



Rights and Responsibilities of Students

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Neither the Fourteenth Amendment nor the Bill of Rights is for adults alone.

THIS statement is taken from the U.S. Supreme Court's opinion on the now famous Gault decision of 1967. This opinion and others like it are forcing all of us in the adult establishment, and especially in the schools, to recognize a fundamental fact—*students are citizens and as citizens students have constitutional rights.*

More important, however, recent court decisions are helping school authorities to remember that no minimum age is specified for citizenship. These opinions are also making dramatically clear what should be the highest educational objective of all schools in the land—*the personal and internalized meaning of freedom and responsibility.*

The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to count important principles of our government as mere platitudes.¹

More and more frequently the courts are being asked to rule on the reasonableness of the limitations and restrictions which school authorities have placed upon the rights of students.

¹ West Virginia State Board of Education *v.* Walter Barnette, 319 U.S. 633 (1943). This is the "flag salute" case.

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Personal Freedom

It has been assumed and supported by the courts that rules are made by reasonable men so as to maintain the discipline and order necessary when large numbers of students are brought together in one place for the purposes of education.

Under this interpretation most court decisions have supported school authorities and school boards in their application of school rules which limit personal freedom. However, Seymour Schwartz, in his study of the constitutional rights of students, reports another major change in the attitude of the higher courts as reflected in current opinions.

This attitude, according to Schwartz, recognizes that school authorities must sometimes limit the constitutional rights of individual students; yet where this is the case something more than reasonableness is required. More and more often the courts are asking school authorities for proof that "a clear and present danger" exists and therefore justifies the restriction of precious rights.²

Court decisions remind us, too, that *education is a right* and that unauthorized expulsion of pupils from school deprives them of a civil right.

If the concept of liberty is to survive, the school must be the sustainer. The core of this concept is that each individual has a unique potential which must be respected and protected as long as his behavior does not deny to others the self-same freedom he enjoys.

How would schools change if the number one, overall goal of education were that of helping the youth of this nation find personal meaning in freedom, liberty, and responsibility? Throughout American educational history there have been many individuals, groups, and organizations who have tried to make education not only democratic in its goal, but also in its methods.

However, the need to get on with the job, the problems of dealing with vast numbers, and false notions about efficiency have kept most schools authoritarian both in process and in product.

Student unrest, revolt, and demands to participate and make education relevant are without question evidences of the authoritarian process of public education.

To Learn Responsibility

If it is not too late, every elementary and secondary school in America should dedicate itself to the task of helping every boy and girl to learn the meaning of rights, respect, dignity, freedom, and responsibility.

Let us begin with the premise that *responsibility cannot be learned in the absence of freedom*.

Let us help children to learn from our deeds as well as our words that freedom and justice can only exist for us if we protect these rights for others. We learn to honor these rights only if we are enabled to see the consequences of our acts.

² Seymour Schwartz. "The Civil Liberties of the American Public School Student: An Examination of Legal Aspects of Students' Rights and Philosophical Implications for Curriculum Development." Unpublished doctoral dissertation. Detroit, Michigan: Wayne State University, 1968.

How do we help children to learn respect for privacy if we do not respect their privacy? Do we recognize a child's right to be heard? Do we help the student learn the meaning of "due process" by the way he is handled? Do we respect the student's right to be free from unreasonable search and seizure? Do we recognize the student's right to a feeling of dignity and equal worth? Can we explain and defend segregation in our schools on the basis of ability?

There is now sound research evidence to support what teachers have always known intuitively—that experience is the base for making meaning from perceptions. We use past experience to make meaning from new clues. If a child has no experience with the use of freedom, he has no base for making judgments about civil liberties. If the child has never known adult behavior which reflected concern for his civil and constitutional rights, he cannot be expected to be concerned about the rights and welfare of others. This means that students must become partners with us in the process of education: partners, in that students must share in the vital decisions of school life—particularly in those decisions that affect his privacy and his precious constitutional rights. Equally important is the student's participation in the decisions which affect the rights of others.

The flagrant violation of an individual's right to speak and be heard, a condition that characterizes much of today's scene, might be dramatically different if the individuals involved in these violations had experienced in their growing-up years an honest concern for the sacred right of free speech.

Responsibility grows out of respect for one's self and an understanding of the meaning of personal freedom. Responsibility cannot develop before freedom is granted.

The salvation of a way of life which values personal rights depends upon providing opportunities for experiencing freedom in the schools. The challenge is ours and the time is short. Only if we treat students as citizens with rights can they learn to be citizens with responsibility. □

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