



LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

OWASSO INDEPENDENT SCHOOL DIST. No. I011 v. FALVO (2001)

SEPTEMBER 28, 2009

OVERVIEW

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Our first Landmark Supreme Court Cases and the Constitution of the new school year looks at a case involving student privacy rights. In a unanimous opinion, the Supreme Court held that peer-grading was not a violation of students' privacy as protected by the Family Educational Rights and Privacy Act of 1974. Furthermore, the Court reasoned that to interpret the law otherwise would have drastically altered the balance of federalism.

RESOURCES

- http://www.oyez.org/cases/2000-2009/2001/2001_00_1073
- <http://www.constitutionbee.org/user/StudentGuide.aspx?id=804>
- <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

ACTIVITY

Kristja J. Falvo, a parent with children attending Owasso Independent School District No. I—011, outside Tulsa, Oklahoma, was concerned. Her children told her they felt embarrassed about a grading practice their teachers used in class. They had to exchange papers and grade them according to their teachers' instructions, and then report scores either aloud or in private. Even though they could report their grades confidentially, at least one other student knew what their grade had been.

The Family Educational Rights and Privacy Act of 1974 (FERPA) withholds federal funding from schools if education records maintained by the school are released without parents' written consent. Falvo believed that the practice of peer grading should violated this law, because the scores on the papers were "education records." She petitioned the school to end the practice and when the school refused, she sued. Her case eventually went to the Supreme Court.

The school district argued that the law only covered records that would go in a student's permanent file such as final grades, grade point averages, standardized test scores, attendance records, counseling records, and disciplinary records; not scores on individual assignments.

The Supreme Court agreed with the school and unanimously held that the practice of peer-grading did not violate FERPA. "[S]tudent graders only handle assignments for a few moments as the teacher calls out the answers. It is fanciful to say they maintain the papers in the same way the registrar maintains a student's folder in a permanent file."

The Court also noted that peer-grading was itself an educational experience that teachers and schools were within their power to select. To strike down this power would drastically alter the balance of federalism and the distribution of powers between the national and state governments. If Falvo's reasoning had won the case, the Court noted, "if a teacher...put a happy face, a gold star, or a disapproving remark on a classroom assignment, federal law [would] not allow other students to see it. We doubt Congress meant to intervene in this drastic fashion with traditional state functions."

COMPREHENSION AND CRITICAL THINKING QUESTIONS

1. Why did Falvo file suit against Owasso Independent School District No. I—011?
2. What were the arguments on each side, and how did the Supreme Court rule?
3. The Court reasoned, "Under [Falvo's] interpretation..., the federal power would exercise minute control over specific teaching methods and instructional dynamics in classrooms throughout the country." How does this reasoning reflect the constitutional principle of federalism?
4. Do you agree with the Court's ruling? Why or why not?



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ANSWERS

1. Falvo was concerned that her children were embarrassed by the process of peer-grading and she believed that the practice violated student privacy rights protected under FERPA.
2. Falvo argued that grades were educational records covered under FERPA, while the school argued that FERPA only covered information that would be maintained in a students' permanent file; The Court ruled unanimously for the school district.
3. The Tenth Amendment states that all powers not given to the federal government by the Constitution remain with the states and the people. Though Congress can use its spending power to encourage certain policies (as in the case of FERPA which set requirements for schools to receive federal funding), it may not simply ban certain practices in classrooms. For the national government to take on this power would break the boundaries between national and state power, and limit school districts' and individual teachers' rights to choose the instructional practices they believe work best with their students.
4. Accept reasoned answers.