Plan for New High School Campus

Arthur Lang
A Plan for a New High School Campus

This plan is for a new state-of-the-art high school, middle school and elementary school to serve our future generation. The schools will be equipped with the latest technology, communication, resource and means of delivery. The plan calls for a large campus to be located in a designated non-residential area. It will be financed by the sale of Lakewood High School, Lakewood Middle School, Clarke Elementary school, and all adjoining District lands, which are located in prime residential areas.

The plan provides for the District to petition the Township for an equivalent parcel of land in the Industrial Park or other suitable ground to serve the needs of Lakewood’s 30,000 school age children, which can be anticipated to grow to about 100,000 over the next two decades. We are busing almost all of our children at present so this will come as relatively little extra expense. The District will tap into the Grant Program for School Facilities Projects in Regular Operating Districts (RODs) to meet forty percent of the costs. The plan in general, is anticipated to be financially self sufficient and might turn a profit. Financing to begin the project will come from a series of bond issues approved of by the voters. Interest and assumption of the bonds, and the balance of the sale, will be paid by the buyer of the former campus, while the district will maintain a mortgage on the property.

The facility shall consist of a high school, a middle school and a elementary school, constructed in wings to serve the needs of independent boys and girls schools. The facility shall have sports fields adequate to serve the schools and the population of Lakewood.

The facility shall by used by the students of the high school, middle school and the elementary school from the hours of 7:00 until 4:00. The facility, with the exception of of large gymnasium, with due accommodation to the District and the Community School, shall be reserved for township students enrolled in independent structured educational programs serving township children, accessible without regard to religious affiliation, from the hours of 3:00 PM until 12:00AM. Individual classrooms, labs and other parts of the facility will be used by both public and independent structured programs, during the hours from 3:00 until 4:00, on an equitable bases.

The district shall construct a long cafeteria and commons complex separated by a state of the art non-kosher kitchen in the new high school that will open to both commons and lunchroom. The complex shall run the full length of the building, with the commons on the right and the cafeteria on the left. The left side will open to a large parking lot and the right side will open to another large parking lot. These shall be the sole parking lots for the high school and its faculty. The district shall construct a state of the art kosher kitchen next to the right entrance, adjacent to the commons. The kosher and non-kosher kitchens shall be equipped in parity and commons and cafeteria shall be of equal size and
decoration. Commons and cafeteria can be used as lunchrooms to service public students during lunch and independent district students during supper. During evening hours, both commons and cafeteria will be made available to the public for receptions, dinners, celebrations and other uses at a rate of lease less than that charged local vendors, consistent with the mission of public benevolence. All proceeds shall enter into a general fund to equip the facility with state of the art educational delivery systems. Under no circumstances shall the funds be used in a general fund. This arrangement can provide hundreds of thousands of dollars per year to Lakewood students for the acquisitions of new computers, touch-screens, group work electronic systems, alternate educational programs, online courses, advanced calculators and durable goods. Currently, there is a wedding every night in one of the two weeding halls in town. At three thousand dollar an evening, five days a week, this can bring in substantial sums.

A three part large gymnasium shall be constructed on one end of the high school campus for use of Lakewood High School and spectator sporting events. On the other end of the campus will be constructed two single gymnasiums in separate wings, one for the solitary use of boys and the other for the use of girls. The principal of the high school shall be at liberty to form gender exclusive physical education classes as supported by research and the United State Department of Education. Under no circumstances will the principal authorize the use of the latter gymnasiums during afternoon hours.

The district shall conduct an environmental assessment, and if necessary, an environmental review of the plans and the site. The District and Stakeholders shall be encouraged to be vigilant against pollutants released onto the grounds in violation of CERCLA 42 § U.S.C. 9601-9675.

District special education teachers, fully vested, certified and tenured employees, subject to public jurisdiction, will be made available in the afternoon, on public school grounds, in the high school, middle school and elementary school, to provide service to all township students with an IEP, a right envisioned by the IDEA (Individuals with Disabilities Education Act), the New Jersey Constitution, and the Fourteenth Amendment for public school children, within Establishment Clause limitations. Such teachers shall be subject to the direct authority of and answerable only to District supervisors to avoid any inappropriate entanglement between the sovereign and religion. We can end outsourcing the education of our children and provide special education services to children of all ages and genders.

Independent District Schools will be at the liberty to use the facility under their own auspices, instructors, and/or curriculum. At the request of the administration of a participating school, the district will provide the school with aid in the form of instructional support, technology, self-directed educational services, and assessment, and will provide pertinent documentation on the delivery of such aid and provide the school with certification of individual achievement. Individual and home schooled students can opt to receive such aid and certification under district auspices. No District employees will engage in direct general educational instruction over students to avoid the necessity
of monitoring of content and the subsequently excessive entanglement of the sovereign with religion.

