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California Proposition 187 § 7 was enacted to prevent children of illegal aliens from attending California public schools and will likely come under Supreme Court review. In *Plyer v. Doe*, the United States Supreme Court found a similar Texas statute violated the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution by denying illegal alien children a free public education. If the state classifies people based on criteria such as race, nationality, or involving a fundamental right, such classifications are inherently suspect and the state must show that the action is narrowly tailored to meet a compelling state interest. Traditionally, when a right is not fundamental, and a suspect class is not involved, the state is only required to show the action bears a rational relationship to some legitimate state purpose. In *Plyer*, the Court concluded education was not a fundamental right; nevertheless, the Court found education so vital to society it used middle-level scrutiny rather than the traditional rational relation standard, and invalidated the Texas statute. However, the standard enunciated in *Plyer* is vague and offers no guidance to determine whether restriction of a nonfundamental right should be evaluated under the traditional standard or the middle-level standard. Intermediate scrutiny should be abandoned and classifications should be tested by either the traditional or strict scrutiny standard. Under a two test analysis, Proposition 187 § 7 would likely be found constitutional because it involves neither a fundamental right, nor affects a suspect class. Despite the vagueness of *Plyer*, the Supreme Court will likely apply the same middle-level scrutiny in deciding whether § 7 of Proposition 187 is a denial of equal protection. Subsequently, the Court will likely conclude the denial of a free public education to illegal aliens in California does not further a substantial state interest, and therefore violates the Equal Protection Clause. Benjamin N. Bedrick, Note, *The Equal Protection Clause—State Statutory Restrictions on the Education of Illegal Alien Children—Proposition 187*, 14 DICK. J. INT'L L. 403 (1996).

In Acton, U.S. Supreme Court held school district's policy of randomly drug testing student-athletes was protected by Constitution. The ramifications of this decision, including the potential mandatory drug testing for all students, will undoubtedly spur future litigation on the drug-testing issue. Michael Hallam, Note, *A Causalty of the "War On Drugs": Mandatory, Suspicionless*

Drug Testing of Student Athletes in Vernonia School District 47J v. Acton, 115 S.Ct. 2386 (1995), 74 N.C.L. REV. 833 (1996).

Under procedural and substantive mandates of Individuals with Disabilities Education Act ("IDEA"), recent court decisions concerning inappropriate behavior of students with disabilities have curtailed ability of local education agencies to effectively discipline disruptive students with handicapping conditions. Congress must modify the present disciplinary procedures as required by the IDEA which in effect has created a dual standard of discipline for students: one for nondisabled students and another for students with disabilities. Omyra M. Ramsingh, Comment, *Disciplining Children with Disabilities Under the Individuals with Disabilities Education Act*, 12 J. CONTEMPT. HEALTH L. & POL'Y 155 (1995).

Copyright Act of 1976 provides copyright infringement restrictions and exemptions when showing legally manufactured videocassettes in classroom. However, the Copyright Act is rather ambiguous in regards to videocassette usage which is transmitted into a classroom from a physically separate facility outside of the classroom, e.g., a transmission which emanates from a media center to a classroom. The ambiguity creates an unnecessary infringement risk to schools that engage in transmitting videocassettes into the classroom. This copyright infringement risk to schools could be easily eliminated with a few minor changes in the Copyright Act. Francis M. Nevins, *Copyright, Cassettes and Classrooms: The Performance Puzzle*, 43 J. COPYRIGHT SOC'Y U.S.A. 1 (1995).

Affirmative Action programs often create overinclusion problems resulting from people taking advantage of such programs improperly. Higher institutes of learning should develop affirmative action programs based on the objectives of social enrichment and social justice which can be achieved by screening individuals for traits which can promote these objectives. John Martinez, *Trivializing Diversity: The Problem of Overinclusion in Affirmative Action Programs*, 12 HARV. BLACK LETTER L.J. 49 (1995).

Vestiges of discrimination against African-American students exist in most institutes of higher learning across our nation. Segregation policies designed to perpetuate the existence of dual educational systems abound in most states. The African-American institute suffers from the existence of the segregated system because it is provided with fewer resources and inferior facilities than is provided to the competing white institutes. Aldon Morris, Walter Allen, David Maurrasse, and Derrick Gilbert, *White Supremacy and Higher Educa-*

tion: The Alabama Higher Education Desegregation Case, 14 NAT'L BLACK L.J. 59 (1995).

