reached The Supreme Court, which ruled against T.L.O. The Court declared although the principal did not have the "probable cause" it would take for a police officer to search an adult, the right to search students depends on the search being conducted after "reasonable suspicion" that the student had or would violate a school rule.

THE SITUATION:

If a police officer is in school, does he have to have "probable cause" to search me?

Probably not. Especially if the officer is working in conjunction with school administrators, s/he has greater leeway in searching you. For example, on the street a police officer cannot search you simply because he had overheard someone saying you had a knife in your backpack. However, in school, if your principal hears you might have a knife in your bag, s/he can direct a police officer search you based only upon reasonable suspicion.³⁵

Can school officials strip-search me?

Only in extremely limited circumstances. A strip-search involves removal of undergarments. It is a maximally intrusive and sometimes humiliating search that should only be used in the most serious circumstances. If administrators have a "reasonable suspicion" that the search will uncover items like weapons that pose an immediate threat to student or staff safety and that could not otherwise be located by having the student empty his pockets or by a pat-down search, and there is an immediate need to locate those items (rather than just detaining the student and waiting for a police officer and/or parent to arrive), then and only then may a strip-search be warranted. A school administrator cannot strip-search you for minor infractions like possessing cigarettes or stealing small amounts of money, even if the official feels the strip-search would uncover the items that a less intrusive search would not.³⁶ In the rare case that a school official demands that you be strip searched, you may request **(1)** that it is performed in a private setting, **(2)** by a person of the sex of your choosing and **(3)** that another adult witness is present. If you feel uncomfortable for any reason, ask to call your parents.

CASE IN POINT Board of Education v. Earls (2002)

In a 5-4 decision, The Supreme Court upheld Tecumseh, Oklahoma secondary school's policy of drug testing students before and during extra curricular activities. Writing for the majority opinion, Justice Thomas found that while students' Fourth Amendment interest need to be weighed carefully with the government's interest in keeping a drug free environment in schools, Tecumseh, Oklahoma's secondary school could demonstrate a growing drug problem in their community. Throughout the hearing the court heard ample testimony from teachers, parents and school administrators about an increasingly difficult drug problem in school.

Moreover, the court found if a school could demonstrate a growing drug problem it had compelling "government interest" in stopping it and preventing it in the future. A teacher testified "that he/she saw students who appeared to be under the influence of drugs and heard students speaking openly about using drugs. [...] And the school board president reported people in the community were calling the board to discuss the "drug situation."³⁷

THE SITUATION:

Can my high school force me to take a drug test for extracurricular activities?

Yes, the school can force participants of extracurricular activities to take a drug test, if the school can demonstrate a growing drug problem.

THE SITUATION:

My high school recently installed metal detectors. Before the metal detectors, I was able to show up at school five minutes before my class. I now need to show up 30 minutes before my class because the metal detectors create such long lines. I feel like it is wrong they are suspicious of me. Are metal detectors legal?

C. Metal Detectors

This is a tricky question, but the simple answer is yes. On the one hand, there is the importance of safeguarding each student's Fourth Amendment right "...against unreasonable searches and seizures..." It would appear that it is unconstitutional since school officials cannot demonstrate "individualized suspicion." However, since metal detector screening area minimally intrusive search, the lower courts have primarily upheld their use because "of the special needs present...to protect the safety of students."³⁸

In 2006, the Colorado Attorney General issued guidance on school violence and prevention, which laid out some guidelines for school district's use of metal detectors. They include the following:

- The school or principal needs to demonstrate some “finding” showing a problem in the school that “necessitates” metal detectors;
- All students and parents should be given written notice of the use of metal detectors;
- A “neutral plan,” or one that doesn’t target one group, should be established in advance for selecting students to be searched or search all students.

So it sounds like for the moment, you will need to wait in line like everyone else. However, if you feel that waiting more than 30 minutes to get into class is unreasonable, you should contact your school board via your parents. They should know about it because more than likely you are not alone in feeling frustrated with waiting in line and being made to feel like you have done something wrong.

D. Recruitment

THE SITUATION:

Can my school district send my personal information to military recruiters without my consent?

Yes. Under the No Child Left Behind Act, if a military recruiter asks your school for student contact information (name, address, phone numbers) and the student or parent has not notified the school that they want this information kept private, the school must hand over the information.³⁹

Is there anyway to keep my school from disclosing this information?

