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Legal Rights of Students in the Public Schools: A Descriptive Case Study of the Center for the Study of Student Citizenship, Rights and Responsibilities in Dayton

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LEGAL RIGHTS OF STUDENTS IN THE PUBLIC SCHOOLS: A DESCRIPTIVE CASE STUDY
OF THE CENTER FOR THE STUDY OF STUDENT CITIZENSHIP,
RIGHTS AND RESPONSIBILITIES IN DAYTON

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A Dissertation

Submitted to the

University of Massachusetts

School of Education

in partial fulfillment of

the requirements for the degree of

Doctor of Education

by

Arthur E. Thomas

1971

Approved:


Chairman


Member


Member


Member

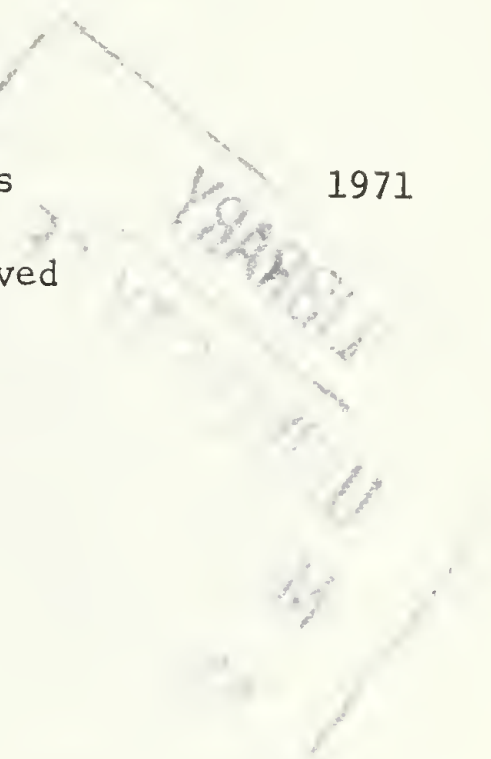

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Legal Rights of Students in the Public Schools: A Descriptive Case Study
of the Center for the Study of Student Citizenship, Rights and
Responsibilities in Dayton, Ohio (September 1971)

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Ed.D., University of Massachusetts

Directed by: Dr. Arthur Eve

The Center for the Study of Student Citizenship, Rights and Responsibilities was established in Dayton, Ohio in October of 1970. This Center was one of the first student advocacy centers to be established in the nation, and was to assume the posture of investigating and providing answers to many problems that students and parents were being confronted with in the public school system in Dayton, Ohio. Financial support received from Legal Services Division of Research and Demonstration Programs of the United States Office of Economic Opportunity enabled the Center to function more effectively in achieving its primary task, that of informing students of their rights and responsibilities within the school system.

Major objectives of this study were: (1) to identify major actors influential in the establishment of the Center and to determine major events that led up to the Center's establishment; and (2) to analyze the Center's initial period of operation from November 7, 1970 through June 30, 1971. Within the general framework of these overall objectives a number of specific purposes have emerged. First, through analysis of written documents, correspondence materials, and newspaper accounts, and through use of interviews, the investigator has (1) identified and described major actors influential

in the establishment of the Center, and (2) identified the major events that led up to and influenced the establishment of the Center. Second, through an analysis of grant proposal, reports, correspondence materials, demographic data and through use of interviews and on-site observations, the investigator has: (1) identified procedures used in the operation of the Center and the roles of the various personnel and (2) described and analyzed major Center activities.

The review of the related literature focused upon the following four topics: (1) the social upheaval in our society during the past two decades, (2) the declining organizational health of our public schools, (3) educational reform in America, and (4) literature related to students' rights activities in America.

Although many people were involved in the establishment of the Center, the following provided the major influence in the design and establishment of the Dayton Center: Arthur Thomas, Dr. Edgar Cahn, Mrs. Jean Camper Cahn, Dr. Ruth Burgin, Mr. Terry Lenzner, and Mr. Michael Kantor. In addition, members of two local agencies (Model Cities Planning Council and Community School Councils) assisted greatly in the establishment.

In analyzing the major program thrust during the first year, the Center activities have been organized into the following categories: (1) development of inter-agency and community relationships, (2) development of dissemination materials, (3) design and implementation of ombudsmen training program, (4) description of selected case studies and potential areas of litigation, and (5) operation of a student board of inquiry into high school discipline.

In summary, the following facts emerged: (1) workshops held have drawn over 1,100 people, (2) case referalls have totaled 125, with 105 parents

accompanying students, (3) a written, cooperative relationship document has been developed with the administration of the Dayton Board of Education, (4) Student Rights Handbook has been developed and distributed, (5) ten parent ombudsmen have been trained to provide Center services to parents and students, (6) Center secured additional \$10,000 grant from the United States Office of Education to develop a rights handbook for parents, (7) eight video tapes have been developed for training, (8) with the National Urban League, the Center secured a planning grant for an experimental school, (9) Center is working with Ohio State Legal Services to protect rights of students through analysis of pending legislation.

The investigation focused primarily upon documentation and analysis of the emergence and initial year's operation of the Center for the Study of Student Citizenship, Rights and Responsibilities. It is important to note that the Center is still in the embryonic stages of developing a new process-- the provisions of basic rights for students in Dayton, Ohio.

ACKNOWLEDGMENTS

The author wishes to dedicate this dissertation to his mother for her understanding, commitment, encouragement, and dedication. Without her, the completion of this project would not have been possible.

The author wishes to express his thanks and appreciation to his wife, Betty, to the late Charles Bridge, whose dedication will always be an inspiration, to all the people, young and old, in West Dayton, to Dr. Larry Hillman, Dr. Ames Chapman, Mrs. Wilhelmena Robinson, Mrs. Margaret Irby, Mr. Irving Moses, Mrs. Ruth Burgin, Dr. Donald H. Smith, Mrs. Jean Cahn, Dr. Edgar Cahn, Dr. James H. Pelley, Dr. Robert Simpson, Mr. Gregory Favre, Mr. Preston Wilcox, Mr. Ken Haskins, Dr. Ermon Hogan, Dr. Charles Smith, Miss Marcia Brockenborough, Dr. Rhody McCoy, Mr. Elliott Stanley, Mrs. Nancy Stanley, Mr. Ellis Hutchinson, Miss Carolyn Russell, Mr. Donnie Moore, Dr. Oscar Mims, Mr. Arthur Bouldin, Mr. James Phillips, Mr. Walter Brooks, Mr. Raymond Hruschka, Dr. Neal Shedd, Mr. Robert Greer, Dr. David Cohen, Mr. Michael Kantor, Dr. Dollie Walker, Mr. Nate Allen, Mr. Terry Lenzner, Mr. Mark Yudoff, Mr. Steve Huber, Miss Patricia Clarkson, Miss Carol Carter, and Mrs. Wilma Brady.

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Without the professional and secretarial help of Mr. Pete Rebold, Honorable Judge Arthur O. Fisher, Mr. Dan Geringer, Miss Ruthetta Bankston, Mrs. Maddi Breslin, Mrs. Jari Wyatt, Mrs. Lillian Meeks, and Mrs. Becky Kraft

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Experience proves that those are oftenest abused who can be abused with the least impunity. Men are whipped oftenest who are whipped easiest. I esteem myself a good persistent hater of injustice and oppression, but my resentment ceases when they cease, and I have no heart to visit upon children the sins of their fathers.

--Frederick Douglass

CHAPTER I

Introduction

In October, 1970, an agency known as the Center for the Study of Student Citizenship, Rights and Responsibilities, hereinafter referred to as the Center, began its operation in Dayton, Ohio. This Center was to assume the posture of investigating and providing answers to many of the problems confronted by students and parents within the public school system in Dayton, Ohio. Many of these problems are related to the feelings of the students and parents that the school system does not adequately respond to their needs and that they have insufficient methods by which they can contribute to the schools' reform. Through grant support from the Legal Service Division of the Research and Demonstration programs of the United States Office of Economic Opportunity, the Center has been able to continue making progress toward its major thrust, that of informing students of their rights and responsibilities within the school system. The following sections provide a summary of the rationale for development of the Center.

The Concept of Deprivation and Its Application to Social Institutions

One must spend only a brief amount of time looking at the multitude of social institutions that are in trouble before he realizes that it is later than a society ever knew it to be. The consistent fibre seemingly

interwoven into these social maladies is the one of deprivation. The word "deprivation" means many things, dependent upon one's perspective. To most everyone, it means to keep someone from having. It would seem obvious to state that when one person or group of people have or know something that another group or individual does not have or know that it would be difficult for both groups to participate equally.

In recent times, there has been an awakening to the fact that as you deprive one individual or group of anything, you also deprive the total group with which it interacts. For example, if some of the people connected with a social institution do not understand the institution and their role in it, then the institution becomes dysfunctional and eventually non-functional. "You cannot outlaw one part of the people without endangering the rights and liberties of all people."¹ Most institutions today abuse themselves because individuals develop what is known as institutional apathy. This comes from lack of involvement in the institution. The reason for the lack of involvement can be reduced in descending order to different levels of deprivation. This continuum of deprivation bears upon the entropy that has seemed to develop in all social systems.

It is, therefore, both illogical and impractical at this late date in the history of man to believe that any group can afford to deprive another group of anything.

Thomas Jefferson stated early in the nineteenth century that the basic safeguard against tyranny was a well-educated and informed populace.²

¹Frederick Douglass, Jet Magazine, (Johnson Publishing Co: Chicago, Illinois, 1969).

²Marvin Meyers, John G. Cawelti, Alexander Kern, "Reason's Voice. The Moral Instinct as the Foundation of Man's Morality," a letter from Thomas Jefferson to Thomas Law dated June 13, 1814, Sources of the American Republic A Documentary History: Politics, Society and Thought, Vol. I, (Scotts Foresman: Atlanta, 1967), p. 272.

He was re-emphasizing, even though he may not have understood the total implications, that all of the populace should be involved. Education is the process through which people may be better able to participate in this democratic form of government.

The Need to Alleviate Deprivation in Educational Institutions

Education for all the people today becomes more difficult when it is obvious that certain ethnic minorities are openly deprived of their opportunities. Experts have stated time and again that White America believes Black America to be inferior.¹ This mind-set has grown until it permeates the total life style of both groups. The later emergence of certain other ethnic groups has brought more clearly into focus that this thinking is not limited to Blacks.

In addition, there appears to be a feeling that young people, regardless of their ethnic orientation, have no human rights until they reach some magical age of accountability. This is evidenced in many of the social systems in this country.

One of the greatest offenders in the deprivation of equal human rights of the young is the public school system. Charles E. Silberman, in Crisis in the Classroom, describes the American public schools as grim, joyless places governed by oppressive and petty rules; he also points out that the system educates for docility when he states that "...the most important characteristic that the schools share in common is a preoccupation with order and control."² "The tragedy is that the great majority of students do not

¹Arthur Thomas, "Love, Trust and Respect for Each Other; Preconditions of Justice as the Basis of Law and Order," Delinquency: An Assessment of the Juvenile Delinquency Prevention and Control Act of 1968, ed. Larry L. Dye, (Amherst, Massachusetts: University of Massachusetts Conference, 1970), p. 181.

²Charles E. Silberman, Crisis in the Classroom: The Remaking of American Education, (New York: Random House, 1970), p. 112.

rebel; they accept the stultifying rules, the lack of privacy, the authoritarianism, the abuse of power--indeed, virtually every aspect of school life--as the way things are."¹

The school compulsory attendance law was introduced in this country in 1922. Since that time, students have had no choice about whether they would attend school. Edgar Friedenbergr states that

Compulsory school attendance functions as a Bill of Attainder against a particular age groups so the first thing you learn in school is that there are certain sanctions and restrictions that apply only to them, that they do not participate fully in freedoms guaranteed by the state, and that, therefore, these freedoms do not partake² of the character of inalienable rights.

The options have been closed and the school officials have been able to establish rules that deal severely with students. These rules seem to exceed the rules of the home and fail to deal with all ethnic groups similarly. This does not mean that the rules are not stated alike, but it does mean that application of some of these rules is often dependent upon the level of legal sophistication of the individual. Ethnic minorities, the poor, and the indigent, are singled out and treated differently in the application of the rules. Dr. Ray C. Rist proposes that:

Given the treatment of low-income children from the beginning of their kindergarten experience, for what class strata are they being prepared other than that of the lower class? It appears that the public school system not only mirrors the configurations of the larger society, but also significantly contributes to maintaining them. Thus, the system of public education in reality perpetuates what it is ideologically committed to eradicate--class barriers

¹"Statement of the American Civil Liberties Union to the White House Conference on Children," (American Civil Liberties Union: New York, October, 1970), p. 2.

²Frank Lindenfeld, Radical Perspectives on Social Problems, (New York: Macmillan, 1968), p. 67.

which result in inequality in the social and economic life of¹ the citizenry.

Since a great number of our urban minority population is poor and indigent, then in that situation they are one and the same.

Because the law applicable to the poor, as thus defined, proves to be, today, no less than in earlier times, in large measure a special law, consisting of rules and procedures applicable to the poor as a distinct class, we have come to² refer to it as the law of the poor.

The proudest boast of the lawyer or the school administrator is that all men stand equal before the law, when in essence, as the late Robert Kennedy stated in an address in Chicago in 1964, "the poor man looks upon the law as an enemy."³

Parental approaches to solutions of these kinds of problems in urban poor communities range from general indifference to recent examples of pointed legal confrontations. The Ocean Hill-Brownsville confrontation in New York was an example of the latter. "Members of the urban black poor have begun to hold the schools responsible for their children's educational failure and have been demanding the right to participate in the operation of the public schools."⁴ Many students find themselves helpless without anyone to turn to, as parents are not familiar with avenues of defense nor do they have the finances to do so even if they knew how. The American Civil Liberties Union has stepped into this breach and has provided assistance and relief in many major situations such as the activities listed

¹Ray C. Rist, "Student Social Class and Teacher Expectation: The Self-fulfilling Prophecy in Ghetto Education," Harvard Educational Review, (August, 1970), pp. 448-449.

²Jacobus ten Broek, The Law and the Poor, (Chandler Publishing Company: San Francisco, 1966); pp. VII.

³Robert Kennedy, Address presented to the University of Chicago, (May 1, 1964). Unpublished.

⁴Maurice E. Berube and Marilyn Gittell, Confrontation at Ocean Hill-Brownville (Frederick Praeger Publishers, Inc., New York, 1969), p. 4.

in Academic Freedom in the Secondary Schools.¹ The New York chapter of the American Civil Liberties Union printed a student rights handbook for New York City in an effort to educate and enlighten the student community as to their rights.² This handbook contains statements regarding the legal rights of students on a range of topics from suspensions and expulsions to buttons and armbands. As a result of the handbook, there have been many meetings of interested persons and calls by students to the Civil Liberties Union for more information. Although the handbook has helped to enlighten and educate many students and adults in the New York area, the magnitude of the problem often makes this approach to resolving it seem rather ineffective.

Thus, there was an obvious need for agencies which would not only help to alleviate some of the problems of deprivation in public education, but would also help to educate students and their parents on a long range basis. Such an agency would of necessity be a locally based agency, and would help the administrators of public schools to understand the problem through confronting them on the issues that abuse the rights of students.

A much better situation could exist if students and parents understood their rights and could appraise school officials of this knowledge. Such an agency might help to keep the public schools from abusing the rights of students, and might assume the posture of investigating and providing answers for the following parent and student questions:

- (1) Are there unequal services in low income area schools?
- (2) Is there a lack of access to information and aid in low income area schools?

¹Ernestine Friedl, Academic Freedom in the Secondary Schools, (American Civil Liberties Union, New York, September, 1968).

²New York Civil Liberties Union, Student Rights Project, "Student Rights Handbook for New York City," (New York: Civil Liberties Union, 1971).

- (3) Are there inconsistent and extreme disciplinary procedures in the low income area schools as compared to schools in the other income areas?
- (4) Are there unequal or irrelevant standards of success in different economic areas?
- (5) Is there a lack of diagnosis and treatment of special student problems?
- (6) Is there a delay and malfunction of administration processes in disposition of parent and student grievances?¹

One example of an agency that has been designed to alleviate the problems of deprivation in public education is the Center for the Study of Student Citizenship, Rights and Responsibilities. In analyzing the emergence and operation of the Center, a number of questions emerge. Some of these questions are as follows: How did such a Center happen to be established in Dayton, Ohio? Who were the major actors that were influential in the establishment of such a Center? What were the major events leading up to its establishment? How does such a Center operate? What are some of the major events which have occurred during its operation? What effect has the Center had on the Dayton school system? What effect has the Center had on the students and the parents it proposes to serve? The following study has been designed as an attempt to find the answers to some of these questions.

Purpose of the Study

The major objectives of the study are: (1) to identify the major actors influencing the establishment of the Center and to determine the major events leading up to its establishment, and (2) to analyze the Center's operation from its establishment on November 7, 1970 through June 30, 1971. With

¹Center for the Study of Student Citizenship, Rights and Responsibilities, Proposal for a Student Advocate Center to Secure Legal Redress for Students Rights and Grievances, (Dayton, Ohio, 1969), pp. 6 and 7.

these general objectives serving as an overall framework, the specific purposes of the study are as follows:

- I. Through the study of written documents, correspondence materials, and newspaper accounts, and through the use of interviews, the investigator will
 - A. Identify and describe the major actors who have influenced the establishment of the Center; and
 - B. Identify and describe the major events leading up to and influencing the establishment of the Center.

- II. Through an analysis of the grant proposal, reports, correspondence materials, demographic data and through the use of interviews and on site observations, the investigator will
 - A. Identify the procedures used in the operation of the Center and the roles of the various personnel necessary for the Center's operation;
 - B. Determine the major activities that were carried on by the Center during the period from November 7, 1970 through June 30, 1971; and
 - C. Determine the major outcomes and impact of the Center activities that occurred between November 7, 1970 and June 30, 1971.

- III. Through an analysis and summary of the above data and descriptions, the investigator will
 - A. Develop conclusions regarding the operation of the Center from November 7, 1970 through June 30, 1971; and
 - B. Develop recommendations as to further study and research.

Definition of Terms

1. Burden of Proof--the necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a clause.¹

¹Black's Law Dictionary, (West Publishing Company, St. Paul, Minnesota, 1968), p. 246.

2. Civil Liberties--those freedoms guaranteed to citizens of the United States in the Bill of Rights. Among them are freedom of religion, freedom of speech, freedom on the press, and protection against unreasonable search and seizures.
3. Class Action--a law suit in which one or more members of a class may sue or be sued as representative parties on behalf of all. A bilateral class action occurs when representative members of one class sue representative members of another class.¹
4. Compulsory Attendance Law--a state law which requires every parent, guardian, or other person having charge of a child of compulsory school age to send the child to a school which conforms to standards set by the State Board of Education.²
5. Compulsory School Age--a child between six and eighteen years of age is required to attend school in Ohio.³
6. Consented Search--in school law context, a consented search of a student's locker or belongings may be made with the consent being given by the principal because the principal stands in place of the parent and may thus consent to the search. A warrant is unnecessary. This rationale was used by New York courts in *Overton v. New York*, 301 NYS 2d 479 (1969).

¹Rule 23, Federal Rules of Civil Procedure.

²Section 3321.04, Ohio Revised Code.

³Section 3321.01, Ohio Revised Code.

7. Due Process of Law--the due process terminology is derived from England and can be traced to the Magna Carta. The original significance of due process was that a person should not be deprived of his life, liberty, or property except in accordance with procedures established by law. Thus, the due process idea was invoked to challenge the exercise of arbitrary uses of executive power.¹
8. Equal Protection of the Law--equal protection and security shall be given to all under like circumstances in his life, his liberty, and his property, and in the pursuit of happiness and in the exemption from any greater burdens and charges than are equally imposed upon all under like circumstances.²
9. Excluded--to be forbidden by school authorities to attend school by either suspension or expulsion.
10. Expulsion--to be excluded from school until the end of the current semester by the superintendent of schools of the city or the executive head of a local school district. No pupil may be expelled beyond the current semester.
11. First Amendment Cases--law suits brought against the State or its agencies which allege that the plaintiff's freedom of speech, or of the press, or to practice his religion without interference by the State has been impinged, or that his right to assemble peaceably and petition the government for redress of grievances has been curtailed.

¹Kauper, Constitutional Law, 3rd ed., p. 536.

²Black's Law Dictionary, 3rd ed., p. 631.

12. First Amendment Rights--the following rights have been guaranteed under the First Amendment: freedom of religion, freedom of speech, freedom of the press, right to assemble peaceably, right to petition the government for redress or grievances.
13. Fourteenth Amendment Cases--the importance of the Fourteenth Amendment is that it has been used to apply the Bill of Rights to the law of the States. Previously, the Bill of Rights protected the citizen from the federal government. The Fourteenth Amendment states that "...no State shall make or enforce any law...which shall abridge privileges or immunities of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
14. Freedom of Expression--the term includes a variety of activities, all of which stem from the First Amendment guarantees of freedom of speech and the press. Picketing, pamphleteering, movie making, wearing of buttons or slogans, or distinctive clothing or hair styles have all been described at one time or another as freedom of expression.
15. Hair Cases--a myriad of cases have been brought by long-haired plaintiffs against principals and school boards because the plaintiff's hairstyle was found to be a violation of the school dress code and the student was suspended. The U.S. Supreme Court has never ruled on the problem,

but two federal appeals courts have held that restrictions on hair style violated the due process clause of the Fourteenth Amendment. "We conclude that within the commodious concept of liberty, embracing freedoms great and small, is the right to wear one's hair as he wishes."¹

16. Human Rights--a combination of the rights due people through law, nature, tradition, and to which a person has just claim.
17. Legal Parity--the result of developing a system through which students can be relatively sure that they will be treated fairly by the legal system.
18. Presumption of Innocence--conclusions drawn by law in favor of one brought to trial on criminal charge, requiring acquittal unless guilt is established by sufficient evidence.²
19. Preponderance of the Evidence--evidence which when fairly considered, produces the stronger impression, and has the greater weight, and is more convincing as to its truth when weighed against the evidence in opposition. It is typically utilized as the standard of proof in a civil case.³
20. Prior Restraint--a practice by which authorities who promulgate a law in restraint of speech of the press require the speech or publication to be brought to them for their approval before it can be published or circulated. Such prior restraint laws or rules have usually been struck down

¹ Richards v. Thurston (1st Circuit, 1970)

² Black's Law Dictionary, 4th Ed., p. 1350.

³ Ibid., p. 1334.

by the courts as violations of the First Amendment freedom of speech and expression guarantees.

21. Probable Cause--probable cause supported by oath or affirmation is required by the Fourth Amendment before a judge may issue a search warrant. Attempts by courts to define probable cause are numerous because the facts of each case vary, whether or not probable cause to issue a search warrant is often a question for the appeals court. The courts have defined probable cause as a "reasonable ground of suspicion, supported by circumstances sufficiently strong to warrant a cautious man in believing a party is guilty of offense charged."¹
22. Public Records--public records are any records required to be kept by governmental units including state, county, city, village, township, and school district units, except records pertaining to physical or psychiatric examination, adoption, probation, and parole proceedings, and the release of which is prohibited by federal law. All public records shall be open at all reasonable times for inspection upon request; a person responsible for public records shall make copies available at cost, within a reasonable time.²
23. Rule of Law--a legal principal of general application sanctioned by the recognition of authorities, and usually expressed

¹ Ibid., p. 1365.

² Section 149.43, Ohio Revised Code.

in the form of a maxim or logical proposition.¹

24. Special Instruction Schools--agricultural, industrial, vocational, and trade schools; also manual training, industrial arts, domestic sciences, and commercial departments of schools.²
25. Suspension--the superintendent of schools, the executive board of a local school district, or the principal of a public school may suspend a pupil from school for not more than ten days. No pupil may be suspended beyond the current semester.³
26. Tort--a private or civil wrong or injury. There must always be a violation of some duty owed to the plaintiff, and generally such duty must arise by operation of law.⁴
27. Beyond a Reasonable Doubt--the standard of proof in a criminal case. It means fully satisfied, entirely convinced, satisfied to a moral certainty.⁵

Assumptions of the Study

1. In establishing the Center, it was assumed that the national, state and local laws affecting students in Dayton, Ohio, were just and reasonable laws and that those laws should be enforced. Since this assumption has been an integral part of the Center from its inception, no attempt has been made in this study to evaluate the reasons for the development of such laws.

¹Black's Law Dictionary, 4th ed., p. 1497.

²Section 3313.53, Ohio Revised Code.

³Section 3313.66, Ohio Revised Code.

⁴Black's Law Dictionary, 4th ed., p. 1660.

⁵Ibid., p. 204.

