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ARTICLE

The Dilemma of School Anti-Harassment Policies and the First Amendment

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The recent decision in Saxe v State College Area School District, that ruled that a school district's anti-harassment policy was a violation of the First Amendment, makes it clear that we must change the way curricula and program development are managed in our schools. Usually a tolerance curriculum is written by teachers and/ or consultants specializing in a particular course of study. Its contents are usually material agreed upon by the content specialist for the subject of tolerance. Once the content specialist or teacher committee members write the tolerance curriculum or a school purchases a tolerance curriculum, the teachers in a school district are asked to teach the tolerance curriculum without any consultation.

This policy of writing tolerance curricula including gay and lesbian students without consultation with the teachers who will be teaching it and members of the school community in which it will be taught can have a disastrous consequence as in this case, because it fails to take into consideration the school culture, and teacher, parent and student values and beliefs where the curriculum will be taught.

A school culture can be defined as the historically transmitted meanings outlining the norms, values, ceremonies, beliefs and rituals understood by members of a school community. A healthy school culture is correlated both to student achievement and teacher motivations toward their work (place). As a result, if a curriculum conflicts with the school culture, that curriculum will not be effectively implemented in that school.

A good way to solve this dilemma may lie in changing the way tolerance curricula are written. Instead of writing the curriculum solely from the point of view of the victims, this curriculum should include input from the parents whose children will be taught the curriculum and teachers who will teach it. Bringing parents into the curriculum writing process can serve two purposes. First, parents participating in writing a tolerance curriculum will allow educators to educate parents about the issues surrounding the problems encountered by gay and lesbian school children and also gay and lesbian parents. Secondly, it would allow parents an opportunity to voice their concerns about the tolerance curriculum and make it clear within the curriculum that their opinions were heard and are being implemented in the construction of a curriculum that often engenders controversy.

Teachers must help parents understand that intolerance of others, and aggressively punishing kids for incivility, teasing and bullying does not stop this kind of behavior because children practicing these behaviors know intimidation and fear is the best way to increase their own power. We want to use the tolerance curriculum to teach students to love and respect themselves. If they have no love for themselves they will be unable to respect and love someone else. Next, we want to teach passive and fearful victims of hate crimes some techniques they can use to handle a situation or confrontation assertively, especially when it involves verbal bullying. This can be done by working directly with parents to exchange ideas about what can be taught via a tolerance curriculum, and placing these ideas in the resulting curriculum. This would insure a measure of parental support for the tolerance curriculum.

In conclusion, bringing parents into the tolerance curriculum development process may make the resulting tolerance curriculum more authentic and reflect the sentiments of the school community, especially the adults most intimately involved in the lives of the school's children. It is clear that a legal mandate cannot in and of itself change the values and ideational constructs of the individual child, or parent for that matter. It is only when teachers, administrators, and parents work together to bring about changes in the school culture, that substantial change in the school culture can take place. These changes will take place within an environment where all the people involved in the education process have the same shared vision and dedication to implement a tolerance curriculum that endures. A policy that brings parents and teachers into a collaborative process to make a tolerance curriculum reaffirms the importance of all agents in the education process working together to make educational decisions that promote success in changing school culture, while helping children to learn ways to help them relate to one another in a positive and civil manner.