Yes. You or your parent needs to request to the school in writing that you want your personal information kept private. Before schools turn the information over to military recruiters, they must notify you of this option.⁴⁰

If I tell my school to withhold my information to military recruiters, does that mean the school must withhold the information from colleges or employers?

No. Schools should allow students the option to withhold information from military recruiters yet still provide it to other parties.⁴¹

SCHOOL DISCIPLINE



A. Expulsion & Suspension

THE SITUATION:

What is expulsion and how does it work in Colorado?



Expulsion is the removal of a student from a school district after or immediately following:

- Continued willful disobedience or open and persistence defiance of proper authority;
- Willful destruction or defacing of school property;
- Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel.⁴²

The school board is given this responsibility; however, they may delegate this responsibility to the school principal and/or the school superintendent.

The school board or its designated official evaluates each serious rule infraction brought before it and determines whether or not it merits an expulsion. However, Colorado law lists certain acts that require immediate expulsion. They are:

- Carrying, bringing, using or possessing a dangerous weapon without the authorization of the school or the school district;
- Selling a drug or controlled substance;
- Committing an act which if committed by an adult would be robbery;
- Assault.⁴³

THE SITUATION:
How does expulsion differ from suspension?

A student who is suspended is temporarily forbidden from attending classes at his or her school. Depending on the offense, a suspension may last up to 25 days.⁴⁴ Upon reaching 25 days, a school official and/or the school board must either re-admit the student or decide what the final course of action will be.

When a student is suspended, the student's "parent, guardian, or legal custodian" is notified immediately of the student's penalty.⁴⁵ He or she is also told the number of days the student will not be allowed to attend classes. In order to be readmitted to school, the pupil must meet with his or her parent/guardian(s) and the "suspending authority."⁴⁶ A suspension of ten days "shall receive an informal hearing by the school principal's designee prior to the pupil's removal from school."⁴⁷



THE SITUATION:
Would I have any way to object when faced with a suspension or expulsion?

B. Appeals and Repercussions

If you are confronted with a suspension or expulsion you still have some rights to protest the school's decision. Among those rights is a chance to receive a hearing if your parent or guardian requests it.⁴⁸ If the suspension is ten days or less, this hearing is conducted by "the school principal or principal's designee prior to the pupil's removal." In a suspension longer than ten days, the accused "shall be given the opportunity to request a review of the suspension before an appropriate official of the school district."⁴⁹

If you still feel your views have not been adequately represented, your parents or guardian can request a court review "within five days after receiving official notification of the board's action." The board then has to issue a statement detailing the reasons for its action. If your parent or guardian still disagrees with the decision they can then "file with the court a petition requesting that the order of the board of education be set aside" to which the decision shall be attached.⁵⁰

What about the schoolwork I miss? Do the teachers have to give me time to make up that work, or is that a part of the punishment?

The state of Colorado has simple guidelines for students who miss schoolwork because of a suspension. However, each district is given some leeway in determining "the amount of credit a student will receive for [his/her] makeup work."⁵¹ They also need to be reasonable in creating a schedule and time period in which students can makeup their work.

THE SITUATION:
If I want to drop out of school, does my school notify my parents?

Yes, since October 1, 2005, each school district in the state adopted a policy whereby parents or guardians are notified once their student had dropped out of school. In order to find out in what way your parents will be notified, look in your student handbook which should be given to you at the beginning of each school year. Sometimes notification occurs through writing and other times by phone.⁵²

THE SITUATION:
I am frequently pushed into my locker by a group of football players in between classes. They always say that I am running into them, but in fact they go out of their way to run into me. Is there anything I can do to stop this?

C. Bullying

Yes there is. In 2001, the Colorado legislature passed the Bullying Prevention Act with this problem in mind. In it, the bill states that each school district, when possible, adopt a conduct and discipline code, in which all the rules of that school district are clearly and concisely written down and given to each student at the beginning of the year. It also stipulates principals report annually to the Colorado Board of Education about the learning environment in his or her school; and it defines bullying as any act that verbally or physically intimidates or "causes distress" to another individual on school grounds or at school events.⁵³

In your case, you may want to tell your school officials as soon as possible of the bullying problems in school. They may not be aware of the problem. And once they know there is a problem, they are required to defend their students from bullying. Moreover, other students could be in a similar situation. In the meanwhile, the Center for the Study and Prevention of Violence in Boulder has three steps you can take on your own to prevent bullying. They are: "develop friendships and stick up for each other; avoid unsupervised areas of the school; and act confident."

D. Corporal Punishment

THE SITUATION:

What is corporal punishment and is it allowed in Colorado?