2. It is assumed in this study that the problems found in Dayton, Ohio, represent a microcosm of the problems of the total society. It is further assumed that an examination of one attempt to mitigate these problems will provide a useful information base for individuals or groups in other cities faced with similar problems.

3. It is assumed that the historical case study approach utilized in this investigation is an effective means for collecting and establishing a base of information on the Center.

4. It is assumed that the wide range of documents from which the information for this study was collected are true, accurate documents. This assumption is warranted because the institutions supplying the information are creditable, established organizations.

5. It is assumed that where significant racial inequities exist, they do not just happen by chance but are the products of the systematic racist approaches that have been utilized by individuals and groups in our society.

Limitations of the Study

1. Since the central thrust of the Center is based upon the concept of student advocacy, and since the investigator has been an integral part of the Center from its inception, it is impossible for the investigator to claim neutrality or a lack of student advocacy bias within this study. In addition to the bias imposed by the investigator's continuing student advocacy orientation, this study also contains those limitations that are imposed upon the objectivity of any investigator who attempts to examine his own work.

2. As a result of the primary focus upon the Dayton Center, the

findings of this study may have limited applicability elsewhere. The inclusion of other cities would have been difficult in a study of this type because of the unavailability of information from other locations, and the lack of similarity between the Dayton Center and other programs. However, one of the resultant limitations that occurs when a study focuses primarily upon one geographical location is that it is extremely difficult to apply the findings and recommendations to other locations.

3. The complexity of the social problems facing the students involved in this study makes it extremely difficult to identify specific causal relationships regarding the infringement of the legal rights of students. Nevertheless, a descriptive study such as this which attempts to gather available information on a particular topic and present that information in an objective a manner as possible, will provide a collected base of information that should prove to be extremely useful.

4. This study contains certain limitations with regard to available data because of the lack of previous research in the area of student rights. However, this problem also magnifies the importance of the historical case study approach utilized in that there is a need for the gathering of baseline data.

Design of the Study

The major objectives of this investigation will be accomplished through a comprehensive case study focusing upon the establishment and operation of the Center for the Study of Student Citizenship, Rights and Responsibilities in Dayton, Ohio. In analyzing reasons for the establishment of the Dayton Center, this investigation will organize information around the major actors and events associated with the emerging Center.

In analyzing the subsequent operation of the Center during the period from November 7, 1970 through June 30, 1971, the investigator will focus upon the following major activity areas: (1) development of effective inter-agency and community relationships, (2) development of Center dissemination materials, (3) design and implementation of the Parent Ombudsmen Training Program, (4) description of selected student cases handled by the Center, and (5) operation of a student board of inquiry into high school discipline. In each of these activity areas, the investigator will describe the Center activities that occurred, analyze the significance of those activities, and outline the major outcomes and impact that has resulted from those activities.

In addition to a comprehensive analysis of existing Center documents and to the extensive interviews that will be conducted with personnel relating directly to the establishment and operation of the Dayton Center, the investigator will also utilize a wide range of nationally available human and material resources. Examples of the agencies and personnel that have been utilized are as follows:

1. In searching out, examining and analyzing information pertaining to the topic of student rights (both published and unpublished), the investigator has utilized both libraries and legal support centers including the following: The University of Massachusetts, The Ohio State University, Miami University, University of Michigan, Harvard Center for Law and Education, National Juvenile Law Center of St. Louis University, the Brooklyn Education Program and the New York Chapter of the American Civil Liberties Union.

2. In defining the laws related to students at the national level, at the Ohio State level, at the local

governmental level, and in the public schools as a political subdivision of these higher levels, the investigator has utilized information from the following agencies: The National Education Association, the Harvard Center for Law and Education, the National Juvenile Law Center, the Ohio State Department of Education, Division of Ohio Urban Education's Committee on Student Rights and Responsibilities, the Ohio General Assembly Committee on Student Rights and Grievances, the Ohio State Legal Services Association, and the Dayton Ohio Board of Education.

3. In addition, the investigator has interviewed a wide range of influential legal and educational authorities in this country who have expertise in areas related to student rights. These authorities were asked to give their opinion in specific areas of student rights-related issues. They were as follows: (1) Dr. Bunyan Bryant, Director of the Crises Intervention Network, Educational Change Team, School of Education, the University of Michigan; (2) Dr. Ruth Burgin, School of Education, the University of Massachusetts; (3) Mr. Robert Cohen, Harvard Center for Law and Education, Harvard University; (4) Miss Diane Divakey, Research Director, New York Chapter, American Civil Liberties Union; (5) Mr. Richard Fairly, Director of Compensatory Education Programs, Office of Education, Washington, D.C.; (6) Mr. Ralph Faust, Staff Attorney, National Juvenile Law Center, the University of St. Louis; (7) Mr. Robert O. Greer, Assistant Superintendent in Charge of Urban Education, Ohio State Department of Public Instruc-

tion; (8) Mr. Julius Hobson, Director of Institute for Quality Education, Washington, D.C.; (9) Dr. Ermon Hogan, Education Director, National Urban League; (10) Mr. David Kirp, Director, Harvard Center for Law and Education, Harvard University; (11) Miss Carole Peck, Harvard Center for Law and Education, Harvard University; (12) Mr. Paul Piersma, Training Director, National Juvenile Law Center, the University of St. Louis; (13) Mr. John Saunders, Program Specialist, Center for Community Planning, Department of Health, Education and Welfare, Washington, D.C.; (14) Mr. Donald Reeves, Student at Cornell University; (15) Miss Mary Wilson, Director of High School Information Center, Washington, D.C.; (16) Mrs. Glo Wittes and (17) Dr. Si Wittes of the Educational Change Team, the University of Michigan; (18) Mr. William Wright, Director of Black Efforts for Soul Television, Washington, D.C.; and (19) Mr. Mark Yudoff, Harvard Center for Law and Education, Harvard University.

4. In determining the extent to which channels for the registration and solution of student grievances exist in the Dayton Public Schools, the investigator has examined both written grievance procedures and available reports on grievance cases, and has interviewed students who have filed and processed grievances.

5. In analyzing and reporting on the activities of the Center, the investigator has examined a wide variety of Center reports presented to the Office of Economic Opportunity, analyzed output from consultants (e.g., David Kirp, Robert Greer, Richard Fairly, Ruth Burgin, Diane Divakey, and John

Saunders), and interrogated the local advisory board.

Significance of the Study

Many different projects have promised a multitude of reform possibilities to populations of the poor and minority groups in the cities of this country. And, many of these projects have failed to deliver on their promises. Regardless of these past failures, it is important that new ways be tried. Few projects today can realistically promise a panacea that will cure all ills and this project is not significantly different. However, the hope of this investigator is that a thorough examination of the area of constitutional and human rights as they relate to students can make a significant contribution to a better understanding of how we might effectively improve our ability to guarantee those rights to all students.

This study is also of importance to university personnel since it will establish an information base that will be extremely useful for further research and study. It will open the door to further investigation in an area where very little is known...the area of student's rights. Although it is often assumed that the welfare of students as people is a primary concern within the minds of educators, we must continually examine the assumptions that are utilized in schools as well as become thoroughly aware of those attitudes that often influence our educational decisions. For these reasons especially, a study such as this will be useful to personnel within the university setting, where ideas should constantly be reviewed and renewed on the basis of research and cooperatively developed relationships with people who are most affected and involved in our educational systems. Only in this way can our universities maintain the necessary contact in their research with the world around them.

The significance of this study for students will depend upon the ease with which they can get in touch with the study and its findings. Since the study focuses on a major area of student concern and utilizes real people and their problems, it is quite likely that student interest in and use of the findings will be relatively high. By utilizing an actual case history approach, the students (especially in Dayton and to a certain extent elsewhere) will also obtain a new perspective on what is going on around them.

Parents are an essential part of the educational system and often hear of their crucial role only in a secondary manner. This study will be most beneficial to parents in helping them become more effective, fully participating members of the educational community of which they are a part.

Administrators in the educational situation need to be aware of all aspects of administration that affect the people they are administering and a familiarity with student rights is an essential knowledge to the good administrator who has the humanity of the students in mind. Administration in education is more than just balancing the budget, it also includes working with and for people in both the school and the community. Often the administrator has a great deal of knowledge about community and teacher involvement in education but has not developed an awareness of the view from the students' side. This study will significantly enlarge and vitalize that aspect of the administrator's work.

Teachers, intimately involved as they are with the students, must know what rights they have in relation to the students as well as what rights the students have. They must know what is legally theirs and what is not and they must also know the sentiments of their clients in order

to create new learning experiences that will be both accepted and beneficial. This study will be extremely useful to teachers in that it will provide them with a uniquely student-oriented view of many of those areas of teacher-student relations that have become quite rigid in their traditional interpretations. To the extent that teachers are able to approach this student perspective with some degree of openness, it is possible that communication linkages between teacher and student will be significantly improved.

Along with the growing awareness of students about their rights, lawyers will be increasingly called upon to help and explain the usually incomplete information and perceptions that the students, parents or teachers may have. A study such as this will be most beneficial for lawyers as a basic study of the area of student rights and as a jumping off place in their further involvement in specific cases. This study may also be a good sample study when placed in the hands of lawyers who are becoming increasingly involved with students, parents and teachers as they learn the legal rights that they do have as citizens under the law.

Finally, this study is permeated with a sense of urgency. Recognition of need for reform is not enough; aggressive, and thoughtful, remediation is imperative. A society that distinguishes itself by increasingly condoning the use of violence upon its children makes imperative the need to protect the legal and human rights of young people. The existing delivery system for legal counsel and assistance to young people, serves not only to deny them a legal identity but in the absence of constitutional and statutory law to the contrary, serves to deny basic human rights and by so doing limits the protection afforded to,

and the possibility of redress of, grievances to a group comprising a substantial number of the members of our society.

Organization of the Study

This study will be presented in five chapters. Chapter I will include an introduction and delineation of the problem and the design to be used in data collection. Chapter II will contain a thorough analysis of the research and literature that relates to the central theme of the study. Chapter III will focus upon the establishment of the Dayton Center and will include a discussion of the major actors that were influential in the establishment of the Center, the significant events leading to the establishment of the Center, and a description of the Center's operational structure. Chapter IV will describe and analyze the major program activities and products of the Center, and will be organized into the following Center activity areas: (1) Development of effective inter-agency and community relationships, (2) Development of Center dissemination materials, (3) Design and implementation of the Parent Ombudsmen Training Program, (4) Description of selected student cases handled by the Center, and (5) Operation of the Student Board of Inquiry into high school discipline. Chapter V will include the summary, conclusions, and recommendations.

CHAPTER II

ANALYSIS OF RESEARCH AND LITERATURE

Introduction

Literature dealing with the specific problem of this study is not extensive, though a considerable amount of related writing has been done in the general area of the legal rights of students in the public schools. This area is new enough so that most research is still in early stages of development. A comprehensive examination of the research of related literature necessitates the use of data yet in the preliminary analysis stage. The literature and research reviewed in this chapter has been selected to provide an historical framework so that the reader may better understand the current demand for student rights as a reflection of problems prevalent throughout society, and particularly those of the educational system of the country. Documented efforts toward reform, linked directly or indirectly to student rights, have also been reviewed. The chapter is divided into the following four sections:

1. Literature related to the social upheaval in this society in the past two decades;
2. Literature related to the organizational health of the public schools of America;
3. Literature related to educational reform in America; and
4. Literature related to student rights activities in America.

The first section contains a documentation of the basic changes in this society since the Brown v. Board of Education of Topeka case (Brown I) in 1954.¹ The second contains an examination and a critical analysis of the material written by both the educational professional and the laymen thereby establishing the "organization health."² The third section reviews the literature on the attempts, successes, and failures of a social institution, such as the public school, to make changes in its operation. The fourth section will deal with the

¹Brown v. Board of Education of Topeka, 347US483, 74 S. Ct. 686 (1954).

²Matthew B. Miles, "Planned Change and Organizational Health: Figure and Ground," Change Process in the Public Schools, ed. Richard D. Carlson, (Eugene, Oregon: University of Oregon, Center for the Advanced Study of Educational Administration, 1965), pp. 11-34.

literature in the area of students rights and will examine the movement presently underway to interpret and insure the rights of all students as they proceed through the public schools of this country.

Literature Related to the Social Upheaval in American Society in the Past Two Decades

What has caused this society to become aware of its massive social problems and to struggle with new ways to solve them? Did the Supreme Court, when it interpreted the "separate but equal" issue in 1954-55, unleash the minds of many minority groups in this country? Did the Court's decision release the bonds established earlier and documented in the Plessy v. Ferguson case in 1896?¹ The basic boundaries of freedom were re-defined and the exposure to the potential of this new found freedom caused America to stand and watch as all who had been deprived, rejected, or chained establish new boundaries. Truman Nelson stated after the 1954 decision that "...it was our last chance because here was a moment when the decision

¹Plessy v. Ferguson, 163 US 537, 16 S. Ct. 1138 (1896); upheld the constitutionality of a Louisiana statute which required railroads to provide separate compartments for white and black passengers, and make it a crime for a person to sit in the "wrong" compartment. The law, said the court, did not abridge the privileges or immunities of the United States citizens, nor deprive persons of property or liberty without due process of law, nor deny them equal protection of the laws! In doing so, the Court, through Mr. Justice Brown, gave its view of the object of the 14th Amendment: "The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based on color, or to enforce social, as distinguished from political, equality, or a comingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced." (Id at 1140)

was unanimous and the country was in a mood to accept it."¹

The Warren Court, titled after Earl Warren, Chief Justice from 1954 to 1970, was a liberal activist court. It took jurisdiction and rendered decisions in areas on which previous courts had declined to act. This action no doubt had a great effect upon the attitude of people in the country. For instance, in civil rights it declared school segregation unconstitutional.² It also upheld constitutionality of Civil Rights Act of 1964³, and applied the law⁴ and expanded the "state action" concept of the Fourteenth Amendment to eliminate discriminatory practices.⁵

In "political" areas it required states to reapportion Congressional and State⁶ legislature districts so that one citizen's vote counted as much as another's.

In criminal law, it extended many of the rights contained in the Bill of Rights to defendants accused of crime by a state. Among these were: (1) evidence illegally seized by a state (contrary to the Fourth Amendment) or the product of an illegal search, could not be used as evidence in a criminal prosecution, in a state or federal court;⁷ (2) a state may not compel

¹ Truman Nelson, *The Right of Revolution*, (Boston: Beacon Press, 1968), p. 8.

² *Brown v. Board of Education of Topeka*, 347 US 483, 74 S. Ct. 686 (1954).

³ *Heart of Atlanta Motel, Inc. v. U.S.*, 379 US 24, 85 S Ct. 348 (1964).

⁴ *U. S. by Katzenback v. McClung*, 379 U.S. 294, 85 S. Ct. 377 (1964).

⁵ *Hamm v. City of Rock Hill*, 379 US 306, 85 S. Ct. 384 (rehearing denied), 379 US 995, 85 S. Ct. 698 (1964).

⁶ *Reynolds v. Sims*, 377 US 533, 84 S. Ct. 1362 (1964).

⁷ *Mapp v. Ohio*, 367 US 643 (1961).

a defendant to give witness against himself;¹ (3) indigent defendants have a right to counsel to secure a fair trial;² (4) a defendant has a right to be confronted by witness against him;³ (5) the state may not administer cruel and unusual punishment for crimes;⁴ (6) a person, when arrested, must be advised that he has a right to remain silent, that anything he says may be used against him as evidence in a court of law; that he has a right to counsel and that if he has no money to hire counsel, the court will provide counsel for him.⁵

In the freedom of religion area, it is decided that the state may not prescribe prayer⁶ or Bible-reading⁷ in public schools.

In the freedom of the individual area, it struck down statutes forbidding the teaching of contraceptive methods as unconstitutional.

The lawyers at the bar found that arguments based upon precedent, accepted legal doctrine, and long-range institutional concepts concerning the proper role of the judiciary and the distribution of power in the federal system foundered upon Chief Justice Warren's persistent questions, "Is that fair?" or "Is that what America stands for?" Such questions were profoundly disturbing to those engrossed by the intellectual and institu-

¹Malloy v. Hogan, 378 US 1 (1964)

²Gideon v. Wainwright, 372 US 335 (1963)

³Pointer v. Texas, 380 US 400 (1965); Douglas v. Alabama, 380 US 415 (1965)

⁴Robinson v. California, 370 US 660 (1965)

⁵Miranda v. Arizona, 384 US 436 (1965)

⁶Engle v. Vitale, 370 US 421, 82 S. Ct. 1261 (1962)

⁷Griswold v. Connecticut, 381 US 479, 85 S. Ct. 1678 (1965)

tional side of the law, its history, and sheer professional expertise. No one could successfully argue...that a poor man charged with a crime should not have as much chance to have a lawyer at the preliminary hearing as one who was rich or that cows and trees should have as much voting power as people.¹

Probably the most earth-shaking decisions of all of these by the Warren Court were the Brown v. Board of Education of Topeka cases² which overthrew the legal segregation position established fifty-eight years earlier.

It would be impossible that this kind of activity could go on without affecting the outlook of a large number of people.

¹Cox, Archibald, "Chief Justice Earl Warren," Harvard Law Review, Vol. 83 (Cambridge, Massachusetts: 1970), p. 2.

²Brown v. Board of Education of Topeka, 347 US 483, 74 S. Ct. 686 (1954), and 349 US 294, 755 S. Ct. 753 (1955) overruled Plessy v. Ferguson (1896). This was a collection of four class actions which originated in Kansas, South Carolina, Virginia, and Delaware and had a great amount of effect on the social crises. In the cases, the plaintiffs were minor Negro children seeking admission to public schools on a non-segregated basis. Kansas' statutes permitted separate schools for Blacks and Whites; in South Carolina, Virginia and Delaware, the state constitution and statutes required segregated schools. In Kansas, the U.S. District Court found segregation a detriment to education but denied relief because the facilities were equal. In South Carolina, and Virginia, the U.S. District Courts hearing the case found that the facilities for White and Black children were unequal and ordered the defendants to make school facilities equal. Further relief was denied. The Delaware case was heard in the state courts. The Chancellor found that Negro schools were inferior and ordered immediate admission of Negroes into previously all-White schools. The Chancellor also found that segregation by itself rendered a Black child's education inferior. The Supreme Court of Delaware affirmed the Chancellor's decree. (347 US at 488). Because of the obvious importance of the question presented, the court took jurisdiction. The Supreme Court was very deliberate in hearing the cases. The Court shaped its docket to assure that it would decide on the basis of records and arguments, not just of one state but of a fair cross-section. Also in one of the four cases, Gebhart v. Belton (345 US 972, 73 S. Ct. 1198 [1953]), the court proposed the following questions to be argued in the briefs of counsel when the cases were heard. "1. What evidence is there that the Congress which submitted and the State legislatures and conventions which ratified the

The obvious failure surfaced by the launch of the Russian Sputnik in late 1957 caused the country to clamor to try to explain its shortcomings in this area of international competition. The critics of the American way of life had their opportunity on this stage to hang out dirty linens of the weaknesses and failures of this system. These weaknesses were strung out by the mass media of this country for all people to see.

The Congress became disenchanted with the lack of effectiveness in the space race and decided that they must shore up the obvious weaknesses. In the wake of this, they developed, in 1958, the National Defense Educa-

Fourteenth Amendment contemplated or did not contemplate, understood or did not understand, that it would abolish segregation in public schools? 2. If neither the Congress in submitting nor the State in ratifying the Fourteenth Amendment understood the compliance with it would require the immediate abolition of segregation in public schools, was it nevertheless the understanding of the framers of the amendment (a) that future Congresses might, in the exercise of their power under Section 5 of the Amendment, abolish such segregation or (b) that it would be within the judicial power, in light of future conditions, to construe the Amendment as abolishing such segregation of its own force? 3. On the assumption that the answers to questions 2(a) and (b) do not dispose of the issue, is it within the judicial power in construing the amendment, to abolish segregation in public schools? 4. Assuming it is decided that segregation in public schools violated the Fourteenth Amendment, (a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should be admitted to schools of their choice or (b) may this Court, in the exercise of its equity power, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions? 5. On the assumption on which questions 4(a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b): (a) should this Court formulate detailed decrees in this case; (b) if so, what specific issues should the decrees reach; (c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees; (d) should this Court remand to the courts of first instance with directions to frame decrees in this case, and if so, what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees? The Attorney General of the United States is invited to take part in the oral argument and to file an additional brief if he so desires." After hearing arguments and studying the briefs, the Supreme Court spoke through Mr. Chief Justice Warren on May 17, 1954. "Separate but equal," its genesis and its history were examined. The Chief Justice expressed this point: "Does segregation of children in public schools solely, on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the

tion Act¹ to attract the weaknesses they identified in the public schools' effort.

Did the Civil Rights Act of 1964² cause people of this country to see that the political power was serious about providing a vehicle for equal opportunities? What did it mean when this law was applied to groups regardless of age, creed, color, sex, or nationality? This law was not

children of a minority group of equal educational opportunities? We believe that it does. After explicitly overruling Plessy v. Ferguson, the Chief Justice concluded: "We conclude that in the field of public education 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiff's and other similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment." Now the Court was faced with a dilemma. Having made the decision, how to enforce it? The Court set further argument for a later date. Thus, the Court neatly separated the principle from its enforcement. All could agree on the principle that schools should not be segregated; agreement among the members of the Court as to how desegregation should take place was not likely to be unanimous. The question as to how enforcement would take place was answered in the second Brown case (1955). First, school authorities would have the primary responsibility for solving the problems of desegregation; the Court's role would be to consider whether actions taken constituted "good faith implementation of the governing constitutional principles." Second, courts would be guided by equitable principles, i.e., flexibility and a balancing of public and private need. The time problem then arose. When would the desegregation of the schools begin? "The Courts will require that the defendants make a prompt and reasonable start toward full compliance..." The burden would be upon the defendants to prove that the time taken was in good faith and in the public interest. The courts would consider the adequacy of the plans proposed by school authorities to give effect to the Court's decree. Finally, the district courts on remand were to take such steps "as are necessary and proper to admit to public schools on a racially non-discriminatory basis with all deliberate speed the parties to these cases." "Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." Alexander v. Holmes County Board of Education, 396 US 20, 90 S. Ct. 29 (1969).

¹National Defense Education Act of 1958 was a direct result of Russia's successful launching of the Sputnik I. The NDEA gave money to public schools (education) to attempt to improve the quality of the product in those areas that they considered to be weak. This was not general aid to schools and the Congress got around this issue of federal interference in school activities by declaring this a national emergency.

²Civil Rights Act of 1964 was passed in 1964. This act was to give

interpreted by everyone in the same way. It was dependent upon one's orientation how one perceived each of the issues.

