



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
1994 Volume I: Family Law, Family Lives: New View of Parents, Children and the State

Children and Authority: Roles, Rights, and Responsibilities

Curriculum Unit 94.01.06
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Presently, I work with middle school students at an urban alternative school. My student population consists of self-contained special education students labeled SEM (socially and emotionally maladjusted) or LD (learning disabled). Although my students are bright and intuitive, many of them have a short attention span and difficulty focusing on activities and discussions.

I have chosen the topic, “Children and Authority: Roles, Rights, and Responsibilities”. Through this topic, I plan to explore a variety of legal issues relevant to children of today. These issues affect my students and may strongly impact their lives.

This unit uses a thematic approach. Rather than focusing on only one topic, I will engage the students in various topics. I believe that my students will be more motivated and involved in the unit if we explore many different and interesting issues. I will cover the following issues in this unit.:

- 1) adoption/foster care
- 2) parental responsibility for safety
- 3) abuse and neglect
- 4) pre-natal decisions faced by the mother
- 5) health issues

Each issue deals with the roles, rights, and responsibilities of authority figures in relation to the family unit. I plan to examine various court cases relevant to topics covered in my curriculum unit.. Students will be able to think critically and make value judgments while examining legal disputes. In addition. students will have the opportunity to heighten their awareness of controversial issues through community informational pamphlets and current event newspaper articles.

This unit. will be presented two to three times a week. I will devote about a week to each of the six topics. I will integrate this unit. throughout various content areas such as: Social Development, Science!, Language Arts, and Reading.

The following outline details the main information that will be presented in my curriculum unit. It highlights

the rationale of my topic, the issues that I will cover, and the methods I will use to present relevant information to my curriculum unit:

Outline of Unit

- I. Introduction to Family Lives and Family Law
 - A. Introduce legal issues related to family
 - B. Decline of the traditional family
 - C. Changes in society require increased legal interaction
 - D. Role of the legal system
 - E. Considering best interests of the child
- II. Presentation of relevant topics
 - A. Introduce legal issues related to family
 - 1. adoption/foster care
 - 2. parental responsibility for safety
 - 3. abuse and neglect
 - 4. pre-natal care
 - 5. health issues
 - 6. school related issues
 - B. Provide real life scenarios that illustrate each topic:
 - 1. newspaper articles
 - 2. magazine articles
 - 3. case studies
 - 4. movies
 - 5. television programs
 - 6. community videos
 - C. Involve students as “active” learners
 - 1. encourage group discussion
 - 2. create group panels
 - 3. debates
 - 4. mock trials
 - D. Provide additional application of topics
 - 1. community pamphlets
 - 2. question/answer session of group speakers
 - 3. group reports
 - 4. academic enrichment in content. areas
 - 5. field trips
 - 6. games/activities that complement topics

Relating Legal Issues to the
III. Fostering of Independent
Cognitive Growth

A. Opinion formation

1. After presentation of topics, students should begin to formulate individual opinions.
2. Students should be able to express personal views on controversial issues.

B. Accepting individual
differences

1. Students need to accept differing opinions of legal issues.
2. Discussion of opposing views will help students to develop a higher level of reasoning.
3. As a result, students will develop critical thinking skills imperative to independent cognitive growth.

Introduction:

Society has evolved and so has the definition of the traditional family. Society has become increasingly complex. The members that constituted a family and the legal ties that bound them have become blurred. One study estimates that “only ten percent. of households consist of a married couple with one or more children under eighteen, an employed father, and a mother who did not work outside the home” (Minow 20). My own group of students reflects an even lower percentage that fit. the above profile.

The “change” of the traditional family has required a shift. of legal emphasis. The state has become more aggressive in its involvement in areas that were traditionally the sole domain of the parent/family which in itself has raised many legal/ethical issues and concerns.

When examining these complicated and sometimes controversial issues many important points need to be clarified. The authors of the classic book *Before the Best Interests of the Child* (1979) highlight three of these important concerns: 1) the advantages and disadvantages of state intervention a) merits and demerits of present day parents in general 3) the risk when parents are entrusted with the final say in the serious matters of child rearing which used to be their sole prerogative in bygone days” (Goldstein ix). My curriculum unit will concentrate in helping to clarify the issues addressed.

