Fostering Liberty Within the School Community

Janet Price

Follow this and additional works at: https://scholarship.law.stjohns.edu/lawreview

Recommended Citation
Available at: https://scholarship.law.stjohns.edu/lawreview/vol69/iss3/7

This Symposium is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact lasalar@stjohns.edu.
FOSTERING LIBERTY WITHIN THE SCHOOL COMMUNITY

JANET PRICE*

Stanley Ingber very elegantly posed this question: Do we want to expose students to the experience of liberty? We must first decide whether this is, in fact, what we want to do. Presently there is some controversy in this country about whether to expose students to the experience of liberty.

I personally believe that it is, first and foremost, the role of the family to shape their children's character and instill in their children their values. It is, however, very much the role of the school to give children practice in expressing their character and the values that they learn at home. If

---

* Janet Price is the Deputy Executive Director of the Fund for New York City Public Education, a private non-profit organization with a mission of raising private sector support for public school reform. Previously, she was Managing Attorney at Advocates for Children of New York, and the Director of Manhattan Borough President's Task Force on Education and Decentralization. She holds a J.D. from New York University, an M.A. from Columbia University, and a B.A. from Barnard College.


3 See FROM YOUTH TO CONSTRUCTIVE ADULT LIFE: THE ROLE OF THE PUBLIC SCHOOL 1-90 (Ralph W. Tyler ed., 1978) (describing school's role in socialization, focusing on historical perspective, methodology, and relation to parents and state). National, sacred values to which a
schools do not give children the tools and the opportunity to communicate clearly and articulately and to use words and numbers to express their point of view, whatever that point of view is, then we have short-changed children both in terms of their future in the labor force and their effectiveness as citizens.

Back in the late 60's and early 70's, we were focusing more on students' First Amendment rights of expression, but, today, students' Fourth Amendment rights are the ones more often confronted in the setting of large urban schools. In either case, balancing the rights of the individual against the needs of the community may be a false dichotomy for two reasons. The first is simply that the quality of community life is hurt by the excessive exercise of authority. The second, and perhaps more significant, reason is that, when individual rights are too frequently subordinated to the larger community, we should look at the nature and size of the community and not focus on the individual as the source of the problem.

Many of the incidents that might disrupt an overly large factory-like school can be handled, discussed, and dealt with in a small school where
everybody knows each other and the instruction is organized. Such an approach helps children to become masters of the tools of discourse.

Unfortunately, the schools here in New York City are factories, as are the schools in most large, urban settings. In many of our schools, the students would be the first to say that they need metal detectors, and that they are concerned that metal detectors are not effective enough.

About a year ago, a group of principals from smaller alternative high schools were interviewed. These schools were set up to deal with at-risk students who were not making it in the larger high schools. These principals said that they did not need metal detectors because there are fewer incidents in a small alternative school than in even our elite institutions like Stuyvesant High School.

The reason these smaller schools have less disruptive incidents is that everybody knows everybody, and there is a small enough and intimate enough school organization that kids can learn to exercise autonomy and responsibility in a supportive environment. In such an environment, it is possible to deal with differences and to allow for the expression of different points of view without explosions occurring, without unmanageable conflicts between races, and without unmanageable confrontations among values.

One of the things we must address when we talk about balancing the needs of the individual against those of the larger community is how to make the community more conducive to the exercise of individual rights. We need to discuss how we can make the school community the kind of community that can have a dialogue about values, as Michael A. Rebell

---

7 Although only 5% of the public school districts in the nation's major metropolitan areas are in those areas' central cities, more than 40% of those areas' public school students attend central city public schools. Raymond C. Hummel & John M. Nagle, Urban Education in America: Problems and Prospects 85 (1973). Central city public school districts "employed close to a third of the teachers and spent more than two-fifths of the dollars expended for public elementary and secondary education in those metropolitan areas." Id. at 85-86. The New York City public school system is the most diverse, complex, and immense urban school system in the nation. Id. at 86.

8 The number of New York City high schools using airport-style metal detectors has risen from two in May of 1994 to seventeen in May of 1995. Liz Willen, Schools Seek Ways to Curb Weapons Use, Newsday, May 20, 1995, at A13. Fifty-one New York City high schools were scheduled to have them. Id.; see also David Stout, Violence in Schools Said to Rise, N.Y. Times, May 19, 1995, at B3 (attributing 41% decrease in number of handguns seized from students to increased use of metal detectors): Raphael Sugarmen, HS to Put in Metal Detectors. Daily News, Mar. 29, 1995 (Suburban), at 1 (discussing installation of metal detectors in response to fatal stabbing at high school).

9 Michael A. Rebell concentrates in education law and rights of the handicapped. See Michael A. Rebell, Tinker, Hazelwood and the Remedial Role of the Courts in Education Litigations, 69
has suggested. The community and the school have failed when those
issues have to be decided by the courts.

Size is only one aspect of the challenge to find a community conducive
to individual rights. You can have a very small, intimate, personal school
where there is no discourse on values. Discourse on values does not have
to be the imposition of values. What better way to teach children about the
experience of liberty than to give them the opportunity to work through
issues with their school leader and with the community?

Finally, it is imperative that children be taught the value of authority.
We cannot live in anarchy. There are two important routes to teaching the
value of authority. One is for the authority figure to exercise it responsi-
bly, without changing the rules of the game midstream, as Elliot M.
Mincberg¹⁰ suggested. The second route is to engage students at an early
age in a discourse on balancing individual rights with the needs of the
community. In the education of our children and in their preparation to be
citizens of this democracy, it is the discourse that is more important than
the final result.

¹⁰ Elliot M. Mincberg is the legal director of People for the American Way. See Elliot M.