Corporal punishment is any physical punishment of a student. Examples of corporal punishment include spanking and slapping of the wrists. It is legal in Colorado, but permission to use it is determined by each school district. If a school district permits corporal punishment, it still must follow federal and state law concerning physical contact between adults and children.

If you feel that you or someone you know has been the victim of excessive physical contact with a school official, you should tell your parents and report this situation to your principal and superintendent as soon as possible. Some school districts also may include waivers that your parents can sign preventing corporal punishment. If you and your parents feel strongly about this issue, you should contact your school district to discuss this option.

E. School Records

THE SITUATION:

What are they?

A school record is any kind of data relating to, but not limited to, school attendance, grades, standardized test scores, psychological tests and any disciplinary problems.

Who gets to see them?

Primarily you and your parents/guardian may view your school records. However, each district is given some flexibility on how and when students and parents are allowed to see those documents. Denver Public School District, for example, requires students or their parents to put their request to view those records into writing. Then the principal must set up a time to view those records with the student and/or his family not more than three days after the initial request has been made. A custodian or the person in charge of those records will be present while you look at those files, but he or she may delegate this responsibility to a counselor or assistant principal if he or she so desires.^{54, 55}

Generally speaking, the school district by law must keep your files confidential, unless there is written consent from you and your guardian/parents. However, there are instances when law enforcement officials, judicial officials and other interested parties have the right to view these records. Examples of these officials include, but are not limited to, “district municipal court personnel, the division of youth corrections, county department of social services, the youthful offender system, and any other juvenile justice agency within fifteen days after receipt by the school district of a court order authorizing release of such information.”⁵⁶

THE SITUATION:

What if I see something I don't like, can I force them to make changes to it?

You or your guardian/parents cannot force the school district to change your records. However, if you see something that you think is inaccurate or misleading, you should note that piece of information and discuss it with the school principal. He or she may recognize it as an inadvertent error and immediately change the piece of information to the satisfaction of everyone. However, if the piece of information is not changed at that time, school districts may handle the problem in separate ways. Your school district will most likely have some grievance process through which you can request a change to your school records.

Generally speaking, the school district will request a change in a record to be made in writing to the manager of the school records (the custodian). The manager of these records, which is generally a principal or assistant principal, will then either say yes or no to the request. If, like most schools, yours accepts certain federal funds, it is subject to the Family Educational Rights and Privacy Act (FERPA), which states, “If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.”⁵⁷ Your student handbook should tell you whether your school must comply with FERPA.

F. Charter Schools

THE SITUATION:

I don't think the school I am going to is the best fit for me. I have a friend who goes to the charter school down the street from me and she tells me that the school has higher standards than the public school in our school district. Can I just drop out of my neighborhood public school and attend the charter school down the street?

Charter schools were originally intended to serve “at risk” students. However, more recently these schools have served a wide range of students. If you feel like your school is not meeting your needs, you can look into the charter school in your district or the districts adjacent to the one in which you live. Next, have your parent or guardian contact the charter school and fill out an “Intent to Enroll” form. Without any obligation to enroll, this form automatically places you on a wait list. Then, if you wish to enroll at a later date, you will either already be on a wait list or in a lottery for that charter school when the next school year begins.⁵⁸



The Fourteenth Amendment of the Constitution, among other things, provides for equal protection under the law. Generally speaking, this amendment safeguards you from discrimination based on gender, race and legal status. In addition, states and local governments have strengthened it through the passage of other laws and legal codes to now include sexual orientation, color, disability, ethnicity, age, pregnancy and national origin.

A. Immigrants

CASE IN POINT Plyler v. Doe

In this landmark 1975 case, the Supreme Court found that the Tyler School District had violated the Fourteenth Amendment by denying illegal aliens admission to school based solely on their residency status. In coming to this conclusion, the court found that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” This means illegal residents are guaranteed due process (Fifth Amendment) and equal protection (Fourteenth Amendment) regardless of whether they are here legally or not. Certain sections of the U.S. Constitution do not make distinctions based on one’s legal status in this country.

CASE IN POINT Lau v. Nichols

In 1973, the Supreme Court found the Unified School District of San Francisco was responsible for providing assisted language programs (English as a Second Language) to approximately 1,800 students of Chinese descent. In reaching his conclusion, Supreme Court Judge William O. Douglas found the school district had violated section VI of the Civil Rights Act, which states “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”⁵⁹ And without these assistance programs for students, their chances of success beyond school and meeting state-wide requirements to graduate would be nearly impossible.

