



Introduction

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We explored and evaluated ways in which courts since the 1950s have affected the administration of public schools in adjudicating the constitutional rights of students.

The seminar had two major foci. First, we examined judicial considerations of claims for equality in several different facets of public education: race segregation, exclusion of students with mental or physical disabilities, failures to address special needs of students whose principal language was not English and variability of public school funding based on differences in wealth among state school districts. Judicial efforts to end public school race segregation began in 1954 by invalidating Southern laws; in subsequent decades, courts hesitantly moved to address racial separation in other regions with less blatant official sanctions for segregation. These court cases regarding race in public schools also set the stage for subsequent judicial efforts, beginning in 1971, to end public school exclusion of so-called “ineducable” children (based on mental or physical disability) and judicial endeavors, beginning in 1974, to address the inadequacy of public school response to the special needs of students lacking English language fluency. These judicial efforts were later joined by Congress and the federal executive regarding race, disability and English-language fluency, and have significantly altered the characteristics of the student population that public schools are required to serve. In 1973, by contrast, the U.S. Supreme Court refused to characterize the inequality of school district financial resources as constitutional violations; several state supreme courts did, however, subsequently address these inequalities as violations of state constitutional provisions.

In the second major focus of the seminar, we examined specific judicial interventions regarding the rights of students in the administrative operations of public schools—in particular, school discipline (in such matters as hearing rights for suspensions or exclusion, corporal punishment, dress codes and student searches), school control over curriculum (in matters involving differing religious beliefs, such as the controversy over teaching evolution, or differing attitudes toward moral codes generally, as in the controversies regarding removal of books from school libraries), and school control over student expression (in such matters as censorship of student-run newspapers or in-school symbolic displays of political expression, such as wearing armbands to protest the Vietnam War). Courts have significantly intervened in school operations in all of these matters during the past two decades.

In our seminar discussions both of equality issues and of student rights in school administration, we considered the ways in which the judicial interventions, and their subsequent legislative and executive implementations, succeeded or failed in translating the constitutional principles into practical realization in the day-to-day life of the administration of public school systems. Through our many spirited exchanges, and our

agreements and disagreements, one generalization did emerge: results were never more than “mixed successes” and sometimes closer to “mixed failures” and that there is an urgent need for continued attention to these issues, both in courts and in other public settings.

The curriculum units designed by Fellows convey both the intellectual challenge and the spirit of mutual teaching and learning that animated our seminar discussions. Each of the units concentrates on one of the specific contexts of the judicial interventions we considered. The units thus address issues of considerable importance in contemporary public schools both nationally and in New Haven specifically. Race relations, cultural and language differences, discriminations against people with disabilities, inequalities of wealth, school discipline and censorship of expression—issues such as these touch the lives of students and teachers in highly personal and often emotionally charged ways. In designing the curriculum units, each of the Fellows attempted to set out materials that give a coherent intellectual structure for students’ thinking and for classroom discussion about these issues. Of equal importance, each of these units is alert to the need that students and teachers must approach these issues with considered attention to their sensitive character in our nation, our city and within individual classrooms themselves.

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