



THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE

CENTER FOR PUBLIC POLICY - L. DOUGLAS WILDER SCHOOL OF GOVERNMENT AND PUBLIC AFFAIRS

CEPI Education Law Newsletter

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NOVEMBER 2005: Vol. 4-3

PARENTS, SCHOOL OFFICIALS, AND THE CURRICULUM**Overview**

Recently, the news media reported a controversy in a local California public school system caused by a survey (questionnaire) distributed to elementary school students. The story reported that parents of some of the students raised serious objections to many of the questions contained in what they characterized as a “sex survey.”

Suffice it to say, the above controversy is a part of a continuing debate concerning the rights of parents and the prerogatives of school officials to decide what is or is not appropriate for children. In the past several years issues involving compulsory attendance, desegregation, school choice, vouchers, the study of evolution, student prayer, family life education, and the Pledge of Allegiance have served as lightning rods in the debate. Some experts speculate that the growing number of parents who home school their children do so because of dissatisfaction with the school’s curriculum.

The purpose of this commentary is not to discuss the particular facts of the California controversy. Rather, this commentary will use the recently publicized student survey situation to focus a brief discussion of parent rights and the prerogatives of school officials in determining what is not appropriate for their child while that child is at school.

School Curriculum

The school curriculum, what is it? The dictionary defines *curriculum* as “the aggregate of courses of study given in a school...” Random House (1967). Another accepted definition specifically limits *curriculum* to the body of official courses offered in a school (mathematics, English, science, social studies, and others) and taken by students. While another definition broadly characterizes *curriculum* as including “all courses and activities offered under the official sanction and control of the school system.” Boshier, Kaminski, and Vacca (2004) This latter definition would include every course and activity ranging from the Minute of Silence and the Pledge of Allegiance at the beginning of the school day, to the various athletic teams and clubs, to the courses for which students receive academic credit. Under this broad-based definition the words *extra-curricular* and *co-curricular* do not exist. Needless to say, the scope and breadth of parent rights will depend on which definition of *curriculum* is accepted.

Curriculum-Related Conflicts

More than forty years ago, my late graduate mentor E.C. Bolmeier and a colleague opined: “While one group of citizens may support a particular phase of the curriculum, another group may object to the offering or practice just as strenuously. As a result, controversies have ensued, and many of the disputes concerning curriculum problems have been carried to the courts for adjudication.” Fulbright and Bolmeier (1964)

In the opinion of Drake and Roe, “Major educational problems result from conflicts arising over curriculum decisions.” And, because “curriculum decision makers operate in a broad social and cultural environment that imposes many constraints... [t]he curriculum of the school reflects the consensus of pressures and interests brought to bear on the school by parents and organized groups.” Drake and Roe (2003)

Fisher, Schimmel, and Kelly suggest that parental objections and challenges to curriculum generally are based on the following two propositions: (1) assertions that parents have the “right to guide the upbringing of their children,” and (2) school officials have the power to “make and enforce reasonable regulations....” Based on their research, “the most common objections to curriculum and instruction have had a religious basis.” Fisher, Schimmel, and Kelly (1999)

Parent Rights and the Prerogatives of School Officials

Parent Rights. The research consistently establishes the critically important role and function of parents in the education of children and the success of a school. A good example can be found in recent study in Michigan. Public school administrators successfully “reduced chronic truancy by 75 percent and saw student behavior improve after working with parents in a Truancy Intervention Program.” The School Disciplinary Advisor (2005)

Parental authority is not without limitations. As the United States Supreme Court stated more than eight decades ago, while parents possess a “liberty interest” in the upbringing of their children this right is not absolute and is subject to “reasonable state regulation.” Pierce v Society of Sisters (1925) Several decades later, the high court added in Wisconsin v Yoder (1972), that while parents have an important responsibility in directing their child’s religious upbringing, state government has a legal responsibility to ensure that a child receives a basic educational opportunity.

Contemporary courts have reaffirmed the right of parents to direct the educational and religious upbringing of their children. Martin v Stephen (Okla. 1997) In some local school systems, for example, parents have the right to “opt-in” or “opt-out” their children from classes, assignments, and other school activities that parent’s believe are offensive to their religious beliefs. Mozert v Hawkins County (1986)

In addition to relying on state law, the reader is reminded that various federal statutes also specifically enumerate and define parent rights. For example the Individuals With Disabilities Education Act (IDEA 2004), the No Child Left Behind Act (NCLB 2001), and the Family Educational Rights and Privacy Act (FERPA 1974) are parent-oriented statutes. Common threads running through these comprehensive statutes mandate: (1) informed consent of parents, (2) involvement of parents in decisions involving their children, and (3) procedural guarantees to accommodate parental challenges.