One of the main reasons for the breakdown of the traditional family is poverty. “33 million (one seventh of all Americans including 13 million children) are now poor as a result of economic recession , structured changes in the economy, stagnated wages, and the changing family demographics that result. in one in every five American children living in a female headed household, and one in four being dependent on welfare at some point in his or her lifetime” (Edelman ix). Research reflects an ever increasing percentage of families that fit into this category.

Often, impoverished areas are a sad reflection of these statistics that represent the breakdown of the traditional family (although it is becoming more prevalent in all walks of society). Decisions that were once made within the nuclear family are now more gradually being taken over by state interventions.

One may question when and why the state has the right to intervene into personal lives. Many argue that the state's interference often leads to additional problems. For instance a child taken from his family may be brought up in a permanent foster care system that may be more emotionally and psychologically damaging. However, others may dispute that a child in an abusive situation may face much more serious consequences such as repeated physical harm possibly leading to death. Issues such as this one lead to much debate.

In examining these situations, we need to also address the rights of the parent. When does the state have the right to deem parents inadequate caregivers of their own children? When do parents cross the fine-line into losing their right to raise their own children?

One definition has been offered: "The child's well being - not the parent's, the family's or the child care agency's - must be the determinate for justification of state intervention" (Goldstein 5). It is evident, that the safety and security of the child should take priority over all other concerns

Goals and Objectives:

Goal: I.

Students will become aware of the legal system as it relates to adoption/foster care.

Objectives:

1. Students will be able to write about and discuss the legalities of adoption.
2. Students will be able to write about and discuss the foster care system.
3. Students will be able to write about and discuss the rights and responsibilities of parents.

Goal:II.

Students will be able to write about and discuss parental obligations concerning their children's safety and well being.

Objectives:

1. Students will be able to identify safety issues concerned with firearms in the house.
2. Students will identify safety issues in the home environment.
3. Student will identify the term "risk of injury to a minor".

Goal: III.

Student will be able to write about and discuss issues related to physical abuse, sexual abuse, and neglect.

Objectives:

1. Students will define physical abuse.
2. Students will define sexual abuse.
3. Students will define neglect.
4. Students will be able to write about. and discuss negative manifestation of abuse.

Goal: IV.

Students will become aware of decisions faced by expecting mother

Objectives:

1. Students will become aware of the effects of substances to the unborn child. (i.e.- drugs, tobacco, alcohol)
2. Students will become aware of proper nurturance of the unborn child.
3. Students will become aware of ethical issues faced by the expecting mother. (i.e.- abortion rights, pre-natal care, etc.)

Goal: V.

Students will become aware of relevant health issues families face today.

Objectives: ‘

1. Students will become aware of realities of AIDS.
2. Students will become aware of controversial issues dealing with disease preventatives (condom distribution in schools).
3. Students will become familiar with issues concerning medical neglect.
4. Students will become familiar with religious convictions resulting in parents withholding treatment.

Goal: VI.

Students will become aware of the rights and responsibilities of the state as it relates to school.

Objectives:

1. Students will become aware of legal issues relevant to truancy.
2. Students will become aware of legal issues relevant to corporal punishment.

I. Foster Care and Adoption:

Through the examination of foster care and adoption, I will help students to understand how both agencies function to help children receive appropriate services. The following will be covered in this section:

- 1) how each agency functions to assist parents and children
- 2) the pros and cons of these services
- 3) the legal issues that arise due to the complex nature of these situations

Foster Care:

Foster care is a system that places the care of minors with foster parents. It is the job of the agency to choose parents that can render adequate care. These parents are given the responsibility to be the ultimate caregiver (for a limited period of time) by either the court system or the agency itself. Children are placed in foster care for various reasons. They may be the victims of abuse or neglect - or may be voluntarily placed in a foster home by the child's parent. During this time, the government agency has the right to pull a child out of the foster home at any time. The natural parent continues to hold legal custody.

