



# National Hispanic Caucus of School Board Members

WINTER 2007

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## National Hispanic Caucus Chair's Message

A very, very Happy New Year to each of you! I hope this message finds you all well and fully engaged in challenging opportunities for improving student achievement in our schools. As each year passes, we accomplish many positive initiatives for our students and move on to tackle the new opportunities that will hopefully require us to achieve much more.

The National Hispanic Caucus has been busy working on initiatives that will hopefully provide new opportunities to improve student achievement. The National Hispanic Caucus Board of Directors has been quite busy

preparing for the NSBA Annual Conference as well as maintaining interim NHC activities.

### NHC Retreat – October 5-7, 2007

Much time was spent preparing for and participating in the Fourth Annual National Hispanic Caucus Board of Directors Fall Retreat. The quality of discussion and contributions from board members made the meeting extremely productive. I would like to thank NSBA President Norman D. Wooten for his attendance as well as valuable contributions during the retreat. The NHC Board of Directors was grateful and appreciative of his participation and suggestions.



Lilliemae G. Ortiz

### Financial Contributions –

Through the work of our Central Regional Director, Guillermo Z. López, Ralph Young, Vice President of the Great Lakes Region of ARAMARK Education, pledged a donation of \$1,500.00 to the National Hispanic Caucus Scholarship Program. In addition, the ARAMARK Education Charitable Fund through the

*Continued on page 2*

## Greetings from Kodiak

I recently had the opportunity to attend two functions which were educational to me in regards to Hispanic and Latino students. The first event was the Hispanic Caucus Board of Directors Fall retreat that occurred at the NSBA headquarters in Alexandria and included the officers as well as NSBA support staff. I was quite impressed with the depth of commitment of your leadership as they worked to develop strategies to increase student achievement in our rapidly growing Hispanic/Latino student population. As a local school board member in a district that has a 30% Hispanic/Latino population (growing each year), I learned numerous cultural nuances that will assist our stu-

dents in Kodiak as we work with them and their families.

The second event was a unique opportunity for NSBA. Through the influence of your officers, I was invited to participate in the Educational Summit of the National Association of Elected and Appointed Latino Officials (NALEO) in Washington, D.C where I made several important observations. First I observed that the National Hispanic Caucus of School Board Members wields significant political influence in local communities, in state government, and on the national political scene. Summit participants included not only local school board members, but state legislators and members of the U.S. Congress. The Summit

emphasized that if school board members are going to do the right thing for our Hispanic/Latino students, we need to remain closely aligned with this body of policymakers to ensure the school board voice is always heard. I was the sole Caucasian participant but I felt throughout the Summit a welcome attitude and appreciation that NSBA had chosen to participate. I had the opportunity to address the Summit and stressed three points:

1. We need to ensure that we maintain a strong English



Norman D. Wooten

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### ***Ideas for Upcoming Issues?***

We want to hear from you! The Caucus would like to know what hot topic our members would like covered in the newsletter. Please contact [Hispanic\\_Caucus@nsba.org](mailto:Hispanic_Caucus@nsba.org).

#### **BOARD OF DIRECTORS**

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#### **PUBLISHING INFORMATION**

This newsletter is printed and assembled by the NSBA Office Services Print Shop  
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## **National Hispanic Caucus Chair's Message** CONTINUED FROM PAGE 1

Vanguard Charitable Endowment Program generously contributed \$5,000 to continue our goal of awarding scholarships to need-worthy Hispanic students. During the NHC Luncheon on March 31, 2008, in Orlando, Florida, we will acknowledge the generous contributions and thank ARAMARK Education and other contributors for their continued support.

### **NHC Membership Categories –**

The NHC continues to offer a “full board membership” category which allows full boards to register as members of the NHC at varying sizes and dues rates; an option which we believe supports the growth of our membership. We encourage boards that are interested in receiving benefit of the reduced rate to consider registering as a full board.