The Court cases subsequent to 1964 were indicative of the feeling of the American people that many areas needed to be attacked and how they could be handled. The civil rights cases, even though the investigator felt they lacked sincerity and clarity and were not strong enough, moved very slowly toward insuring equal rights for all citizens. It brought a new awareness to the American public, particularly the minority groups.

a clearer interpretation of the Fourteenth Amendment in relation to "state action." Thus, the first two-sections of the Civil Rights Act of 1964 (Publ. L. 88-352, July 2, 1964, 78 Stat., 241) was an attempt by Congress to eliminate the last vestiges of segregation in public accomodation, voting, schools, employment, and public facilities. It provided injunctive relief and allows the Attorney General of the U. S. to bring suits in certain cases before a three-judge U.S. District Court. Appeal was directly to the Supreme Court of the United States. Each title or subsection of the Act has been, is, or possibly will be tested. Title I (42 USC, SS. 1971 [a]) expanded the voting rights provisions of the Civil Rights Act of 1957 and 1960. It prohibited the use of different standards in deciding who may vote (42 USC, SS. 1971[a]2). It provided that an immaterial error in paperwork may not be used to disqualify an otherwise qualified voter (Id). Literacy tests were prohibited unless they were in writing and the voter received a certified copy of the test. The Attorney General could aid local authorities in giving such tests (Id). There was a rebuttable presumption that anyone who had completed the sixth grade possessed sufficient literacy to vote in a Federal election (42 USC, SS. 1971[c]). Section 101(h) (42 USC, SS. 1971[g]) of the Act provided that the Attorney General of the United States or any defendant could ask for a three-judge district court to determine the finding of a pattern or practice of discrimination. Title II (42 USC, SS. 2000[a]) of the Act provided injunctive relief against discrimination in places of public accomodation. Establishments which served the public were within the scope of the law if its operations affected commerce or if discrimination or segregation by it was supported by state action (42 USC, SS. 2000[a]b). The law did not apply to private clubs (42 USC, SS 2000[a] e). Section 202 (42 USC, SS 2000a-1) of Title II prohibited discrimination or segregation required by law, statute ordinance, regulation, rule or order of a state or state agency. Section 203 (42 USC, SS. 2000a-2) prohibited the deprivation of, interference with, and punishment of any person for exercising the rights and privileges granted by the two preceding sections. Section 204 (42 USC, SS. 2000a-3) Title II made injunctive relief available against both public officials and private individuals who were covered by the Act because of their discriminations. An injunction could be obtained "whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice" prohibited by the Act (42 USC, SS. 2000a-3[a]). 'The general intent and overriding purposes of the Act' said the Fifth Circuit Court of Appeals, 'was to end discrimina-

There was a significant change that took place in the family relationship. Lerner¹ outlined this in explaining that the family began to break apart during the late years of World War II when the mother had to leave home to work on the assembly lines of the factories producing war machines. The mother was away from the children for extended periods of time and the children were left with people who did not have the same parental or emotional relationship. The prevailing parental relationship

tion in certain facilities open to the general public.' (Miller v. Amusement Enterprises, Inc., 394 F.2d 342 [C.A. La. 1968] quoted in Antieau, Chester v. Federal Civil Rights Act. Lawyers Cooperative Publishing Company, Rochester, New York: 1971, p. 161). Title III (42 U.S.C., SS. 2000b) authorized the Attorney General to bring suit in the name of the United States when he received a complaint from one unable to secure counsel, that he had been deprived of equal protection of the laws by being denied equal use of any facilities owned, operated or managed on behalf of the state. Title IV (42 U.S.C., SS. 2000c) provided for desegregation of public education. The Commissioner of Education was authorized to aid desegregation by technical assistance (42 U.S.C., SS. 2000c-2), training institutes (42 U.S.C., SS. 2000c-3), and grants of money to school boards to train employees for desegregation (42 U.S.C., SS. 2000c-4). The Attorney General of the United States was authorized to bring suit against a school board for denying pupils equal protection of the laws, upon a complaint signed by a parent or group of parents, if they were unable to secure counsel (42 U.S.C., SS. 2000c-6[a]). The action had to "further the orderly achievement of desegregation in the public schools." (Ibid). Title V (Ibid) amended the Civil Rights Act of 1957 and set forth rules of procedure for Civil Rights Commission hearings. It also set forth some additional duties of the Commission. The Commission would (a) investigate allegations that citizens are being deprived of the right to vote (42 U.S.C., SS. 1975a), (b) study and collect information about legal developments constituting a denial of equal protection of the laws (42 U.S.C., SS. 1975c[a]-1), (c) appraise the federal laws with respect to denials of equal protection of the law (42 U.S.C., SS. 1975c[a]-2), (d) serve as a national clearinghouse for information with respect to denials of equal protection of the laws (42 U.S.C., SS. 1975c[a]-3). The concluding paragraphs (42 U.S.C., SS. 1975c[a]-4) set forth the powers of the Commission. Title VI (42 U.S.C., SS. 1975d) forbids discrimination in federally-funded programs. Title VII (42 U.S.C., SS. 2000d et seq) provides equal employment opportunity and forbade discrimination in employment because of race, color, sex, religion, or national origin. It "created the right to be free from discrimination by employers, employment agencies, and labor organizations. To the extent that these groups affect commerce they are within the reach of Congressional controls..." (42 U.S.C.,

¹ A speech presented by Max Lerner at Wayne State University in August, 1970 (unpublished).

with children had been one of authority or the autocratic model. The parents were the bosses and made most of the rules unilaterally. The children were very docile and recognized their role and played it obediently. With the absenteeism of the mother and in many cases, both parents, the parents felt a need to give something to the children in lieu of the absence of love, or time together. They, therefore, substituted the sharing of power in decision making and the giving of material items. Both of these caused the child to perceive himself differently and to move toward the position where he had greater freedom in making decisions. Therefore, the situation in the home moved from autocracy across the continuum to democracy.

SS. 2000c et seq). It did not apply to employment of aliens outside the state and individuals for performance of religious and educational activities of religious corporations, associations, or societies and educational institutions (Antieau, *supra*, p. 196). Under Title VII, discrimination in hiring was an "unlawful employment practice" (42 U.S.C., SS. 2000e-1) and an Equal Employment Opportunity Commission was set up (42 U.S.C., SS. 2000e-2) to enforce (42 U.S.C., SS. 2000e-4) the Act. The Attorney General could also bring a civil action against an employer whom he has reasonable cause to believe was engaged in a pattern of resistance to the Act (42 U.S.C., SS. 2000e-5). Title VIII (42 U.S.C., SS. 2000e-6) commanded the Secretary of Commerce to conduct a survey to compile voting statistics in geographic areas recommended by the Civil Rights Commission. The survey was to determine how many people of voting age were registered to vote, by race, color, and national origin (42 U.S.C., SS. 2000f). Title IX provided for intervention and procedure after removal from a state court in civil rights cases (Ibid). It also provided that the Attorney General of the United States could intervene in a case in federal court where denial of equal protection of the laws is alleged, if the case was of general public importance (28 U.S.C., SS. 1447 [d]). Title X (42 U.S.C., SS. 2000h-2) of the Act established a Community Relations Service to provide assistance to communities and people in resolving disputes relating to discriminatory practices based on race, color, or national origin, which impair the rights, under the Constitution and laws of the United States, of the people in the community (42 U.S.C., SS. 2000g et seq). Title XI provided for criminal and civil contempt proceedings against those persons who fail to obey an injunction of the court given to enforce the Act. A jury trial was provided, and the penalty for criminal contempt was set at \$1000 maximum fine or imprisonment for up to six months (42 U.S.C., SS. 2000h) and even though such noise was made about it, the laws slowly went into effect.

The next step in this continuum is from democracy to anarchy. The state of societies past show that they will not stay there but will react, but they do not typically return to their original state.

The outcropping of violence in the rebellions of Watts, Detroit, Cleveland, Newark and Dayton and the non-violent demonstrations by the late Dr. Martin Luther King, Jr., in Birmingham, Montgomery, and Atlanta, showed that changes in attitude of the oppressed were taking place. This was visible evidence that people were not going to accept anything but the ultimate in freedom and that the rest of society would have to change its attitudes to accommodate freedom for all. This activity could not avoid violent reactions by the people protecting the social institution. However, the reactions brought about interaction and the interaction affected the thinking of many of the people involved.

Therefore, as one speaks to the social upheaval in this country there are many areas to probe. Some of these are more visible and many less visible. The sociologist prefers to look at the event, what happens after the event, and more important, what happens to the people involved. The events mentioned in this section of Chapter II are so recent that the first two phases of the sociological inquiry are difficult to ascertain. Therefore, it would be very difficult to accurately develop the effect that the social upheaval of the 1950's and the 1960's had on the social conscience of this country. At the very best, the observer could say that the changes subsequent to the crises indicate a general concern was generated out of fear or anxiety, as suggested by many militant leaders would be unfounded speculation. An accurate observation, however, would be that much more happened visibly after the crises than happened before them.

Literature Related to the Organizational Health
of the Public Schools of America

The "organizational health" of the public schools in this country can best be determined by investigating the manner in which the public school, as an organization, is serving the society in which it exists. The role of the school has developed from the beginning of the public schools activity in this country. The traditional Platonic or Jeffersonian notion of education as "paideia"^a is inherently ambiguous, and carried to its logical conclusion "formal education" all but disappears. The definition makes education synonymous with what the anthropologists call enculturation.¹ "In view of the role taken here, therefore, education is defined somewhat more narrowly as the deliberate or purposeful creation evocation or transmission of knowledge, skills and values."² Therefore, if the public schools are serving this basic purpose of transmission of these factors, then they will be healthy as an organization. If not, the reverse would be true.

Are the systems of elementary, secondary and higher education in this country succeeding in their purpose? Jules Henry explains that "...the function of education has never been to free the mind and spirit of men, but to bind them."³ The perspective from which Jules Henry deals

^a"Paideia", from the Greek word education, culture. The training of the physical and mental faculties in such a way as to produce a broad, enlightened mature outlook harmoniously combined with cultural development.

¹ Charles E. Silberman, Crisis in the Classroom, (New York: Random House, 1970), p. 5.

² Ibid., p. 6.

³ Jules Henry, "American Schools: Learning the Nightmare," Radical Perspective on Social Problems, ed. by Frank Lindenfield, (New York: The Macmillan Company, 1968), p. 57.

shows that because the major responsibility of education is to indoctrinate the younger generation into the ways of this culture, one might, in a broader understanding of this role, say that education is succeeding. His greatest attack is not upon success or failure in the sense of whether they are achieving the overall goal but that there is an inherent weakness in the goal. Frank Lindenfield states this problem in his explanation of the culture. "Because ours is a materialistic, competitive, bureaucratized society, and because this is what almost everyone will ultimately be a part of, what is more logical than to prepare the young by instilling these values in them at school."

Hyman Rickover, in one of many criticisms of the American educational system, stated "...It (education) is not adequately serving us and must therefore be reformed. We have at present no clear-cut educational philosophy with firm objectives; scholastic achievements are too low and there is urgent need for some kind of machinery to set national scholastic standards which may serve local communities as a yardstick."¹ Rickover, who was a Vice Admiral in the United States Navy, has been a heavy critic of the American educational activity. He has spent a great amount of time comparing the American system and its product to the process and product of the schools in Europe, particularly Russia. He has shown where the American educational systems and standards are quantitatively and qualitatively inferior to the European systems and are thus out of step with the needs of a modern society. He felt that having children attend school just for the sake of attending was an atrocity.

¹Hyman G. Rickover, American Education, A National Failure, (New York: E. P. Dutton and Co., Inc., 1963), p. 3.

I see nothing democratic in autocratic promotion and unmerited diplomas. If a child is promoted before he has mastered a prescribed grade course, he will only seem to move up the educational ladder. In reality, he will be standing still on the same rung; this is camouflaged by educational labels that are as false as when sugar syrup is marked "honey" on the glass jar. When diplomas are awarded for mere attendance, they will soon lose all value.

A child who obtains a high school diploma when he cannot yet read and write with ease and dexterity has not really received a secondary education. True, he has been kept at school more years and his school has a different name, but he has not mastered more than an elementary program. He hasn't even mastered that well. As for the high school diploma he carried away, this has shrunk in value so that in many cases it represents no more today than ¹ did that grammar school graduation half a century ago.

He continues,

There is no question in my mind that a large sector of the American people wants better education--all people like myself can do is try to bring the truth to the public, so that it may be able to reach a consensus.-- Enough people want school reform to warrant government action. ²

Dr. James Bryant Conant discovered in his study of the American High School in the late 1950's that many of the high schools were not providing the type of education needed by students to survive in this society. He visited one hundred and three schools and four large school systems in twenty-six states and stated: "I found eight schools which, in my judgment, were satisfactorily fulfilling the three main objectives of a comprehensive³ high school."⁴ Dr. Conant gave twenty-one recommendations as to

¹ Ibid., pp. 312-313.

² Ibid., pp. 317-318.

³ The comprehensive high school as explained by Dr. Conant is a high school "whose programs correspond to the needs of all the youths of a community."

⁴ James B. Conant, The American High School Today, (New York: McGraw Hill Book Co., Inc., 1959), p. 22.

how these problems might be cleared. In 1967, he completed another book that pointed to the same high schools several years later. He felt that very little change had taken place.

Dr. Kenneth Clark, the eminent psychologist from CCNY, has spent a great amount of time and effort examining the schools of this country. He has had a particular interest in the way that the urban schools are serving the urban poor. "The evidence of massive breakdown in the efficiency of the public schools in American cities has now become a matter of public discussion. It is no secret that our urban schools are no longer maintaining high standards of educational quality. To put it bluntly, these schools are inferior, and so far, no one has found the formula for stemming this rising tide of educational inefficiency."¹ Dr. Clark's attack on the educational system is only one by a long line of Black leaders who label the schools as ineffective instruments for training minority youngsters. He believes that the urban schools are training many thousands of functional illiterates who will be incapable of playing constructive roles in this society. He feels that many of these people cannot be integrated into this society without a very costly remedial education program. Therefore, he feels that he cannot criticize without suggesting some viable alternatives for change. Even in suggesting change, he deals with the frustration of changing a social institution, such as formal public education by saying: "It seems most unlikely, however, that the changes necessary for increased efficiency of our urban public schools will come about simply because they should. Our urban public school sys-

¹Kenneth B. Clark, "Alternatives to Urban Public Schools," The Schoolhouse in the City, ed. by Alvin Toffler, (New York: Frederick A. Praeger Publishers, 1968), p. 13.

tems represent the most rigid forms of bureaucracy. Paradoxically, they are most resilient and innovative in finding ways to resist rational or irrational demands for change."¹

Why are the public schools so effective in resisting change and so ineffective at educating children? "The answer to this question lies in the fact that public school systems are protected public monopolies with only minimal competition from private and parochial schools."²

Dr. John Fischer stated: "The American public school system is the world's most comprehensive and most fruitful experiment in universal education. Yet, the current performance of our urban schools is so poor and the resistance to change is so great, according to some critics, that they propose to replace the public schools with publicly subsidized and competitive independent schools."³

Dr. Fischer supports the failure of the schools through evidence such as the failure and dropout rates of pupils, the transfer applications of teachers, the complaints of parents, and the quiet choices of the families with broader options who remove children by the thousands to private schools or to the suburbs.

Meyer Weinberg, in his book Integrated Education stated in the introduction to the book that "the crisis in urban education is a crisis of traditional practices. Rare is the practice that remains untouched by the new currents of aspirations and concern."⁴

¹ Ibid., p. 13.

² Ibid., p. 139.

³ John H. Fischer, "Schools for Equal Opportunity," The Schoolhouse in the City, by Alvin Toffler, (New York: Frederick Praeger Publishers, 1968), p. 143.

⁴ Meyer Weinberg, Integrated Education, (Beverly Hills, California: The Glencoe Press, 1968), p. iii.

Grier and Cobbs outlined part of the problem in their criticism of the educational system:

Teachers are in low repute in America in large measure because they have no independent atmosphere in which to exercise their calling. The rigid control of teachers, curriculum, and budget by generally small-minded government bodies again reflects the essential purpose of schools, which is to serve the immediate economic ends of those who control them. Out of the same pragmatic thinking which produced the trade school and the commercial school has lately come the tracking programs, a system for selecting one of several programs for students based on the child's performance and test results. These programs have operated to launch white children into college and to provide mindless "busy work" for Black children until they are seventeen.¹

If the overpowering amount of information given by different writers stating the dilemma in which education finds itself can be accepted, the health of education could be determined. However, the weakness of the total educational activity is one thing, while on the other hand, how it serves minority groups, is something else. Whitney Young, when he referred to education as the last best hope said:

For people desperately seeking answers to the civil rights and other problems that face us today, whether in employment, race relations or automation, the panacea seems to be education. Both the expert and the man on the street seize on this as the remedy for the difficulties that besiege us.

Acknowledging that there is validity in the overriding value of education, it is particularly appropriate that we face up to the extent to which the Negro citizen has been historically and currently deprived. Statistics reveal that in spite of heralded progress, the average Negro youngster receives three and one half years less schooling than the average white child. When one considers that the bulk of elementary training for the Negro child is received in inferior, segregated, slum schools--North and South--the

¹William H. Grier, Price M. Cobbs, Black Rage, (New York: Basic Books, Inc., Publishers, 1968), pp. 132-133.

real difference is more accurately five years. ¹

Stokely Carmichael, in his evaluation of the perception of Black kids when viewing the white power structure, states:

He (the Black child) looks at the absence of a meaningful curriculum in the ghetto schools, for example, the history books that woefully overlook the historical achievements of Black people, and he knows that the school board is controlled by whites. ²

Nathan Wright furthers the Black criticism of the schools in his book, Black Power, when he states:

Those in the ghetto-like confinement in our central cities have complained more and more since World War II that they are being shortchanged in the schools. They cite the traditional statistics of the increased number of dropouts, the low reading scores, the old facilities, the high teacher turnover rate, the overcrowded classroom, the low aspiration level, the high frequency of disciplinary problems, along with the growing sense of the utter futility of the educational enterprise as it relates to the needs of the masses of the Black poor who reside in our central cities.

These problems have been laid at the doorsteps of those who plan for and administer the public schools. ³

Earl Kelley, in his criticisms of the educational system, stated:

If we have this lack of understanding of the nature of democratic living, wherein lies the failure in our preparation of youth for citizenship?

Much of the blame must be charged to the public schools. It is true that a young man or a young woman is a product of many influences of which the school is only one, but the

¹ Whitney M. Young, Jr., To Be Equal, (New York: McGraw Hill Co., 1964), p. 102.

² Stokely Carmichael, Charles Hamilton, Black Power: The Politics of Liberation in America, (New York: Vintage Books, 1967), pp. 9-10.

³ Nathan Wright, Jr., Black Power and Urban Unrest, (New York: Hawthorn Books, Inc., 1967), p. 71.

great public school system, 'the backbone of our civilization,' 'the foundation of the republic' had and has as one of its tasks that of building citizens.¹

Continuing in a treatise on how teachers were not doing their part to instill the democratic way of life, he stated:

We have teachers, however, who sneer at colleagues who try to introduce some democratic living in their classes. They block attempts to arrange any participation by students in the affairs of the school. They proclaim that no little brat is going to tell them what to do. They say 'I've tried democracy, but it doesn't work.'²

In 1970, the White House Conference on Children was held in Washington, D.C. The basic thrust of this conference as stated in the program was:

The White House Conference will deal with issues from a perspective which relates to the feelings and needs of the child.³

There were many forums that dealt with many issues. One of these forums dealt with the issue of confronting myths in education. This important conference summarized a national feeling toward education when it was stated:

The curriculum, the objectives, and the structure of our present educational system are products of another age--response to the needs of a society immersed in the rapid transition from rural/agricultural to urban/industrial life styles.

Today, education in America must meet new needs as our society makes a second major transition into an era of high mobility and instantaneous communication--an era which each day will bring us closer to Marshall McLuhan's "gobal village."

Much of our education system has failed to meet the challenges presented by this rapid transformation. We believe that our edu-

¹Earl C. Kelley, In Defense of Youth, (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1962), pp. 45-46.

²Ibid., p. 48.

³The Program of the 1970 White House Conference on Children, (unpublished, for participants, 1970)

cational mythology severely inhibits ability to respond to the new demands and that confrontation of these assumptions is the first prerequisite to reform. Too long have our children been learning in spite of, rather than because of, our efforts; it is imperative to reverse this trend.¹

The intent of this section of Chapter II was to examine the "organizational health" of the public school systems. The information, of course, is mixed between people who believe that the schools are doing a good job, to the people who believe that the schools are doing all that they could be expected to do, all the way to the opposite end of the continuum where the majority of the critics who are quoted in this section say that the schools are doing a poor job. The great many failures of social institutions and the deluge of citizen indifference to social institutions lead this writer to believe that the schools are failing. Failing in the original goal as stated by Silberman in an earlier quote--"education is defined somewhat more narrowly as the deliberate or purposeful creation, evocation, or transmission of knowledge, skills and values."²

Therefore, the health of the organization is not good and it must find ways to change, reform itself, or one may readily see the death of the institution known as the public school.

¹ 1970 White House Conference on Children, Myths of Education, U. S. Government Printing Office, 1971, p. 122.

² op cit., p. 6.

Literature Related to Educational Reform in America

The word reform is relative only if it is believed that reform is necessary. The previous section developed the weaknesses and criticism of education. This section will deal with the suggestions for the reform of the public educational system.

Reform is interpreted here as taking something that exists and changing the parts or components in some way so that the mission can be more easily accomplished. A flexible organization, of which there are very few, must be able to adjust periodically. A social "institution" must be able to adjust to the needs of its related counterpart, the society. The very nature of our bureaucratic social organizations today makes it difficult for them to change. They are so structured that the people they employ fight every possible attempt to change them. The reform of one of these organizations might mean the loss of a job to the people it employs. Therefore, survival comes into play for the people being threatened and regardless of the need for change, which possibly even the people see internally, little change can easily be made. Most of the social organizations such as the church, the school, the government, etc., fall into the problem previously described.

What then are the viable alternatives to reform? There are very few. One is to completely destroy the institution and build another new vehicle to do the job. This, of course, sounds interesting until one takes a closer look at it. The new organization could not take a thrust too far away from the thrust of the old or it would not be serving a similar purpose. If it serves a similar purpose, it must develop a staff of people to carry out its new responsibility. The people who know most about the activity are people who have had some experience with it and so, logically,

they are given the jobs. Now the old actors are in new roles, which are typically not clearly defined, and which they will not know how to carry out. Without direction, these people will begin to carry out their roles just as they operated before and the organization will not have made a significant change. If one could start off with fresh people who had no connection with the past, then there is a possibility for success. However, this would be difficult for two reasons: One, almost all of the people in society, due to normal social interaction, know something about existing organizations, whether or not it is their professional area of expertise. Therefore, they are affected. Two, all social organizations need to work to stay in tune, or in touch with the people, clientele, or constituency that they serve. As a result, if the people who are selected for the new organization could be chosen from a group which had no contact with the people in this society, it would make it difficult for them to maintain the contact necessary for relevance.

Therefore, the two possibilities are reform or complete annihilation of a social institution. It is easy to see why the former is chosen over the latter and that therefore reform may be the only viable alternative.

The 1970 White House Conference on Children¹ spent a great amount of time speaking on the question of educational reform. The forum dealing with the topic of confronting myths in education made this a part of their report:

In the face of the mythological obstacle course facing those who see the urgent need for educational reform, what can be realistically suggested?

¹op cit., p. 6.

We must encourage with a powerful sense of urgency alternative educational models. 'The One Best Way' myth leads us on an endless search for perfection, at the cost of many useful subsystems and alternatives discarded simply because they fail to address themselves simultaneously to all our concerns. The plain truth is that no magic formula exists which will make everything better. Students do not learn identically. Instead of knocking off the individual sharp edges, we should move in an opposite direction by making our schools fluid enough to accommodate individual differences in style, attitude and readiness. Let us move toward a multi-faceted educational system incorporating what we know of human diversity, with mechanisms for choice and change.¹

This particular analysis from the 1970 White House Conference deals more with change in the educational process rather than change in the structure. This is where we find a dichotomous position taken by the different writers.

Writers such as Pierce² and Miles³ believe that we cannot change the internal process unless we first of all change the structure. Their viewpoint would suggest that it is difficult to change the activities within a house until you change the walls, the roof, the furniture and other structural elements. There are others who are not interested in changing structure because they feel that it is too difficult; however, they believe that it is possible within the confines of existing structures to change the process, the process basically being that of educating the children.

¹ op cit., p. 7.

² Truman M. Pierce, Educational Change and the Role of Media; (A report of the Symposium on Identifying Techniques and Principles of Gaining Acceptance of Research Results of Use of New Media in Education, held at Lincoln, Nebraska, 1963), pp. 138-153.

³ op cit., pp. 11-34.

Mario Fantini, who basically identifies with the "process" group suggesting reform of the institution, makes the following statements: "The widely used terms 'culturally deprived' and 'culturally disadvantaged' implied that there was something wrong with the learner, with his cultural environment, not with the school and its educational process. In short, we assumed that the problem was with the student, not the school, with the client rather than the institution."¹

He further states: "We are asking public schools to be the major instruments in solving many of our most acute social ills--poverty, racism, alienation, powerlessness--and at the same time, to respond to manpower needs of an advanced technological society. The basic change for the 1970's then is institutional reform."²

Fantini continues in his call for reform to make suggestions about specific areas for reform. He suggests that there are three areas that must be reformed? "Governance--there must be a shift from professional dominance to a meaningful parental and community role in the educational process; Substance--we must modify the skill-performance standards by which educational quality is measured primarily so that a humanistically oriented curriculum can evolve; Personnel--the education system must be opened to a far broader base of talent than the conventionally prepared career educator."³

In 1968, in a pamphlet printed by the Ford Foundation, titled

¹Mario Fantini, "Educational Agenda for the 1970's and Beyond: Public School of Choice," Social Policy, (November, December, 1970), p. 25.

²Ibid., pp. 25-26.

³Ibid., pp. 26-27.

Alternatives for Urban School Reform, Fantini stated, "The positive aspects of this kind of public control are more difficult to perceive. One possibility is that under the right conditions real public control of public education could provide more effective education."¹

Fantini's suggestions for reform in the area of governance are echoed by many writers. Wilcox speaks of community control as a governance reform vehicle when he states:

The thrust for control over ghetto schools by local residents represents at its deepest level a desire by the Black and poor to become effective contributors to the common good. This view may be surprising to some, but it is a reasonable and democratic response to the failure of school systems across the country.²

Donald Smith develops the area of change in the education process. He talks with incredibility about the fact that young Black people have to threaten and even sometimes even bring about the destruction of the school to focus the attention of the society upon their problems, both outside and inside of the schools. Smith suggests three basic things that Black students want in school reform:

First, what Black pupils want and need are teachers who believe they can learn, who expect them to learn, and who teach them; second, Black pupils need a curriculum that will release them from psychological captivity; as a concomitant to curriculum which is meaningful and inspiring, Black pupils want to be taught and administered by models with whom they can identify and from whom they can derive feelings of pride and worth.³

¹ Mario Fantini, Alternatives for Urban School Reform, (New York: Ford Foundation, 1968), p. 1.

