

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { X } ACTION { } CLOSED MEETING { }

SUBJECT: ITEMS FOR BOARD MEMBERS

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March 27, 2013

Via email sueh@bath.k12.va.us
Sue Hirsh, Superintendent
Bath County Public Schools
P. O. Box 67
Warm Springs, VA 24484

Re: **Confederate Shirts—Student Dress Codes—Good News From the 4th Circuit**

Dear Ms. Hirsh:

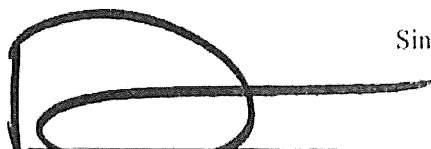
We have good news for school boards and administrators on a vexing topic: student dress codes. The Fourth Circuit Court of Appeals has just handed a big victory to our education leaders.

In *Hardwick v. Heyward*, a student argued her First Amendment Free Speech rights had been violated when disciplined for wearing Confederate flag and other disruptive shirts to school. The case offers valuable lessons on dress codes and reassurance about student disciplinary authority and latitude.

The shirts included the confederate flag and “Southern Chicks” and “Dixie Angels” and “Southern Girls”—and “Black Confederates.” One so-called protest shirt displayed the American flag with the words “Old Glory” above the flag and “Flew over legalized slavery for 90 years!” underneath it.


While noting that “prohibiting students from having the Confederate flag at school is *not* automatically unconstitutional,” the Fourth Circuit found that school officials were entitled to consider a broad historical context of segregation and racially charged incidents, along with recent tensions. School officials had a basis for predicting substantial disruption and school officials had been even-handed in addressing other incidents of potentially disruptive student dress. And the Fourth Circuit gave us some wonderful reassurance in concluding its written decision this way: “[T]he right of students to speak in school is limited by the need for school officials to ensure order, protect the rights of other students, and promote the school’s educational mission. When . . . student speech threatens to disrupt school, school officials may prohibit or punish that speech.” Bravo!

Feel at liberty to share this letter with board members and administrators. It’s been a long, cold winter and we all can use some good news that warms the heart. Here’s the link to the Fourth Circuit’s opinion: <http://www.ca4.uscourts.gov/Opinions/Published/121445.P.pdf>.



Douglas L. Gwynn

Sincerely,



Daniel R. Lauro