### **NHC Policies and Resolutions -**

Fernando Treviño, Immediate Past Chair and Sylvester Vasquez, Jr., Southern Regional Director, will be the lead point men on behalf of the NHC in submitting and supporting the NHC proposed policies and resolutions to the NSBA Policies and Resolution Committee. Both Fernando and Sylvester have been appointed to serve on the NSBA Policies and Resolutions Committee. The following policies are being presented by the NHC for consideration by NSBA:

- Educational Opportunity and Teacher Diversity;
- Educational Needs of English Language Learners;
- Educational and Competitive Value of Learning a Second Language; and continued support for
- NSBA-NCLB Act Implementation Amendments.

**2008 NHC Elections** – Under the provision of the Caucus’ bylaws the membership present in Orlando, Florida, at the NSBA Annual Conference in March 2008 will hold elections. The positions that are up for election include: Chair-Elect, Vice Chair, Secretary, Treasurer, Central Regional Director, Northeast Regional Director, and

Western Regional Director. Each position is for a two-year term, 2008-2010. Nomination applications were to be submitted by 5:00 p.m. (Eastern) on Wednesday, January 30, 2008. The NHC Nominating Committee, chaired by Fernando Treviño, will receive nominations and make a report to the Caucus members present at the Business Meeting on Sunday, March 30, 2008, in Orlando Florida.

**NHC Scholarship Activity** – Since its inception in 1998 the NHC scholarship program has helped over 50 students with financial assistance to attend college. An important note and another first: the NHC Board of Directors during our fall retreat approved the increase of scholarships from one to two scholarships per region for a total of ten scholarships to be awarded for the 2007-2008 school year.

### **Attendance at Hispanic Education Related Meetings**

– Because of my position as NHC Chair, I hold a seat on the National Association of Latino Elected and Appointed Officials (NALEO) Board of Directors. Following the fall retreat in Alexandria, I attended its educational summit held at the NEA headquarters in Washington, DC, October 9-11, 2007. Norm Wooten was invited and attended the meeting where he addressed the participants during the opening reception.

I also attended the NALEO Education Leadership Initiative (NELI) New Mexico Statewide Policy Institute on Higher Education Access and Success in Santa Fe, New Mexico, November 9, 2007. Both meetings were excellent opportunities for Hispanic elected officials including county and municipal officials, school board members, and state legislators to share model initiatives and best practices regarding education issues. The NHC was a convening partner with NALEO at the Washington Education Summit.

Respectfully,

Lilliemae G. Ortiz, Chair

## HIV/AIDS Continues to Threaten Minority Populations

By Kate Eig, Project Assistant, NSBA School Health Programs



Kate Eig

Despite increased efforts to prevent the spread of HIV and AIDS in recent years, the disease continue to disproportionately affect certain populations. From 2000 through 2004, the estimated number of AIDS cases increased among all racial and ethnic groups.

In 2004, Blacks had the highest HIV/AIDS infection rate, with 69.3 cases per 100,000 people – 8.5 times the rate for whites – accounting for 50% of all HIV/AIDS cases diagnosed that year. Hispanics had the second highest rate, with 26.6 cases per 100,000 people, followed by Native Americans, whites, and Asians with 10.2, 8.2, and 6.5 cases, respectively. A small decrease in rates was observed in Blacks and Hispanics between 2001

or AIDS, representing approximately 14% of the persons diagnosed that year.<sup>iii</sup> The current data regarding disparities between different populations magnify the considerable need to promote prevention messages in minority populations. Additionally, young people living with HIV/AIDS, whether they are infected themselves or affected by having an HIV positive family member, face discrimination based on stigma, ignorance, and fear of the disease, which often presents in the school setting.

School officials have an opportunity as well as a responsibility to address HIV/AIDS through education and services. To assist in these efforts, NSBA published *Living with HIV/AIDS: Students Tell Their Stories of Stigma, Courage,*

7. Maximize students' access to school services and activities.
8. Make school a safe and supportive place.
9. Protect students from harassment.<sup>iv</sup>

The time is right to review state and district HIV-related school policies and practices. NSBA and other organizations and agencies can provide assistance as needed.