² Preston Wilcox, "The Thrust Toward Community Control of the Schools in Communities," from Racial Crisis in American Education, ed. by Robert L. Green, (Chicago: Follett Education Corp., 1969), p. 315.

³ Donald H. Smith, "The Black Revolution and Education," from Racial Crisis in American Education, ed. by Robert L. Green, (Chicago: Follett Education Corp., 1969), pp. 64-67.

Dr. Smith deals with a very important area in the push toward reform. This is the area of seeing approaches through the eyes of the young, the people for whom the schools were developed and listening to the young, particularly those who the schools are serving in the poorest manner. This listening and learning from the young is suggested by Margaret Mead when she develops the continuum from the post-figurative culture where knowledge was transmitted from adult to child to the present pre-figurative culture, as follows. She states: "--pre-figurative in which adults learn also from their children--is a reflection of the period in which we live."¹

Newman and Oliver, in their treatise on Education and the Community, develop three basic patterns of reform to follow; conventional reform, radical reform, and a proposal for Education in Community. They conclude by saying

The deliberate effort to view education in the community from three vantage points and to look for contexts, outside of the formal school, where people learn is only the first step in any important effort at educational reform--but it is the hardest. After one wrenches oneself loose from the paralyzingly constricted posture that all true education must be programmed, planned and compulsory, and public and it must all happen in schools, one's imagination trips over a host of exciting places for youth and adults to learn, by themselves, and in association with one another.²

Kenneth Clark suggests that there are viable alternatives to the present public school system and that these must be explored. He suggests

¹ Margaret Mead, Culture and Commitment: A Study of the Generation Gap, Preface, (New York: Natural History Press/Doubleday & Company, Inc., 1970); p. 86.

² Fred M. Newman and Donald W. Oliver, "Education and Community," Harvard Educational Review, (Reprint Series No. 3, 1969), p. 45.

several of these alternatives such as "Regional State Schools," "Federal Regional Schools," "College and University--Related Open Schools," "Industrial Demonstration Schools," "Labor Union Sponsored Schools," and finally "Army Schools." He concludes by saying: "If we succeed in finding and developing these and better alternatives to the present educational inefficiency, we will not only save countless Negro children from lives of despair and hopelessness and thousands and thousands of white children from cynicism, moral emptiness and social ineptness--but we will also demonstrate the validity of our democratic promises."¹

Some writers such as Charles Hamilton deal more directly with reform which gets at the education problem in the ghetto. He suggests a model which views the ghetto school as the focal point of community life. "The educational system should be concerned with the entire family, not simply with the children. We should think of a comprehensive family-community-school plan with black parents attending classes, taking an active day-to-day part in the operation of the school."²

Harold and Beatrice Gross refer to school reform in a more comprehensive context when they suggest that the theory of reform cannot stop with the institutional framework of schooling, moreover it must attempt to define the quality of life within the classroom in terms of the two most important qualities, freedom and relevance. They interpret the difference between radical school reform and innovation in this manner: "Radical reform of schooling--as distinguished from mere innovation in the organi-

¹ Kenneth R. Clark, "Alternative Public School Systems," from Radical School Reform, ed. by Ronald Gross and Beatrice Gross (New York: Simon and Schuster, 1969), p. 125.

² Charles V. Hamilton, "Education: A Search for Legitimacy," Harvard Educational Review, (Reprint Series No. 3, 1969), p. 60.

zation or context of instruction--demands that basic postulates be re-examined, challenged, and where necessary, replaced."¹

They continue by asking these searching questions: "Is formal education necessary or desirable? Should there be schools? Should education be compulsory? Should teachers and school administrators run the schools? Should there be a curriculum? Should there be goals of education which are considered applicable to all normal children?"²

Growing out of the move for meaningful community involvement voiced by such previously quoted writers as Wilcox, Newman and Oliver, there comes the exploration of the concepts of community control and decentralization. Green speaks of community control when he says:

There is a sense in which the problems of education in our own day have to do not simply with what policies should be adopted by the educational system, but with what kind of system should be adopted within which to debate questions of policy. When questions are raised concerning the very structure of the school system, the way authority is distributed within it, the role of the professional, the role of the community, and indeed the very purposes of the school, then clearly we are dealing with matters more fundamental than mere policy...for the first time in many years, practical proposals have been made--and acted upon--which, though aimed at reform of urban schools, have been focused on change in the control of local schools...proponents of reform, therefore, argue that a significant degree of effective control should be lodged directly in the community--in the local people nominally served by the school.³

The most publicized experiment of community control came about in Brooklyn in the Ocean Hill-Brownsville district in 1966. This was an exper-

¹Ronald Gross and Beatrice Gross, Radical School Reform, (New York: Simon and Schuster, 1969), p. 95.

²Ibid., p. 95.

³Thomas G. Green, "Schools and Communities: A Look Forward," Harvard Educational Review, (Spring, 1969), pp. 224-226.

iment in school reform via the vehicle of community control of schools. The Board of Education bought this idea and gave their stamp of approval to it calling it a new approach to relations between the community and education system. The success or failure of this experiment is dependent totally upon the person analyzing the outcome. Rhody McCoy, Unit Administrator of the I.S. 201 District, might give you one version of the activity where Albert Shanker, President of the New York Federation of Teachers would interpret it in another way. The basic confrontation was between an approach to reform the educational system and the entrenched educational establishment.

The concept of decentralization has been explored now in two major cities as an approach to educational reform. New York had a plan submitted in 1967 and Detroit had a plan developed and submitted in 1970. The Detroit Plan¹ which is most recent was implemented in January, 1971. This plan, which was developed through a grant from the Ford Foundation² reorganized the city into eight regional districts with a certain amount of autonomy left to the regions for decision making. The problems in the development of the Plan are clearly stated in a documentary video-tape³ which was developed near the end of the plan of development. The majority of the problems stemmed from the interaction between the ideas generated by the coordinators of the project in cooperation with the community and educational establishment.

Alvin Toffler, in his most recent best seller, Future Shock, talks

¹ Guidelines for School Decentralization, Detroit Public Schools, (Detroit: Detroit Board of Education, 1970), unpublished.

² ibid.

³ Larry W. Hillman and Roger A. DeMont, "School Decentralization: The Detroit Story," (Detroit: Wayne State University Center for Instructional Technology, 1970); a 48-minute video tape. Tape No. 456.

about the problem of the present curriculum imposing a standardization on all children. The school curriculum of the future must be child-centered, problem-centered, and future-centered. He suggests that "...A fight must also be waged to alter the balance between standardization and variety in the curriculum."¹

In summary, there are many suggestions for the reform of public schools. Constantly, there are references to the protective measures that the educational establishment develops to perpetuate its existence. The question remains as to whether the educational establishment should be destroyed or reformed. Most of the writers quoted in this section agree that a reformation is possible. The reformation, however, must be centered around changing the system rather than changing the child as stated earlier by Fantini. The child must be free to make decisions about his fate and as Margaret Meade says, the adults must be willing to listen and to learn from the young. The approaches to achieving this are certainly not clear. However, to free the young so that they might be able to determine their future, the future of this nation and the future of the world, we must find a vehicle that will more finitely clarify their rights and responsibilities as individuals in this society.

Literature Related to Students' Rights Activities in America

The fourth section of Chapter II will deal with the literature in one new area of concern in relation to the schools of this country. Even though there may be many vectoring concerns, the central thrust of this investigation is in this area of student rights. A major concern in the

¹ Alvin Toffler, Future Shock, (New York: Random House, 1970), p.34.

minds of educators and lawyers is the two sets of standards that are used for dealing with citizens. One set is operative when a person reaches the age of 18 or 21 and the other is operative prior to that time when a person is in his more formative years. This investigation relates more directly to the rights that a young person has when he is attending various social institutions known as the public schools.

The void in rights given to students and rights given to the other oppressed peoples is comparable. This feeling of oppression is latent within the current student rebellions, both at the high school and junior high levels. This pattern of rebellion is similar to much of the rebellion that has occurred throughout the history of man, i.e., when man is denied the rights afforded to other people then he finds a way to gain those rights denied. Frantz Fanon, an Algerian psychiatrist, explains the basic thought in this way:

The colonized peoples have generally recognized themselves in each of the movements, in each of the revolutions set into motion and carried through by the oppressed. Beyond the necessary solidarity with the men who, throughout the earth, are fighting for democracy and respect for their rights, there has been imposed, with unaccustomed violence, the firm decision of the colonized peoples to want for themselves and their brothers, the recognition of their national existence, of their existence as members of an independent, free and sovereign state.

For many years, the history of the world, the history of men's struggle for dignity, has confronted peoples with definite problems. Men enslaved and oppressed by foreign nations are invited today to participate totally in the work of demolition of the colonial system...

It is essential that the oppressed peoples join up with the peoples who are already sovereign if a humanism that can be considered valid is to be built to the dimensions of the universe.¹

¹Frantz Fanon, Toward the African Revolution, (New York: Grove Press, 1967), pp. 113-114.

Fanon was talking about oppression in general and how man realizing his dilemma must find a way to break out. Malcolm X explains the frustration of one not realizing his independence and always relying on the other people to do his thinking when he explained

One of the first things I think young people, especially nowadays, should learn, is how to see for yourself and listen for yourself and think for yourself. Then you can come to an intelligent decision for yourself. If you form the habit of going by what you hear others say about someone, or going by what others think about someone, instead of searching that thing out for yourself, and seeing for yourself, you will be walking west when you think you are going east; and you will be walking east when you think you are going west. The generation, especially of our people, has a burden, more so than at any other time in history. The most important thing that we can learn to do today is think for ourselves...

But if you form the habit of taking what someone else says about a thing without checking it out for yourself, you will find that other people will have you hating your friends and loving your enemies...It is very important to think out a situation for yourselves.¹

Malcolm X was in the process of telling young people, who had sought him out in their quest for great knowledge, that man must strive to gain the great truths for himself. This information, which is sound and basic in the growth of young people also pushes many to challenge the authority of the people in charge of the institutions. William O. Douglass spoke of this when he said

The search of the young today is more specific than the ancient search for the Holy Grail. The search of the youth today is for ways and means to make the machine--and the vast bureaucracy of the corporation state and of the government that runs that machine--the servant of man.

This is the revolution that is coming.²

The student awakening as spoken about by Douglass might give an indication that modern day education has either by design or by accident

¹ Malcolm X, "To Mississippi Youth," from Malcolm X Speaks, ed. George Breitman, (New York: Grove Press, Inc., 1965), pp. 137-138.

² William O. Douglass, Points of Rebellion, (New York: Vintage Books, 1969), p. 96.

caused the young to begin to think for themselves and in the process challenge the institutions that spawned them. Saul Alinsky quoted Jefferson and possibly portrayed this change: "Enlighten the people generally and tyranny and oppression of body and mind will vanish like spirits at the dawn of day."¹

David Romano, an eighteen year old student from Connecticut, spoke of the awakening of students of today:

Students are waking up to realize their own capacity to govern themselves. We don't need the remote principals and assistant principals to tell us what to do. After all, who knows us better, they or ourselves. I think students should be equal to that of any other participating group in the school--the teachers and the administration. I think students should be given a voice in the choosing of curriculum. Students should be able to influence the assignment of teachers to different courses. Students, I think, are in a much better position than anyone else to decide which teachers are suited for which courses. If assignments were done on that basis, they would probably result in determining which teachers were hired and fired because of student interest. Critics of 'student power' claim that students are not responsible enough to make such critical decisions, and that such evaluations of teachers would deteriorate into popularity contests. While I don't believe this would be the case, it still would be better than what we have today. If a student at least had a teacher whom he likes, then he would go to class and most probably learn something.²

David Romano as a young man was speaking the language that has been voiced by many students throughout the world. The young people, as they express themselves, are tugging at the chains they see oppressing them. Students in Asia, Africa, Latin America, Europe and the U.S.A. have made their impact. It is more noticable that they have played their most striking role in the advanced industrial countries, whether they are capitalistic or socialistic.

¹Saul D. Alinsky, Reveille For Radicals, (New York: Vintage Books, 1969), p. 154.

²David Romano, "I Saw America in the Streets," from The High School Revolution, ed. by Marc Libarle and Tom Seligson, (New York: Vintage Books, 1970), p.4.

Gareth Jones asks the questions, "What is the sociological character of a student movement? And what have been the causes of the great international upsurge of the last few years?"¹ Jones goes on to an explanation of the nature of students and their unrest. He explains the theory that the mass action of students is comparable to the traditional poor of the nineteenth century during the first devastating impact of industrialization. "The contradictory mixtures of apathy and fiery insurgence, of utopianism and the conservative defiance of vested interests, consequently bear resemblance to the social characteristics of the working class in the first phase of industrialization. In both cases, the aim of the radical movements are 'expressive' rather than 'instrumental.' But this confusion in no way diminishes its significance."²

The opposing theory is one which is espoused by bureaucratic orthodoxy in the East and which lingers among sectarian currents of the socialist movement in the West. "According to this interpretation, students are a traditional elite group, overwhelmingly bourgeois or petit-bourgeois by recruitment and outlook and therefore ultimately a trivial or reactionary force."³

"A scientific explanation of the international student revolt must account for the specific concentration of causes that have combined to produce it. There is no one master explanation of this phenomenon. On

¹ Gareth Stedman Jones, "The Meaning of Student Revolt," from Student Power: Problems, Diagnosis, Action, ed. by Alexander Cockburn and Robin Blackburn, (Baltimore, Md.: Penguin Books, 1969), p. 25.

² Ibid., p. 26.

³ Ibid., p. 27.

the contrary, mass student insurgency is par excellence an 'overdetermined' phenomenon. Three major forces have been at work. Together they have produced the contemporary structure of the student movement."¹

One of these forces has been the increased intellectualism in this country. Labor has become more intellectually oriented rather than muscle oriented. The student is in a position to better evaluate what the future will hold as he sees himself fitting into these jobs, some of which he believes are perpetuating the values of a capitalistic society.

The second force was the "political reversal of values"² as defined by the Cold War.

This conflict which paraded the threatening aspects of Russia and Communism and developed the conflict between the USA and USSR. As the conflict grew, it developed into peaceful coexistence.

"The new conflict was no longer a competition between false equals, which threatened the world with a nuclear war; it was a struggle between manifestly unequal forces--starving and exploited peasants and workers in the underdeveloped world."³ The truth of this society was exploited for all to see, especially the young, as the liberal pluralistic democracy which had been so celebrated by patriots during the Cold War, now began to be revealed as the Military juggernaut responsible for untold death and destruction in Viet Nam. This, coupled with the observations of bureaucratic manipulation and oppression at home, brought about frustra-

¹ Ibid., p. 30.

² Ibid., p. 36

³ Ibid., p. 38

tion of the young about the system.

The third force which is more easily explained is the growing gap between the generations. "Intellectual and cultural advance is so rapid now in many subjects that communication between age groups separated by decades is becoming as difficult as it previously was between epochs."¹

These three forces have caused students to awaken and begin to strive for an equality that they had never thought of before. They perceived the building of a new nation which they could dedicate to the original purposes for which this nation was established. It is true that the student movement in America is just now beginning, and it is impossible to predict its future course.

One of the main areas that the student movement has turned to is the settlement of the problem of affording to students the same legal rights that all citizens enjoy. "No other section of the adult population is subject to a special extra-legal moral code. There is no reason why students should be an exception. They should be responsible for their conduct like anyone else--before the Civil Courts only."²

This kind of student thinking and subsequent behavior brings about different kinds of activities in the schools. Recent court decisions have trended in the direction of restraining the school from exercising many of the forms of control over student conduct which it and the community formerly accepted as normal and proper. But whatever the reasons for the legal actions may be and whatever their outcomes are, the impact of Court decisions relating to the control of student behavior is felt more immediately by the building principal than by anyone else in the administrative or teach-

¹ ibid., p. 39

² ibid., p. 46

ing hierarchy."¹ The principal is in a position to have to deal more directly with issues as they are interpreted.

The Tinker Case² affirmed the constitutional rights of students to the freedom of expression. The court declared that state-operated schools "may not be enclaves of totalitarianism" and that students may not be confined to the expression of those sentiments that are officially approved. As examples of behavior which schools could not constitutionally prohibit, the court listed personal intercommunication, departures from absolute regimentation, demonstrations, variations from majority opinion, behavior causing discussions outside classrooms and expressions of opinion which cannot reasonably be expected to substantially interfere with the work of the school or impinge on the rights of others. "In fact, no expression may be prohibited unless school officials can make a reasonable forecast that the expression will cause a substantial disruption or a material interference with school activities."

There have been half-hearted attempts to involve students in the decision-making process. Many times the student is directly involved only after violence occurs, and then grudgingly. Barbara Bryant states:

"Students want to be involved in decision-making about the school matters which immediately affect their lives: curricula, discipline, dress code, rules of conduct. They are seeking involvement, but not full control of these matters. When they are left out of decision-making, when a school administration does not communicate with them, they are finding demonstrations a very effective means by which to bring change in their high schools."³

¹The National Association of Secondary School Principals, The Reasonable Exercise of Authority, (Washington, D.C.: NASSP, 1969), p. 2.

²Tinker v. Des Moines Independent School District, 393 US 503 (1969).

³Barbara Everett Bryant, High School Students Look at Their World, (Columbus, Ohio: R. H. Goettler and Associates, 1970), p. 1.

These students have very definite ideas and opinions on the key political and social issues of today and look for school platforms from which they might discuss them. The new laws in the United States which are giving voting rights to eighteen year olds could give these students a greater political say. A strong voter registration drive in the high schools could provide this potential impact.

Where do students learn how to be adults and to take on adult behavior? The socialization of a young person is a very delicate process and much care must be taken to make sure that nothing is left out. One of the problems in this society is that one cannot be sure of all the necessary ingredients for socialization. The experience has been that it is more obvious when a person becomes an adult to see that he is not completely socialized by observation of deviant behavior as compared to acceptable social norms. Then the process is to determine what has been missed and try to give this to him.

Programs such as prison rehabilitation, Headstart and Compensatory Education are good examples. Therefore, it is important that all ingredients necessary for a complete life be explored and that all of these be put together for the socialization process. Anything that is left out could produce social deviants and a malfunctioning society.

Jennings and Niemi "take issue with the widely accepted development model which suggests that almost all of the political socialization occurs in the elementary school years."¹ They found that generally modifications and reorientations appear to occur in the first decade or so of adult life, but that some changes do take place in the high school years.

¹ M. Kent Jennings and Richard G. Niemi, "Patterns of Political Learning," Harvard Educational Review, Vol. 38, No. 3 (Summer, 1968), p. 443.

Speaking of the high school years and thereafter, they said, "There is a movement from a restricted status of token legal rights and few political responsibilities into a status carrying the normal expectations of adult citizenry."¹

This research supported the Tinker case in which students were referred to as "persons." Berman states:

For most of our history, education was likened to a chemical change; students were viewed as inert elements easily molded by an educational system political in its goals. Behind the alarmed tone of the judge--is the realization that the periodic table of American education has turned. Students, suddenly volatile, are no longer willing to be acted upon. Uniformity and compliance cannot be achieved where there is active resistance--it is clear the big change has already occurred: students have become active determinants of educational purpose both in law and in fact.²

Von Roy Wu,³ in a speech to the National Federation of Educators, made efforts to clarify the student activism movement and the support from the courts. He pointed to the statute found in New York criminal law which forbade "Under penalty of appropriate legal action, the cruel and inhuman treatment of minors." The law continued to explain that no minor shall have inflicted upon his person any injury or duress due to the action of any other individual. A parent in Nassau County, New York, used this statute to obtain an injunction to keep the schools from retaining his child in the third grade. The court refused this injunction; however, Mr. Holtzman initiated a formal complaint and requested that the principal be arrested for violation of the state criminal code. A grand jury's decision was that there were sufficient grounds to warrant legal action

¹Ibid., p. 467.

²Richard L. Berman, "Students in Courts," Harvard Educational Review, Vol. 49, No. 4 (November, 1970), pp. 594-595.

³Von Roy Wu was quoted in an article by Theodore C. Roth, "The Origins of Judicial Control of Public Education," The National Elementary Principal, Vol. L., No. 1 (September, 1970), pp. 20-23.

and ordered the principal to appear in court for trial. Upon advice of counsel the principal pleaded guilty at the pre-trial hearing and was found guilty and fined one dollar. This decision touched off a flood of complaints under the 'injury and duress' clause in New York and under similar clauses in other states. All these "claiming that archaic curriculum content did 'injury' to children or that traditional teaching techniques were injurious and placed children under duress."¹ Even though Wu was projecting the future in his speech, the past clearly points the way to realization of some of his predictions.

The American Civil Liberties Union in one of its many position papers attempts to clarify the concept of freedom and order and the issue of procedural rights for students:

No one disputes the power of school authorities to prescribe and control conduct in the schools, just as no one disputes the power of legislatures to prescribe and control conduct in the larger society. But in both cases, such powers are limited by the Bill of Rights; no public official may exercise authority that is inconsistent with fundamental constitutional safeguards. And in America for nearly two hundred years those limits have been essentially defined in the Bill of Rights. The Bill of Rights, however, has not been traditionally applied to public schools, and until recently the power of school authorities to control the conduct of public school students has been relatively unlimited.²

The procedural rights outlined by the ACLU are very pertinent to investigation. They allow examination of certain elementary rights that need to be guaranteed if the actions taken are to contain the basic elements of due process. The following items have been included in the ACLU Student Bill of Rights:

¹ Ibid., p. 23.

² Ira Glasser, "A Student Bill of Rights," A New York Civil Liberties Union Memorandum, (New York: August 5, 1969), p. 1 (unpublished)

- (1) The right to adequate notice of rules and regulations, and the penalties which may be imposed for violations thereof.
- (2) The right to a fair hearing prior to suspension, expulsion, transfer or any other serious sanction.
- (3) The right to counsel at all disciplinary proceedings which may have serious consequences.
- (4) The right to counsel for those who cannot afford counsel.
- (5) The right to confront the evidence against you, including the right of parents to see at any time and challenge their children's individual records.
- (6) The right to confront complainants, call friendly witnesses, and cross-examine hostile ones.
- (7) The right to an impartial hearing examiner such as those afforded teachers facing dismissal.
- (8) The right to an effective appeal from the decision of a disciplinary hearing, including the right to a transcript.
- (9) The right to be free from forced self-incrimination.
- (10) The right to be free from arbitrary and general searches.
- (11) The right to be free from illegal use of police by school officials as an adjunct to their own authority, in the absence of any crime or threat of crime.
- (12) The right of students and their parents to file complaints against school officials before an independent panel.¹

The ACLU reaffirms this in a later document as it spoke to the Civil Liberties of children in the elementary schools. There are two especially compelling reasons why it is important for civil liberties to be respected in the elementary schools:

First, since the state compels children to attend elementary school while they are still relatively weak and easily intimidated, their rights as citizens and their other civil liberties are particularly vulnerable to infringement there.

¹Ibid., pp. 6-9.

This fact is not altered by the good intentions of most of those in charge of the schools.

Second, it is in elementary school that children have their first close, continuing contact with a formal organization and formal authority, and they are likely to learn unconscious attitudes toward liberty and authority that will stay with them throughout their lives. Thus, their early experience in school is crucial for the future of American liberties.¹

The point clearly made is the importance of the public schools seeing that they can, through their actions, establish the patterns and beliefs of these young people.

Andes called attention to due process in a book giving directions to administrators:

Once a student has been formally notified of a charge against him, the status of the student should not be altered, nor should he be suspended from classes or from the campus, except for reasons which can be shown to be detrimental either to his person or the person of other students, faculty, or to school property.