Every applicant, individual and corporate, will have the right of due process proceedings. Complaints will be heard over charges of avarice, discrimination, favoritism or any charge of violation of relevant State and Federal Law. Initial appeals will be filed with the Superintendent of Schools for plenary adjudication. Appeal can be taken to the Board of Education. Finality will rest with a panel, consisting of citizens, enough to form a quorum with powers to investigate, and the superintendent, the High School Principal, Middle School and Elementary School Principal, former teachers and principals. The panel shall be driven solely by the principle of equity and fairness in making its decisions, which will be binding on the District and applicant. Other than its record of facts, no ruling shall be construed to prejudice any rights otherwise held under relevant State and Federal law.

Hourly consulting fees will be forbidden to any salaried district employee for legal representation involving all issues that arise under this plan. The highest degree of ethics will be required for any decision maker or employee in the District undertaking this ambitious, and so far, unique program, that will certainly become a model for the nation.

The district will advertise in local journals and actively recruit instructors who live in Lakewood. Lakewood probably has more teachers than any other city or town in New Jersey. Many of them are highly qualified and can become certified through the alternate route program.

The district shall form a commission to explore the possibility of purchasing its own fleet of school buses. Drivers will be working around the clock, with alternate starting times between the independent school and the district schools. Additionally, children will be bused from their independent school to the campus during afternoon or evening hours to use the academic and sport facilities.

A residential hiring policy shall be instituted, within the contours of the Article IV Privileges and Immunities Clause. The district is spending almost $70 million of local taxpayer money. Keeping our tax dollars in town will stimulate local business. Employees who live in town are dedicated to our children and are natural stakeholders. This will provide tenured, vested, insured and secure jobs for our citizens. Lakewood needs jobs and the District is by far the largest employer. Our budgets will be approved once voters see that their money, not only benefits them, but provides a source of livelihood for their friends and neighbors.

Non-residential administration, staff and faculty can be antagonistic to the people of this town due to its uniqueness. They might not know our quintuple (even ten times) burden of finance, paying for our children in inadequate facilities and financing the public schools, all the while, when the good jobs in Lakewood are given these people from other towns. We do not have much opportunity in ways of livelihood. They might often say, “You have a choice.” (This is false and highly offensive). They can be completely out of
touch with the concerns of our residents. This not only affects the success of our budgets, because few people in town are stakeholders, but it affects our public school children. For example, during a recent LHS faculty meeting, it was proposed that the junior class hold a fund-raiser car-wash on April 15. I suggested that it should be held two weeks earlier. My neighbor’s teenage sons make thousands of dollars vacuuming out car before Passover. Nobody washes their car or vacuums it after on April 15. Another example, during the Small Schools project that LHS initiated three years ago, nobody thought of making a Construction Trade Academy. Residents of Lakewood know that the only jobs in town are construction, real estate and mortgages. The former Superintendent used the holiday week of Succos last year to set as a base-line for faculty attendance. And the list goes on.

Once the campus is opened, LHS can reorganize as a new school, perhaps Lakewood Township High School, and get a new lease on life to delay the consequence of failing to bring our test scores up. Additionally, with the availability, and justice, in making education available to all children, we have the potential, to increase our State funding to half a billion dollars by 2030 (100,000 children times four or five thousand—the whole formula will change based on our income versus students served) and bring our test scores up to the top district in the State.

The following is a general outline of plans to improve the district, and can be instituted independent of the new school campus:

**The Well-Known Problem**

Lakewood is unique. It has two school districts, in which currently about 20,000 students attend the Lakewood independent district, independent of the State of New Jersey and independent of the Lakewood School Board. The Master Plan of Lakewood Township estimates that the Lakewood independent district is growing at an annual rate of 18%. Almost all parents in the Lakewood independent district community have absolutely no contact with any of the 5,000 children in the public schools. They feel that they are burdened to support a public school system that does not belong to them, while some of their own children are inadequately housed in schools of one hundred students converted out of single family homes. “The public schools get everything for free, we pay for it and get little in return for our children.”

On a scale of A-E, “A” being the poorest level district, created by the New Jersey Supreme Court in the Abbot case, Lakewood is a “B”. Other towns in Ocean County range from C-E. State aid in the county averages only $2,052 per student, behind the State average of $2241. The average “B” district receives $3350. Lakewood receives only $840 per student. The old Comprehensive Education Improvement and Financing Act (CEIFA) formula for calculating aid was based on wealth, district income, and resident student enrollment. So is the new financing scheme. Since homes in Lakewood are expensive (as the independent district community is growing—almost 1000 new housing starts per year—and quickly sold), and close to five times as many students are in the

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1 Lakewood Vaad Open Forum Agenda and Power Point Presentation (2004?)
Lakewood independent district, who are not counted, the formula deprives the town from state aid, despite the average income of $31,000 in the 2000 census. This puts almost the whole burden on local taxpayers who must also support their own independent district.