*Living with HIV/AIDS: Students Tell Their Stories of Stigma, Courage, and Resilience* can be downloaded in PDF format on the NSBA School Health Programs website ([www.nsba.org/schoolhealth](http://www.nsba.org/schoolhealth)) or purchased for US \$1.00 per copy to cover processing from NSBA's bookstore.

For more information on HIV/AIDS or other school health topics, please visit NSBA's School Health Programs at [www.nsba.org/schoolhealth](http://www.nsba.org/schoolhealth) and Office of Minority Health at [www.omhrc.gov](http://www.omhrc.gov).

*Schools can play an important leadership role by educating students about behaviors that put them at risk for HIV infection. The U.S. Department of Health and Human Services reports that in 2005, an estimated 5,172 young people ages 13 to 24 were diagnosed with HIV or AIDS, representing approximately 14% of the persons diagnosed that year.<sup>iii</sup>*

and 2004, while rates in Native Americans increased 12.3% in this same time period. Prevalence rates of fully developed AIDS cases follow similar trends.<sup>i</sup>

The significant disparity in HIV and AIDS cases between these different populations is cause for special concern. Many factors contribute to the increased rates of HIV/AIDS among Blacks and Hispanics, including, but not limited to, poverty, limited access to health care, and low educational attainment. Secondary factors that often play a role include social networks, social stigma, racism, and discrimination.<sup>ii</sup>

World AIDS Day, celebrated the first of December each year, is a time to raise awareness of the alarming AIDS and HIV statistics, so people can band together to combat this disease. World AIDS Day in 2007 focused nationally on increasing leadership to advance the response to HIV across all levels and sectors of society.

Schools can play an important leadership role by educating students about behaviors that put them at risk for HIV infection. The U.S. Department of Health and Human Services reports that in 2005, an estimated 5,172 young people ages 13 to 24 were diagnosed with HIV

and *Resilience* in 2006. This book shares the stories of ten students and their families—stories about the experiences, challenges, and opportunities HIV-affected young people and their families have encountered growing up and in school.

Suggested throughout the book are important changes to policies and practices that demonstrate sensitivity and support for these students, which will enable them to be successful in school and in life. A "Lessons Learned" section provides the following guidelines for school leaders:



1. Review and update your school district's HIV/AIDS policy.
2. Respect students' privacy.
3. Educate teachers and staff.
4. Provide early and continuing HIV/AIDS education to students.
5. Educate parents.
6. Provide counseling support.

### Definitions:

**HIV stands for human immunodeficiency virus—the virus that causes AIDS.** HIV is different from most other viruses because it attacks the immune system.

**AIDS stands for acquired immunodeficiency syndrome.** It is the final stage of HIV infection. Having AIDS means that the virus has weakened the immune system to the point at which the body has a difficult time fighting infections. When someone has one or more of these infections and a low number of T cells, he or she has AIDS.<sup>v</sup>

i "Health Disparities in HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis in the United States: Issues, Burden, and Response," National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, November 2007.

ii Ibid.

iii "Youth and HIV/AIDS," U.S. Department of Health and Human Services, National HIV Testing Mobilization Campaign, August 2007.

iv Jones, Rebecca. *Living with HIV/AIDS: Students Tell Their Stories of Stigma, Courage, and Resilience*. National School Boards Association, 2006.

v "HIV/AIDS Basic Information," Centers for Disease Control and Prevention website at [www.cdc.gov](http://www.cdc.gov)

## From the Office of NSBA's General Counsel — Legal Update

By Francisco M. Negrón, Jr., NSBA General Counsel



Francisco Negrón

As we begin the New Year it seems appropriate to share with you a couple of exciting new initiatives of the NSBA Office of General Counsel (OGC). The last six months of 2007 saw an increase in activity with expanded outreach and with the rollout of several exciting initiatives. These projects serve to increase the visibility of NSBA, maximize our ability to produce a greater number of briefs and influence litigation earlier in the appellate process, and optimize collaboration with state associations to disseminate school law resources.

