Character Citizenship

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Introduction

The American way of life rests on a foundation of rational thought and civil behavior. Simply put, the strength of America depends on its culture -- the set of beliefs, values, and behavioral norms to which most citizens adhere.

Most educators have always viewed schooling for character and citizenship as a fundamental purpose of public education. Nevertheless, schooling that touches on personal beliefs, values, and behaviors can become a topic of controversy.

The thesis of this article is that public schools have both the legal authority and the educational responsibility to provide schooling for character and citizenship. We will begin with a review of constitutional principles expressed in selected Supreme Court cases; we will end with some observations about such schooling from an educational perspective.

Constitutional Principles

Supreme Court opinions are replete with references to the role of public education in the development of character and citizenship. The language is instructive.

General Expectations

From mid-20th century on, the Court has often expressed its view that schooling for character and citizenship is not only appropriate, but an expectation of public education.

"[Education] is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment." Brown v. Board of Educ. (1954), p. 493.

"[S]ome degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence. Further, education prepares individuals to be self-reliant and self-sufficient participants in society." Wisconsin v. Yoder (1972), p. 221.
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"The importance of public schools in the preparation of individuals for participation as citizens, and in the preservation of the values on which our society rests, long has been recognized by our decisions: ...." Amback v. Norwick (1979), p. 76.

"The process of educating our youth for citizenship in public schools is not confined to books, the curriculum, and the civics class; schools must teach by example the shared values of a civilized social order." Bethel Sch. Dist. v. Fraser (1986), p. 683.

"The undoubted freedom to advocate unpopular and controversial views in schools must be balanced against the society’s countervailing interest in teaching students the boundaries of socially appropriate conduct." Bethel Sch. Dist. v. Fraser (1986), p. 681.

Limitations on Authority
Although schooling for character and citizenship is an expectation of public education, school officials must be aware that there are constitutional limitations on their authority. The Supreme Court has made clear that presenting students with a wide range of ideas is permissible, but that requiring students to affirm a belief or philosophy is not.

West Virginia State Bd. of Educ. v. Barnette (1943) held unconstitutional a West Virginia statute that required public school students to salute the flag and recite the Pledge of Allegiance. The Court noted that "National unity as
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an end which officials may foster by persuasion and example is not in question (p. 640). Nevertheless,

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. . . .

We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control. (p. 642)

Distinguishing between the secular and sectarian roots of the American way of life is not without its difficulties. But in public education that distinction between teaching about religion and teaching religion per se must be maintained. Again, a key factor is that exposing students to ideas that may be inconsistent with their religious convictions is constitutionally permissible, but requiring acceptance or affirmation is not.

Stone v. Graham (1980) held unconstitutional a Kentucky statute that required the posting of a copy of the Ten Commandments, purchased with private contributions, on the wall of each public classroom in the state. The legislature contended that the fundamental legal code of Western Civilization and the Common Law of the United States are grounded in the Ten Commandments; however, the Court concluded that the statute violated the first prong of the three-part establishment clause test, which requires a statute to have a secular legislative purpose. But the Court noted an important distinction: “This is not a case in which the Ten Commandments are integrated into the school curriculum, where the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like” (p. 42).

The rationale for official actions also matters. Board of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico (1982) held that a board of education does not have unfettered discretion to remove books from a school library, and reversed and remanded for trial on the issue of the board’s motives for removing the books. In his plurality opinion, Justice Brennan noted “that local school boards must be permitted ‘to establish and apply their curriculum in such a way as to transmit community values,’ and that ‘there is a legitimate and substantial community interest in promoting respect for authority and traditional values be they social, moral, or political’” (p. 864). He also noted that boards “might well defend their claim of absolute discretion in matters of curriculum by reliance upon their duty to inculcate community values” (p. 869). Justice Rehnquist agreed with these sentiments in his dissent. “When it acts as an educator, at least at the elementary and
secondary school level, the government is engaged in inculcating social values and knowledge in relatively impressionable young people. . . . [I]t is "permissible and appropriate for local boards to make educational decisions based upon their personal social, political and moral views" (p. 909). But the crux of the matter was set out by Justice Blackmun in his concurring opinion; "the State may not suppress exposure to ideas--for the sole purpose of suppressing exposure to those ideas--absent sufficiently compelling reasons" (p. 877).

Freedom of Expression

_Tinker v. Des Moines Sch. Dist. (1969)_ was a seminal student rights case. Students suspended for wearing black armbands to protest the war in Vietnam brought suit, alleging that their constitutional rights had been violated. The Court noted that "[i]t can hardly be argued that either students or teacher shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (p. 506), and pointed out that the problem posed by the case did not concern aggressive, disruptive action or even group demonstrations; rather, it involved direct, primary First Amendment rights akin to "pure speech." The Court held that prohibition of expression of this one particular opinion, at least without evidence that the prohibition was necessary to avoid material and substantial interference with school work or discipline, was not constitutionally permissible. The distinction between the regulation of expression and the regulation of conduct was made clear.