THE SITUATION:

I recently learned one of my classmates is illegally in this country. He is also enrolled in my eighth grade class. Is this legal?

Yes, the Fourteenth Amendment, under its equal protection clause, forbids the government from denying “to any person within its jurisdiction the equal protection of the laws.” This means, even if you are here illegally, you are still entitled to the protections of the Fourteenth Amendment and the U.S. Constitution. And because the Fourteenth Amendment protects illegal residents, this also means a state government cannot deny them a free and public education.

B. Gender Equality

THE SITUATION:

My high school football team is one of the best in the state. They also seem to always receive the best new gear and training equipment. However, when the girls’ volleyball team wants new equipment or new uniforms, the school administration says they don’t have the resources. Can they do this?

No. However, you or a lawyer may have to do some investigative work to determine how much money is spent on the football team and how much is spent on the girls’ volleyball team. If there is a disproportionate amount spent on one of the two programs, this could be grounds for a discrimination complaint based on your sex, which is against federal law.⁶⁰





C. Students with Disabilities

The Americans with Disabilities Act, passed in 1990, aims to assist people with disabilities and punish those who discriminate against them. More specifically, it covers areas of employment, public services, public accommodations and telecommunications. Since its passage, modifications to building access (wheelchair ramps) and employment requirements have been the most notable changes.

THE SITUATION:

I'm in eighth grade and recently started using a wheelchair full time. At a recent open house for my local high school, I noticed there were few ramps or elevators I need in order to move about the three-story building. Don't they have to make changes to the building?

Not exactly – old Colorado schools often present many problems to physically disabled students. Because the buildings are so old and because school districts have limited funds, they may not be able to undertake the physical changes to the building that would make it accessible for you.

However, as federal law states, no disabled person shall “be subjected to discrimination under any program or activity receiving Federal financial assistance...”⁶¹ Thus, school districts must make a whole-hearted effort to a meet a student’s needs. If they cannot accommodate a student’s special needs, they must work with the parents in finding a suitable alternative. In your case, this may mean working with your local district to find another school that can meet your needs.

What about my friend Jaime who can't hear? Does this mean she can't attend our local high school because she can't hear or speak very well?

It depends on her ability to function in the classroom. If she is able to understand the class lesson and communicate with school officials, then the local school may be a suitable place to be. She may also need an aide to communicate with the teacher and the rest of the class. This is admissible as long as it does not interfere with the classroom instruction. However, in the State of Colorado there are schools specifically tailored to the needs of the deaf and mute and this may be her best option. This is a decision she, her parents, her teachers and her school principal will need to make together.

D. LGBT Rights

THE SITUATION:

I am a man who enjoys wearing women's clothing. I feel more comfortable in them than in men's clothing. When I moved into a new school, however, my new principal called me in to have a chat about my clothing. He thinks my clothes will be a disruption to my classmates. Can he prevent me from wearing what I want to wear to school?

Sounds like you are in a difficult situation. In the interest of maintaining a safe and comfortable environment, school districts are given some discretion in restricting what their students may wear. On the other hand, students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” It is this balance that all students need to keep in mind. A good place to start finding answers is your school district handbook, which should have some guidelines regarding clothing.

THE SITUATION:

Everyone at my school knows I am a lesbian. I want to take my girlfriend Sara to prom, but the principal confronted me and said, "this wouldn't be a good idea..." implying that I may not be let in. Can he do that?

It is not clear if a principal can exclude you merely because you choose to bring a date of the same sex. In Colorado, this specific issue has not come up. However, in a landmark 1980 Rhode Island case Fricke v. Lynch, Aaron Fricke successfully sued his school because he was not allowed to bring his male friend as his date. In the opinion of the District Court of Rhode Island, Judge Pettine found that Aaron’s school could not bar him from attending his prom with a date of his choice. The court upheld his First Amendment right to freedom of association and his Fourteenth Amendment right of equal protection under the law.

This court case may or may not apply to Colorado students wishing to bring a date of the same sex. So if you are confronted with this situation, document the facts and seek legal help if you feel your rights are being violated.



THE SITUATION:

My friends and I want to start a Gay Straight Alliance (GSA) club at our high school. We asked the principle for permission and he told us that we would not be able to charter as an organization, which means we are not allowed to have any of the opportunities that other clubs have. Is this discrimination?

