

CLEVELAND BOARD OF EDUCATION V. LA FLEUR (1974)

Jo Carol La Fleur and Ann Elizabeth Nelson were junior high school teachers who were expecting babies in late July and late August. They enjoyed teaching school and depended on their income from their jobs.

They wanted to finish out the school year before having their babies. However, the Board of Education in Cleveland had a rule requiring a female teacher to take maternity leave without pay at least five months before the expected birth of her child. Also, the teacher could not return to work until the next regular school semester after the baby was three months old. Both these women were forced to leave their teaching jobs in March. Those two teachers and Susan Cohen from another school district that required leave without pay four months prior to the expected birth, challenged the school district's regulations in District Court. The District Court agreed with the Cleveland School Board, but the United States Sixth Circuit Court reversed the District Court decision and found the Cleveland rule in violation of the Equal Protection clause of the Fourteenth Amendment. The three teachers argued that their personal decisions to have babies should not cause them to lose their jobs even for a short period of time. They felt and doctors argued, that they were very healthy and should be allowed to teach as long as they could physically do their jobs well.

The school districts argued that the mandatory cutoff dates were necessary for two reasons: (1) to allow students to have a regular teacher and not have their education threatened by a change of teachers, and (2) to keep teachers who were physically unwell or unfit to be teachers out of the classroom.

The majority of the United States Supreme Court decided that the school boards really wanted what was best for the students. However, the Court said that a pregnant woman's physical fitness to teach school is an individual thing. And each teacher's termination date should be looked at separately. All teachers should **not** have to quit teaching at a certain point defined by law. Otherwise, a female teacher is being penalized for deciding to have a baby.

Questions for Discussion

1. Do you agree with the school boards or the pregnant teachers in this case?
2. Are there other arguments that you could make for each side?
3. Is it disruptive when a teacher has to quit teaching in the middle of the year?
4. Pretend you (or you and two or three of your friends) are a school board. Develop a rule that would be fair to students who need consistency in their classes and to school teachers who choose to have babies.