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Law Review Digests—

The Lamb's Chapel decision poses a dilemma as precedent for determining future violations of First Amendment right to freedom of speech. Lamb's Chapel Church repeatedly applied to use state school facilities for showing a film series. The church's requests were denied due to the religious viewpoint of its films. This decision is so fact specific that it provides no foundation for school districts or courts to determine the permissibility of religious activities on public school property. The court needs to create a new method to determine when First Amendment rights are violated by laws regulating expression on government property. Ross Paine Masler, *Tolling the Final Bell: Will Public School Doors Remain Open to the First Amendment?*, 14 Miss. C. L. REV. 55 (1993).

Parental school choice system poses special and unaddressed problems for disabled children. A choice system has the potential to erode equal access benefits created by the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, both of which prevent federally funded public schools from discriminating against disabled children. If a choice system is implemented, adequate measures addressing equal access needs of disabled children must be considered if new educational segregation is not to be created. Mei-lan E. Wong, Note, *The Implications of School Choice for Children with Disabilities*, 103 YALE L.J. 827 (1993).

The Supreme Court's decision in Lee v. Weisman, holding a nonsectarian prayer given by a rabbi at a high school graduation at the request of the principal to be unconstitutional, has left Establishment Clause law in a state of confusion. Rather than adhere to the traditional analysis used to determine if a violation of the Establishment Clause has occurred, the Supreme Court invented a new coercion test, holding the prayer unconstitutional because "government may not coerce anyone to support or participate in religion or its exercise." However, the Court's analysis is logically unsound and unpersuasive when compared to other Establishment Clause cases focusing on school and legislative prayer. Had the Court followed the established *Lemon* test, the outcome would have been identical since the graduation prayer prompted by a principal's request had a primarily religious effect and exces-

sively entangled church and state; but the legal precedent of this decision would be stronger. However, the Court's disregard of the *Lemon* test in this case and its revival of it in subsequent Establishment Clause cases has left lower courts uncertain of when to apply which test. Dina F. El-Sayed, Comment, *What is the Court Trying to Establish?: An Analysis of Lee v. Weisman*, 21 HASTINGS CONST. L.Q., Winter 1994, at 441.

School district's mandatory community service program violates students' constitutional rights. Mandatory community service is unconstitutional because the program violates students' right of self-expression which is protected by the First Amendment to the Constitution. A mandatory community service program compels students to express themselves through their actions. Analysis of recent Supreme Court decisions leads to the conclusion that students' freedom to choose how they wish to express their actions outweighs school officials' authority to promote citizenship to its students. In addition, a mandatory community service program for public high schools violates the Thirteenth Amendment's prohibition of involuntary servitude because by coercing students to perform work for the benefit of others. Note, *Mandatory Community Service in Public High Schools: Constitutional Problems in Steirer v. Bethlehem Area School District*, 28 U.S.F. L. REV. 517 (1994).

Disparate-impact analysis should be extended to sex discrimination claims under Title IX to guarantee equal educational opportunities to women. The most important distinction between disparate-impact and disparate-treatment is that the focus in the former is on a facially neutral practice that has a disproportionate effect on a class, not on the defendant's intent to discriminate. Since testing devices which discriminate against women rarely manifest an intent to discriminate, the only way to eliminate the discriminatory practice is by extending the disparate-impact analysis to Title IX claims. The majority of lower courts already apply disparate-impact analysis to Title IX cases. Disparate-impact is also used in Title VII cases. Since both Title VII and Title IX seek to prevent sexual discrimination, the same standard should be used for both types of claims. Furthermore, Title IX has no language suggesting that only intentional discrimination is prohibited. Only by adopting disparate-impact analysis will women be guaranteed equal educational opportunities. However, the Supreme Court, based on its interpretation of Title VII, is likely to use disparate-impact analysis in Title IX claims only when the claim is based on a violation of Title IX regulations specifically prohibiting discriminatory effects. James S. Wrona, *Eradicating Sex Discrimination in Education, Extending Disparate-Impact Analysis to Title IX Litigation*, 21 PEPP. L. REV. 1 (1993).