Foster parents are usually paid for their services. However, they have a minimal amount of legal rights. Often, foster parents become attached to the children in their care. They may have a child or children for several years although many agencies set time limitations to foster relationships. However, in some circumstances, foster parents will apply for adoption.

Adoption:

Adoption is the process in which adults assume the legal responsibility of children not biologically their own. Although anyone regardless of race, marital status, or religion can do it, agencies prefer to match an individual in a similar background to the adopting source. Many couples find it more desirable to adopt a baby. However, it can be a long, grueling process obtaining a young child that often leads into disappointment. "The evidence of the tragedy can be found in increasing evidence of black market activity of babies, characterized by very high prices for newborns (as much as \$40,000) but continued interest on the part of childless couples" (Minow 57).

Often, many children go through years of foster care in hopes of adoption into a nurturing family. Many times these hopes lead to despair. As children become older, they have less of a chance of ever being adopted.

Adoption can become a complicated legal issue. Biological parents may refuse to give up the custody of their child or children. When parties involved are opposed in an , it is up to the legal system to settle all disputes. "In most cases consent is required, but in some cases, even if the natural parents refuse consent or can not be found, courts may still grant adoptions that they decide are in the best interests of the child" (Arbetman 328). There are cases that have allowed for the adoption of children who are not biologically their own, against the parents wishes. However, the courts more often rule in favor of the biological parents.

Lessons 1:

Teacher will conduct a group discussion about adoption through an adoption case. In the case of Loving v. Virginia, the state of Virginia found trans-racial adoption to be unnatural and in opposition of the "Racial Integrity Act". The trial court reasoned as follows:

"Almighty God created the races white, black, yellow, malay, and red - and he placed them on separate continents. And but for the interference with his arrangement - there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix." (Minow 88)

The Supreme Court found Virginia's "Racial Integrity Act" to be unconstitutional. It reversed the decision.

The teacher will present the case and encourage group discussions. It will be important to play a neutral role so that students will feel comfortable sharing individual opinions. The teacher will split groups according to views expressed, so that a debate would be possible for following lesson. This will set the tone for a two day debate on adoption rights.

Lesson 2: (Day 1 of debate)

Students will engage in a debate on the topic of trans-racial adoption foster care placement. Each side will have an opportunity to state a point that supports their view. The opposing side will have the opportunity to respond. Each side will take turns and the teacher will act as the mediator.

Lesson 3: (Day 2 of debate)

Students will follow the same format of debate used in prior lesson. Teacher will introduce a new topic for debate: "Should homosexuals be allowed to adopt children - or care for foster children?"

Possible guide questions to use in a group discussion:

- 1) Would a homosexual parent be able to care for a child the same way a heterosexual parent would?
- 2) What difficulties would the parent face from society if he/she adopted a child?
- 3) What difficulties would the child face from society if he/she were adopted by a homosexual parent?
- 4) Do you think that the child would be influenced negatively by the parent's lifestyle?
- 5) In what ways may it be a positive experience?
- 6) How do you think the child would feel being adopted by a homosexual parent?

Lesson 4:

Students will have the opportunity to create an adoption agency screening process. Students will need to compose the following:

- 1) questionnaire for potential parent
- 2) guidelines for approved applicant
- 3) comment sheet for interviewing process

Student will be given focus questions to consider when constructing the forms:

- 1) What age is appropriate to adopt?
- 2) Is race matching important?
- 3) What type of housing is acceptable?
- 4) Will homosexual applicants be considered?
- 5) What income level is necessary to adequately care for a child?
- 6) Are single parents allowed to adopt?
- 7) Will you separate brothers/sisters if applicants will only take one or the other?

Lesson 5:

Role-playing activity:

Choose a set of forms constructed by a student from previous lesson. Student pretends that he is in charge of the adoption agency. Another student role plays an applicant to the adoption. The interview will take place in front of the class.

Those students who are observing the activity will be required to respond in writing in their journals. They will need to answer two questions:

- 1) Do you think the applicant should be accepted or denied based on the evidence witnessed? 2) Why do you feel this way? Justify your answer.

Extension activity:

Discuss legal options of the applicant who is rejected.

