

# Overrule the rules?

## School regulations protect our kids

BY KATHY A. AHEARN

The recent suspension of a Schenectady middle school student for wearing a rosary to school has sparked an intense debate over how to balance student safety with freedom of speech. This is not the first time this issue has arisen and it will not be the last.

There are statutes, regulations and precedents to help guide districts through situations like the one in Schenectady. The law says that school districts are entitled to implement a dress code to foster and maintain a safe learning environment. Districts can prohibit the wearing of certain items of clothing or jewelry in order to teach students socially acceptable behavior, eliminate health or safety concerns, avoid school violence, or for other proper educational reasons.

But a school district's authority also has limits. If a district disciplines a student for wearing clothing or jewelry that reflects a political or religious expression, it may violate a student's First Amendment rights.

To justify such discipline, a district must show that the speech (article of clothing or jewelry) was vulgar, lewd or advocated illegal activity, or that it was reasonably foreseeable to district officials that the item in question would cause substantial disruption to the school environment.

If a district meets this burden of proof, the student's right to freedom of expression must yield to the district's authority to impose and enforce reasonable rules of student conduct.

These principles, while well-established in the law, do not make certain decisions any less controversial when they are actually applied.

In Schenectady, the student in question said he was wearing the rosary beads in memory of both his older brother, who was killed in an accident, and his uncle, who had died only a few weeks before. The boy had no prior history of bad behavior in school, and may well have been expressing his grief and religious commitment by wearing the rosary.

This left Schenectady school officials in the difficult position of enforcing school rules that exist to protect students from gang activity against a boy who appeared sympathetic to all who learned about him in the press.

Moving forward, one of the keys to resolving these issues for the entire school community is to work together to find common ground before an incident occurs. This means creating sensible, sound and equitable rules that reflect the input and values of the community.

Each district is required under law to have a student code of conduct that lays out behavioral expectations and consequences for violating the code. Including parents and students in the development of the code helps insure community support for the rules that will then be enforced against all students. Involving experts on school violence and gang activity also helps

insure that the rules adopted deal with these challenges as effectively as possible.

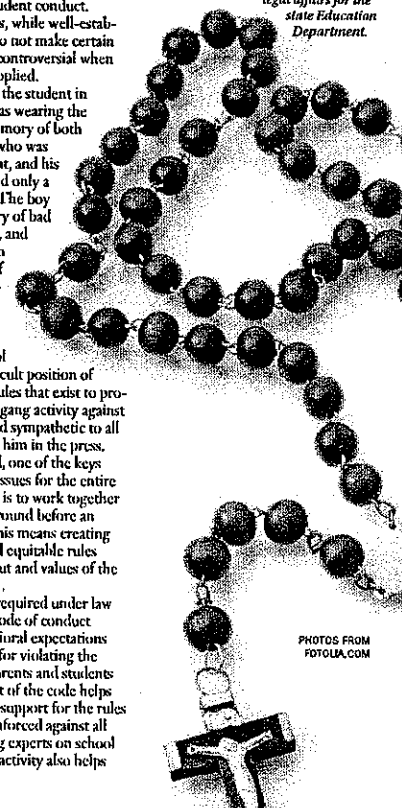
It is also critical to adopt proactive strategies to address the causes of school violence. There are resources districts can access from federal and state government and through nonprofit organizations to help them create and nurture a safe school environment.

While codes of conduct and student discipline will always be important tools, proactive measures — like the adoption of early identification strategies, gang identification, multicultural training, anti-bullying education, alternative dispute resolution, peer mediation, character education, anonymous reporting programs and crisis planning — can help decrease bad behavior on campus.

When students and districts find themselves in rare situations where school rules result in what on the surface may seem like an overly harsh decision, we all need to step back and remember that school districts adopt rules for this reason — to protect our children.

This purpose should compel the parties involved and the school community at large to come together for the sake of all students.

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