Resident Stakeholders

Residential requirements in hiring public employees are not unusual, have a long history, and are legal. George Washington wrote in 1796, “Every matter, and thing, that relates to the city ought to be transacted therein and the persons to whose care they are committed [should be] Residents (Robinson).” An example is the residential requirement policy of the Chicago Board of Education. It was established to:

- Enhance the quality of performance of duties by employees who, as residents of the City, have an increased personal stake in the progress of the Chicago Public Schools and more awareness of conditions existing in the system.

- Increase the likelihood that employees residing in the City will have contact with community leaders and citizens through public school and community activities.

- Minimize absenteeism and tardiness among employees.

- Provide economic benefits to the school system from local expenditure of salaries and the payment of local sales and real estate taxes.

Teachers who live in town know the parents of our students; see them at the Community Center, houses of worship, at the library or in Shop Rite. These resident stakeholders can have more influence behavior on student behavior than an equal amount of security guards. Teachers that have a stake in Lakewood and live in Lakewood provide emotional security to our student and a kind of in-house security, without the need for more outsourcing and increasing our budget.

The District will also actively recruit independent district people as part of the larger campaign to give preference to Lakewood residents. The simple and inexpensive act of advertising job openings in Lakewood Weekly and other community weeklies, and holding job fairs welcoming independent district teachers, will open the floodgates of opportunity. Jobs in Lakewood are low paying and scarce. With each new employee comes a large immediate and extended family of new supporters of public education. The professional development we will provide brings back to the Lakewood independent district a new standard of accountability, discourse and civic trust, overall benefiting tens of thousands of children and citizens. The students of Lakewood, its teachers and its Board will benefit indirectly as the leadership of Lakewood comes closer to being one instead of two camps. Students will benefit directly by engaging people who they previously resented, learning to see others and themselves as individuals who are not bound by stereotype or nature to be that which they are, people free to develop their own moral worth, the only true measure of humanity.

(Note: With 20,000 independent district children in school from early in the morning until evening hours, Lakewood has more teachers per capita any other community.)
Despite anecdotal evidence of ridicule and indifference toward those who have tried to break the racial barrier in applying for jobs in the public school district2, an affirmative policy to reverse discrimination against yeshiva people would be distasteful and difficult to justify in lieu of United Jewish Organizations v. Carey 430 U.S. 114 (1977). The Court ruled that New York State did not violate the Voting Rights Act by gerrymandering the Hassidic Williamsburg community into two legislative districts to enhance the voting strength of non-whites because it was not unfair to whites as a whole. The Court treated the dilution of the Hassidic vote as a question of reducing the vote of whites. The Lakewood independent district community, like the Hassidic Community of Williamsburg, is not considered a protected class, but part of the white majority. Still, the Lakewood School Board has to vigilantly prevent ridicule and discrimination of yeshiva people in hiring because it is illegal and it alienates the people from supporting public education.)

Learning through Service Program

The new Lakewood High School will embark on a student teaching program in which juniors and seniors of good academic standing will serve as classroom assistants to aid in differentiated instruction. The program can be either independent or in partnership with local community colleges and universities. Successful juniors and seniors will be awarded a full year of credit in a new course entitled Service Learning or Student Teaching, a selection that reflects their spirit of volunteerism and community service, all of which will be documented in the student portfolio.

A mandatory after-school tutoring program can also be established for students receiving a single failing grade in mathematics or language arts under the supervision of a single teacher of those subjects. Completion of a two month, twice a week course, or a three week continuous course, can result in a change of one failing grade. All students, including athletes, can be given extra credit in collaboration with their teachers, but none allowed more than one grade change per year. Teachers can serve on a rotational basis, one hour of service rather than a faculty meeting or other activity, or on a non-rotational basis in lieu of the contractual one hour after-school help offered each week. Juniors and seniors will also volunteer to serve as tutors and receive another course of credit in service learning. If even marginally funded, they may be paid for their efforts under the NJ Labor Laws, because the school district is a not-for-profit, local government agency.