II. Parental Responsibility:

Parents are responsible to look out for the safety and well being of a child. The child is dependent on the primary caregiver for safety, security, and protection from a world that often provides the opposite.

Parents are not only responsible for providing the basics of just foods clothing and shelter. They are also responsible for ensuring a safe environment and standard of living.

Often is the case. that children are exposed to dangerous situations that may ultimately harm the well being of the child. The legal system refers to this action as “risk of injury to a minor”.

Many cases have been made that these incidence fall in the abused/neglect category. “Parents who face this charge also run the risk of losing parental privileges when they prove that they are unable to provide the child with the emotional, social, as well as physical security” (Goldstein 60). As the poverty level increases in our society, the cases of neglect/abuse increase daily.

Lesson 1:

Students are given an article from the newspaper entitled. “Wallingford Mom Pleads Innocent in Shooting Case” (Curtis A12). In this article, a mother allowed, in her homes eight loaded firearms belonging to her boyfriend. Her ten year old son was playing with a .22 caliber gun when it discharged, shooting the boy. The mother was arrested and charged with “risk of injury to a minor”.

The teacher reads the article with the class and allows them to voice their opinion on the topic. This activity sets the tone to the following activity.

Lesson 2:

Students use the information from the prior lesson during this particular lesson. The students engage in a mock: trial placing the mother on the stand. Students in the class play the roles of participants in the courtroom including:

- 1) Judge
- 2) Jury
- 3) Prosecuting Attorney
- 4) Defense Attorney
- 5) Police Officer
- 6) Defendant

7) Stenographer

8) Audience members in the courtroom

III. Abuse and Neglect

Child abuse occurs when physical, emotional, or sexual harm is inflicted upon the child by an adult. The following are brief descriptions of types of abuse:

Physical Abuse:

Severe bodily harm caused to a child. It may be inflicted by hand or various objects.

Sexual Abuse:

Occurs when an adult sexually fondles or inappropriately engages in sexual activity with a child. "The offender usually is a person the child knows and trusts, such as family members, family friend, child care worker, or school employee" (Arbetman 323). The child is often threatened into not reporting the abuse. However, reports of abuse are on the rise every day.

Neglect

Involves a lack of meeting basic essential needs. These needs include adequate food, clothing, shelter, and personal care.

Unfortunately, children who are involved in abusive situations often repeat the same actions as they move into adulthood. Early intervention methods need to be implemented (such as family counseling) in order to prevent the cycle from repeating itself.

Lesson 1:

Teacher reads a case to the group about physical abuse that occurred in Connecticut. In this case, a fourteen month old boy named Angelo was killed by his mother. In an earlier instance, the 19 year old mother abused the child. The agency returned the baby to her after she received some services. Three weeks after Angelo returned to the home, he endured serious injuries. The emergency team rushed the child to the hospital, but he died as a result of the multiple injuries inflicted from the mother's abuse. (Goldstein 143)

Students have the opportunity to discuss this case. In addition they need to make value choices whether or not children should be returned back to abusive parent

Focus Questions:

- 1) Did the state have the right to become involved in the first incident of abuse?
- 2) What evidence was there that the abuse occurred?
- 3) What services were used to help rehabilitate the mother?
- 4) What other services could have been offered?
- 5) Do you think that the mother should have received custody of Angelo after the first incident of

abuse

- 6) Do you think any parent should maintain parental custody after a documented case of abuse?
- 7) What rights should parents have in cases such as this one?
- 8) What can the state do to avoid situations such as this one from happening again?

Lesson 2:

Read article from newspaper entitled, "Seeing Rise in Child Abuse: Hospital Steps in to Try to Stop the Battering," from the New York: Times.

Students read about the rise in child abuse cases. Also, they examine the use of preventative methods utilized by hospitals.

Assignment:

Students need to respond in their journal in response to comprehension questions provided:

- 1) What indicators show child abuse is on the rise?
- 2) Who usually reports incidence of child abuse?
- 3) What factors are related to child abuse?
- 4) How can the medical field help to try to stop the abuse?
- 5) Can you think of any solutions to cure the problem?
- 6) What emotions do you feel when you hear about child abusers? Why?
- 7) Why do you think people become abusive?