### Amicus Curiae Committee

One of our new efforts that shows much promise is the establishment of the NSBA amicus curiae committee. The committee, chaired by Georgia attorney Sam Harben, is comprised of school attorneys practicing in each of the eleven federal circuits across the country. They work to monitor rising school law cases, identify novel trends in school litigation, and suggest to the OGC potential cases for NSBA involvement. The committee's work is part of the OGC vision to impact school litigation earlier in the process in an effort to limit school district liability by attempting to influence the framing of the issues before they reach the United States Supreme Court.

The committee's work has proven productive with a resulting growth in the number of cases vetted by NSBA and proposed for consideration to the NSBA Executive Committee (the Board Committee approving NSBA's entry into all litigation) in the first six months of fiscal year 2007-2008. So far this fiscal year, the Executive Committee has approved NSBA's participation as amicus curiae in nine cases (two yet to be filed) compared with three amicus briefs filed by NSBA for the same period last fiscal year and nine total for the entire 2006-2007 year.

OGC has also been successful in expanding the number of partnerships both in co-signers to NSBA briefs and in writers of the

briefs themselves. Thus far in 2007-2008, NSBA has had twenty-three different co-signers join our amicus briefs, with nine state associations joining one or more briefs, including: Colorado, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. In addition, eight national associations have partnered with NSBA in filing amicus briefs, including, the American Association of School Administrators, National Association of Secondary School Principals, National League of Cities, National PTA, National School Public Relations Association, National Association of State Directors of Special Education, National Education Association, and National School Transportation Association.

We have also succeeded in recruiting a wider number of outside, nationally recognized experts in their field of school law or appellate litigation to author our briefs, including:

- 2 state association counsels—Emily Leader (PSBA); Kathleen Shannon (CASB)
- 4 Council of School Attorneys members—Shamus O'Meara and Mark Azman of Johnson & Condon, Minneapolis, MN; Leslie Stellman and Edmund O'Meally of Hodes, Pessin & Katz, Towson, MD
- 1 law professor—Helen Norton, University of Colorado Law School
- 3 appellate lawyers—John West of Bredhoff & Kaiser, Washington, D.C.; Thomas Goldstein of Akin Gump, Washington, D.C. and Lee Stein of Perkins Coie, Phoenix, AZ

### Federal Regulations & Resources

Another OGC initiative which debuted this Fall is an electronic newsletter entitled Federal Regulations and Resources (FRR). The publication is disseminated only in

electronic format as a benefit to members of the Council of School Attorneys and as a service to Federation Members who are free to co-brand and jointly market the publication to their member districts. FRR provides up-to-date information about federal regulations and other guidance affecting school districts. The service is divided into three sections. First, the "Federal Regulations" section lists and summarizes official proposed and ratified regulations affecting school districts that have been published recently in the Federal Register. A second section entitled "Federal Resources" contains new guidance documents (letters, reports, enforcement guidance, etc.) published by federal agencies that affect school districts. Depending on an item's relevance it may be summarized or only listed and linked to as a "briefly noted" item. FRR's "Federal Resources" also contains a "Highlights" subsection, which summarizes federal regulations or guidance documents that are not new, but that affect school districts. Finally, from time to time, an "Agency Spotlight" subsection will feature a federal agency that promulgates regulations and guidance affecting school districts and summarizes what laws the agency administers and what types of guidance it promulgates.

### OGC e-Alerts

In addition to these two initiatives, 2007 also saw the publication of our new OGC electronic alert entitled, "A School Law Update from the NSBA Office of General Counsel." This new electronic alert is designed to quickly disseminate legal information to NSBA constituencies, including COSA members, state executive directors, board members and others. Issued on an "as-needed-basis" the electronic format is intended to be easily readable in the body of most emails. One of the first alerts contained the OGC

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## Third Annual NALEO National Summit on the State of Latino Education October 9-11, 2007 in Washington, DC

By Lillian Tafoya, NHC Pacific Regional Director<sup>1</sup>



Lillian Tafoya

Our nation's capital was the setting for the Third Annual National Association of Latino Elected & Appointed Officials (NALEO) Summit on the State of Latino

Education<sup>2</sup>, which convened Latino policy-makers to improve the academic achievement of Latino students through strategic development of policy and practices.