Wisconsin's public school financing system creates substantial financial disparities between its schools. The Wisconsin legislature should require the state school system to change its financing system so each school is financed equally. Suzanne M. Steinke, Comment, 1995 WIS. L. REV. 1387 (1995).

Recent federal judicial decisions have weakened the effect of Brown v. Board of Education on desegregation. Recent decisions have limited the power of courts to implement desegregation in public schools. Raina Brubaker, Comment, 46 CASE W. RES. 579 (1996).

Pennsylvania Supreme Court declared unconstitutional Act 62, a college support law that purportedly placed adult children of divorced parents on equal footing with adult children of married parents. Although Pennsylvania's highest court exercised restraint in its opinion, *Curtis v. Kline*, 666 A.2d 265 (Pa. 1995), represents a clear victory for equal protection. Hon. Vincent A. Cirillo, *Curtis v. Kline: The Pennsylvania Supreme Court Declares Act 62 Unconstitutional—A Triumph for Equal Protection Law*, 34 DUQ. L. REV. 471 (1996).

Citing the First Amendment, the Supreme Court held University of Virginia unconstitutionally denied right of freedom of expression to some undergraduate students. Although the majority opinion stated "[v]ital First Amendment speech principles [are] . . . at stake," many people view the high court's opinion as dependent upon a "myopic focus on formalistic labels." This Note also addresses the significance of *Rosenberger v. Rector and Visitors of the University of Virginia* by discussing the future of student fee programs in the university setting. Jennifer Lynn Davis, Note, *Serpentine Wall of Separation Between Church and State: Rosenberger v. Rector and Visitors of the University of Virginia*, 74 N.C.L. REV. 1225 (1996).

True and permanent desegregation of public schools will never take place without accompanying integration in America's housing. A group of lawyers and social scientists wrote six articles about the interdependence between the integration of housing and public schools and the social and educational harms that will continue until this is accomplished. Deval Patrick, *In Pursuit of a Dream Deferred: Linking Housing and Education*, 80 MINN. L. REV. 743 (1996).

New Kentucky law for termination of tenured teachers provides adequate due process for teachers. The constitutional fallacy of the law is the lack of due

process for the local board of education. Garry L Edmonson & Kenneth E Rylee, Jr., *Termination of the Tenured Teacher in Kentucky: Does K.R.S. 161.790 Provide Adequate Due Process?*, 23 N. KY. L. REV. 263 (1996).

Connecticut Supreme Court should interpret Connecticut Constitution independent of recent decisions related to United States Constitution when deciding local desegregation case. The Connecticut Supreme Court has a history of interpreting their own constitution independent of that of the United States. Connecticut should continue this pattern when deciding pending school desegregation case. To follow the United States Supreme Court's decisions dealing with desegregation would cause racial inequality. Gayl Westerman, *The Promise of State Constitutionalism: Can it be Fulfilled in Sheff v. O'Neill?*, 23 HASTINGS CONST. L.Q. 351, (1996).

Because of move toward global economy, public schools should look to maximizing potential of all students, not to banning children of illegal immigrants from public education. Movements to punish children because of their parents' failure to follow the rules ignores the reality that those immigrant children, including legal immigrants, are not succeeding in public schools. The education currently provided to immigrant children is not a quality education. Additionally, the constitutional ramifications once a state provides public education must be clarified. Courts and legislatures need to remedy the problem by effectuating programs of education for immigrant children based on standards gleaned from the social sciences and respond to the public by investing resources to produce a better educated class of immigrant children. Quality education of immigrant children is a viable option when the state bridges the political arena, and the field of social sciences to fill the gaps. Sonja Diaz-Granados, Note, *How Can We Take Away a Right That We Have Never Protected: Public Education and Immigrant Children*, 9 GEO. IMMIGR. L.J. 827 (1995).