Prerogatives of School Officials. The power of the state to prescribe a general curriculum for all public schools in a local school district is a clear extension of constitutional authority under the Tenth Amendment to the

United States Constitution. Vacca and Boshier (2003) In some states the legislature has mandated that specific subjects *must be taught* in the public schools. Code of Virginia, 22.1-200

The general rule is that local public school boards, exercising legal authority under state law, are presumed to be acting in good faith, especially when making curricular decisions. Boring v Buncombe County Board of Education (4th Cir. 1998) As such, the burden of proof rests on those challenging the board's decision. To prevail, challengers must be able to show that the board: (1) did not have the legal authority under state law to make the decision, or (2) acted beyond the scope of its authority, or (3) acted arbitrarily and unreasonably, or (4) abused its authority. Vacca and Boshier (2003)

In addition to students, teachers, and parents, local school officials must consider the reaction of their community to curricular decisions. The community has a legitimate interest in an appropriate curriculum for its future citizens.

Student Privacy, Age, Maturity, and Grade Level

It should be emphasized that the United States Supreme Court has held that children are persons under the United States Constitution. In re Gault (1967), Tinker v Des Moines (1969), and Goss v Lopez (1975). In addition, in New Jersey v T.L.O (1985), the high court made it clear that student's have *privacy expectations* when in attendance at school.

The importance of protecting the rights of students was emphasized in a New Jersey "student survey" case. In C.N. v Ridgewood Board of Education (2001), parents challenged a survey that examined student attitudes toward parents, drug and alcohol use and abuse, destruction of property, and sex. The court applied the requirements of FERPA and held that the accessibility and privacy of students had not been violated.

School officials, administrators, classroom teachers, and staff must consider the age, maturity, and grade level of students when planning and implementing curricular requirements and classroom activities, and other experiences for students. Simply stated, what might be appropriate for high school juniors and seniors may not be appropriate for ninth and tenth grade students. Trachtman v Anker (2nd Cir. 1977) Age, maturity, and grade level factors also must be considered when providing access to: (1) books, magazines, and other materials in the school library, (2) classroom computers, and (3) school athletic teams and other activities.

Students should not in anyway be pressured or coerced into participation in any program, course of study, or activity offered as a part of the school program. As the United States Supreme Court has opined, "Students may automatically feel pressure to conform when an activity occurs within the school." Meyer v Nebraska (1923) However, where coercion is alleged by parents, they must be able to prove their case. Di Bari v Bedford Central School District (2nd Cir. 2001)

Implications for Policy

At the outset of this commentary the recent student survey controversy in a local California public school system was cited. The intent of making reference to this highly publicized matter was not to analyze the event, but rather to cite it as an example of a growing tension between parents and school officials regarding what is or is not appropriate for students. As such, this commentary was devoted to a brief discussion of parent involvement in curricular decision-making.

What follow are some suggestions to ponder as current policies are re-evaluated and new policies are considered in a effort to include parents in curricular decision-making. Local school board policies must make it clear that:

- The legal authority to make curricular decisions vests with the school board.
- The best interests of the children and the quality of their education are prime motivating factors in curricular decision-making.
- The school board actively seeks and relies on in-put from school administrators and classroom teachers when making curricular decisions.
- Parents will be fully and accurately informed of curricular changes, revisions, deletions, and additions being considered by the school board.
- Parental consent will be solicited and obtained whenever a student is to be a part of any curricular offering or other school sponsored activity that is experimental in nature.
- Parents have the right to review and otherwise inspect all materials used in a school program, class, or activity.
- The school board maintains and supports “opt-in” and “opt-out” provisions for parents who object to their child being expose to any program, class, subject, or activity offered by the school system.
- Students will not be a part of any study (medical, sociological, educational, psychological) with out explicit written consent of parent or guardian, and the official approval of the school board.
- Outside groups, organizations, and agencies will not have access to students for purposes of conducting interviews or completing formal surveys without first informing and involving parents, and seeking and receiving their informed consent.

One final thought is in order. Whatever one’s definition of the term “curriculum,” the perception in communities is that everything offered in their local school system is the responsibility of school officials and teachers. The phrase used by courts of law is that the activity “bears the school system’s official imprimatur.” Hazelwood v Kuhlmeier (1988) Thus, school officials must keep all stakeholders fully informed regarding all aspects of the school system’s offerings so that misperceptions can be identified and proactively dealt with.

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Note: The views expressed in this commentary are those of the author.