Construction Trades Internship

A Construction Trades track will be established for students showing an interest in the building industry. The construction trades are so mathematical in nature that most New Jersey Mathematics Standards can be tied to job and business related tasks. Teachers in the Construction Trades courses will give at least one open ended question in construction every lesson. Math then becomes relevant and indeed necessary for all students. Success in meeting the objectives will be determined by completion of class work, homework, projects, tests, quizzes, and a final examination. Carpentry, sheetrock installation, roofing, sheathing, carpet and flooring installation, electrical work,

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2 When a friend of my wife applied for employment in the transportation office, she was asked, “Whose side are you going to be on, their side or ours?” There are many such cases, including my own application for employment.
plumbing, heating and air conditioning, and masonry are mathematics intensive trades. Housing starts are growing almost exponentially and will continue to grow in Lakewood. A Construction Trades internship will meet that demand by preparing graduates for post-secondary engineering and technical studies, to enter the industry immediately after graduation, and to ultimately run their own business in the construction industry.

The goal of the second year geometry curriculum will be a summer internship program with a local construction company after the sophomore and junior years. Students earning a grade of A or B in both Algebra and Geometry will be eligible to work under a master or journeyman learning their trade with a focus on the pertinent mathematics skills. Additionally, with the assistance of local contractors, all sophomore and juniors will take field trips to building sites for hands-on instruction. Completion of the three or four years in the mathematics program will culminate in the senior year construction project. In cooperation with the building department, building supply outlets, licensed masters, and developers, seniors will construct on school grounds. Success will be measured in ability to solve the many problems they will encounter while building in the project. Students will not be surprised to discover that most solutions come as a result of a solid foundation in mathematics.

Construction is the biggest business in town. Contractors and developers are among the most active and involved leaders in the independent district community. They will be enlisted to establish the summer internship program. A bridge will be formed between the public school community and the independent district community through the recruitment of talent in the construction of homes.

While any initiative to bridge the public school district with the independent school district cannot fully address the issue of inadequate teacher preparation and facilities for children in the independent district, the parents of those children, who are the political and economic leaders of the town, will become stakeholders in the success of all of Lakewood’s children. Construction is the largest industry in town, yet currently there is inadequate quality, training, workmanship, and number of laborers to meet the demand.

Stop Loshon Hara

The cause of a national increase in fighting between girls in school is certainly lashon hara. The new campus will have signs in English, similar to the Shiras Haloshen campaign in the Independent District, to create a program suitable to the public high school. Lakewood is famous for its efforts to eradicate loshen hara. District students will learn from and work with the independent community and its foundations in designing a program that will stop students from talking junk.

Brain Based Learning Theory

Inform students of recent studies about the brain and learning. Research has shown that students have made significant gains in academic achievement when they are made aware of hard science that proves that they can improve their intelligence and ability (Dweck).

Eradication of Truancy
Truancy is our biggest academic problem. Students may have a right not to learn, but they do not have a right to cause others not to learn. Truant students lower the achievement of other students in their classes when they return and in the school as a whole. The State of Texas studied the effect of block scheduling on learning and found that attendance was more strongly associated with aggregate student performance.

When the contextual factors and performance measures were considered collectively, the following characteristics related significantly to overall student performance.

- Average student attendance rate for the campus
- Percentage of students enrolled on campus who were economically disadvantaged
- Campus enrollment
- Education service center region
- District type (urban, suburban, etc.)
- Percentage of students enrolled on campus who were ethnic minorities
- Percentage of teachers on campus who were ethnic minorities

Of these seven characteristics, attendance was by far the most strongly associated with aggregate student performance. How effectively students and teachers engage in the teaching-learning process appears to matter much more than the length of class periods. (Texas)

Truancy is also a major catalyst for drug use and daytime crime and violence (Manual, 1996). Some immigrant parents may not understand that attendance is compulsory. Policies should make it clear to students and their families that the school community has zero tolerance for truancy. They should clearly state that attendance is the responsibility of students and their parents, and that all will be held accountable for absences. Policies should be educational, not punitive, should include due process provisions, and should be flexible enough to deal with extenuating circumstances. (At-Risk Youth, 1992). While some educators believe that truancy can best be prevented by positive measures, there is some evidence suggesting that "no method has been as effective as taking truants to court" (Wilson, 1993, p.43). We will personally work with the Ocean County Family court. We can and we will do better.

Parental neglect is a common cause of truancy. Many parents of truant students do not value education. Some children are kept at home to work or baby-sit preschool siblings. Others are prevented from attending school because of problems at home, at school, or in their neighborhood. Truancy is a stepping stone to delinquent and criminal activity. A report compiled by the Los Angeles County Office of Education on factors contributing to juvenile delinquency concluded that chronic absenteeism is the most powerful predictor of delinquent behavior (Shuster, 1995). Truant students are at higher risk of being drawn into behavior involving drugs, alcohol, or violence. A California deputy assistant attorney who handles truancy cases says he has never seen a gang member who wasn't a truant first (Kass, J. 1996). Several studies have documented the correlation
between drug use and truancy. Those who did not attend school were more likely (67 percent versus 49 percent) to test positive for drug use than those who did attend.

