

# Court up holds no-pass, no-play rule

Associated Press

AUSTIN — The state's controversial no-pass, no-play rule was upheld again Wednesday by the Texas Supreme Court, which rejected arguments that the rule "is harmful to the school children of Texas and destructive of their basic civil rights."

The Supreme Court in a unanimous opinion first upheld the constitutionality of the rule in July, and Wednesday overruled a motion for rehearing.

The rule prohibits students from taking part in sports or other extracurricular activities if they fail a

course, although school principals can suspend the penalty for students in honors courses.

The rule was adopted by the State Board of Education in carrying out directives of the major school reform bill passed by the 1984 special legislative session. A student failing to make at least 70 in any course over a six-week period would be banned from extracurricular activities the next six weeks.

State District Judge Marsha Anthony in Houston this spring found the rule unconstitutional on the grounds that it violated equal protection and due process guarantees.

Judge David Dunn of Orange upheld the rule, however, and Attorney General Jim Mattox asked the Supreme Court to review the issue. The court decided on July 10 that the rule was constitutional.

In its motion for rehearing, lawyers for Chris Stamos, who had sued the Spring Branch Independent School District on behalf of Nicky Stamos said, "Public school students do not shed their First Amendment rights at the public school house gate."

The rule bars students "caught in its grip from participating in extracurricular activities directly entailing

the exercise of First Amendment rights, i.e., student government, the school newspaper, the debate squad, etc.," stated the motion for rehearing.

The Supreme Court said in its July opinion said, "A student's 'right' to participate in extracurricular activities does not rise to the same level as the right to free speech or free exercise of religion, both of which have long been recognized under our state and federal constitutions."

It reaffirmed its earlier ruling without comment.

# Cisneros asks health officials to educate public on AIDS

Associated Press

SAN ANTONIO — AIDS is a bona fide public health problem that must be dealt with locally, Mayor Henry Cisneros says.

Cisneros met with leaders of the San Antonio AIDS Foundation Tuesday and afterwards said he would ask city health officials to prepare pamphlets on the deadly disease and to conduct public forums on the illness.

"AIDS has become a much broader problem than one just for homosexuals, Haitians and heroin addicts," he said. "It's a bona fide public health problem."

It will cost "just a couple thousand dollars" to produce the pamphlets and hold the forums, Cisneros said.

However, the mayor said it is too late for the AIDS Foundation to apply for city funding.

Cisneros said other funding sources may be available.

He promised to meet with the foundation again in six weeks.

Metropolitan Health District figures show 50 Bexar County-connected cases of acquired immune deficiency syndrome. Eighteen of the people, including at least three women, still are living.



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