In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views. (p. 511)

But conduct by the student, in class or out of it, which for any reason—whether it stems from time, place, or type of behavior—materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech. (p. 513)

The constitutional parameters of _Tinker_ were defined more clearly 17 years later in _Bethel Sch. Dist. No. 403 v. Fraser_ (1986). School officials disciplined a student for delivering for a friend at a school assembly a nominating speech, laced with "elaborate, graphic, and explicit sexual metaphor" (p. 678). The Court set the stage for its decision by delivering a powerful statement about the purpose of public education.
Surely it is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse. Indeed, the 'fundamental values necessary to the maintenance of a democratic political system' disfavor the use of terms of debate highly offensive or highly threatening to others. Nothing in the Constitution prohibits the states from insisting that certain modes of expression are inappropriate and subject to sanctions. The inculcation of these values is truly the 'work of the schools.' [citations] The determination of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school board.

The process of educating our youth for citizenship in public schools is not confined to books, the curriculum, and the civics class; schools must teach by example the shared values of a civilized social order. Consciously or otherwise, teachers--and indeed the older students--demonstrate the appropriate form of civil discourse and political expression by their conduct and deportment in and out of class. Inescapably, like parents, they are role models. The schools, as instruments of the state, may determine that the essential lessons of civil, mature conduct cannot be conveyed in a school that tolerates lewd, indecent, or offensive speech and conduct such as that indulged in by this confused boy. (p. 683)

The Court held that the school district acted entirely within its permissible authority in imposing sanctions on the student in response to his offensively lewd and indecent speech and set out the principle that schools teach values by omission as well as by commission. When schools allow inappropriate student expression in the context of school activities, the imprimatur of the school conveys the wrong educational message.

Unlike the sanctions imposed on the students wearing armbands in Tinker, the penalties imposed in this case were unrelated to any political viewpoint. The First Amendment does not prevent the school officials from determining that to permit a vulgar and lewd speech such as respondent's would undermine the school's basic educational mission . . . . Accordingly, it was perfectly appropriate for the school to disassociate itself to make the point to the pupils that vulgar speech and lewd conduct is wholly inconsistent with the 'fundamental values' of public school education. (p. 685-86)

The Court reiterated this principle in Hazelwood Sch. Dist. v. Kuhlmeier (1988), holding that public school "educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns" (p. 273). The Court noted that a school must retain authority to refuse to sponsor student expression that might reasonably be perceived to advocate conduct
otherwise inconsistent with 'the shared values of a civilized social order,' or to associate the school with any position other than neutrality on matters of political controversy. Otherwise, the schools would be unduly constrained from fulfilling their role as 'a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him adjust normally to his environment.' [citations omitted]

Observations about Schooling

Schools do teach character and citizenship, either directly or indirectly. There are lessons to be learned in both those things that are permitted and those things that are allowed.

The question of "Whose values do we teach?" misses two important points. First, we teach those values about which there is some consensus; second, we teach that there are some values about which there is little consensus and perhaps much controversy.

A set of common beliefs and values defines a culture, and schooling is a primary means of transmitting that culture from one generation to the next. Absent that learning, neither the individual nor the society is likely to fare very well.

The American form of government depends on an electorate who will put the common good before personal interests. The primary public policy question should not be "what's in it for me?"

Through the rule of law, many expectations are set and many relationships are defined. Students should reflect on the function of such rules in this country and around the world.

Schools should expect student behavior that is civil and respectful toward others. Schools should not allow student behavior that is disruptive of the educational process.

Schools can explore with students ideas that are controversial, and in some instances, they should.

Students cannot be required to take or assert the philosophical or religious beliefs and values of others as their own.

Schools ought to be a safe, orderly, caring place. For some children, school is the only such place they know.

The major problems of this world are not the result of lack of knowledge or technical ability; rather, these problems are the result of people not treating one another well. Education needs to focus on the more important issues.

Administrators set the cultural and ethical tone for their schools. The beliefs they express and the behaviors they model are powerful influences on other staff and students. It is perhaps the very essence of leadership.
Conclusion

Both educators and courts have acknowledged that schooling for character and citizenship is not only permitted, but is indeed expected. Such schooling is not without difficulty, but perhaps the more important things in life seldom are. It is a matter that goes to the heart of the educational enterprise; it is a matter to which educators must attend.

List of Cases