This issue came up at Palmer High School in Colorado Springs. In this case, a group of students wanted to start a GSA, but were not allowed to. After the ACLU of Colorado filed a lawsuit alleging the school violated the students' First and Fourteenth Amendment rights and the Equal Access Act, the school district backed down. Unfortunately, they only backtracked after legal intervention and after trying to apply a two-tier system of clubs by which some organizations were given more benefits than others. If you should find yourself in a similar situation, you should document the situation and contact the ACLU of Colorado, Lambda Legal, or a private attorney.

E. Harassment**THE SITUATION:**

My gym teacher thinks jokes with sexual references are really funny. He never tells them around girls, but I often find that I am within hearing distance when he does. They make me feel uncomfortable and I think they are really inappropriate. Can this be considered a form of discrimination?

It can. The telling of crude jokes at school is highly questionable in and of itself. However, the fact that he is making you feel uncomfortable as a result of his jokes could be considered a form of sexual harassment. To help you determine if something is sexual harassment, a recent 10th Circuit Court of Appeals ruling in a case that involving sexual harassment in Denver Public Schools gives four factors to consider. They are: someone “must allege that the district

- had actual knowledge of, and
- was deliberately indifferent to
- harassment that was so severe, pervasive and objectively offensive that it
- deprived the victim of access to the educational benefits or opportunities provided by the school. Id. at 1671-72.”⁶²

If you experience harassment, tell a trusted school official such as a teacher, counselor, principal or your parents of the incident. Also, provide a written report of the incident to school officials explaining what happened and why it made you feel uncomfortable. Then, if no action is taken and or the harassment continues, try seeking a meeting with your parents and the principal. As a last recourse, a direct appeal to the school board and or legal action may be the best course of action.



The ACLU of Colorado is able to provide legal assistance in only a small number of cases
Violations of constitutional rights and civil liberties are widespread, but since the ACLU of Colorado is a small organization with limited resources, we are able to investigate only a small percentage of requests we receive. If the ACLU does not accept your case, we cannot provide legal advice, information or help.

The ACLU handles cases that involve violations of civil liberties and civil rights
Civil liberties include the right to due process and equal protection of the law, as well as freedom of expression; freedom of the press; religious freedom; the right of association; the right to privacy; the right to be free of unreasonable searches and seizures, and the right to be free from cruel and unusual punishment.

ACLU attorneys do not charge for their time
If the ACLU accepts your case, there is no charge for the time spent by the attorneys. You may be asked to help pay for the expenses of the litigation, such as filing fees and depositions.

How to Request Legal Assistance
Please write a letter to the ACLU of Colorado. In it, describe in detail the incident or the issue that prompts you to request legal assistance:

- In describing the incident, it may be helpful to answer the five “W” questions: who, what, when, where, and why.
- Be sure to identify the persons, business, institutions, or government agencies who are responsible for violating your rights.
- If the offending person or agency provided you with some sort of explanation, please let us know. If possible, please explain why you believe that explanation is not adequate.
- If you have documents, please send copies only; we cannot return originals.
- If your complaint involves mistreatment by police officers, it is especially helpful if you could obtain a copy of whatever report the police wrote.
- If you have already taken some action, such as filing an appeal or a complaint, please let us know the status of the matter.
- Include your contact information including your e-mail address, if you have one.
- Finally, please let us know what you are asking the ACLU to do for you.

We will respond to you in writing within a few weeks:
Intake Department
ACLU of Colorado
400 Corona Street, Denver, CO 80218

Other Resources to Consider:

- **ACLU Student Rights Project**
www.aclu.org/standup
- **Colorado State Department of Education**
Department of Human Services / Department of Education: “Cooperative Planning Handbook for Youth with Developmental Disabilities”
www.cde.state.co.us/cdesped/download/pdf/CoopPlingHndbk_DevDisabilities.pdf
- **Planned Parenthood of the Rocky Mountains:**
www.plannedparenthood.org/rocky-mountains
800.230.PLAN
950 Broadway, Denver, CO 80203
- **National Association for the Advancement of Colored People**
www.naacp.org/home
877.622.2798
4805 Mt. Hope Dr., Baltimore, MD 21215
- **Gay, Lesbian, Bisexual, and Transgender Community Center of Colorado**
www.glbtcolorado.org
303.733.7743
1050 Broadway, Denver, Colorado 80203
- **Harvard University's Civil Rights Project:**
www.civilrightsproject.harvard.edu
- **Mexican American Legal Defense and Educational Fund**
www.maldaef.org
213.629.2512
634 South Spring St., 11th Floor, Los Angeles, CA 90014
- **Asian American Legal Defense and Education Fund**
www.aaldef.org
212.966.5932
99 Hudson St., 12th floor, NY, NY 10013
- **Native American Rights Fund**
www.narf.org,
303.447.8760
1506 Broadway, Boulder, CO 80302
- **Colorado Department of Education**
www.cde.state.co.us
303.866.6600
201 East Colfax Ave., Denver, CO 80203
- **Coalition for Student and Academic Rights**
www.co-star.org
215.862.9096
P.O. Box 491, Solebury, PA 18963
- **Student Press Law Center**
www.splc.org
703.807.1904
1101 Wilson Blvd., Suite 1100, Arlington, VA 22209