IV. Pre-natal Decisions Faced by the Mother:

Pre-natal Care:

Pre-natal care includes the steps taken by an expecting mother to maintain the baby's well being. During pregnancy, a mother needs to be aware of the harmful effects of her actions. She needs to realize that these actions may permanently alter the child's life. Often, many young teenage girls that become pregnant are

unaware of the importance of pre-natal care. Many girls in this situation avoid getting the services needed that will help her to have a healthy and normal pregnancy. These services are free and confidential.

“Teen pregnancies cause problems for more than just the mother and father of the baby. The baby can have problems, too. Babies born to very young mothers often have a lower than normal weight when born. In general, the younger the mother, the greater the risk to the baby’s health.” (Merki 157)

Lesson 1:

As an introductory lesson, teacher will show a television special that discusses the importance of proper pre-natal care to ensure the unborn baby’s best chance of a normal healthy life. The teacher will assign students to work with a partner. Each pair will be given focus questions to read before watching the movie. The students will be required to take notes based on the questions given prior to the movie. The group will watch the movie together. A culminating activity each pair will need to share their findings with the class during group discussion.

Sample Questions:

- 1) What trends in pregnancy have occurred due to societal changes?
- 2) Why do single mothers face a more difficult time in dealing with a pregnancy?
- 3) Why do you think teenage mothers often do not seek help?
- 4) How do economic factors play a role in affecting pre-natal care?
- 5) What are some things that an expecting mother should do to help have a healthy baby?
- 6) What are some things that an expecting mother can do that may damage or injure her unborn child?
- 7) What negative effects can occur to a baby due to a mother’s negligence?
- 8) Identify at least one term that can result from improper pre-natal care and define it.

Lesson 2:

Teacher presents a lesson of the effects of inadequate prenatal care. Teacher demonstrates information from community pamphlets, charts, and classroom discussion. Students are given a vocabulary list of terms that they will need to investigate and define including the following:

- 1) fetal alcohol syndrome
- 2) addiction

- 3) birth defects
- 4) nutrition
- 5) rubella
- 6) nicotine
- 7) environment

Lesson 3:

Panel presentation:

Teacher will arrange a panel of students to present the negative effects of drugs, alcohol, cigarettes, and poor nutrition. Each member of the panel will present the information relevant to his individual topic.

Lesson 4:

Teacher presents the movie “Keisha’s Choice”. It is about a teenage girl who is wrestling with the choice of avoiding drugs during her pregnancy. The movie demonstrates how and why to seek pre-natal care.

*Students will need to respond to the movie in their individual journals. They will be given an opportunity to share their responses in a group discussion.

V. Abortion Issues:

One of the most controversial issues of our day includes the rights of the unborn fetus. Anti-abortionists (or pro-lifers) argue that the process of aborting a baby is murder; moreover robbing an individual of his/her life experiences. They believe that a woman should be legally bound to carry the child to term. Pro-life advocates believe that it should be illegal to have an abortion. Pro-abortionists (or pro-choice advocates) strongly disagree with these concepts. They believe that a woman has a right to make any choice that directly effects her own body They believe that the state has no right to force a woman to do anything that is against her free will and desire. In past decades both sides have scored points. Under the Bush administration, legislation was passed that would require girls under the age of eighteen to receive counseling services and/or parental consent. As President Clinton began his terms he was able to reverse that decision posing a great victory for the Pro-choice advocates. Various states have different laws regarding abortion laws. It is likely that the battle will continue on this heated, controversial issue throughout history.

In the article entitled “Abortion: Violence May Split the Pro-life Forces,” the rising tide of zealotry can be observed. This article describes a 37 year old woman named Rachelle Renae Shannon who uses a .32 caliber pistol to kill an abortion doctor. She manages to shoot the doctor but not kill him. This incident angered many people (anti- and pro-abortionists alike). However, extremists describe this incident as well as similar ones as “justifiable homicide”. Rev. David Trosch, a Roman Catholic priest was quoted as sayings “If 100 doctors need to die to save over one million babies a year. I see it is as a fair trade” (McCormick 59).