Many police departments report that daytime crime rates are rising in part because students are committing crimes instead of going to class. They are vandalizing cars, shoplifting, and scrawling graffiti on office buildings. When police in Van Nuys, California, conducted a 3-week truancy sweep, shoplifting arrests fell 60 percent. (Shuster, B. 1995). Police in St. Paul, Minnesota, report that crimes such as purse snatching dropped almost 50 percent after police began picking up truants and taking them to a new school attendance center. Officials in Roswell, New Mexico, say daytime burglaries and other reportable crimes in neighborhoods surrounding the town's two high schools have decreased significantly since a daytime curfew ordinance was enacted in 1994 (Garry). Incidentally, Lakewood has seen a recent wave of burglaries.

It is also clear from the research that neighborhoods in which there is little attachment to the community tend to create increased juvenile delinquency, crime, and drug abuse. For instance, if police, social service workers, teachers, and shop owners live outside the community they are employed in, and unemployment within the community is high, residents tend to feel that their actions to better their lives will not make a difference. Churches, schools, and families are less likely to pass on the needed societal norms when neighborhoods are deteriorated, and so behaviors such as vandalism, teen pregnancy, school dropout, and violence increase (Herting and Guest, 1985; Sampson, 1986). This supports our argument for residency preferences.

**Cinco de Mayo**

In Plyer v Doe, 457 US 202 (1982), the court ruled that a state cannot exclude illegal aliens from education. Even though illegal aliens are not a suspect classification entitled to strict scrutiny, and that the Court in San Antonio Independent School District v. Rodriguez, 411 US 1 (1973) said that an absolute denial of education would require strict scrutiny, the Court in Plyer applied a middle level test for the absolute denial of education. The Court added that education plays a pivotal role in maintaining the social fabric of educating good citizens in our society as well as maintaining our political and cultural heritage. The court further recognized, consistent with research, that undocumented families and their minor children are likely to remain in the United States and, at some point, legalize their immigrant status (Hiller & Leone, 1995). The decision signaled unprecedented civil protection for illegal aliens.

In 2000, New Jersey had 125,000 undocumented aliens, about 1.6 of the population of which 16,300 were in public schools, about 1.2 percent (Huddle, 2000). Economic survival is a high family priority, which might limit school attendance and participation. School staff must realize that newly arrived immigrant parents, although they may have been educated in their own country, will have difficulty dealing with the U.S. education system. Immigrant parents are likely to view school in ways unfamiliar to many U.S. teachers and administrators. Teachers and administrators who work hard to understand the strengths, the lives, and the cultures of undocumented immigrant children help to
create a school environment that benefits all students. (Green, 2003). School administrators need to lead the ongoing effort to explain to both parents and staff the procedures that particularly affect immigrant, migrant, and undocumented children. Special attention should be given to school practices that may penalize students or parents, such as hidden costs or fines, confusing changes in school hours, bus schedules, or unclear visiting procedures (Crandall et al., 1998; Anstrom, 1997).

Lakewood Schools will hold a Cinco de Mayo Celebration, since almost all of our Mexican students, who come from the State of Puebla, need to perceive a safe and welcoming school culture.

Cinco de Mayo commemorates an initial victory of Mexican forces over French forces in the Battle of Puebla on May 5, 1862. The holiday is celebrated vigorously in the city of Puebla where the battle was fought, and in the state of Puebla. Lakewood has many students from Puebla. High schools throughout Texas and other states have Cinco de Mayo celebrations. It is a celebration of the culture and experiences of Mexican-Americans, much as St. Patrick’s Day is used to celebrate those of Irish ancestry. The holiday is observed by many Americans regardless of ethnic origins, especially in cities and states where there is a large population of Mexican ancestry. Although it is not an official holiday, many cities with large populations of Mexican ancestry honor the day as a symbolic representation of Mexican pride and as a representation of a culture that blends both Mexican and American roots (Wikipedia).

Civic Trust and Character Counts

When the Congress of the Confederation in 1787 guaranteed equal statehood to its territories, creating the most democratic colonial policy ever, it declared, in Article Three of the Northwest Ordinance, “Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools shall forever be encouraged.” A liberal education in mathematics, science, history, and literature cultivates reason and knowledge, developing the ability to make practical choices and, most importantly, the moral sensibilities of the child.

Global competition has effectively replaced citizenship as the purpose of public schooling. Policy makers hold teachers accountable for math, reading and science while less attention is given to American history and civics. Unlike the driving principle of honor in monarchy and of fear in tyranny, virtue, the driving principle of a republic is sustained only through education. It is in the school where the torch of liberty was passed from one generation to the next, where Americans historically learned patriotism and love of country. The school binds the nation to its past; this country is what it is because it knows what it was.