Photo courtesy NALEO Educational Fund

Lilliemae G. Ortiz

The NALEO Educational Fund is the nation's leading organization that facilitates full Latino participation in the American political process, from citizenship to public service. Latino state legislators, municipal officials, community college trustees, and school board members participated in a series of informational sessions to discuss

information from leading policy experts from the public, private, and nonprofit sectors. The Summit highlighted programs that were successful while confronting challenges facing Latino students. Additionally, participants had an opportunity to examine policy recommendations from the federal, state, and local levels to close the educational achievement gap for Latino students.

One of the most productive and exciting summit activities was "Education Day," which successfully brought together Latino elected officials from all levels of government to discuss the importance of Latino educational

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## Greetings from Kodiak CONTINUED FROM PAGE 1

Language Learner (ELL) program based on research so that those non-English speaking or English-as-a-second language children are able to acquire English skills in programs that are not politically motivated.

2. I addressed the troubling trend in some of our states to move to an "English Only" society. Some of our citizens seem to fear the growing minority population and apparently believe that by mandating the spoken language it will stem the minority population growth. Perhaps I'm naïve but I believe I understand racism when I see it and this seems to me an attempt to disenfranchise an entire ethnic segment of the population.
3. Finally, I spoke about the immigration dilemma. I was quick to point out that I do not have the answer for our nation's immigration policy. But local school districts are not the enforcement section for the Immigration Service—we educate all children that come to us no

matter their ethnicity. When board members walk into their schools all they see are little girls and little boys who have the right to learn. It is our responsibility to provide the resources to educate them all!

These are three disturbing topics to me both as a local school board member as well as a U.S. citizen. I've thought a great deal about how we might reverse these trends since attending both these meetings. I believe the answer is in our hands as locally elected officials. When I look throughout our membership it is apparent that the Hispanic community is under-represented in elected positions in proportion to the number of Hispanic students. Although I'm not advocating a quota system I do believe that it is incumbent upon us to seek out those prospective candidates who reflect the populations in each of our communities. We can do no less for our students.

Sincerely,  
Norm D. Wooten

## From the Office of NSBA's General Counsel — Legal Update

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publication on diversity in student assignments entitled, "*An Educated Guess: Initial Guidance on Diversity in Public Schools After PICS v. Seattle School District.*" (The publication is available on the NSBA web site.)

2008 promises to be an exciting year, and OGC looks forward to developing these efforts into sustained projects that contribute to NSBA's preeminence in the field of school law advocacy. For more information regarding NSBA's Office of the General Counsel and Council of School Attorneys please visit our website at [www.nsba.org/cosa](http://www.nsba.org/cosa).

Best wishes for a productive and successful New Year!

## Students On-line and Text Communications: Nothing to “LOL” About

By Salvador Holguín, Jr. and James C. Romo  
Partner with Atkinson, Andelson, Loya, Ruud, & Romo



Salvador Holguín, Jr.

The internet and cell phones have lent themselves to the evolution of the “virtual schoolyard.” Students, through their own webpages, blogs, and while in chat rooms, instant messaging or text messaging, talk and essentially do all the things kids say and do on schoolyards—they make fun of schoolmates, pick fights, poke fun at teachers and administrators, spread false and/or vicious rumors about others, and in some instances make or advance threats. Schools are challenged by a need to monitor this “virtual schoolyard” and address student speech that disrupts or threatens the school’s learning environment.

Monitoring these communications is not as easy as intercepting notes passed in class. On-line chatting, instant messaging, and cell phone “texting” are written in an “anti-parent” or “anti-adult” coded language. “BRB PIR,” an exchange that means, “I’ll be right back; parent in the room,” may be answered with “LOL,” a response meaning, “laughing out loud.” Assuming the codes are deciphered, the toughest questions begin with (1) can the school do anything to restrict disruptive and threatening communication?; and (2) are student privacy issues or First Amendment speech implicated? There are no short answers, as this area of law evolves with advancing technology and each new legal decision.