That this procedure of 'due process' seems to limit and restrict the school administration may cause concern on the part of many administrators. The function of 'due process' is to limit only capricious and arbitrary power of an administrator, however. 'Due Process' is designed to protect the rights and privileges of a student and these procedures should be interpreted in this light and function.²

Ladd, a professor from a southern university, in a presentation on 'due process' before the 1971 AASA Convention, closed his speech by saying:

It is probably a good idea for the main work in designating a new school-student relationship providing for due process to be done by full-time practicing educators rather than full-time administrators. It is very important that it be done chiefly by lawyers and judges. Educators are people who should know what model would be educationally the soundest, and I urge you

¹ A preliminary statement on Civil Liberties of Children in Elementary Schools, prepared by the American Civil Liberties Union (New York: 1970), pp. 1-2. (Unpublished)

² John Andes, "Designing Policies Governing Student Activities," from *Constitutional Rights of Students*, ed. by Kern Alexander and James Campbell, (Gainesville, Florida: 1969), p.111.

to put such people to work designing; then, if you are required, to present these procedures to the courts to be reviewed for legal acceptability."¹

Have the schools been teaching more about democracy to the students than they thought? Is the student push for rights an outgrowth of the school's teachings on democracy? Diane Divakey speaks to this in the Saturday Review:

The revolt itself testifies that students have been learning more than the schools have taught: from parents who are as well or better educated than teachers; from actual participation in and the culture of the society. To accept this knowledge and experience means facing up to a set of complicated problems. To deny it is to deny the students themselves.²

The trend toward affording equal rights for students has been fairly well established. However, the movement and the final securing of these rights are two different things. The courts have determined cases in the areas of freedom of expression,³ personal rights,⁴ procedural due process,⁵ marriage and pregnancy,⁶ police and schools.⁷ These

¹Edward T. Ladd, "Due Process for Students in Public Schools," A paper presented to the American Association of School Administrators Convention in Atlantic City, February 23, 1971. (Unpublished)

²Diane Divakey, "Revolt in the High Schools: The Way It's Going to Be," Saturday Review, (February 15, 1969), p. 102.

³Freedom of Expression: *Scoville v. Board of Education of Joliet Township High School District 204*, 425 F.2d 10 (7th Cir., 1970).

⁴*Griffin v. Tatum*, 1969, 300 F. Supp. 60; *Richards v. Thurston*, 1970, (1st Cir., April 28, 1970); *Montalvo v. Madera Unified School District Board of Education*, Civil No. 16586 (Calif. Sup. Ct.); *Jeffers v. Yuba City Unified School District*, 1970, Civil No. S-1555 CE.D. Calif., 1970).

⁵*Jones v. Gillespie*, 1970, (Ct. of Comm. Pl., Phila: April 22, 1970); *Owens v. Devlin*, Civil No. 69-118-G (D.C. Mass.); *Andino v. Donovan*, New York, 1969, Civil No. 68-5029 (S.D. N.Y., Filed January 1969).

⁶*Johnson v. Board of Education of the Borough of Paulsboro, N.J.*, Civil Action, No. 172-70 (D.C. N.J., April 14, 1970); *Perry v. Grenada Municipal Separate School District*, 300 F. Supp. 748 (1969).

⁷*Overton v. N.Y.*, 24 N.Y. 2d 522, 249 NE 2d 366, 301 N.Y.S. 2d 479 (1969) adhered to, _____ F. Supp. _____, 69 Civil 40006; *Howard v. Clark*, Civil No. 2740-69 (New York Sup. Ct., March 25, 1969).

cases have helped the schools see their responsibility. However, for rights to be insured, it is important for all parties to understand their rights.

John Saunders, Program Officer, Office of the Secretary, Center for Community Planning, DHEW, said in a speech presented in 1971 that:

I am not a lawyer and the Office of Education is not charged with a responsibility of interpreting the Constitution, the Bill of Rights or the increasing body of legal precedents that affect students.

I am an educator and I am basically concerned with a very central and salient issue: that all our children, wherever they live, have an equal opportunity to pursue an education, and exploit that education to the best of their abilities.

Anything...anything that stands in the way of that objective must be struck down, be it racial isolation, inadequate facilities, poor instruction, or the inability of school officials to work with students for crucial and long overdue changes.

Cahn and Cahn in attempting to determine the delivery system for students rights, stated:

In the context of education, for example, the question is whether effective legal advocacy combined with an independent grievance mechanism within the school system can shield a child from institutional practices which have long demonstrated their capacity to retard, discourage and destroy a child's sense of confidence and his capacity to perform. Thus, one formulation of the role of the law in education might be to protect the presumption of educability of a child, just as in the criminal law, it protects the presumption of innocence. In short, law might no longer permit the school system, like a prosecutor, to pronounce a verdict of guilty and a sentence at failure, retardation, or drop-out. Instead, the school system might be required to bear the burden of proof each step of the way, at each moment when it sits in judgment on a child's attitude or performance or capacity.²

¹ John Saunders, a speech delivered at the Advisory Board Meeting of the Center for the Study of Student Citizenship, Rights and Responsibilities, December 9, 1970. (Unpublished)

² Edgar S. Cahn and Jean Camper Cahn, "Power to the People or the Profession?--the Public Interest in Public Interest Law," The Yale Law Journal, Vol. 79, No. 6 (May 1970), pp. 1020-1021.

The developing revolution of students is part of the new American revolution. Reich, in his new best seller, The Greening of America, states this very aptly:

There is a revolution coming...this is the revolution of the new generation. Their protest and rebellion, their culture, clothes, music, drugs, ways of thought, and liberated life-style are not a passing fad or a form of dissent and refusal, nor are they in any sense irrational. The whole emerging pattern, from ideals to campus demonstrations, to beads and bell-bottoms, to the Woodstock Festival, makes sense and is part of a consistent philosophy.¹

The public schools must find ways to deal with this revolution and must find a mechanism which will insure student rights.

Summary

The studies and literature which offer information, data, or reported results bearing on the design of this study have been reviewed in this chapter.

The examination of literature begins with studies of the social upheaval in America since 1954 providing the reader with an historical framework for the chapter. Secondly, the literature relating to the organizational health of the public schools of America is investigated and reported. Thirdly, the literature relevant to educational reform in America is reported. Lastly, the literature relating directly to the student rights activities in America is reported.

The most significant factor that continually evolves in the literature dealing with change in social systems is the inability of the existing social institutions to predict and to adjust to the change; the inability to institute effective watchdog and/or grievance procedures

¹ Charles A. Reich, The Greening of America, (New York: Random House, 1971), p. 4.

for troubled citizens. The need for an institutional development of a dynamic sensitivity to change and a systemic method to incorporate change is stressed in much of the literature. The assurance of student rights is one of those changes and the Dayton, Ohio, Center is one systemic approach to problem-solving in this area.

Chapter III will examine the Establishment of the Center, the major actors involved and the events leading up to that establishment. The operational structure of the Center will also be described. In other words, Chapter III will deal with the birth of the Dayton Center, and all the accompanying labor pains of that process.

"For the most part, law doesn't touch the life of the ordinary student from a poverty background...but what if the law played a part in day-to-day performance? Suppose you could extend the protection of the law as a shield to protect the inborn ability of a child to learn? Suppose you could legally eliminate the insults and the hidden insults that cripple his ability to learn? Law is based upon the presumption of innocence. What about extending that presumption into a classroom, and legally bringing to task any teacher who infringes on it?"¹

CHAPTER III

ESTABLISHMENT OF THE CENTER FOR THE STUDY OF STUDENT CITIZENSHIP, RIGHTS AND RESPONSIBILITIES

Introduction

This chapter highlights the major actors in the establishment of the Center and provides a descriptive analysis of the events leading up to that establishment. Since an understanding of the investigator's role is the key to a clear understanding of the other actors, the analysis includes a brief summary of the investigator's first involvement with the Dayton Public Schools, his role in the emergence and operation of the Dayton Model Cities Educational Component, the emergence and operation of the Dayton Community School Councils, his involvement in the Stivers High School incident, and the Dayton Board of Education hearings.

A description of the Center operational structure enumerates the component parts and their functions beginning with the grantee, Central State University's Institute for Research and Development in Urban Areas, the Advisory Board, the Staff, and finally, the Consultants. Chapter IV will then document major activities and products of the Center.

Major Actors Involved in the Establishment of the Center

Though there were many individual citizens involved in a number of ways in the establishment of the Center, the key people who emerge as prime-

¹Rap Magazine, quoting Arthur E. Thomas, Vol. 3, March, 1971.

movers are as follows: Arthur E. Thomas, Director of the Center; Dr. Edgar Cahn and Mrs. Jean Camper Cahn, attorneys for Thomas; Dr. Ruth Burgin, Consultant; Terry Lenzner and Michael Kantor of the Legal Services Division of the Office of Economic Opportunity; members of the Model Cities Planning Council; and Community School Councils of Dayton, Ohio.

ARTHUR E. THOMAS

The investigator holds a Master's Degree in Educational Administration from Miami University at Oxford, Ohio. He began teaching in Dayton, Ohio at Irving Elementary School. From there, he was assigned to Roth High School where he taught eighth grade language arts and was assistant coach for football and track. His next assignment was at MacFarlane Elementary School where he was instrumental in securing the services of a wide range of community people in the VIP program of individualized tutoring in reading and mathematics.

In the Fall of 1967, he began coordinating the Dayton Model Cities Educational Program; was an instructor in the Sociology Department at Central State University, Wilberforce, Ohio and in 1969 was named director of the Model Cities Educational Component. His work with the Component gained national recognition of Dayton as one of the more innovative and effective educational efforts in the country.

Thomas was dismissed as director of the Model Cities Educational Component after leading Black students out of Stivers High School during a racial incident. This incident and the ensuing Board of Education hearings are crucial to the understanding of the chain of events that led to the establishment of the Center and are related later in this chapter.

EDGAR AND JEAN CAHN

Dr. Edgar Cahn and Mrs. Jean Camper Cahn, attorneys for Arthur E. Thomas, recognized Thomas' record as an advocate for students since his early teaching days. They were also aware that students perceived Thomas as their advocate. From the series of events surrounding the dismissal of Thomas as Model Cities Education Director and the Dayton Board of Education hearings where they conducted long hours of research and many parent and student interviews, the Cahns developed the idea of student advocacy and determined the legal aspect of a center for student rights.

Dr. Edgar Cahn received his B.A. from Swarthmore in 1956; earned his M.A. from Yale a year later in 1957, his Ph.D. in 1960 and LL.B in 1963. Dr. Cahn is Executive Director of the Citizen's Advocate Center in Washington, D.C. He was formerly Special Assistant to the Director, Office of Economic Opportunity and has authored several important legal and social documents individually or in collaboration with his wife, Jean Camper Cahn.¹

Jean Camper Cahn was also a Swarthmore graduate and received her LL.B. from Yale in 1961. Mrs. Cahn is Director of the Urban Law Institute at George Washington University. She is founder and first Director of the Legal Services Program of the Office of Economic Opportunity, as well as Special Counsel to the Child Development Group of Mississippi.²

The impact of both of the Cahn's upon the legal profession has been profound. Theirs has been a constant search for new forums for redress of legal grievances for poor and minority groups.

¹ Harvard Law Review, Vol. 81, March 1968, No. 5., p. 929.

² Ibid., p. 929.

RUTH W. BURGIN

A major share of the credit for the formulation and organization of the Center belongs to Dr. Ruth W. Burgin who holds a Master's Degree in Community Organization from Ohio State University and a doctorate in Education from the University of Massachusetts. Dr. Burgin was chief technical assistant and advisor to the investigator in the development of the Dayton Model Cities Education program and the operation of the Dayton Community School Council. She developed the comprehensive framework of the Dayton Model Cities program and coordinated the development of, and wrote, the Social Services Component of the program.¹ Dr. Burgin's dedication and many hours of effort were instrumental in holding the Community School Council citizens together during and after the Stivers incident, the firing of Arthur E. Thomas, and the subsequent hearings. She coordinated various community efforts on behalf of Thomas, prepared literature on the facts of the firing and was his confidante and advisor throughout. During the initial development and as an ongoing consultant, Dr. Burgin continued as a key figure in the Center's operation.

MODEL CITIES PLANNING COUNCIL AND THE COMMUNITY SCHOOL COUNCILS

Endorsements of the Model Cities Planning Council and the Community School Councils served to determine that the Center could provide a much-needed and long-awaited service to the community. In fact, these endorsements could be interpreted as a mandate. The citizens involved in both groups continually and passionately spoke out at the countless meetings about the lack of parent and student rights in the community

¹ Arthur E. Thomas and Ruth W. Burgin, An Experiment in Community School Control: An Evaluation of the Dayton Experience, (Dayton, Ohio, May, 1971), pp. 27 and 29.

and literally leaped at the opportunity for a student advocacy center to serve their needs.

TERRY LENZNER, MICHAEL KANTOR

Subsequently, after the proposal was written and endorsed, it was submitted to Terry Lenzner, Director of the Office of Economic Opportunity Legal Services Division and to Michael Kantor, Chief of Program Development and Training at O.E.O. They were convinced of the workability of such a unique program. Both men labored diligently on behalf of the Center proposal and saw it through to initial funding. They viewed the law as a preventive rather than a therapeutic tool. To Kantor and Lenzner, a right without an advocate was as useless as a blueprint without materials; this keyed their belief in the Center as a viable legal services program.¹

Many are the minor actors, locally and nationally, who submitted valuable input to the major actors noted here. Running the gamut from housewives and business leaders to administrators, teachers and students, the list is long and varied, but significant to the total development and operation of the Center. The major actors incorporated these citizen ideas, in one form or another, into the total structure of the Center proposal.

Events Leading Up to the Establishment
of the Center

The idea of an advocacy center for students came to fruition as a result of several interrelated events in the Dayton community. In order to

¹ Progress Report 1, The Center, Dayton, Ohio; December, 1970.

understand the entire process, the reader must view closely the following significant items: school district involvement, the emergence and operation of the Model Cities Educational Component, the emergence and operation of the Community School Councils, the Stivers High School incident and the subsequent Dayton Board of Education hearings.

Involvement of Arthur E. Thomas in the Dayton School District

An analysis of the Center Director's prior involvement in the school district is necessary to indicate to the reader a sense of how the Center idea was born and the depth of commitment necessary to that birth. As a young teacher and coach at Roth High School, located in a racially changing neighborhood at that time, the Director ran headlong into involvement in the Black community. At Roth, he was assigned to teach a self-contained freshman class of 'disruptive students' and to coach freshman football. In spite of numerous obstacles, the Director pushed his team to a 10-0-1 record that year. He also helped and pushed many of his players into college. He would tell the players that they were the best and that they could run and win. But someday they might break a leg and that would be the end of their athletic careers. At the same time, what they had in their head, nobody could take away from them. So his students were pushed to excel academically as well as on the athletic field, and they usually lived up to these high expectations. The Director also began teaching Black history after school at Roth when Black history was something no one knew much about. He began with a handful of Roth students, and soon was drawing more than 100 people from Roth, Roosevelt and Dunbar High Schools into a classroom built for 40.

During the next year, the Director became the assistant principal at MacFarlane, an elementary school in the heart of the Black inner-city area. While at MacFarlane, the Director made a practice of greeting each student by name. To the young students, it meant very much. The Director walked the halls speaking to and encouraging his young charges. He also covered the school with portraits of famous Black people, the first time anything like that had been done in Dayton. He broadcasted the song "Walk Tall" by Julian Cannonball Adderly over the P.A. system. He had Black history plays in the classrooms and in assemblies. He got the teachers to do Black history programs on the local Black radio station, and he invited a constant stream of Black guests to speak to the students.

Along with Mrs. Demi Carrell, wife of a former Dayton Board of Education president, the Director instituted a program of individualized reading and mathematics at MacFarlane called the VIP Program. Large numbers of housewives from all corners of Dayton, city and suburbia, were enlisted as aides in this program to work one-to-one with students. It was a vast success and continues today. Models of discipline were humanistic and geared to preserve the dignity of every student, and this example spread throughout the community.

Most of all, though, at MacFarlane, were the lessons that the Director outlined to the student body. Mrs. Davis recalls her first experience watching him.

He got up there in front of the children and started in on 'all this jive about Columbus discovering America' and 'Lincoln didn't free the slaves' and he really shook me up. I didn't know whether the little kids could decipher all that. I mean, you come here passive and he shocks you into waking up. The children would repeat, 'We are beautiful. We are beautiful,' louder and louder and you could see their little chests swell. You could see them thinking, 'I am somebody.'¹

¹Article for Jet Magazine, Dan Geringer, Chicago, pp. 16 (unpublished).

James Rhea, another MacFarlane teacher, remembers a bitter cold day.

We came in that morning and the school was freezing. The boiler had broken. We called the Board and they said it would take awhile to fix. I told Art, 'Look, if we keep the kids all day, they're just going to get sick and miss school. If they can't fix us up with heat by noon, I'm dismissing my class.' Art got on the phone with downtown. Art said, 'I want some damn heat and I want it now.' He hung up. We got heat...quick. ¹

In addition to his impatience with the Dayton school system, the Director was often perceived of as a one-man circus in public. He often used a language and style not palatable to many. His style of shocking people into seeing things in another way frightened a lot of his listeners, especially his most frequent target: white people in power. Although the Director spread his anger in separate but equal doses over the police department, city government, and the Dayton school administration, it was this last group that found him most impossible when he took over the planning and directorship of the Model Cities Education program.

The Emergence and Operation of the Dayton Model Cities Education Component

The Dayton Model Cities program² was developed during 1968, primarily by representatives of the Dayton Model Cities Planning Council, officials of the City of Dayton, and technicians hired as a result of a joint agreement between City Hall and the Planning Councils. During the planning, various circumstances produced an agreement unique in the nation.

¹ Dayton, U.S.A. (April, 1971); p. 45.

² Dayton Model Cities Program: Federally-funded Comprehensive Program to Improve Physical, Social, and Economic Conditions in a Large, Blighted Neighborhood; Initial funding, June 11, 1969.

This agreement determined that any major Model Cities action must be approved by Dayton City Commission and the Planning Council. The agreement was signed in March, 1968, and has provided the basis for much of the subsequent direction of the program.

In order to develop resident and professional support for the education program, the education technician, Arthur Thomas, and the Model Cities Planning staff went door to door in the summer of 1968 to obtain residents' suggestions. At the same time, a variety of meetings were held with teachers and principals to obtain their ideas on needed activities and to explain the concept of Model Cities. These liaison meetings lasted through the development of the full Dayton Model Cities package. Technicians have estimated that approximately 120 citizen and professional meetings were held on the concepts of Model Cities education.

What emerged from these many meetings was an education package unique to any Model Cities project in the nation. The following is a brief synopsis of the program's projects:

Community Schools: Schools would be open throughout the day and week to serve as centers for education, recreation, personal services, and information on jobs, family life, health, citizenship and culture. Attempts would be made to recognize the wishes of the people in programs to be conducted at the schools.

Classes for 3-4-Year Olds: Pupils could begin at age three with health and related educational programs starting at birth for all children. Close relationship with family and home would be maintained and special training conducted for teachers and paraprofessionals.

12-Month Schools: Principals and community-school directors would be available year-round and 100 teachers would stay in schools during summer months to provide remedial and enrichment classes, recreation and vocational programs. Full utilization of buildings and grounds would permit programs geared to pressing needs of school children and adults.

Community School Councils: Each school would form a council of six parents, the principal, community-school director, two teacher representatives and a person appointed by the student council (high schools). The councils would encourage citizen participation in schools, identify and interpret community needs and assist in planning and evaluating new programs.

College-University Consortium: A consortium of area colleges and universities including the Kettering Foundation's IDEA would try to apply regional college and university resources to problems in the target area. The consortium would serve as a sounding board for new ideas and evaluation of current programs.

New Careers Development: Training of teacher aides would assist them in helping unemployables obtain jobs within the school system. Trained personnel would be used in team teaching and enhancing communication between schools and the community. Upgrading of aides could lead to new teacher preparation programs.

Renovation and Modernization: Study would be undertaken to determine needs for new elementary schools, middle schools and high schools and/or renovation of existing buildings, including use of carpet, air conditioning, and new lighting to improve learning environment.

New Leadership: Leadership training program would be aimed directly toward changing attitudes and skills of administrators, principals, assistant principals and professional staff. An orientation week for administrators would start the program with periodic two-day meetings at four-week intervals and a one week evaluation session at the end of the year.

In-Service Training: To up-date and improve teacher competencies a series of 10 to 12 presentations with follow-up workshops would be conducted the first year. A review of the practices of other communities also would be conducted. A continuing in-service training program would be implemented.

Differentiated Staffing: Teachers of varied experience would be combined into teams including technical and clerical aides and interns from teacher preparation programs. An executive teacher, freed from some of the routines, would more effectively concentrate on individual pupil analysis and management of instruction.

Specialized Services: The professional specialist staff would be increased during the first year to expand services particularly visiting teachers, health and child accounting. Each child would receive thorough physical, mental and psy-

chological examinations at designated points after age three.

Vocational and Work-Study: The work-study program would be expanded to provide a significant program for students of all abilities. Community leadership would be enlisted to provide progressive training, career guidelines and challenging jobs under contract with industries.

Visitations by Renowned Black Americans: A list of desirable visitors would be compiled and invitations extended so that 10 to 12 visitations would be scheduled each year with each guest spending up to one week in the Model Cities area. The visits would help children appreciate and identify with exemplary Black Americans from all walks of life.

Administrative Intern Training: Universities with graduate programs in educational administration would be invited to help plan a program of internship to train inner-city teachers to become administrators. Future administrators would gain experience with inner-city problems while present staff would be freed for more leadership, planning and evaluation.

Support Staff: Project staff would include a director, associate directors, business manager-accountant and community school directors for each of the ten schools in the target area, working closely with the central staff, school principals, teachers, community representatives and Educational Committee of the Model Cities Planning Council.

Project EMERGE and the Prevention and Reversal of Negative Attitudes Program were developed as part of the Model Cities Education Program after the projects described above; they are designed for prevention of school dropouts and juvenile delinquency, respectively.

Arthur Thomas was named Director of the Education Component, the major technician in the development of the total package.

The unique partnership agreement between the City of Dayton and the Planning Council for the total Model Cities effort was not met with enthusiastic response when it was suggested as a concept to the Dayton Board of Education. However, a document entitled, "Partnership Agreement Between Model Cities Planning Council of Dayton, Ohio, Inc., and The Board of Education of the Dayton City School District"¹ was signed

¹Partnership Agreement Between Model Cities Planning Council, Dayton, Ohio, Inc., and the Board of Education of the Dayton City School District, Dayton, Ohio, adopted August 7, 1969.

by Roger Prear, Model Cities Planning Council Chairman, and William Levy, President of the Dayton Board of Education. Item nine of that agreement states that "...Termination of the employment of the project director shall be consummated only upon the concurrence of the Board and Council."¹ It is important that the reader keep Item nine in mind as the narrative of events leading up to the establishment of the Center unfold.

The Emergence and Operation of the Community School Councils

The Dayton Community School Council was developed in December, 1968, when the Model Cities Education Director Arthur E. Thomas, the citizens of the target area, and the Dayton Model Cities Planning Council Education Committee saw a need to develop some kind of organized action so that they might be able to broaden the base of citizen participation in the operation of the Dayton Model Cities Education program. Its essential purpose was to train local residents to assume initiative in achieving educational reform within their inner-city schools. Council members designed a training program to provide carefully-structured learning experiences for Model Cities residents. The most important work of the Council was developing the capability for effectively monitoring the Dayton Board of Education and its personnel in the operation of the Model Cities Education Program and to develop ways and means for the involvement of more parents with school operations.

According to the proposal for the Model Cities Education Component, the councils were organized to provide a citizenship group participation structure which would enable participants: (1) To develop an understanding of the public education system as it exists for minority group children; (2) To seek ways to achieve quality education for these children; (3) To

¹
Ibid.

provide technical information for those persons who are interested in changing the system to make educators more accountable for the actions which may or may not result in the improvement of the education of minority group children; (4) To stimulate the thinking of persons interested in developing community school councils; and (5) To inspire those who would work toward providing and implementing a better model for parent community involvement and community school control for minority groups, especially the Black people of the United States.

The Community School Council program was funded in April, 1969, by the U. S. Office of Economic Opportunity as a demonstration, training, and research project to meet the expressed needs of the parents and students of the target area community. The project was funded under the title, "Education Leadership Program for Elected Community Councils" as the first of a two year project to train elected school council members in connection with their on-going participation in school council functions. The project proposal listed the following purpose: (1) To give the target area residents the opportunity to participate in the development of educational programs so that they may develop the personal capacity to more adequately shape their own destinies and control their own lives; (2) To provide for community participation in the decision-making process of school programs affecting target area schools; and (3) To help parents build a community spirit as they identify with, develop pride in, and concern for, their schools.

The goal for the Council project read: "To assist in bringing about a high standard of scholastic achievement and progress for students in classroom learning, job opportunity, and life accomplishments through parent participation in educational programs at the decision-

making level."¹

With this purpose and goal before them, the council members were to be trained in company with school principals, teachers, community school directors, and Board of Education members, to understand the objectives of the Model Cities Educational Program, to appreciate the scope of problems to be faced and to work on matters of effective school council organization, in-system communication, and community representation.