State system of funding public education based upon local property taxes creates great disparity in educational funding; thus, there is need for education finance reform. In *Skeen v. State*, the Minnesota Supreme Court determined although a fundamental right to education exists under the Minnesota Constitution, it does not extend to funding of the educational system. The current scheme of raising school revenues by local property taxes promotes a system of inherent inequities favoring property rich districts. Providing inadequate amounts of funding to school districts fosters an environment where students do not acquire necessary skills, which creates a future need to spend additional tax dollars on public assistance programs. Total reliance on local property tax funding of school districts should be abandoned in favor of revenue programs

designed to provide a more balanced educational funding system. Michele M. Hanke, *Have Money, Will Educate: Wealth Versus Equality in Minnesota School Finance System*, 19 HAMLINE L. REV. 135 (1995).

Citadel's parallel program for women furthered subordination of women by denying women opportunity and access to effective leadership training program and influential alumni network. Denying admission to women at the Citadel denies women equal treatment and opportunity. Integration represents the only solution that satisfies the demands of equal protection in the Constitution. The institution can adequately address the difficulties with integration without disrupting the way of life at the Citadel. The Citadel can preserve adversative education without denying women access to the Citadel. Moreover, a parallel female institution cannot provide women with an equal educational opportunity. The Citadel will increase its prestige by producing female leaders as society moves toward equality. Laurie A. Keco, Note, *The Citadel: Last Bastion or New Training Ground?*, 46 CASE W. RES. L. REV. 479 (1996).

France's ban against "ostentatious" religious symbols in public schools specifically targeting head scarves worn by Muslim schoolgirls likely violates both French and international law. In 1994, the French Education Minister announced an order prohibiting "ostentatious" signs that divide the youth in public schools. The order in practice is only used to target students wearing hijabs, a traditional Muslim scarf worn by women. While the purpose behind the action may be to make Muslim immigrants truly French by easing assimilation into society, the French Constitution provides for both freedom of religion and secular education. Moreover, France is a member of the United Nations, which advocates freedom of religion. Muslims insist upon the hijab's religious significance; thus, the ban seemingly violates the French Constitution and the basic tenets of the U.N. Cynthia DeBula Baines, Note, *L'Affaire Des Foulards—Discrimination, or the Price of a Secular Public Education System?*, 29 VAND. J. TRANSNAT'L L. 303 (1996).

In effort to reassert Congressional limits, Supreme Court ruled federal Constitution's Commerce Clause does not give Congress power to regulate public schools. Calling the Gun-Free School Zones Act of 1990 unconstitutional, the highest court said possession of a gun in a local school is a "a general police power of the sort retained by the states." Alan T. Dickey, *United States v. Lopez: The Supreme Court Reasserts the Commerce Clause as a Limit on the Powers of Congress*, 70 TUL. L. REV. 1207 (1996).

In comparison to American universities, laws governing academic and disciplinary issues in Australian universities show how Australia treats its students

differently. An analysis of internal university governance and the impact of Constitutional, statutory and case law shows many areas where Australian universities treat their students more wisely than their American counterparts. The analysis also shows American universities do a better job than the Australian Universities in other instances. Fernand N. Dutile, *Law, Governance, and Academic and Disciplinary Decisions in Australian Universities: An American Perspective*, ARIZ. J. INT'L & COMP. L. 69 (1996).

Decades after landmark desegregation decision of Brown v. Board of Education, 347 U.S. 483 (1954), Supreme Court's struggle with Constitutional requirements has prolonged "the nation's quest for equal educational opportunity." While the Court's desegregation doctrine evolves, uncertainty clouds many legal issues, and consequently, desegregation litigation endures. Michael Heise, *Assessing the Efficacy of School Desegregation*, 46 SYRACUSE L. REV. 1093 (1996).

Recent Supreme Court decision that seems to further separation of church and state may, in fact, be turning point. In *Board of Education of Kiryas Joel School District v. Grumet*, 114 S. Ct. 2481 (1994), five justices noted that public schools may accommodate some religious practices without violating the Establishment Clause. Laura M. Hempen, *Board of Education of Kiryas Joel School District v. Grumet: Accommodationists Strike a Blow to the Wall of Separation*, 39 ST. LOUIS U. L.J. 1389 (1995).