

November December 201(630, 631, & 632)

## **Safe, Orderly, and Productive School Legal News Note**

**November/December 2011**

**Johnny R. Purvis\***

### **West's Education Law Reporter**

July 22, 2010 – Vol. 257 No. 1 (Pages 1 – 516)

August 5, 2010 – Vol. 257 No. 2 (Pages 525 – 822)

August 19 – Vol. 257 No. 3 (Pages 823 – 1156)

Terry James, Chair, Department of Leadership Studies, University of Central Arkansas  
S. Ryan Niemeyer, Editor, Co-Director, Mississippi Teacher Corps and Assistant Professor,  
Leadership and Counselor Education, University of Mississippi  
Shelly Albritton, Technology Coordinator, Department of Leadership Studies, University of  
Central Arkansas

Wendy Rickman, Assistant Professor, Department of Leadership Studies, University of Central  
Arkansas

### **Safe, Orderly, and Productive School Institute**

Department of Leadership Studies

University of Central Arkansas

201 Donaghey Avenue

230 Mashburn

Conway, AR 72035

\*Phone: 501-450-5258 (office)

\*E-mail: [jpurvis@uca.edu](mailto:jpurvis@uca.edu)

The **Safe, Orderly, and Productive School Legal News Note** is a monthly update of selected significant court cases pertaining to school safety-security and student management issues. It is written by \*Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

## Topics

### **“History Teacher Showed Students Pictures of Naked and Dismembered Women In His Classroom”**

Young v. Pleasant Valley School Dist. (M. D. Pa., 267 F. R. D. 163), April 12, 2010.

Student and her parents brought action against defendants (school district, school board, principal, and teacher) alleging that the plaintiff’s high school history teacher created a sexually hostile environment in his classroom by showing students sexually explicit material and that the principal of the school retaliated against the plaintiff for complaining about the her teacher showing the materials during class. The United States District Court, M. D. Pennsylvania, held that pictures of naked and dismembered women **were relevant** to the issue as to whether a history teacher created a hostile environment in his classroom by showing students purportedly sexually explicit material. Accordingly, the pictures **were admissible** in plaintiff’s suit against defendants so as pertaining to the creation of a sexually hostile environment and retaliation.

### **“Frisk Search of Student by Officer Was Reasonable”**

In re D. L. D. (N. C. App., 694 S. E. 2d 395), April 20, 2010.

Officer’s frisk search of a high school student in a school restroom **was not unnecessarily intrusive** in light of the juvenile’s age, gender, and the nature of his behavior; therefore, the search **was reasonable**. Student’s behavior, which included exiting the school’s male restroom where other students had been arrested for drug offenses, observing the assistant principal and the officer in the corridor, turning and running back into the restroom, and placing an item inside his pants, provided ample suspicion to search the student. The officer frisked the student around his waistband and found a container which had three bags of marijuana.

### **“Anonymous Tip Did Not Give Rise to Reasonable Suspicion to Justify Warrantless Search of Student”**

People v. Perreault (Mich. App., 782 N. W. 2d 526), January 10, 2010.

Anonymous tip by liaison police officer for a high school did **not** give rise to reasonable suspicion necessary to justify a warrantless search of a high school student’s vehicle parked on school premises without the student’s consent. The search was conduct by the officer and the school’s assistant principal and was based on an anonymous tip that contained very little information about the alleged offender, including whether or not the informant had actually witnessed the alleged drug trafficking or was relaying information heard secondhand.

### **“Evidence Supported Delinquency Adjudication Based on Possession with the Intent to Distribute Marijuana on Campus”**

In re T. M. (Ga. App., 693 S. E. 2d 574), April 1, 2010.

Sufficient evidence **existed to support** juvenile delinquency adjudication based on the possession with the intent to distribute marijuana on school property. The 16-year-old juvenile, who was a student at the school, denied giving the marijuana to a second student and testified that the second student actually attempted to pass the marijuana to him just before the school’s campus security supervisor observed the plaintiff. **Evidence indicated** that the security supervisor was patrolling the school’s parking lot shortly after the regular school day had been dismissed and observed the plaintiff approach the second student in the school’s parking lot and hand the second student something, which turned-out to be a plastic bag containing marijuana.

### **“Elementary Student Suspended For a Bag Containing a White Substance”**

Anthony v. School Bd. of Iberia Parish (W. D. La., 692 F. Supp. 2d 612), February 5, 2010.

An elementary school student’s substantive due process rights **were not violated** due to the fact that he was suspended from school for disturbing his school’s instructional environment in connection with his bringing a clear plastic bag containing a “white powdery” substance to school and allowing other students to handle and taste the substance. There **was a rational basis** for the student’s suspension, namely, *protecting against the threat of illegal drugs and furthering the school’s interest in providing a safe and secure school environment that is free from disruption*. Furthermore, school officials **had sufficient and substantial evidence** that the student had been involved in ***drug-related role playing*** with other students within the school.

**Books of Possible Interest:** Two recent books published by Purvis –

1. Leadership: Lessons From the Coyote, [www.authorhouse.com](http://www.authorhouse.com)
2. Safe and Successful Schools: A Compendium for the New Millennium-Essential Strategies for Preventing, Responding, and Managing Student Discipline, [www.authorhouse.com](http://www.authorhouse.com)

**Note:** Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following **phone numbers:** 501-450-5258 (office) and 601-310-4559 (cell)