The format for the training program was a series of bi-weekly seminars to present professional, educational, and community organization problem analysis; opportunities for making action recommendations; opportunities for workshop and task force training, and community action.

The Community School Council program was brought to life under the Directorship of the Model Cities Education Program and the Education Committee of the Model Cities Planning Council--Edward Campbell, Chairman; Mrs. Fannie Cooley, Mrs. Virginia Arnold, Mr. Willie Mills; the resources of the Dayton-Miami Valley Consortium; Antioch College, Central State University, Miami University, and the Institute for the Development of Educational Activities of the Kettering Foundation.

At the outset there were confrontations between the community and the superintendent over the degree of community involvement. A clear trend began to develop as the Planning Council successfully sought the appointment of Mr. Thomas as Coordinator, who successfully persuaded

¹"Education Leadership Program for Elected Community Councils," Dayton, Ohio, (OEO Funded); April, 1969.

the school administration to release test data on students in the Model Cities area. Mr. Thomas also cleared the way so that he could work out of an office in the target area instead of in the Board of Education building in downtown Dayton.

Elections for the Community School Council community representatives were held. More than 350 persons voted in the elections. Some 60 individuals and a number of students served as poll watchers during the unprecedented balloting in the 10 target area schools.

The result was a set of representative bodies that included six elected members (parents), one student, the principal, PTA president and two teachers from each of the schools. These representatives formed the joint Community School Councils.

The grant application for the Community School Councils stressed the use of a wide variety of resources in building communication, coordination and participation in policy making and planning with linkages between citizens and school personnel, including the central administration and with students. Figures such as Preston Wilcox, Community School Control Consultant, I.S. 201 in Harlem and Kenneth Haskins, Principal, Morgan Community School in Washington, took part in early resource development sessions which lead to the formation of the councils. Closer-to-home individuals, among them Arthur Bouldin, Chief of the Office of Equal Education Opportunity for the Ohio Board of Education, joined after the formation of the councils. Bouldin supported the principle of citizen participation, as did State Superintendent of Education Martin Essex. There was also considerable positive action from local groups such as the Dayton Classroom Teachers Association, the Dayton Federation of Teachers, and the Dayton Urban League and the League of Women Voters, and from local federal officials.

From the principle of citizen participation and citizen analysis of problems, came the major goals of the Community School Councils.

Director Thomas was quoted:

The important thing to remember is that the idea, the Community School Council idea, came from the people. We envision developing the council in terms of giving them all the information necessary to make decisions, the idea being that the people are intelligent; the people are knowledgeable; the people do have the right to decide what happens in those schools from the policy point of view.¹

As a result of this statement and many other similar words of encouragement, citizens backed Thomas when the school superintendent sought to return him to his former position as assistant principal at MacFarlane School from that of Model Cities Education Coordinator. The will of the people prevailed. Black people packed the next school board meeting and Thomas was reinstated. But it was becoming obvious that events were heading toward a showdown.

During this period of the emergence of the Community School Councils, the Dayton Board of Education established what it termed a Citizens Advisory Council. The Council proceeded to study the Dayton education system and on August 7, 1969, issued its report to the Dayton Board. The report stated that

...Education is too important to leave to the educators. Since the whole community is affected by the quality of education offered by the local school system, the whole community, and not just the educators, should be involved in solving the problems of education...The people have made their will felt and are involved in the education of the young...Through the success of the education component of Model Cities...we have seen an ever growing concern for more direct citizen participation in school matters...The Citizens Advisory Council, therefore, recom-

¹Arthur E. Thomas, and Ruth W. Burgin, An Experiment in Community School Control: An Evaluation of the Dayton Experience, (Dayton, Ohio, May, 1971), p. 15.

mends the establishment of like councils through the Dayton Public School District.¹

The Council proposal was adopted by the Dayton Board of Education.

The Dayton Board of Education councils mirrored those of the OEO funded Dayton Community School Councils with one exception. The Dayton Board of Education held quasi elections in which no one was sure as to the origin of the list of names to be voted upon for membership within the councils. In the case of the OEO funded Dayton Community School Council, the parents nominated and elected their own candidates and members for the individual council by actually going to cast their ballots in each individual school.²

The Stivers High School Incident

During the Spring and Summer of 1969, the central Dayton School administration decided to begin integrating Dayton schools by bussing Black students. No White pupils were bussed, and despite the pleas of many parents, the Board of Education and its superintendent failed to establish an effective community relations program. Racial disturbances broke out at the integrated high school, Stivers, located in a predominantly Appalachian community, in early September. Following is an account of the Stivers High School incident and the related incidents that proved to be key forces in the establishment of the Center for Student Rights. As related by the Dayton Journal Herald³ newspaper,

¹ Ibid., p. 20.

² Ibid., p. 20.

³ Dayton Journal Herald, October 7, 1969; p. 22.

the events took place as follows:

A month of agonizing racial turmoil in the Dayton school system has boiled down to this: Will the school board go through with its intention to fire Arthur E. Thomas and, if so, what will be the repercussions?

Thomas, controversial Black educator and director of the Model Cities Education project, was suspended without pay last Friday and notified of the Board's intention to terminate his contract.

The charges against Thomas stem from his actions at predominantly white Stivers High School, September 9, the day after racial trouble began at the East Fifth Street high school.

Here is an account of the month's occurrences pieced together from interviews with persons present at the meetings and on-the-scene observations of Journal Herald reporters.

Monday, September 8

White and Negro girls got into several scrapes inside Stivers. Tension increased to the point that administrators and teachers gathered outside the school at dismissal time, to keep students moving homeward.

After school had been dismissed, Harold Tucker, one of about 100 Black students attending Stivers this year for the first time under the school's new boundaries, became involved in a fight at a nearby bus stop.

It is not clear who started the fight, but it is certain that the Tucker youth, was hit in the head with a metal bar--either a crowbar or a tire iron.

He received four stitches at Miami Valley Hospital and was released.

He told the school board last Friday that the white man who hit him was not a Stivers student.

"The police caught the man who hit me and put him in a car," Tucker said, "but then they let him go."

That night, at the regular meeting of the Model Cities Planning Council, Alfred Tucker--an appointed member of the council--exhibited his son's injuries.

Model Cities leadership directed Thomas and Edward E. Campbell, Education Committee Chairman, to check the school the following morning.

Campbell says that Model Cities people telephoned Leo A. Lucas, a Negro school board member, to tell him about the Stivers visit and to request a meeting the following day with Wayne M. Carle, School Superintendent.

Lucas says the call was made, but there was no mention of the Stivers visit. He says the request for a meeting was the only topic of conversation.

Tuesday, September 9

Soon after classes began at Stivers there was a commo-

tion in the hall involving seven to ten Black students, one of whom was armed with a club, according to Carle.

When Thomas and Campbell arrived about 9:00 a.m., they found a number of Black students (10 to 40, depending on the version) in the office of an assistant principal. Several parents of Black students also were present.

Here the story varies. Carle says Thomas, Campbell and the parents demanded that the Black students be released from school. The Model Cities version is that Stivers' Principal Chester A. Gooding told Thomas he (Gooding) could not control the students and asked Thomas for help.

Thomas then asked Gooding to call for a bus to transport the Black students home. The Model Cities version is that Gooding agreed it would be a good idea. Carle says Gooding merely transmitted Thomas' requests to Carle.

"When Mr. Gooding reached me on the telephone, I told him not to release the students," Carle says.

A bus was not sent. Police arrived and, according to Campbell, discussed arresting Thomas for trespassing, but did not do so.

What happened next is hazy, but all parties agree that Thomas left the school sometime after 10:00 a.m., leading 30 to 40 Black students on foot to the school system's central administration building at 348 West First Street.¹

At the building, the students gathered in the Board room on the third floor. During that meeting, a commitment was made to allow 33 Stivers' Black students to be reassigned temporarily to Dunbar and two to Roosevelt.

"I did not make that commitment," Carle said. "I did, however, honor it, although it is in violation of Board policy."

Carle would not say who made the commitment.

The students eventually left for Dunbar High School to eat lunch there.

At Dunbar, according to Thomas' account, the youngsters began talking about a march on Stivers. Thomas decided to take the students back to the Board of Education building.

While there, according to the Model Cities version, Thomas was told by Roger P. Prear, Model Cities Planning Council Chairman, that more Black students were in danger at Stivers. Prear says he told Thomas to return to Stivers and bring out the other Black students still there.

By this time--about 2:00 p.m.--a large crowd of whites had gathered outside the school. Gooding had released all students at 2:00 p.m.; the Black students were released first.

This apparently angered some of the white students, who

¹ Ibid.

joined the crowd outside.

Thomas, traveling in a car with three other persons, was stopped and arrested. The Model Cities version is that the auto was returning to West Dayton at the time of the arrest. Police say the arrest was made while the auto was headed toward the school.

Thomas was charged with disorderly conduct and abusing a police officer. He pleaded innocent. The case is pending.

Several other persons--including three White men--were arrested during the disturbance. Police sent special two-man teams to walk the area during the evening.

At a 5:00 p.m. press conference, Carle announced that special buses would transport Black students to Stivers and White students to predominantly Black Roth High School the following day. (There had been several previous attacks on White students at Roth.)

At about 8:00 p.m., Carle sent this telegram to Thomas: "Upon the basis of information I have about your relationships with students, your conduct with superiors and your alleged arrest today, I am hereby relieving you of administrative responsibility in any school and directing you to refrain from entering any school or grounds other than your office at Louise Troy (elementary school) pending resolution of the above. You are further directed to refrain from aiding or abetting students or other persons in failing to observe attendance laws or other school regulations and policies."¹

The Dayton Board of Education Hearings

The final events in shaping the need for a student advocacy center were a result of the Dayton Board of Education Hearings on the dismissal of Arthur E. Thomas following the Stivers High School incident. The hearings began October 10, 1969 and lasted to December 12, 1969, and a total of 3200 pages of transcript were taken.

At those hearings, Charles Bridge, one of Thomas' lawyers, made a key point about the Stivers incident. He explained that Thomas' actions and the racial violence that preceded and motivated those actions came about because a poor White Appalachian high school had not been prepared in any real way to deal with a sudden influx of 100 Black students.²

¹Ibid.

Dr. Carle said Mr. Gooding (the Stivers principal) was primarily responsible for integration, for the plan...for seeing that the community was prepared and the school was prepared, Bridge explained. Mr. Gooding went on vacation from June 16 until August 18.

I don't begrudge anybody a vacation. I like them as much as anyone else. But if this was the man in charge of integration and he was out of the city for two months, who was tending the shop back here in Dayton?

Bridge also wondered why school superintendent Carle had been tied up in meetings the day of the disputed actions at Stivers High.

I don't mean to make this just a personal comment, he said, but I cannot, for the life of me, understand why Dr. Carle was not at the helm of the ship on the day of the September 9 incident.

In the morning he had a meeting with the people for the City Commission, a meeting to prepare an annual meeting. Now, annual meetings are important, but everyone who has been in organizations knows this is the kind of thing that can be put aside if there is an emergency.

That afternoon he was at a meeting with realtors, and realtors are important, too, but there is no place, in any of the evidence, (that suggests) there was any emergency meeting. But Dr. Carle was out of touch, he couldn't be reached...

I suggest to you that if this emergency was of such magnitude to justify firing Art Thomas, it was sufficient emergency for the superintendent to just be in the Board of Education building, or better yet, out at Stivers where the trouble was.

Attorneys Jean and Edgar Cahn, in their defense, also returned to the startling lack of preparation for integration at Stivers.¹

A great list of meetings, efforts and preparatory steps have been compiled to demonstrate that an adequate preparation was made, Dr. Cahn said. On close scrutiny, they turned out to be a few token meetings with the principal and teachers, a city-wide workshop attended by only one person (an assistant principal from Stivers), a pre-enrollment bus trip to Stivers which appears to have been traditional for years, a letter to parents, a hearing before the Board where there was more than ample warning of the kinds of problems and the nature of the problems that would likely be encountered...

When desegregation takes place without careful analysis of socio-economic class, backgrounds, student-teacher and

¹ Ibid., p. 5.

then individual children all become forms, statistics, used to fill up classrooms and pack buildings, and all of the relevant factors of selection and preparation tend to be subordinated to one purpose, full utilization of a physical structure.

For funding purposes, that may be convenient and efficient. In terms of the effect on the children and the known problems which emanate from this approach to desegregation, the method used in Dayton as carried out can only charitably be characterized as professionally negligent.

He closed his defense for Thomas with a quote from the poet

T. S. Eliot:

Though you have shelters and institutions, precarious lodging while the rent is paid, subsidizing basement where the rat breeds, or sanitary dwelling with numbered doors or a house a little better than your neighbors, when the stranger says, 'What is the meaning of this city,' do you huddle close together because you love each other? What will you answer? We all dwell together to make money from each other.

"That," he said, "is the issue ultimately posed by these hearings."¹

The school board, however, reaffirmed the firing of Thomas. It was a solution to years of friction between the investigator and the administration. Lillian Walker, a Community School Council chairman, noted:

No one disputed his record as a teacher, and no one questioned his ability to draw children to him. It was his constant intensity that made the administration nervous, his anger when things weren't done quickly, and his corresponding ability to publicly embarrass the administrators responsible for the snail's pace at which educational change was moving on Dayton's Black west side.²

The Board of Education hearings, however, in terms of their importance to the eventual establishment of the Center, served a much broader purpose than determining the work status of the investigator. During the hearings, attorneys Jean and Edgar Cahn had long conferences

¹ Jet Magazine, (Article unpublished), 1971; p. 4.

² Interview, October 7, 1969; Dan Geringer.

with approximately 100 parents and 50 students. Mrs. Cahn realized that the students had many legal problems and that they were being abused by the school administrators and by the school system in general.

Both parents and students suggested the development of a program that would protect the rights of students and provide parents with information that would enable them to effectively deal with the system. The Cahns felt that a lawyer could not do the job alone. They said that most lawyers cannot communicate with young people, but that an educator who was trusted by the students might complement an attorney effectively.

In further investigating student response to the proposed program, at community meetings, during interviews, in private conversation, a number of questions were raised:

Can people do these things to us? Can a teacher or principal hit students? "She made him push a peanut across the floor while she hit him on the behind with a paddle," related an elementary student.¹ Can a student question a teacher if he feels that the teacher doesn't know the subject matter? Can students be forced to reveal that their mothers are on Aid to Dependent Children? "The school secretary, in a loud voice, in front of a group of people in the office asked for my welfare identification card before my child could be qualified for the lunch program," reported an ADC mother.² Can teachers and counselors force students to take the general courses and lead them to believe that they should not take the college preparatory courses? Speaking of the general courses at his high school, student Donnie Moore related, "I

¹Interview with Mrs. Edith Holsinger, Teacher, October, 1969.

²Greater Dayton Welfare Rights Organization, Mrs. Elizabeth Robinson, September, 1969.

was in that general course for awhile, man. Spent all semester bull-shitting and making a broom, man. Worked on that broom for months. Got an 'A' but I'll never fall for that 'general' jive again."¹

Students wanted to know the legality of such incidents and how they could combat them. They believed that their ignorance of the law and their rights made them vulnerable to abuse. They reaffirmed belief in the investigator as an advocate and requested action.

Thus, keeping in mind the events described in this chapter, the words of many of the people involved, and the statements of parents and students, the reader has been led to the establishment of the Center. The following section of this chapter will consider the structure of the Center.

Description of the Center Operational Structure

In describing the operation of the Center for the Study of Student Citizenship, Rights and Responsibilities, it is useful to keep in mind the Center objectives as contained in the proposal funded by the Office of Economic Opportunity Legal Services Division.²

To ensure that effective educational services and administrative procedures are provided equally to all citizens and to all areas of the city.

To educate local parents, through focus on specific issues, in basic school procedures in relation to testing, school discipline, choice of personnel, and the role of resident groups in interacting with the school system, allocation of budgets and evaluation of performance.

To achieve more equitable treatment and assistance for

¹ Community School Council Meeting, September, 1969.

² Proposal for a Student Advocate Center to Secure Legal Redress for Student Rights and Grievances, Dayton, Ohio; December, 1969.

juvenile offenders by effecting procedural and substantive improvements in the processing, treatment, and detention of these persons, as well as improvements in existing correction institutions.

To provide an advocacy service to local residents, particularly low-income residents, in achieving the objectives cited above.

To promote new forums for democratic participation in the operation and improvement of large metropolitan area schools.

To provide the young and their families with a viable alternative in order to insure the redress of grievances within the existing governmental structure, thereby contributing to civil order.

Although these objectives cannot be technically considered as structural elements within the Center, they will be useful to the reader's obtaining a better understanding of the Center operation.

The Center established offices at 1145 Germantown Street in the midst of the low-income area of West Dayton. Central State University, the grantee, also provided office space so that the Center was able to make use of the University's educational resources and supportive administrative services on a regular and continuing basis. The administration of the Center operation consists of the following components and personnel: (1) the grantee, Central State University's Institute for Research and Development in Urban Areas, (2) the nine-member National Advisory Board, (3) the 66-member Local Advisory Board, (4) the Program Director, (5) ten Parent Ombudsmen, (6) Staff Attorney, (7) Research Assistant, (8) Administrative Secretary, (9) Research Secretary-Project Coordinator, (10) Clerk-Typist-Receptionist, and (11) Consultants. (See Figure 1)

The Grantee

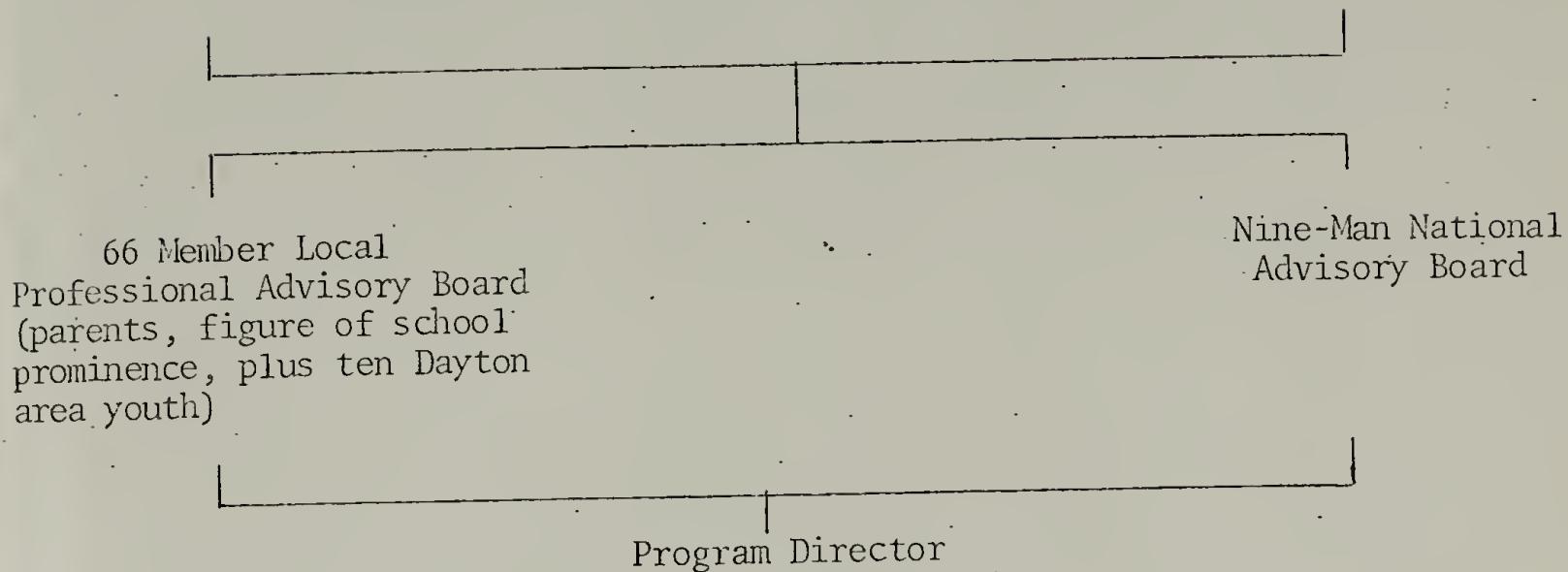
The Center was developed in a proposal submitted to the Research

Figure 1

ADMINISTRATIVE CHART

Central State University
Institute for Research and Development
In Urban Areas

Dr. Ames Chapman, Director



Consultants working with parents and local colleges to develop local and national strategies

- 10 Parent Ombudsmen
- 1 Researcher
- 2 Lawyers*
- 2 Secretaries
- 1 Clerk-Typist

*1 Lawyer added for 1971-72

and Demonstration section of the Legal Services Office of the Office of Economic Opportunity on December 31, 1969, through the Institute for Research and Development in Urban Areas of Central State University.

The Institute (IRDUA) was established as a research and service agency to assist in the struggle to overcome the problems in America's cities. The objectives of the Institute are: (1) to engage in basic research on urban problems; (2) to maintain a bibliography on major urban issues and problems; (3) to survey the positions needed in urban areas; (4) to provide research and internship positions for undergraduate students; (5) to provide special services for the disadvantaged, especially for Black students in the public schools; (6) to design curricula to meet the needs of undergraduate students who will work in ghetto areas; and (7) to design, implement, and evaluate other educational programs focused on the needs of the urban community.¹ IRDUA provides space at Central State University for the Center director, donates in-kind budgetary services, and provides the Center staff with appropriate University resources.

The National Advisory Board

The National Advisory Board consists of nine members.² The commitment and expertise of the nine has been vital to the Center in both the planning stage and during the first year of operation. Each member has lent his expertise to the Center director and staff at various times throughout the year via correspondence or appearances at Center functions. Examples of the types of cooperation and assistance that have been received

¹ Policy Statement, Institute for Research and Development in Urban Areas, Central State University, Wilberforce, Ohio; June, 1969.

² Appendix A, National Advisory Board, The Center, Dayton, Ohio; June, 1971, p. 210.

by the Center from members of the National Advisory Board are as follows:

1. Gregory Favre, Editor, West Palm Beach Post, West Palm Beach, Florida, met with the investigator who was participating as a speaker at the Florida Education Supervisors Conference, October 29, 30, 31, 1970. After two days of meetings relative to student citizenship, rights and responsibilities, Arthur Thomas and Gregory Favre, member of the National Advisory Board of the Center, met with Dr. Strickler of the Desegregation Center, University of Miami, Coral Gables, Florida. Favre, previously the managing editor of the Dayton Daily News, emphasized the coverage of racial relations, as they relate to education, during his time here. He maintains the same sort of attitude and interest in Palm Beach and has previously worked closely with Thomas as an advisor on methods of dealing with educational issues.¹
2. Dr. Ermon Hogan, the Education Director, National Urban League, New York City, served as a consultant to the first advisory board meeting. At the strategy session with Dr. Hogan held November 6, 1970, she related the problems of student rights to the problems that the Urban League deals with nationally concerning young people and to adults.²

Of current interest is the Experimental School Proposal that the Center is preparing under the auspices of Dr. Ermon Hogan and the National Urban League.³

Ongoing consultation is maintained between the director and Dr. Hogan on items of both national and local interest via correspondence and by telephone. This close relationship has been of incalculable value to the Center.

3. Dr. Donald H. Smith, Director of Community Services and Compensatory Education at Bernard Baruch College in New York City, served as a consultant to the first advisory board meeting. Dr. Smith acted as master of ceremonies for that meeting November 7, 1970, and was consultant to the Task Force on Higher Education. His expertise in the area of Open Admissions was vital to Dayton High School students so that they could attain the fundamental right to maximum education regardless of their financial status.⁴

¹Progress Report I, The Center, Dayton, Ohio, December 31, 1970.

²Ibid.

³Experimental School Proposal Letter of Interest, submitted to the Office of Education, May 17, 1971; Correspondence from Dr. Ermon Hogan, National Urban League, May 27, 1971.

⁴Advisory Board Meeting, November 7, 1970, The Center, (noted in Progress Report 1), Dayton, Ohio, December 31, 1970.

Dr. Smith has cooperated with the Center on many other occasions when the staff has relied upon his knowledge of compensatory education to clarify issues related to that complex problem.

4. Donald Reeves, a freshman student at Cornell University, Ithica, New York, appeared as a speaker at the January Advisory Board Meeting.¹ Mr. Reeves shared with the members a student's perception of rights and responsibilities. He explained his involvement as one of the authors of the New York Civil Liberties Union's Student Rights Handbook² for New York City. Information about this project has proved invaluable to the students in Dayton who aided in the preparation of a similar manual for the Center.
5. Dr. Rhody McCoy, Director of the Career Opportunities Program, School of Education, University of Massachusetts, Amherst, Massachusetts participated in a Mock Trial held at the University of Massachusetts November 18, 1970.³ This mock trial focused on defining, legally and educationally, an equal educational opportunity. The sessions were taped for use by the Center for its own guidelines in the training of ombudsmen and student ombudsmen and as a teaching tool for students, teachers, administrators and lawyers who consult with the Center.

