

**Cooper v. Eugene School District**  
**July 29, 1986**  
**Part 1: Abridged Version of the case**

Facts

When Janet Cooper, a special education teacher in the Eugene public schools, became a Sikh, she donned white clothes and a white turban and wore them while teaching her sixth and eighth grade classes. In a letter to the staff of the school where she taught, she wrote that she would wear the turban and often wear white clothing as part of her religious practice, and that she had explained this and other changes in her life to her students. She continued to wear her white garb after being warned that she faced suspension if she violated a law against wearing religious dress at her work.

In accordance with the statute, the school superintendent, acting for the school board, suspended Cooper from teaching and reported this action to the Superintendent of Public Instruction, who, after a hearing, revoked Cooper's teaching certificate. This order was challenged on constitutional grounds in the Court of Appeals.

Statute

ORS 342.650: "No Teacher in any public school shall wear any religious dress while engaged in the performance of duties as teacher."

ORS 342.655: "Any teacher violating the provisions of ORS 342.650 shall be suspended from employment by the district school board. The board shall report its action to the Superintendent of Public Instruction who shall revoke the teacher's teaching certificate."

Lower Court Decision

The Court of Appeals set aside revocation of teaching certificate as excessive sanction under First Amendment of the United States

Constitution and school district and Superintendent petitioned for review.

### Central Issues on Appeal

Whether or not the statute forbidding public school teachers from wearing religious dress violates Oregon's guarantees of religious freedom or the federal First Amendment. In addition, whether or not the revocation of the teaching certificate was excessive sanction.

### Decision and Rationale

The Supreme Court, Linde J., held that: 1) The religious dress statute, when correctly interpreted, did not violate State's guarantees of religious freedom or federal First Amendment. Wearing religious dress- clothing that is associated with, and symbolic of, religion- while teaching may leave a conscious or unconscious impression among young people and their parents that the school endorses the particular religious commitment of the person. Religious dress statute does not forbid teachers from wearing common decorations that a person might draw from a religious heritage, such as a necklace with a small cross or Star of David. 2) Revocation of teaching certificate was disqualification from teaching in public schools based upon one's doing so in manner incompatible with that function, not by reason of hostility to religious and political belief, and thus revocation of teaching certificate was not excessive "sanction" discouraging even privileged exercise of First Amendment rights more than was necessary to achieve law's purpose of maintaining religious freedom and neutrality in public schools. Court of Appeals reversed.

## Part 2: Discussion Questions

- 1) What is central conflict in this case? In other words, what are the two principles at odds here?
- 2) Which of these two principles should be protected “more?” Why?
- 3) What would you interpret to be “religious dress”?
- 4) What are the arguments behind having a statute prohibiting religious dress?
- 5) What are the arguments behind allowing religious dress?
- 6) In this case, the white garb worn by Cooper was not required by her faith to be worn in public. If it were required, would this change your decision? Would it change the decision of the Court?
- 7) Do you agree with the Court that the state’s policy of suspension and revocation of teaching certificate is a reasonable sanction? Explain your answer.

## Part 3: Transition Questions

- 1) Where does the state’s responsibility for establishing a public school come from?  
A: the Constitution of the State of Oregon, Article VIII Section 3 charges the Legislature with providing by statute for a general system of common schools.
- 2) How are the school regulated? A: Through the enactment of laws by the Legislature and through the delegation of immediate controls to the local elected board of directors (aka school board). Thus, the governing body of the school district is the school board. The powers and duties of the school board are defined by federal and state statutes.
- 3) What are the duties/responsibilities of the school board? A: Carry out the statutes that are mandatory (e.g. “The Board *shall*...”) and is also empowered to exercise judgment and discretion when permissive (e.g. “The Board *may*...”).
- 4) In thinking about the school district as its own “government”, what “powers” does the board possess? Does it possess the power to create rules? Does it have the power to enforce rules? Does it have the power to interpret statutory law? In Cooper v. Eugene, Justice Linde establishes that interpretation of law is not exclusively a matter for the courts but that agencies such as the school board may even determine the constitutionality of a statute it has been delegated to enforce by the legislature.

## Part 4: Small Group Research Questions (information to be found in the school board policy and other sources on the internet)

- 5) How are policies created and changed on the school board?
- 6) Who may have input on board policy?
- 7) What is district policy concerning \_\_\_\_\_(give different topics to different groups)\_\_\_\_\_?
- 8) How is this policy different from district x (another local school district)?
- 9) What statute is associated with the policy? What does the statute state?
- 10) When was the statute implemented and/or last revised?

11) Where is Karta Kaur Khalsa (Janet Cooper changed her name to Karta Kaur Khalsa but was referred to in the case as her given name, Janet Cooper) now?

### **Part 5: Application**

After researching policies of the district regarding searches, discipline, drug testing, dress, religion, electronic devices, the small groups may develop a set of questions for the school board regarding school policy. A discussion panel for formal question and answer with school board members may be held. Establish guidelines for dress, question and answer format, time limits and other procedures. Students may be interested in proposing amendments to district policy. Perhaps have student groups develop policy amendments for presentation to the board at the panel.