A great American said in 1838, “Let the reverence of the laws be breathed by every American mother, to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; …let it become the political religion of the nation
It is the law that makes us as a nation; the law binds our generation with generations of the past. The nation is strong when it is true to its history, which is manifest in the rule of law, binding all people, past and present, into a nation. The people must follow the law; not the law should follow the people.

Reverence for the law is the common bond in a diverse society. To increase understanding of American constitutional democracy and the fundamental principles and values on which they are founded, the law will become the political religion of Lakewood Schools. The discourse of the school community will be in the language of our constitutional principals, the law, and the fundamental values on which they are founded.

Lakewood High School will also become a positive environment that reinforces the worth of each child based on the content of his or her character giving students self-esteem and respect, attitudes necessary for success. Art classes will paint murals and displays reinforcing positive character traits. Character Counts sayings will be posted in halls, announced and showcased every day. Diversity only begins by appreciating different cultures. Its end is seeing people as individuals.

Whole school assemblies will began with penetrating references of history and government. Inspirational messages will be posted, announced and showcased. We already have a showcase in the front of the school extolling character traits that, as educators, we wish to impress upon the children entrusted to us. Some of the virtues commended in the display are common to all great republics, such as citizenship and respect for authority, fairness, honesty, loyalty, and the courage to do the right thing. Most prominent are the human values, qualities that eluded the writers of antiquity, yet are so fundamental to our nation and age. “A Pillar of Character,” the center poster reads, is “Caring,” which means “to be kind, to express gratitude, to forgive others, to help people in need, to be compassionate, and to show that you care.” Another is “Respect,” which means, “to follow the Golden Rule, to be tolerant of differences, and to be considerate of the feelings of others.” More posters will be displayed throughout the school. Students in art classes will paint murals and displays reinforcing positive character traits.

Working in collaboration with the social studies department, Lakewood High School will embark on a Civic Trust program that will encourage young people to think in terms of the law, civil values and accept the consequences for their own actions.

We will use the United States Constitution as interpreted by the Supreme Court as a model of student rights and make use of the fundamental citizenship values that American schools traditionally impart upon students. Some of the same rights that adults enjoy in the public setting, children can take advantage of in school. That means that they

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3 Lincoln made this famous speech to the Young Men’s Lyceum of Springfield. He also said about the Founders, “Their ambition aspired to display before an admiring world, a practical demonstration of the truth of a proposition, which had hitherto been considered, at best no better, than problematical; namely, the capacity of a people to govern themselves.”

4 www.charactercounts.org
are entitled to express their opinions. They are entitled to the due process and the opportunity to answer charges against them and the right to appeal. The prevention of harm is the police power of the state, which under classical interpretation, may be used to protect the morality, health and safety, and welfare of its citizens. In his Judicious Discipline plan on which the Civic Trust program will be initially modeled, Forrest Gathercoal translates the police power of the State, in the schools, into four basic compelling state interests, 1) the prevention of property loss or damage, 2) the furtherance of legitimate educational purposes, 3) to eliminate the threat to health and safety, and 4) to stop serious disruptions of the educational process. All students will memorize and constantly be reminded of these four categories, as they become the subject of discussion between teacher and students, and among fellow students.

The prevention of harm is the police power of the state, which under classical interpretation, may be used to protect the morality, health and safety, and welfare of its citizens. In the schools, that translates to four basic compelling state interests, the prevention of property loss or damage, the furtherance of legitimate educational purposes, to eliminate the threat to health and safety, and to stop serious disruptions of the educational process. All involved in the school will memorize and will be constantly reminded of these four categories, as they become the subject of discussion between teacher and students, and among fellow students.

The four compelling state interests can be classified as individual responsibilities of citizenship. They are balanced against the individual rights of freedom, justice and equality. The time, place and manner of interaction mediate between state interests and the person. The student always must ask three questions: Is this the appropriate place to exercise a given right? Is it the appropriate time? Is it the appropriate manner? Alternately, the school also must ask if the time, place, and manner require restriction of a particular student right. Most significantly, students must understand why their right of equality is not disregarded by different treatment of distinct students. The goal is that all students should have equal human dignity and worth, but not that the means to that end will be the same for all.

For example, two students are caught destroying school property. One might volunteer a duty after school while another might refuse any cooperation with school authorities. The second student would be exhibiting deeper issues than the one infraction, requiring more time for reflection. The first student might perceive an inequality in his restorative duty. It must be made clear that he is actually reconnecting himself as a member of the school community. Not every consequence can be the same for every student. If the recalcitrant student would have been forced into the same duty, that student would perceive totalitarianism and further alienation. The key is that all students must feel that the school is concerned for their own growth as human beings.