On November 19, 1970, Dr. McCoy also participated with the director of the Center in an all-day conference on student rights as they related to Title I and other Federal programs. His advice on strategy helped to make this a highly informative workshop.

The aforementioned examples should enable the reader to understand the integral part that the National Advisory Board has played in the operation of the Center. It cannot be viewed as merely a token board as so many advisory groups are viewed, but must be looked upon as a functioning adjunct, a vital component of the Center.

¹Advisory Board Meeting, January, 1970, noted in Progress Report I, Center for the Study of Student Citizenship, Rights and Responsibilities, (Dayton, Ohio: December 31, 1970).

²New York Civil Liberties Union, Student Rights Handbook for New York City, published by the George E. Rundquist Memorial Fund, 1970.

³Mock Trial, University of Massachusetts, November 18, 1970; noted in Progress Report I, The Center (Dayton, Ohio: December 31, 1970).

The Dayton Advisory Board

The Dayton Advisory Board includes sixty-six members of whom ten are students who represent various schools, colleges, universities and community organizations in the area.¹ This local advisory board is divided into Task Forces with specific assignments for their consideration. The Task Forces are as follows: (1) Student Rights as related to corporal punishment, teacher attitudes and expectations, free speech, press, dress, coercion in the school environment, student participation in governance, suspensions without procedural due process, pregnant student suspensions and review of cases on student rights; (2) Citizen Participation as related to legislative change, board policy, administrative behavior, and citizen input into the anticipated 70/30 White/Black teacher ratio for Dayton staff integration; (3) Minimum Standards as related to Ohio law and realities in Dayton schools, national norms, dropout statistics, college admissions, test scores, jobs and income; (4) School Finance and Title I as related to lunch programs, teacher accountability, parent participation, clothing allowance, evaluation of program effectiveness, and review of the Harvard Center for Law and Education Title I Litigation Packets; (5) Educational Innovations as related to experimental schools, voucher system and learning contracts; (6) Higher Education as related to open enrollment, quality of elementary and high school preparation for higher education, and involvement of students in urban problems; and (7) Mass Media as related to use of media in education and future impact of media-as-message on society.

Each Task Force was assigned co-chairmen and a recorder for all meetings. Task Forces established a set of objectives and philosophies

¹Appendix A, Dayton Advisory Board, The Center, (Dayton, Ohio: June 30, 1971); p. 210.

for their groups.¹ Questionnaires were filled out by members to record individual opinions as to priorities.² Task Forces have met monthly for various workshops some of which are described in detail in Chapter IV of this document.

As individuals, members of the Local Advisory Board have lent their support and expertise to the Center in a number of ways. The investigator will describe a few examples for the reader in order to document the value and extensiveness of the services they provide.

The Center files many letters of support and encouragement from members of the Local Advisory Board³: Mrs. Margaret Albritton on continuation of funding of the Center; Sr. Mary Ann Drerup S.N.D., several letters of support; Brother Joseph Davis, S.M., initial funding support and request for the Director to speak at National Conference of Black Catholics; Mr. Jesse Gooding, general support and encouragement; Mr. Sidney O. Davis, support; and Mrs. Sally Sperry, who eloquently commended the Center for its service to the community. The reader must note that this is but a sampling of many letters on file at the Center.

Local members have also participated in the various Center workshops as planners, as group leaders. Some have rendered clerical assistance, made telephone calls, and have aided in establishing liaison with the Dayton school administration, teachers and counselors, and community groups. For example, Arthur Bouldin, Chief of Equal Education Opportunity

¹ Appendix B, Task Force Planning, Advisory Board, the Center, (Dayton, Ohio: November 7, 1970), p. 216.

² ibid., p. 216.

³ Letters of Support, The Center, noted in Progress Report I, December 31, 1970 and Progress Report II, May 31, 1971, and on file at the Center, June 30, 1971.

for the State of Ohio, participated in a Crisis Intervention Workshop sponsored by the University of Michigan Educational Change Team in cooperation with Center Director.¹ Mrs. Fannie Cooley, Chairman of the Education Committee for Model Cities, participated in a group discussion of the feasibility of an experimental school without walls for Dayton.² Mr. Leon Frazier of the Community Relations Section of the Dayton Police Department conducted classes with ten Project Emerge students from Roosevelt High School assigned to the Center.³ Mr. John McClendon, Jr., participated in an experimental tutoring program with the Center, instructing in Black Awareness.⁴ Mr. Daniel Klips, Attendance Officer for the Montgomery County Board of Education helped in securing witnesses for a Student Board of Inquiry into High School Discipline sponsored by the Center.⁵ Students James Phillips, Donnie Moore, and Walter Brooks have virtually been on-call for the Center. They have participated in almost every workshop held by the Center and have been a major liaison between the Center and the student community.

The names and titles of the members of the Local Advisory Board appear in the appendix of this document.⁶ They are representative of a cross-section of the community, and form a vital functioning, contributing adjunct to the Center.

¹ Crisis Intervention Workshop, Mall Motor Inn, Dayton, Ohio, April 17 and 18, 1971.

² Experimental School Meeting, The Center, (Dayton, Ohio: April 23, 1971).

³ Project Emerge Orientation with Leon Frazier, Dayton Police Academy, Week of May 24, 1971.

⁴ Experimental Tutoring Program, The Center, Weeks of May 10 and 17, 1971.

⁵ Student Board of Inquiry into High School Discipline, Dayton, Ohio; June 21, 22, 23, 1971.

⁶ Appendix A, Dayton Advisory Board, The Center, Dayton, Ohio; June 30, 1971, p. 210.

The Center Staff

Before beginning to describe the duties of the Center staff, it is well to note here that many of the duties overlap and that the staff functions smoothly within this framework of overlapping areas. One of the primary reasons for this seems to be the extreme amount of dedication to the objectives of the Center and a general willingness to give more hours than the normal working week to the cause. The staff is interracial, male and female, young and not-so-young. The investigator feels that laboring together on a common cause has developed the staff into a closely-knit unit much like a family.¹

The Director

The proposal for the Center lists the duties of the Director as follows: administration of staff, initiation and direction of projects, liaison with resident and outside advisors and consultants. This brief sentence somewhat oversimplifies the variety of activities of the Director and requires some expansion and further explanation.

In order to establish the community and national foundations for the Center, the Director conducted and/or attended 81 student rights meetings and conferences. He delivered 12 speeches on students' rights. He wrote 401 letters, and received 212 letters on the program and program-related ideas and contacts.² It would be a monumental task to compile the correspondence, telephone calls, meetings and workshops since that beginning. A partial description of some of the Director's activities will enable the reader to understand the workings of the Center. And it may also help to indicate how the Director's dedication to this cause has

¹Appendix C, Staff and Qualifications, The Center, Dayton, Ohio; p. 219.

²Progress Report I, Director's Activities, The Center, Dayton, Ohio, December 31, 1970.

been transferred to the entire staff so that everyone in the operation labors far beyond expectation.

The Director and Terry Lenzner, Director of the Office of Economic Opportunity Legal Services, met with the editors and staff of the Dayton Daily News to explain the Center's program and its plans. On the same day, there was also a meeting with a Parent Ombudsman, a member of the Advisory Board, the state representative and the Model Cities Planning Council, to explain both the Center and OEO Legal Services programs.¹

The Director met with the Community School Council chairmen to coordinate the goals of the Center with the goals of the Community School Council and to prevent any overlapping or working at cross purposes. The Councils were informed of tentative Advisory Board meeting dates and invited to attend.²

Initial orientation was held with the Parent Ombudsmen to explain the Center and their relationship to it. A schedule for training was set up with the ombudsmen.³ Preparation for the initial Advisory Board meeting was held with consultants to plan the day's events and to get their input into the Center activities.⁴

The first Advisory Board meeting was conducted with 90 people officially signed-in and approximately 60 more observers who did not sign in attendance.

During the first year of operation, the thrust of the Director's

¹ Progress Report I, The Center, December 31, 1970.

² Ibid.

³ Ibid.

⁴ Ibid.

activities had been geared to meeting with local and national leaders, community groups, the Advisory Boards and individual students, gathering ideas and forming those ideas into workable concepts. For instance, several meetings were held with members of the Dayton community to test reaction to the voucher system.¹ Groundwork for explaining this concept, and for other concepts, such as experimental schools, has been a major task of the Director.

For the future, the Director and the staff attorneys hope to develop a series of class action legal test cases that will examine, in court, the school system. Chapter IV relates some of the potential cases.

The Staff Attorney

The staff attorney was responsible for identifying the key legal issues, for reviewing proposed legislation and for recommending changes. His assistance was necessary in the preparation of rights information, handbooks, seminars, coordination with other legal services projects as well as community liaison and education. He was responsible for the training of the ombudsmen in the appropriate statutes of Ohio law so that they can handle cases that come in to the Center in an expeditious manner and in the way most beneficial to the client which is of paramount importance to the attorney.

Hours of research at the Dayton Law Library have been necessary since students' rights issues have been some of the most rapidly changing areas in the law. Reference to Chapter IV will acquaint the reader with

¹ Advisory Board Meeting, Robert Bothwell, Consultant, Voucher System, The Center, (Dayton, Ohio: April 19, 1971).

some of the Center's cases and potential test cases. These examples will describe in detail the areas that concern the staff attorney.

The attorney has also developed a very effective community liaison, speaking at meetings and workshops. For example, he has spoken at the Juvenile Delinquency Workshop on the rights of juveniles in Ohio.¹ The attorney assisted in the selection and orientation of the student panel for the Center's Student Board of Inquiry into High School Discipline at the University of Dayton.² He was responsible for the presence of many of the witnesses, and helped to work out technical details for the hearing board--a "first" in Dayton.

He has initiated correspondence with the Dayton Board of Education administration in order to effect a working relationship between that body and the Center, and has been a major spokesman at the initial meetings with Board administrators.³ His expertise in the law has been invaluable to the ombudsmen in many cases. Finally, he has kept in touch with the state legislature monitoring any pending bills that could possibly affect students and their rights, and making recommendations to the legislators.

The Research Assistant

The research assistant gathered data related to defined program areas, such as the Student Rights Handbook and the Student Board of Inquiry into High School Discipline. He prepared correspondence to the advisory boards, documented the program's activities,⁴ and displayed an inordinate

¹ Juvenile Delinquency Workshop, Community Service Building, Dayton, Ohio; June 29, 1971.

² Student Board of Inquiry into High School Discipline, Dayton, June 21-25.

³ Appendix D, Meetings on Cooperative Relationship, Dayton, Ohio; Dayton Board of Education Administrators and the Center, March 25 & May 26, 1971; p.222.

⁴ Program Summary, The Center, Dayton, Ohio; May 31, 1971.

amount of insight into the problem of student suspensions in a report published in a local magazine.¹ Articles for Jet and Ebony magazines, national publications, have also been prepared by the researcher, documenting the history of the establishment of the Center. Progress Reports I and II were documented under his guidance.

Research into alternative approaches to high school education has been a major project for the researcher in working with ten Project Emerge² students from Roosevelt High School. He also has arranged for students to spend a week as tutors at a local elementary school; for them to take photographs in the community and develop them in a dark-room established at the Center; for some to spend a week in classes at the Dayton Police Academy; to learn how to make pizza from a local housewife; and to fashion wax sculpture casted in lead, at the Dayton Art Institute. He was also successful in securing employment for half of the students with local businesses.

When ombudsmen have requested his services in the areas of speech-writing, he has always complied. As with the other members of the staff, his duties sometimes include the setting up of meetings, the handling of public relations, and the handling of individual cases of students who come to the Center for help.

The Executive Secretary

The funding proposal for the Center describes the executive secretary's duties as supervising the administration of the office, taking care of local paperwork and procuring office supplies.³ This description

¹ Dan Geringer, "The Devil Made Me Suspend That Boy," Rap Magazine, (Dayton, Ohio: June, 1971).

² Project Emerge, Dropout Prevention Program, (Dayton, Ohio: June 1969), Federally funded.

³ Funding Proposal, The Center, (Dayton, Ohio: December 31, 1969).

cannot possibly do justice to the tasks that she performs. She has had the almost impossible task of coordinating the Director's activities and time. Arranging air travel, keeping account of expenses, and seeing that the Director is where he should be when he should be has required extra effort on her part. She is on-call at all hours, during the many last-minute crises to which programs such as this one are vulnerable. The office correspondence, which has been staggering at times, has passed through her capable hands. She has handled thousands of telephone calls efficiently and courteously, and has overseen the final preparation and mailing of progress reports, summaries, proposals, and other materials produced by the Center. In fact, it would be truthful to state that without her organizational ability and extreme efficiency, the Center would undoubtedly have been hard-pressed to function as well as it has.

The Research Secretary

The funding proposal is again referred to for a description of the duties of the research secretary and, as before, it does not adequately describe the position. It reads: "...to assist the researcher in the gathering of data and in the dissemination of informational materials, along with the duties of typing, filing and receiving calls."¹ Since that original proposal, the job has expanded to include the coordination of major Center projects. The position was filled in March of 1971, and has included the following items: coordination of several sensitivity sessions for Center Ombudsmen; participation in meetings with Dayton Board of Education administrators; editing of reports and typing of same; helping to plan activities for Project Emerge students; meeting with Springfield,

¹
Ibid.

Ohio students on student rights;¹ planning of technical details for Crisis Intervention Workshop;² taping of interviews with student groups; typing and proofing of the Student Rights Handbook; planning and conducting of an experimental school community meeting; providing research data for experimental school letter-of-interest; coordinating an experimental tutoring program at the Center; taping a radio program on corporal punishment;³ preparation for meeting on the voucher system; meeting with European students from Antioch College in regard to the Center operation;⁴ preparation and conducting of a Student Board of Inquiry into High School Discipline; preparation for the yearly evaluation of the Center. The research secretary project coordinator has also handled individual casework, and other office and coordination tasks during evenings and week-ends.

The Clerk-Typist-Receptionist

Another staff member with an extraordinary commitment to the Center is the clerk-typist-receptionist. She handles all incoming telephone calls and welcomes visitors and clients to the Center. Her warmth and easy manner have been important to the operation in that they set tense clients at ease, thereby facilitating the tasks of ombudsmen and attorneys. Also assigned to her have been innumerable typing duties, filing and mailing of literature and correspondence to advisory board members. She keeps an up-to-date file on all press clippings and other publicity and willingly xeroxes materials and provides other forms of assistance to all staff members. Week-ends and

¹ Community Youth Center, Springfield, Ohio; April 7, 1971.

² Crisis Intervention Workshop, Mall Motor Inn, (Dayton, Ohio: April 17 and 18, 1971).

³ WAVJ Radio, The Tom Mann Show, Dayton, Ohio; April 30, 1971.

⁴ Antioch Exchange Students Meeting, June 3, 1971.

extra evening hours are also common to this staff member.

The Ombudsmen

Parent Ombudsmen: The key personnel in the operation of the Center have been the Parent Ombudsmen. They have worked closely with the Director in the planning and implementation of all phases of the program. Each one has had a prior background in community activity. The ombudsmen tasks include the maintenance of on-going student and community liaison, relations with principals, community education regarding the rights of parents and students, and actual casework. How the ombudsmen actually handle cases is described for the reader in Chapter IV.

Student Ombudsmen: The activities of the Student Ombudsmen include liaison with the student community, which has been of vital and significant importance to the operation of the Center. Student input in all areas, but most especially in the Student Rights Handbook and the Student Board of Inquiry into High School Discipline has been of the highest value. Students have kept the staff "tuned-in" to its constituency and its many moods and activities. They have also spoken eloquently of the Center at community meetings, participated in workshops, and have directed fellow classmates, who needed aid, to the Center.

Volunteer Ombudsmen: Varied services are performed for the Center by an able crew of volunteer ombudsmen. Activities such as sign-painting, typing, mailing, community liaison, telephoning, development of parent workshops, gathering of data and general aid to the staff are just a few of the services rendered. The extra vitality that the volunteer gives to the operation of the Center has had a great bearing on Center accomplishments thus far.

The Consultants

Consultants were used in three capacities and formed an integral part of the program. First, consultants performed a training function. They assisted the Director and participant groups in the development of understanding and necessary skills during the training process. Second, consultants served as resource persons, providing content inputs for a number of sessions in the program. Finally, consultants served as resource persons and their consultative services were utilized in the technical assistance, research-evaluation components of the program. Their services were also used in the development and implementation of specialized program functions. For example, the consultations of John Saunders, Program Specialist, Department of Health, Education and Welfare in Washington, D.C., with the Student Board of Inquiry into High School Discipline proved invaluable. He spent several days with the student panel in orientation sessions, providing them with valuable insights into how-to-question witnesses. Ralph Faust of the National Juvenile Delinquency Center, St. Louis University, compiled the data of students and parents into the very important Center document, the Student Rights Handbook.¹ Dr. Ruth Burgin has also provided outstanding input throughout the planning, operation and evaluation of the entire Center operation. Throughout this document, names of others have been mentioned. All have been consultants to the Center Director and staff in one way or another. The Center has been and is a cooperative effort utilizing the talents and expertise of many persons, drawing out the best that each person has to offer, for the benefit of the client--the student in need of aid.

¹ Appendix E, Student Rights Handbook, Dayton, Ohio; June, 1971; p. 235.

Summary

In this chapter, the story of the major actors and events leading up to the establishment of the Center has been told. A long, but relevant, narrative of events, from the initial teaching activities of the director, through the emergence and operation of the Model Cities Education Component and Community School Councils, the racially-explosive Stivers High School incident and the Dayton Board of Education Hearings, establishes the background for the Center.

A description of the operation structure of the Center and the duties of each component of that structure has also been described.

Chapter IV will examine specific activities and products of the Center from November 7, 1970 through June 30, 1971, individual cases and why they are significant, as well as potential cases for possible future litigation.

CHAPTER IV

MAJOR PROGRAM ACTIVITIES OF THE CENTER FOR THE STUDY OF
STUDENT CITIZENSHIP, RIGHTS AND RESPONSIBILITIES

Chapter IV will describe and analyze the major program activities that occurred during the first year of Center operation (November 7, 1970 through June 30, 1971). These Center program activities have been organized into the following five topic categories: (1) the development of effective inter-agency and community relationships, (2) the development of dissemination materials, (3) the design and implementation of the Ombudsmen Training Program, (4) a description of selected case studies and potential areas of litigation, and (5) the operation of a student board of inquiry into high school discipline.

Since one of the major tasks of the Center was to establish effective communication linkages with a wide range of different groups in the Dayton area, a number of deliberately different approaches were utilized within the various Center activities, depending on the audience. For example, a heavy reliance upon journalistic style typifies many of the attempts to disseminate information about the Center to community residents while a more formal, legalistic style has been utilized to compile information regarding the selected case studies and potential areas of litigation that have been investigated by the Center. Wherever possible, original documents have been quoted in order to more effectively communicate an accurate picture of the various Center program activities that form the major focal points of this chapter.

Developing Effective Inter-Agency and Community Relationships1. Community Workshops

The Center's community workshops were instituted chiefly to inform

the poor Black and poor White communities, as well as other interested citizens, that the Center solicited their active participation. The main criticism levelled at the existing school system in Dayton was that decisions were made in a high handed manner, with the exclusion of community input. Decisions ranging from the initiating of curriculum changes to desegregation, which vitally and intimately affect each child's mind and spirit, were imposed without consent. Often these changes were explained in language that was ambiguous or completely unintelligible to the person affected by the decisions.

The community workshops were also designed to explain to as many people as possible that Dayton and the Center were not alone in this matter of student rights. By bringing in experts from the nation's largest cities, whose concerns were the same concerns expressed by parents and students in Dayton, the workshops were to create in the local citizens a new feeling of confidence, a feeling that there was nothing strange or radical in the student rights movement--rather, that it was grounded in some practical, traditionally American considerations. The workshops tried to convey that the Center's main purpose was enforcing humane laws that were being totally ignored in the schools, and creating humane laws to replace existing unfair ones.

Speaking at the first of the Center's community workshops, Michael Kantor, Director of Program Development and Training, Office of Economic Opportunity Legal Services, explained the need for workshops in a program whose avowed purpose was to franchise the disenfranchised. He said that in many instances, the poor man is not aware of his legal rights. He cuts himself off from assistance for fear that even a visit to any attorney is far beyond his expense. "His neighborhood and an attorney's office are

entirely different worlds."¹ Kantor stated that he saw the Legal Services program, of which the Center is a part, as an antidote to "ignorance of law" among poor people, further explaining, "...A right without an advocate is as useless as a blueprint without materials."²

Also, at the Center's first workshop (November 7, 1970), Dr. Edgar Cahn, Executive Director of the Citizens' Advocate Center in Washington, D.C., told 100 people representing most of the major service and community organizations in Dayton, what the Center proposed to do.

"I am not proposing that there be a lawyer in every classroom," he said. "I propose that we inject an advocate into a system that does not recognize the need for an advocate. Just as law protects the presumption of innocence, so now must law protect the presumption of educability. It must deal with the petty slights that cumulatively cripple a child, minute to minute in a classroom."³

He gave a down-to-earth example. "A child needs to go to the bathroom; the teacher refuses to let him go. Legally this sounds ridiculous. But it is precisely incidents like that over the years that form a child's attitude about himself."⁴

He then stated the main theme of the Center's activities. "The point is to give a child some control over his destiny. It has been proven time and time again that there is a direct relation between a child's performance and the sense he has of such control."⁵

¹ Progress Report I, Center for the Study of Citizenship, Rights and Responsibilities, Dayton, 1970; (unpublished), p. 24.

² Ibid., p. 25.

³ Ibid., p. 25.

⁴ Ibid., p. 25.

⁵ Ibid., p. 26.

While part of the time during the afternoon sessions was spent on examples of school problems with which the Center might be involved, the rest of the time was spent on solutions, practical ways in which ordinary citizens could actually effect a change in the way things are.

Julius W. Hobson, Director of the Washington Institute for Quality Education, advised one group how to guarantee minimum standards for children who were educationally deprived, by gathering data on basic questions.

What has been the racial composition of the Dayton Board of Education? Which schools are assigned the largest proportion of the 'more qualified' teachers? Do teacher assignment patterns reflect racial segregation? What was the nature of the system of grouping students used in the Dayton Public Schools and on what basis were the children assigned to the various groups? How were the Dayton elementary school children selected and placed in the honors track?

Are regular textbooks distributed equally among elementary students in Dayton Public Schools? Does the Dayton Public School Administration allocate equal funds to elementary schools regardless of neighborhood income level? Is race of the children a factor in the allocation of school funds?

Hobson told his workshop group that special federal funds, under the Elementary and Secondary Education Act, were available to school districts for assisting the most needy students--in addition to regular budgeted funds. He asked, "Have such federal funds been used legally and effectively in the Dayton elementary schools? How are federal funds (Elementary and Secondary Education Act of 1965) distributed in the Dayton elementary schools?"²

¹ Ibid., p. 38.

² Ibid., p. 38.

He continued suggesting ways in which the parents he was talking to could investigate their schools, find the weaknesses, and create a solid, factual, well-researched document which they themselves had put together-- as a first step toward correcting those weaknesses.

"What is the dropout rate among high school students? Why are these students leaving the school system? Does the distribution of educational resources, reflected by the number of dollars spent per pupil, have a direct effect upon children's reading test results?"¹

Hobson repeatedly emphasized that it does not take a large community organizations to compile the necessary facts. He said, "Five or six determined people can begin the collection and evaluation of the needed data and be quite effective."²

While Hobson was talking minimum standards in one room, William Wright, Director of Black Efforts for Soul in Television, Washington, D.C., was telling his group how Dayton television programming could accurately represent the interests of Dayton's Black population, according to the Black percentage of the total television audience.

The first thing you've got to learn is to petition to deny a station's renewal. Ohio came up two months ago. Every television station has a license for three years. Your stations will not come up for another three years. You know who the license belongs to? The license belongs to you. The airwaves belong to the public. The Federal Communications Commission, which regulates television, does not control programming. You are the person who can do something about what it is that you see on television.

The station is supposed to survey the area it serves, to find out what your needs and your interests are, and the programming is supposed to reflect those needs. That's not gobbledegook. That's television law.

¹ Ibid., pp. 38-39.

² Ibid., p. 39.

That's how the man continues to get his license, because he says he is serving you. Now, what usually happens is that a television or a radio station, when they apply for a renewal of their license, lists the people in the community that they've contacted. I'll guarantee you that some of your names are in the application. In Columbus, we checked the application; I saw so and so's name on there and I showed it to him. He said, "They didn't call me." Seventeen people that the station said they called, they did not. Falsification of documents--that's part of your case.