NOTES

- ¹ Colorado Revised Statutes – 22-I-120
- ² *ibid*
- ³ *Thomas v. Board of Education of Granville Central School District – United States Court of Appeals for the 2nd Circuit* (607 F. 2d 1043 (2d Cir. 1979)), *Killion v. Franklin U.S. District Court* (136 F. Supp. 2d. 446, 455 (W.D. Pa. 2001))
- ⁴ *Mainstream Loudoun v. Board of Trustees of the Loudoun County Library*. 2 F Supp. 2d
- ⁵ SUPREME COURT OF THE UNITED STATES - 457 U.S. 853 *Board of Education, Island Trees Union Free School District No. 26 v. Pico* by Pico No. 80-2043
- ⁶ United States Court of Appeals, Tenth Circuit - *Cary v. Board of Education of the United States Court of Appeals, Tenth Circuit - Cary v. Board of Education of the Adams-Arapahoe School District 28-J*, Nos. 77-1297, 77-1298. 598 F. 2d 535; 1979
- ⁷ *American Library Association*
- ⁸ *Stephenson v. Davenport Community School District – United States Court of Appeals for the Eighth Circuit*, No. 96-1770
- ⁹ Colorado Revised Statutes 22-I-106 “Information as to honor and use of the flag.”
- ¹⁰ *Engel v. Vitale*, 370 U.S. 421 – *The United States Supreme Court Santa Fe Independent School District v. Doe – The United States Supreme Court*
- ¹¹ *Santa Fe Independent School District v. Doe – The United States Supreme Court*
- ¹² *Ingebretsen v. Jackson Public School District – United States Court of Appeals for the Fifth Circuit*
- ¹³ *Wallace v. Jaffree*, n. 31 – *The United States Supreme Court, Brown v. Gilmore – United States Court of Appeals for the Fourth Circuit*
- ¹⁴ *Lee v. Weisman – The United States Supreme Court*, 505 U.S. 577 (1992)
- ¹⁵ *Westside Community Schools v. Mergens – The United States Supreme Court*
- ¹⁶ Equal Access Act, passed August 11, 1984
- ¹⁷ *Good News Club v. Milford Central School – The United States Supreme Court*
- ¹⁸ *Tinker v. Des Moines Independent School District – The United States Supreme Court*
- ¹⁹ Colorado Revised Statutes 22-I-110.5
- ²⁰ *ibid.*
- ²¹ *ibid.*
- ²² *Wort v. Vierling*, Case No. 82-3169, slip op. (C.D. Ill. Sept. 4, 1984), *aff’d*, 778 F.2d 1233 (7th Cir. 1985), *Cazares v. Barber*, Case No. CIV-90-0128-TUC-ACM, slip op. (D. Ariz. May 31, 1990, 9th circuit court of appeals), *Chipman v. Grant County School District – 30 F. Supp. 2d 975, 977 – Kentucky District Court*
- ²³ Title IX of the Education Amendments of 1972 – 20 U.S.C section 1681 -1688
- ²⁴ *ibid.*
- ²⁵ Colorado Revised Statutes 19-5-100.2, Colorado Revised Statutes 19-5-104 (9)
- ²⁶ Colorado Revised Statutes 19-5-104, annotation *Batton v. Massar*, 149 Colo. 404, 369 P.2d 434 (1962)
- ²⁷ *ibid.*
- ²⁸ Colorado Revised Statutes 12-37.5-104, 12-37.5-107
- ²⁹ Colorado Revised Statutes 19-5-100.2, Colorado Revised Statutes 19-5-104 (9)
- ³⁰ Colorado Revised Statutes 19-5-104, annotation *Batton v. Massar*, 149 Colo. 404, 369 P.2d 434 (1962)