Freedom means that students have the right to make choices for themselves. Justice means that students have the right to tell their side of the story. When an educator listens to a student’s request, he demonstrates a respect for the worth of the student. Equality does not mean that all students are treated the same, but that all have a chance to succeed.
The teacher that tells a student, “If I let you do that or get away with that, I will have to let everyone else do it or get away with it,” may be denying that student an equal opportunity to learn if in fact that student needs special assistance in order to find success (Gathercoal, 6 page brief).

Student rights can be denied when the State exercises one of its four compelling interests. When students learn to use the arguments of State interests, the classroom moves from authoritarian talk to democratic discussion. Teachers no longer tell students how to act, but remind them of the civic duties. Student no longer follow orders, but discover the duties of living in civil society.

The legitimate educational purpose of the State must be balanced against individual family values. A disruptive student during a lesson on medieval religion might actually be reflecting a contradiction to his family's religious values. A lesson on evolution might violate the religious beliefs of a student’s family. Such students should then be excused from class during those lessons if requested. Educators cannot force a student to stay in class, saying, “If I let one student out, I would have to let them all out.” The idea of rules that cannot be broken in any case leads to rules just for the sake of rules. That practice will end. Students will understand that the teacher is a scientific professional in learning that exercises judgement for the benefit of all individual students. School rules legitimately apply in each particular case to justify denying a student a right, not as a blanket application of law. Acting in the interests of each student helps all students learn their responsibilities in our civic society.

Respect for health and safety can create a consciousness of tolerance in students. Use of profanity can harm the emotional health of others. Nevertheless, teachers should not force any issue but use knowledge and modeling to help create a community of respect.

Just because a classroom is noisy does not necessarily mean that there is a disruption of the educational process. Noise level can depend on classroom size and teaching style. Gathercoal recommends class discussions as to what students feel are acceptable noise levels or disruptions of the learning process.

The outcome of Civic Trust might make students want to stay in school. Just as our nation nourishes patriotism and republican values by making all feel part of the political process, the student is motivated to achieve academically and not drop out because he or she is part of the educational community. A community does not need a benevolent leader or teacher who is wise and all knowing enough to tell everyone what to do, but one that encourages thought and knowledge in others. John Stuart Mill said, “Whenever the sphere of moral action of human beings is artificially circumscribed, their sentiments are narrowed and dwarfed in the same proportion…Let a person have nothing to do for his country, and he will not care for it. It has been said of old, that in despotism there is at most but one patriot, the despot himself; and the saying rests upon a just appreciation of the effects of absolute subjugation even to a good and wise master (Mill).”
A democratic school is not one in which every decision is made by majority vote. Just as our democratic polity relies on representatives who make informed public policy and experts in the executive branch, so too, students place their trust in authorities who are professionally trained to manage the school and the classroom. However, just as those authorities must maintain rational justification for their actions, administrators and teachers always must be fair and reasonable in the eyes of their students. Teachers and administrators become more profound as they reflect upon the perspective of their students, abandoning a blind adherence to rules, and students gain self-esteem and respect for others as they realize their own worth and value in the school community.

Talking down to students to make them feel guilty in order to make them comply with rules makes students passive. Responsibility comes about only when students do the talking. We should not judge students, but ask them to describe their behavior. If an incident happens, instead of asking, “Why did you do that?” We can ask, “What happened?” not using the word “you” when referring to the incident. This gives a student the chance to reflect upon the appropriateness of his action. It gives him a chance to make amends. This helps separate the self from the deed and enables the self to look at the deed somewhat impartially. Apologies under pressure cannot have the same moral significance as self-induced restitution. In the end, students must be asked, “What can we learn from this?” The method of discussion then tends to be Socratic. Student responses are then volitional instead of defensive. Instead of learning obedience through consequences designed to force behavioral changes, students internalize moral values.

Lawrence Kohlberg, often cited as the theoretic successor to Piaget, formulated steps in the psychological moral development of human beings. The highest Kohlberg stage involves Kantian categorical thinking. Children first pass through the power stage where “might makes right,” the reward and punishment stage, and the interpersonal stage where one tries to please others, before he enters the social stage of doing right simply for its own sake. One author equated John Rawls modern defense of the Social Contract under the “veil of ignorance” (when forming the social contract, nobody knows anything about their own persons) with the Kantian categorical imperative, which can admit no exceptions to the moral law, in elaborating the highest stage (Crain). (Rawls is closer to Hare’s contextual morality than to categorical imperative of Kant).

Students should be introduced to the philosophical discussion, which involves universal application of justice and notions of right and wrong without regard to terms such as “I” and “we” in determining the rightness of actions, which Kohlberg quantifies as the highest psychological stage. In fact, the autonomous self in determining the unconditional rule should pay no regard to pathological determinants of action. Moral action can have no psychological motive according to Kant.