Courts are grappling with the totality of facts student speech cases present. The Vietnam era Supreme Court decision in *Tinker v. Des Moines Independent Community School District*, permitting the wearing of arm bands, leads the analysis, holding that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” However, the Court concluded that in order to regulate student speech, a school district must demonstrate that the expression at issue would: (1) substantially interfere with the work of the school; or (2) impinge upon the rights of other students.

Since *Tinker*, courts have upheld discipline of student conduct amounting to direct threats, on or off campus, because such speech does not enjoy First Amendment protection.<sup>1</sup>

Similarly, lewd, vulgar, and profane speech on school property can be prohibited.<sup>2</sup> Specifically, in *Bethel School District No. 403 v. Fraser*, the Supreme Court upheld a student’s suspension for delivering a political speech containing an elaborate sexual metaphor because schools must have the power to prohibit the use of vulgar and offensive terms as part of their educational mission to teach students the fundamental values of “habits and manners of civility.”

For schools to regulate student speech, courts look at whether the speech falls under the purview of the school’s supervision or control. In *Emmett v. Kent School District No. 415*, a student created a webpage and posted mock

on-campus speech.”

Thus, the court left open the possibility that even if the originator does not access the website at school, he or she runs the risk of being deemed to be engaging in on-campus speech, if others, depending on the circumstances, access the materials on campus.

Bethlehem is also instructive in applying *Tinker* and *Fraser* standards, concluding the expulsion would be upheld under either. First, the court was not convinced the sophomore website posed a true threat. Though the student’s website disparaged a teacher and principal and called for financial contributions to hire a hitman to kill an algebra teacher, the site

*Schools are challenged by a need to monitor this “virtual schoolyard” and address student speech that disrupts or threatens the school’s learning environment.*

obituaries of two school friends, asked visitors to vote on who would “die” next and become the subject of the next obituary.<sup>3</sup> Although the posting was discussed at school by students, faculty, and administration alike, it was not enough that the intended audience was connected to the school. The federal district court deemed it entirely outside the school’s supervision or control as it was not produced in connection with a class or school project, did not take place at school, or in any school-sponsored forum. Further, the lack of evidence of a threat or intent to threaten, coupled with the absence of a showing of violent tendencies, were enough for the courts to find the suspension likely violated the student’s right of speech.

In contrast, in *J.S. v. Bethlehem Area School District*, a federal district court found a student’s website was connected to the school. He accessed the website on campus and showed it there to other students.<sup>4</sup> The court noted, “where speech that is aimed at a specific school and/or its personnel is brought onto the school campus or accessed at school by its originator, the speech will be considered

lacked an address for sending the money, and there was no showing the algebra teacher had any reason to believe the student was prone to violence. Moreover, the district’s delay in expelling the student until the school year ended showed that the student did not pose a risk.

Not finding a direct threat, the court engaged in the protected speech analysis, concluding, under *Fraser*, the school clearly had an interest in preventing speech (disparaging of teachers and administrators) that undermines the basic mission of a public school. Under *Tinker*, the court found the disruption to the school was actual and substantial, not the least of which was the adverse emotional and physical health effects on the teacher—the primary target of the website. The website also affected students, caused them anxiety, worried their parents, lowered morale, generally caused disorder, and significantly and adversely impacted the delivery of instruction.

Depending on local jurisdictions, the legal analysis may vary based on specific state laws

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## Third Annual NALEO National Summit on the State of Latino Education CONTINUED FROM PAGE 5

attainment for our society, economy, and democracy. The NALEO delegation met with members of Congress on Capital Hill to share their views about issues such as early childhood education, the reauthorization of the No Child Left Behind, high school reform, higher education access, and programs providing immigrant students with a meaningful opportunity to pursue higher education. Congress was urged to work with local elected officials to develop strategic plans of action to close the Latino education achievement gap.

In the midst of the greatest challenges ever confronted, participants left the summit informed, energized, committed, and resolved to focus our boundless energy and leadership skills to collectively assume responsibility for improving the educational performance of Latino students. We all must further resolve to make brilliant, strong and hopeful the racial and ethnic mosaic that is America—one full of opportunities for ALL children.