Lesson 1:

Students will read the article mentioned above. They will need to compose a letter addressed to Father Trosch. In this letter they will need to state whether or not they agree with his views. In addition, the students will need to write supporting data to why they agree or disagree with his statements concerning violence over the abortion issue. Students will have the opportunity to read letters to the class in order to foster group discussion on the topic.

Lesson 2:

Students will read and discuss a case concerning a minor's right to privacy. In the case of *H.L. v. Matheson*, a girl seeking an abortion disagreed with the statutory requirement that the doctor would contact her parents before proceeding with an abortion. She felt that this action would violate her constitutional right to privacy.

However, the court ruled that it was in her best interest to contact her parents before the procedure. The decision was based on the belief that "constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society" (Davis 68-69).

Students will read the case and discuss in a group context. The teacher will choose several students to represent each of the opposing views. These students will be chosen depending on the views shared during group discussion. The class will engage in a debate, each side arguing for their view. The teacher will serve as the mediator and the rest of the students will act as the audience.

VI. Health/Legal Issues

We are in a day and age that requires more legal intervention to deal with the complex health issues that arise. At one time, not too long ago, we did not have to deal with diseases such as AIDS. Now this deadly virus is constantly on the rise. It has caused a great amount of fear, anxiety, and pain to our present day society.

"Early in the AIDS epidemic in 1985! there was enormous anxiety about the risks such children could pose for their classmates. America witnesses some truly execrable displays of panic and exclusionary behavior." (Mason 157) Many children found themselves being ostracized from their community for a disease they did not ask for nor understand. Children, such as Ryan White, tried to help people understand AIDS to minimize the negative treatment incurred by society.

Lesson 1:

Students will read article written by Ryan White entitled, "My Own Story". They will have a chance to see what it was like for an AIDS victim to be discriminated against due to an illness that he had no control over. Much of this discrimination was due to ignorance. Students will engage in a creative writing activity. They will pretend that they are Ryan White writing a letter. They may pick a purpose of their choice in writing the letter.

- 1) Pretend you are Ryan White writing a letter to another child who has AIDS and may face the same discrimination as Ryan faced.
- 2) Pretend you are Ryan White writing a letter to those who are closed-minded and have

discriminated against him.

3) Pretend you are Ryan White writing a letter to those who have been supportive to you (such as family and friends). Tell why it was so important to have this support.

4) Pretend you are Ryan White (knowing you are facing an inevitable death). Write about how you are feeling inside. If possible, also write about how your loss may benefit others.

Lesson 2:

Students will watch a movie entitled “An Enemy Among Us”. It is a made for television special that shows a boy who faces a similar situation as Ryan White. Members of his community turn on him due to his contraction of the AIDS virus.

Students will have the opportunity to discuss the movie along with the article of Ryan White in a group context.

Lesson 3:

Students will be given an informational pamphlet entitled “Teens and AIDS”. Teacher will discuss with class. Each student will be required to create, design, and illustrate their own community pamphlet that contains the same information but presented in their own creative way.

VII. Condom Distribution:

One of the most controversial issues dealing with an AIDS awareness program is the methods school systems use to combat the problem. A common method has become the discussion and distribution of condoms in the public schools. One side argues that children who plan to have sex will participate in intercourse no matter what we believe. They believe that the process of obtaining condoms is often too difficult and embarrassing. These advocates for condom distribution believe that by encouraging the use of condoms is in fact encouraging “safe sex” and saving lives.

Those in opposition of condom distribution in public schools believe that by giving condoms to our youth we are in fact giving the “green light” to them to participate in sexual activity. They believe that we are compromising our moral values and tainting our society. In fact, they believe that we may be putting our children in a position where they feel more pressure to engage in sexual intercourse.

Obviously there are merits in both sides of the issue. This issue has stirred up much heated debate. Condom distribution in the public school began in the high schools but has now begun to slowly find its way into our middle schools as well. Parents may feel that their rights are being violated; and that it is not the school’s right to make such decisions that may seriously affect their children’s lives.

In Alfonso, New York, a high school created a condom distribution program that provided high school students with access to condoms in an attempt to prevent the spread of the HIV virus. Counselors were also provided to give additional help and information about the AIDS virus. Parents who were not in agreement with the program had no say in whether or not their children could participate in the program. All services rendered were private and confidential.