Gathecoal’s Judicious Discipline is said to work well with middle class children whose parents value individual autonomy at work and in their professional lives. Parents who perform robotic tasks on the job more often value rule following as the pathway toward success. Alternatively, some attribute discipline difficulties exhibited in African-American boys to cultural differences. Often teachers interpret interruptions as signs of
disrespect while the students are really trying to engage themselves in class (Schwartz). By allowing students to join in the discourse of justice, innocent cultural behaviors are automatically integrated into a class and school code of conduct, ironing out misunderstandings.

Students gain confidence in themselves as they freely participate and earnestly search for just solutions when they are informed of their rights. This sets the tone and content of discussion so that they can begin to self-manage their behavior. Teachers must cultivate this atmosphere by encouraging students to voice their grievances. The greatest effort must be made to minimize embarrassment showing a respect for human dignity, one of the fundamental principals of democracy. (McClenaghan). Names should not be put on the board for disciplinary purposes, nor should teachers publicly compare students to one another.

Success will be a matter of experience and the embracing of democratic values. Teachers should not be ashamed to make a mistake. Students know that learning is a process for all involved, including their instructor. Teachers show concern for that which students perceive and express, in order to engage them in moral thinking. Student then embrace the language of our American rights and responsibilities.

Gathercoal relates an incident on a school bus in which a boy pushed a third-grade girl. She shouted, “You can’t do that to me, that’s health and safety.” The boy stopped picking on her because it was no longer her command to desist but the whole school community was holding him responsible for violating the welfare of another.

Montesquieu argued, almost three hundred years ago, that society must reserve its most severe deterrence for the crimes that it wants most to prevent. Teachers must go beyond utilitarian and retributive views of justice if they want to arouse the sense of fairness in their students. They ask their students, “What needs to be done?” Consequences must be shaped to the student and therefore be volitional on their part to “have something made right again.”

Students should be given a real opportunity to answer those who accuse them and to be adjudicated by those who are not part of the enforcement agency. The same principles that apply in criminal justice, albeit with the goal of keeping the student in the community, should be applied in student punishments. The student should be given the opportunity to call witness and prepare his defense. Student-faculty committees have been established in many schools to mediate between students. Such committees, perhaps with the addition of parents, can even mediate between students and administrators, assuming that they have embraced the principles of Civic trust.

Rules that are based on the United States Constitution attain an enhanced status as students realize that these same rules apply to the policemen, workers and employers, and their parents. They feel empowered and protected. When rules are broken, they are not ashamed to point out such violation in constitutional language.
Speech, religion, and expression must be protected within the four responsibilities of protecting property, health and safety, educational purposes, and prevention of serious disruptions. The Supreme Court ruled in Tinker v. Des Moines Independent Community School District 393 US 503 (1969) that students do not discard their First Amendment rights at the school gate. But, even if a State interest does allow a teacher to force students to give up a right, say, to give up speech in the interest of a quiet classroom, teachers could ask themselves whether there are alternative to restricting students. Teachers could ask, “Can students learn better by talking freely, even without raising hands?”

The same technique, enforcement of responsibilities judiciously, can apply in situations of student publication and expression. As students find that they are less restricted, they begin to police themselves. In fact, a school wide bulletin board on which students are free to post whatever message they desire, can give students a sense of belonging. Gathercoal argues that without such a devise, isolated incidents such as discriminatory graffiti (which must be removed from any wall) could shake confidence that students are in a diverse community. However, when all are permitted to post messages, bigotry is drowned out when counted against hundreds of other student messages.

The Civic Trust program can produce an atmosphere conducive to a caring relationship, but its approach is mainly cognitive. One critic of Judicious Discipline points out that it, “may result in sterile, depersonalized relationships and environments without a clear focus on the ethics and practice of caring. (Stanley). Teachers must hone in on interpersonal relationships with students. When doing so, we can develop the moral “I-Thou” relationship, such as elaborated by Marin Buber.

Dorothy Angell makes a similar argument, claiming that cultural diversity alone taught in American classrooms in which students are only told about the culture of others fails to identify a student with those others. She distinguishes between empathy, which draws attention to the other, and sympathy, which draws attention to one’s own feelings. Empathy for the other can be the source of the self. When we develop the ability to feel for the other, we gain a heightened awareness, which is an expansion of the self. The more autonomous one becomes in formulating laws and rules that he or she lives by, the more that individual internalizes that to which was consented, and the more he or she respects others whose worth were considered in the determination of that consent. The more one participates in legislation or rulemaking, the more one develops his moral capacity and love of other and community.
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