Photo courtesy NALEO Educational Fund

### Cindy Matus Morriss

- 1 Lillian Tafoya attended as a trustee of the Bakersfield City School District;
- 2 The Summit was made possible through the contributions from the following sponsors: State Farm; The Coca-Cola Company; The Foundation for Child Development; The Bill and Melinda Gates Foundation; HSBC-North America; W.K. Kellogg Foundation; The Lumina Foundation for Education; Microsoft Corporation; National Education Association.

## Students On-line and Text Communications CONTINUED FROM PAGE 6

or cases. Additionally, given the “virtual school yard” nature of the internet, the evolving line of cases may find themselves relying in part on other on-campus speech cases for guidance. For example, if an on-line speech case presents the possibility of future disruptions, a court may draw comparisons to *LaVine v. Blaine School District*.<sup>5</sup> There, a student’s dark poem of a school shooting and the school’s knowledge of the student’s previous suicidal ideas and dysfunctional home life were sufficiently reasonable to believe that a substantial disruption could occur. Similar facts in the on-line context could form the basis for student discipline.

While *Tinker* may be the case initiating the analysis, whether schools can restrict or discipline students for speech will turn on the specific facts and totality of circumstances surrounding each case. As such, be sure to consult local counsel for legal advice in addressing student speech issues in your jurisdiction.

*Salvador Holguín, Jr., is a Partner with the law firm of Atkinson, Andelson, Loya, Ruud & Romo (“AALRR”), and James C. Romo is a founding partner of the firm. They represent public school districts, county offices of education, community college districts, and private and public universities in California in*

*the areas of labor, employment, and general school and education law matters.*

- 1 See *Lovell v. Poway Unified School District* (9th Cir. 1996) 90 F. 3d 367 (Student suspension upheld for on-campus threat to shoot her counselor for delay in scheduling her class assignment.)
- 2 *Bethel School District No. 403 v. Fraser* (1986) 478 U.S. 675.
- 3 *Emmett v. Kent School District No. 415* (W.D. Wash. 2000) 92 F. Supp.2d 1088.
- 4 *J.S. v. Bethlehem Area School District* (Pa. Commonwealth 2000) 807 A.2d 847.
- 5 *LaVine v. Blaine School District* (9th Cir. 2001) 257 F.3d 981.

## February 2008

SUN	MON	TUES	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
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## March 2008

SUN	MON	TUES	WED	THU	FRI	SAT
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<b>30</b>	<b>31</b>					

## April 2008

SUN	MON	TUES	WED	THU	FRI	SAT
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20	21	22	23	24	<b>25</b>	<b>26</b>
<b>27</b>	28	29	30			

## Schedule of Events

- February 28, 2008**  
 Mexican American Legal Defense and Educational Fund (MALDEF) 9th Annual Washington D.C. Dinner  
*Washington, DC*
- March 29-April 1, 2008**  
 NSBA Annual Conference  
*Orlando, Florida*
- March 29, 2008**  
 NHC General Session – Language Policies: What School Boards Should Know  
 Peabody Orlando Hotel
- March 29, 2008**  
 Joint Caucuses Reception  
 Peabody Orlando Hotel
- March 30, 2008**  
 NHC Business Meeting and Elections  
 Peabody Orlando Hotel
- March 30, 2008**  
 McGraw-Hill Cultural Reception  
 Peabody Orlando Hotel
- March 31, 2008**  
 NHC Luncheon Featuring Carlos Muñoz  
 Peabody Orlando Hotel
- April 17, 2008**  
 MALDEF 7th Annual Atlanta Dinner  
*Atlanta, Georgia*
- April 25-27, 2008**  
 Celebrating Educational - Opportunities Southwest -  
*San Jose, California*
- April 25-27, 2008**  
 Celebrating Educational - Opportunities Northwest -  
*Portland, Oregon*



**HOLIDAYS**

**February 18, 2008**  
 Presidents' Day