Parents argued that the condom distribution program violated a statute which would require a school system to obtain parental consent before administering health services to their children. In this case (Alfonso v. Fernandez) three factors were considered in deciding the case: "1) law requiring parental consent for health services 2) parents' right to free exercise of religions and 3) due process rights of parents to raise their children and teach them doctrines of their religious beliefs." (Forbes 134)

Lesson 1:

Students discuss the case "Alfonso v. Fernandez". Students will investigate all information supporting legal rights of the parents. Each student will need to identify the rights. They will also need to find information that they feel will support each side. As a result, they will need to develop a hypothesis to which side won the case.

Lesson 2:

As a part of an AIDS awareness program, a guest speaker will come to discuss preventatives to the HIV virus. Depending on the district's policy, condoms may or may not be distributed.

VIII. School Related Issues:

In the last several decades the courts have frequently been asked to resolve issues of debate in the public school system. The number of state and federal cases have increased dramatically as of recent. "Legal decisions have had a significant impact on teachers' and students' behavior, on teachers' employment relationships with their school districts, and on curriculum and instruction" (Ornstein 313). As parents become more aware of their legal rights, the public school system experiences an increase in educational litigation.

The following cases are examples of school related issues that illustrate the ongoing struggle between state's rights versus individual's rights.

Compulsory School Attendance:

All states have school attendance laws requiring parents to send their children to school until a designated age. Usually, this age ranges from sixteen to eighteen. In the case of Wisconsin v. Yoder (1972) the Supreme Court was confronted with this issue:

Would Amish parents be allowed to withhold their children from public school after the eighth grade. This is based on their belief of free exercise of religion under the first amendment. After much legal maneuvering, the Court upheld the Amish parent's right to refuse to send their children to school after a certain age (age 15). "This case can be characterized as a vindication of the rights of parents rather than those of children. No decision had been drawn between the parents' religious beliefs and those of their children" (Davis 59). It is interesting to note that the court concluded that possibly the state would be able to override the parent's

religious objections favoring those Amish children, who in fact wanted to attend high school.

Lesson 1:

Guide questions for group discussion:

- 1) Do you think the Amish were justified in teaching their children at home? Explain.
- 2) Why do you think the state feels so strongly about providing a compulsory education?
- 3) Would you go to school if you did not have to? Why or why not?
- 4) If you were a parent, could you think of some reasons why you would keep your children home from school?

Corporal Punishment:

In the case of *Ingraham v. Wright* the courts were faced with deciding the constitutionality of the use of corporal punishment in public schools. Two constitutional claims were raised: “1) whether paddling constituted cruel and unusual punishment within the meaning of the eighth amendment and 2) whether if constitutionally permissible, paddling nevertheless required prior notice and a hearing under due process considerations (Davis 64-65). The courts ruled that corporal punishment follows the same guidelines as when used by parents; “reasonable but not excessive force” may be used to discipline a child.

Lesson 2:

Guide questions for group discussion:

- 1) Do you think that the school system has the right to use corporal punishment? Why or why not?
- 2) Do you think parents have the right to use corporal punishment? Why or why not?
- 3) What are some other ways that adults can discipline children other than corporal punishment?
- 4) Explain the difference between reasonable punishment and abuse.

In summary, I hope the above mentioned strategies and techniques will be of some benefit in focusing and directing students and teachers in an analysis of some important, timely, and possibly controversial topics. I have found these strategies to be motivational and enriching. They have often deeply involved my students as “active participants” in the learning process. As a result, it has helped them to become independent, critical thinkers.

Student Bibliography

Davis, Samuel M. *Children's Rights and the Law* . Lexington, Massachusetts: D.C. Heath and Company, 1987. (Lists relevant cases of family issues for students to review.)

Shoop, Julie Cannon. " 'Fetal Abuse Conviction Overturned in Florida.'" *Trial*. Vol. 28, no. 10, Oct 92: pp. 16-17. (A brief article that provides legal evidence in a "fetal abuse case".)

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Pamphlets

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