

**FINAL EXAM
CONSTITUTIONAL LAW II
PROFESSOR MOSKOVITZ
SPRING, 2007**

1. You will have (3) hours to complete this exam.
2. This is a closed book exam.
3. This exam consists to two essay questions.
4. Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions and each blue book **Do not** use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, return all test materials, including blue books, scratch paper, and this exam packet to the envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not have their exams graded.

GOOD LUCK!

QUESTION I

80% of grade

To: My law clerk

From: Tom Turkee, Esq.

I represent the San Mateo School District, a public agency. The School Board is considering enacting some policy changes.

1. Elementary school teachers report that some black boys have behavioral problems that interfere with their learning, and that they are often disruptive and disturb the learning of classmates. Studies apparently show that many of these boys have no male figures in their households, and that a “father figure” would be of great help to them. Therefore, the Board proposes that a special class be set up in each elementary school solely for African-American boys who have no adult male in their homes. The class would be taught by a male African-American teacher, who would teach them all subjects (arithmetic, reading, etc.). Any constitutional problem with this?
2. San Mateo High School is becoming overcrowded, so the Board has authorized the construction of a second high school in the District. A group of Jewish parents and rabbis have proposed naming the school “Rabbi Akiva High School”, after a Jewish rabbi who was very prominent during the Middle Ages. Any constitutional problem with this name?
3. High school teachers report that teenaged boys and girls often wear hats in class, and the teachers believe this is disrespectful and discourteous. The Board proposes to ban all head coverings in high school. We do, however, have a few Sikh boys, who wear turbans for religious reasons. And we have some Moslem girls who want to wear head scarves for religious reasons. Any constitutional problem?
4. The principal at one of the middle schools reports that some students gather at the school cafeteria during lunchtime to sing rap songs. Sometimes they sing lyrics that use very bad language, racial slurs, or are very sexual. Some other students find this very disturbing, and some parents have complained that they will not let their children eat lunch at the cafeteria because of this. The Board would like to put a stop to this, without stopping all singing. Please draft a rule that would hold up in court.

QUESTION II
20% of grade

Discuss one case you have read in this class this semester, in which you (1) like the *result*, as a matter of personal or political preference, ideology, societal benefit, or the like, *but* (2) feel that the Court did not reach this result through proper Constitutional analysis. Explain why.