They catch you running an elevator; they ask you about some program. Next thing you know, your name is on that list that they consulted you...¹

He said that the only thing his listeners had to learn was the simple process of demanding change. The power was already in their hands. Most of his listeners seemed surprised to hear this.

"What's the percentage of Blacks in Dayton? About 36 percent? Do you have that type of representation on television?"²

Wright gave his listeners an example of what he meant by Black programming.

You give a student a camera, and tell him to record what's going on in his every day life in the classroom. Then it takes a professional to look at that film and edit that thing, and you look at it. It hits you in the gut of your stomach because that student is going to catch that kid coming into school with no shoes on. That's his buddy. He's going to get the visual impact on the face of the girl who didn't have any breakfast when she says she didn't have any breakfast and you're going to get it on sound. That's captured. You've heard the expression, 'one picture is worth a thousand words'? Well, that's television.³

Wright was asked about Dayton's Black soul station, WDAO radio.

Twenty four hours of James Brown won't tell me how to meet the man in the morning. Tell me how you can get on welfare. Where do you have to go to sign up for Social Security? How

¹ Ibid., pp. 31-32.

² Ibid., p. 32.

³ Ibid., pp. 30-31.

do you get your kid into college? Where are the scholarships available? That's the type of information that you need coming across the radio. Don't leave out the music; we need that also. But we need some other types of messages.¹

Wright's emphasis, like Hobson's, was on direct action.

The responsibility does not rest with that station. It does not rest with the government. It rests with you. You don't need an army of people. Talk about grassroots, that's who works on all of my projects. Because a housewife learns how to fill out a monitoring form, we cover every program that's on from the time the station cranks up to the time it stops. And it's done by housewives--at home. You run a survey about what you want on television, what you think television should be going. You have three years to gather information.²

A final example of the Center's approach at workshops was the Title I session led by Mark Yudof and David Kirp of the Harvard University Center for Law and Education. Yudof explained, in simple terms, what Title I was (or should be) all about:

Title I was a bill passed in 1965 by Congress, designed by the President, which says, in effect, that what we think is wrong with education is that poor and educationally deprived kids are not performing very well in the public schools. And the way we propose to deal with the problem is that we think that those poor kids need something extra.

They need more services, they need better programs. In other words, Congress was saying those kids need a break if they're to perform like the middle class kids who have a strongly supportive educational environment at home, and who have all the praise.

They passed a law which is now funded in the Senate by billions of dollars. What happens now is that it is distributed to each state on the basis of the number of kids whose families have incomes of less than \$2000 or who are getting ADC payments. You get so much per kid; it's around \$150 per kid.

Once the state gets the money, they way it's distributed after that is on a per head basis per school district in the state. So Dayton, for example, I don't know the exact appli-

¹
Ibid., p. 32.

²
Ibid., pp. 32-33.

cation made yet, but let's say a million or a million and a half dollars, in Title I funds every year. They have to draw up a proposal of how they're going to spend the money.

They have to indicate what types of programs they're going to have, who they're going to hire to implement those programs, what schools are going to need, what equipment they're going to buy, and facts like that.

The regulations of Title I are designed to make sure that the money is spent on poor kids. The way they try to do that is they require that the money only be spent in schools that have very high concentrations of poor kids. You're not supposed to put Title I programs into a relatively wealthy neighborhood. It's for poor neighborhoods.

The second thing is it's only allowed to be used to benefit educationally deprived kids. You are not allowed to spread it across the board.

You don't cover every student in school. That's not the idea. You cover educationally deprived kids. Beyond that, you don't cover every educationally deprived kid because the feeling in Washington was that if you spend \$60 per kid a year, that's peanuts; it's so little money it can't be a real benefit. You really have to limit your target in such a way that you really end up spending a couple of hundred dollars a kid, so that there really has to be some chance of affecting that child's educational outcome.

Beyond that, there are regulations--one is that you're not supposed to buy a great deal of equipment, mainly because of the difficulties of making sure that the money benefits poor kids. You're not supposed to cut back on the benefits which the school system gives to those kids. If the school system is spending \$500 a kid and it gets \$200 in federal funds, that kid should benefit a full \$700 worth of education. The idea is not that the school system takes advantage of this federal money to reduce its own effort from \$500 to \$400.

The idea is also not that you provide the same service for poor kids out of Title I funds that you provide to middle class kids out of local funds. To give you an example: If you have a middle class school and you provide the kids with a Cafeteria and a Guidance Counselor and a Teacher Aide, whatever else you have there, and you don't do that in a poor neighborhood, and you use Title I funds for those same services, you really haven't given those poor kids anything extra. You still give them just the same thing that the kids in White neighborhoods are getting. They're (the poor kids) not getting a break as Congress intended them to get.

And finally, there's been a lot of hassle about this. There's a requirement in the law now, and most recently in the guide-

lines, and that says there has to be parent participation, and what I mean by that is, school administrators should be advised by parents as to what the needs of children are, as to whether those programs are working.

Those parents should have the ability and the power to monitor the programs, to make sure the money is not being spent to benefit teachers or to benefit the wrong class of kids, to make sure that this money is spent to benefit low income, educationally deprived children.¹

Discussion followed on parent participation in Title I and in school in general: use of Title I money for clothing and food; strategies of financing schools, alternatives to the present system in Dayton; and how poorer schools might wind up with a larger share of the education dollar.²

From November 7, 1970 to June 30, 1971, the Center held nine workshops, attended by 810 people, and moving from the topics of planning Center priorities to involving students in initiating their own programs, juvenile court reform, Title I reform through monitoring of the programs and increased parental involvement, the legal and psychological implications of testing in the public schools, and the possibilities of the voucher plan in Dayton.

The approach at these workshops was consistent: (1) Maximum advance publicity through the news media, direct mailings to the Center Advisory Board, the Dayton school administration, and officials in various community action agencies; (2) Maximum community participation through questions and answers and role playing; (3) Suggestions for practical follow-ups.

Workshop follow-ups have included the publication of the first student rights handbook in Dayton history, the completion of data gathering and analysis for a Dayton minimum standards evaluation along with the

¹ Ibid., pp. 33-36.

² Appendix F, Reference to Title I, Dayton, Ohio, June, 1971; p. 263.

lines suggested by Mr. Hobson, a proposal for a community controlled cable television station incorporating Mr. Wright's ideas, and a three-day student board of inquiry into discipline in the public schools--again, a first for Dayton and probably for the country--which is discussed in detail later in this chapter.

A chart of workshop topics, dates, speakers, and attendance can be found on page 270 of this document.¹

Although the practical follow-ups were important, equally important in the matter of workshops at the Center was the development of an attitude toward the school system and toward the individual's ability to change it. Workshop speakers at the Center have consistently stressed the eye-for-detail, no-nonsense approach toward schools; and it is the successful development of this among the Center's student works, parent ombudsmen, and volunteers that has resulted in the tangible results achieved so far.

A good example of this approach is the "due process in suspension" section of a talk delivered at the Center on student rights (January 9, 1971) by Mrs. Diane Divakey, Director of Research for the Student Rights project of the New York Civil Liberties Union. She said:

There were 16,000 official suspensions in New York City last year. The teachers' union is asking for more leeway for principals in suspending students on the basis of assaults on teachers and violence. I called the Board of Education and asked, "How many assaults on teachers were there in New York City last year?" This is in a school system of 1.1 million children. They said, "208 assaults on all school personnel from janitors to superintendents." They admit to 16,000 suspensions. And when you say, why do you suspend students, they say because they assault teachers. The figures are so out of line, there is no way they can possibly defend this.

The due process laws deal with your right to be in school. How do suspensions go? I was sitting in the cafeteria at one of the predominantly white, "better" high schools last spring

¹Appendix G, Workshops Held to Date, The Center; p. 270.

with the principal. We were having lunch in the cafeteria with the guidance counselor. A teacher came over to him and said, "I had a boy who momentarily this morning lost his temper at the end of a four hour Regents examination. He was very frustrated. It was a very rough test. At the end of the test, he wasn't finished. Nobody was able to finish. He threw down his paper and said to me, 'I should kill you. You didn't prepare us for that test.' And in a second he pulled himself together and said he was sorry. And he got his cool back. What do I do?"

There was no disruption so legally it wasn't suspension question. But in that school, they don't recognize that. The principal asked two questions. "Is he black?" The teacher said no. "Is he Jewish?" The teacher said yes. The principal said, "I'll take care of it. I'll talk to his parents privately."

I was sitting there. The principal knew I was from the New York Civil Liberties Union. He knew I was from the Student Rights unit. And yet he felt in no way embarrassed making this kind of a decision right in front of me.¹

Mrs. Divakey went on to suggest the need for close attention to how administrators follow their own rules, rather than anything resembling printed school policy or state law. Her examples were not lost on her listeners who had plenty of their own experiences to add to hers.

2. Agency Relationships

The Center staff has tried to establish cooperative relationships with all of the major legal, social service, and educational agencies in the Dayton area. The Director of the program has met with members of the school administration, and with individual principals and teachers, to explain the Center program and work out cooperative agreements. Center attorney, Peter Rebold, has done the same with local legal agencies--the Bar Association, the American Civil Liberties Union, the Cincinnati Legal Services organization (the closest such agency to Dayton), etc. Center

¹ Progress Report II, Center for the Study of Student Citizenship, Rights and Responsibilities, Dayton, 1971, (unpublished), pp. 170-171.

staff have visited area school principals and teacher and parent groups to explain the program. Members of the local Model Cities program and the Community School Councils have taken part in most Center activities. The local Urban League supplied a legal consultant for the Center's ombudsman training program.

The two key agencies in Dayton that the Center needed to define relationships with were the Dayton Classroom Teachers Association and the Dayton Board of Education. On December 3, 1970, program director Thomas met with Robert Nies, head of the DCTA, to discuss ways of working together. A joint statement of cooperation between the two agencies was publicly issued on December 16. On January 16, after a month of planning, a joint workshop was held at which teachers, administrators, students, and parents engaged in small group discussions on student, parent, teacher and administrator rights, then developed four role playing situations involving drugs, a student grievance procedure, irrelevant course material, and counseling.

On March 25, 1971, a session was set up with Center staff and public school system administrative staff to explore possible areas where the Center and the Board of Education could work together. Up until that time, the relationship was undefined. The meeting eventually resulted in a printed policy statement giving Center ombudsmen the right to help arbitrate cases involving alleged abuses of student rights when both the school principal and the parent agreed that the ombudsman would be a help toward finding a solution to the problem.¹

The above relationships with agencies are political ones, and, in the two cases above, a lot more work must be done to detail constructive relationships. Following is an example of how the Center worked with a community agency to experiment with ways of actually reaching children.

¹Appendix D, Meetings on Cooperative Relationships, Dayton, Ohio; p. 222.

The Center's relationships with Project Emerge--a federally-funded project to identify and help potential dropouts at Roosevelt High School in Dayton--is totally non-political and involves the use of Center staff in a teaching role.

PROJECT EMERGE--the program includes a number of component parts aimed at stimulating each student to consider what learning is about. Early writing attempts by the students described their feelings about school and its role in their lives. Many of the students described the artificiality of the school, in terms of the realities of their lives. The students write about the realities of street life; in role playing activity they choose real school situations--crap games that end in fights, students suspended for wearing Panther clothing, drug arrests in school and the like. In the Center they learn to use camera equipment and darkroom facilities; they make sculptures and jewelry. But more important, they meet with the people who affect their lives--the white policeman, the school administrator, street people, and other students like themselves who are fighting the system.

Further detail is included in the Appendix¹ because it gives a clear idea of the type of students the Center often deals with, and the type of problems the Center will continue to encounter.

1

Appendix II, Project Emerge, The Center, Dayton, Ohio; p. 273.

Development of Dissemination Material

Material disseminated by and about the Center during the first "school year" of its existence had two purposes. The major purpose was to clearly explain the Center's program and purposes so that readers who might have had either erroneous or vague conceptions about the term "student rights" would understand what the Center was trying to do. A second purpose was to change the image of the Center director which had been distorted by earlier media coverage.

Two stories were prepared for the above purposes, one for the local Black magazine, Rap, and one for the 10,000-circulation Chamber of Commerce publication, Dayton USA.

The Rap story, which was written in November, 1970, by staff researcher Dan Geringer, emphasized the difference between the "old" and the "new" Arthur Thomas--important in gaining acceptance for the Center, which was closely tied to his name and past history--and began with Thomas explaining that difference. The investigator was quoted as having said there would be

...no more circuses. No more calling people 'crackers' and funny names. We will do our homework and talk to the point. We will deal in court, politely. Already, the downtown people are bad-mouthing my new program in the school board's ear. 'This cat's a bad cat. This cat's a bad cat.' I am not a bad cat. I want that vacant ear so I can tell them I am not a bad cat. Even half an ear's a fighting chance.¹

The story continued with a skeleton sketch of the Center's set-up--the location, the ombudsmen program, the entrance into the "previously untouchable classroom relationship between teacher and student."²

¹ Dan Geringer, "Art (remember?) Is Back--With a New Game Plan," Rap Magazine, November, 1970; p. 15.

² Ibid., p. 14.

In defining targets of operation, the story cited examples like this one:

An administrator on the Model Cities staff tells how he first realized teachers reinforce negative images to students. "It is my first year," he says. "I was sitting there holding a class, and this little kid sticks up his hand. 'I have to go.' 'You don't have to go,' I said, 'you just sit there.'" And he kept waving his hand when I was trying to teach. And then he went in his pants. His mother came in to see me, a big husky Black woman, and she shook her fist in my face. 'Look here, nigger. When my child says he has to go, you let him go.' I never played that role again. I began to think about the kind of things teachers do to kids in classrooms, about how a succession of incidents like that develop, how the child thinks of himself, how he will always think of himself."¹

The story concluded with a quote from the Center director that set the mood for what the Center staff felt would be the nature of its upcoming casework (this story was written in November; the Center office didn't open until January).

The personal stories go on and on. This thing about branding a child a 'disruptive student.' Sure, there are disruptive children. There is also the case of a child who couldn't say 'yes' in speech class because of an impediment. She always said 'yeh.' The teacher interpreted this as wilfully being disruptive. Another teacher explained that his heart beat faster every time a certain boy walked in the room because of the things he had heard about the boy. He called the boy a disruptive student.

There is a point where you stop saying it's unbelievable. The stuff couldn't happen. It's rumor and exaggeration. You begin to see what is not rumor and exaggeration. You begin to see where political infighting has no place, where Black groups fighting Black groups for control has no place. You see where you can relate directly to the students and the law, stay clear of politics and all the race rhetoric, and take the details into court so the kids get something legal to fight with.

I have² reached that point and I have a year to make these plans real.

Rap circulates in 2,000 Black Dayton homes. The approach used in

¹ Ibid., p. 14.

² Ibid., p. 16.

this first story--clear, simple language and the support of all ideas with case histories that are real to a reader--was chosen to drive home the difference between the Center's "street" approach and the scholastic approach of the public school's central administration. An example of this is the following explanation taken from a Dayton Board of Education inquiry into the nature of the high school dropout:

One who feels "worthwhile" comprehends it as an act which is utterly (probably) beyond a complete scientific explanation. To comprehend worthwhileness is an act of contemplation and philosophical wisdom mutated with the fruit of scientific analysis. Most can identify "there is a tree; that is a man." But few are ever struck by the realization of the real import or input of what is really meant by "is".

Sometimes it is given to children and to simple people (and the "intellectual" may indeed be an essentially simple person, contrary to all the myth about him--for only the stupid are disqualified from true simplicity) to experience a direct intuition of worthwhileness. Such an intuition may be simply an immediate grasp of one's inexplicable personal reality in one's own incommunicable act of existing as being worthwhile.¹

In the second of the two introductory stories about the Center, this time for publication as a cover story in the conservative Chamber of Commerce magazine, Dayton, USA, things again remained simple. The purpose of the story was two-fold--to introduce a "new" introspective Arthur Thomas, capable of leading an effective legal services program, and to indicate the grave-ness of the problems that the Center would try to solve.

The opening section of that story follows in full, because it is useful not only in defining a problem that has come up in different forms many times since the Center opened, but in defining the mood of a Black parent, used to losing, after having gone through the administrative wringer--a mood that is almost as much trouble for the Center to deal with

¹ Dayton Public Schools, Division of Research, Department of Planning and Development, "A Dayton Public School Dropout Statistical Profile," Summer, 1970; p. 11.

as the problem itself:

Elizabeth Robinson knew that her 10-year-old son, Sammy, was high strung. But she was unprepared when two Dayton elementary school principals suspended him last year and told her that Sammy had mental problems.

"Mental problems is their way of saying he's crazy. He's not crazy. He couldn't sit the whole six hours through school, is all. He could do fine for maybe two and a half hours in the morning, maybe an hour and a half in the afternoon. Then he'd have to get up and move around. The teacher said the rest of the kids wanted to learn and he didn't. She said he was making unrest in the class, that he was an unrest kid and they couldn't have him."

After a month at Weaver School, Sammy was suspended and Mrs. Robinson was advised to take him to a psychiatrist. Instead, she moved into another neighborhood. Then in January, she enrolled Sammy at Jane Addams School. The record of what had happened at Weaver followed him. A month after he enrolled he was suspended again, for the same reason.

"I didn't know what to do. I thought, well, maybe he is like they say he is. Mental problems. So I took him to the doctor at Barney's."

"Sammy said what they did was they drawed lines on the floor and he hopped on one foot up and down that line. Then they gave him a piece of paper and told him to draw a little man, draw one with arms and one without arms. And then to draw a man and a woman together. Sammy said he drawed the man on one side of the page and the woman on the other side and the doctor said, 'I'm surprised. I thought you were going to draw it a different way.'

"Then the doctor told Sammy to put everything a person had on the drawing, everything a human being would have...arms, eyes, everything. In order words, they wanted him to draw some nasty pictures. Sammy told me, 'I didn't draw no nasty pictures.' He knew that was what they was trying to get him to do.

"I asked the doctor what was the result of the tests. He said, 'Sammy's just a nervous kid. He has to outgrow that.' Then the school started sending me pills for Sammy. They didn't send him no lessons or nothing, just pills. Little green ones. I don't know what they were, but I know one thing: when he took them, 15 minutes later he was knocked out. I mean out. He would sleep for two and three hours. Finally, about the middle of June, I made up my mind I wasn't going to make him take anymore. I said, 'If you're crazy, you'll just have to die crazy. You're not taking any more of those pills.'"

Mrs. Robinson says that during the year of school her son missed, she and Sammy were invited downtown to the Board of Education several times for conferences with the Director of Pupil Personnel, Dr. William Goff. "What it came down to was he always asked Sammy could he sit still for six hours in school. Sammy said 'no.' So he stayed out of school."

Last summer, Mrs. Robinson moved again. In September, she enrolled Sammy at Jefferson Elementary. "When the record went

over there that he was on medication, the nurse called me and asked me would I bring the bottle over and let her see what it was. When I showed it to her, she said, 'That strong stuff? We're not going to give him any more of that.'

'He still can't sit still after a couple of hours. But this year, his teacher sends him on little errands and such. He says Sammy does his work and that he will take care of the times when he gets restless.'

Mrs. Robinson finishes talking and sits quietly for a moment. She would explain last year away, settle herself down again about it, if she could make sense out of what happened. But she can't.

'Someday, I'm getting on a bus for somewhere. I don't care where it's going. As long as it's going.'¹

Later in the story, the point was made about the Center's reaction to this type of case.

Long range, Thomas hopes to see new legislation enacted and court decisions won which change the mood of going to school. Last year, Mrs. Robinson's son was suspended twice, told he had mental problems, and excluded from an entire year of school. This year, the same boy with the same problems is getting the schooling he should have gotten last year only because a third school happened to find a way to deal with his restlessness.

That kind of thing frightens Thomas. He sees something treacherous about there being that much luck involved in how that boy will grow up, in what he will think of himself. Last year, Thomas would have run down to the Board of Education with Sammy Robinson and burned Wayne Carle's ears with hip one-liners. This year, he talks to lawyers.²

In addition to the two introductory magazine stories, the Center disseminated information about itself through a leaflet and a sheet of basic questions distributed by the 10 Center Ombudsmen and volunteers door to door in the Black community.

The leaflet was designed to be visually attractive, allowing for a minimum of words to invite people to use the Center. Half of the 8 1/2 by 11 sheet of paper was a photo of a Black boy in a baseball cap staring thought-

¹ Dan Geringer, "Will the Real Art Thomas Please Stand Up?", Dayton, USA, April, 1971; pp. 28-29.

² Ibid., p. 40.

fully into the distance. The large headline read: "Troubles?" The text followed: "Suspension troubles? Expulsion troubles? Learning troubles? Need help? We can help. We will help. If you have school troubles call or visit The Student Rights Center, 1145 Germantown Street, Dayton, Ohio 45408, Telephone: 223-8228. A positive program to bring students, parents, teachers, and principals together."¹

The question sheet that accompanied the leaflet welcomed the reader to contact the Center, and outlined some areas of concern in the form of questions:

SUSPENSIONS: Should there be written fact sheets for every student and parent stating exactly what a student may be suspended for in each school, what the parent and student can do after suspension, what the school's responsibility is toward the suspended student and his parent. Are suspensions used too freely in the current system? Because the law allows a 10-day limit on suspensions, does that mean that most suspensions should be for 10 days, or should the principal and teacher make every effort to return the student to school as soon as possible after suspensions, after one or two days if possible? What function does suspension serve?

COLLEGE GUIDANCE: Are students informed about college and scholarship possibilities open to them early enough in their high school careers, and then encouraged to take every possible step to getting into college? Can the counseling system be improved? How?

SCHOOL FACILITIES: Should students be allowed to form any kind of club or after school group if there is sufficient interest--regardless of how popular or accepted that club's views are to the school or the school administration as a whole?

FREE PRESS AND FREE SPEECH: Should students be allowed to publish a newspaper or distribute literature in school without any approval or guidance from school authorities? Should students be allowed to invite any speaker into school without approval from school authorities? Is administrative or faculty censorship of school publications a good thing? What is the status of school publications at Dayton's schools? Do they relate to students?

POLICE: What is the current security situation at Dayton schools? Can this be improved?

¹ Appendix I, Center Community Flyers, The Center, Dayton, Ohio; p. 286.

SCHOOL RULES: Do rules differ greatly from school to school in Dayton? How do students and parents know about these rules? Should rules be uniform in all Dayton schools? Should students and parent have a written fact sheet on these rules so that there is no question about what constitutes a violation of them?

CORPORAL PUNISHMENT: What is the function of corporal punishment in the Dayton school system? Is there an alternative way of maintaining discipline that students and parents would find more acceptable or is corporal punishment acceptable?

STUDENT AND PARENT GRIEVANCES: Should there be a citywide written system of effectively voicing student and parent grievances relating to the school system? Something stronger, perhaps, than getting up at a school board meeting?¹

The question sheet concluded with a brief note about the program:

The Student Rights Center program hopes to pinpoint things that are wrong with the Dayton school system, and to change these things as quickly as possible in a legal and lasting way. To do this, we need the support and the active participation of all students and parents interested in change. We will work with all situations relating to student and parent rights in school. We need to know what your concerns are. Then we can decide together how to deal with them.²

In May, a 10-page summary of the Center's progress to date was mailed out to ombudsmen, the advisory board, the media, and various members of social action agencies around town. The summary was also used as a handout in the Black community. It included the director's statement about the need to convince administrators of the need for change, rather than force change upon them because "...If teachers and administrators and parents are forced to respect the human and constitutional rights of the young, they will merely find other ways to retaliate, and not respect those rights."³ Attorney Peter Rebold outlined some cases on which the Center

¹ Progress Report II, The Center for the Study of Student Citizenship, Rights and Responsibilities, March, 1971 (unpublished); p. 283-284.

² Ibid., p. 284.

³ Ten-page summary, Center for the Study of Student Citizenship, Rights and Responsibilities, May, 1971 (unpublished), p. 1.

was working and the possible legal action involved.

Center researcher Dan Geringer studied the Dayton Board of Education statistics on dropouts and found that they were revealing of the school's negligence in perpetuating the dropout syndrome, although dropping out is traditionally blamed on the student.

The Dayton Public School administration's public school dropout profile was based on questionnaires given to male and female dropouts at the 9th, 10th, 11th, and 12th grade levels from each Dayton high school.

The study shows that 1,380 students dropped out of Dayton's 11 high schools in 1969-70, or 8.6 percent of the total school population.

At Stivers, a poor White, largely Appalachian school, there were 235 dropouts, or 21.5 percent of the school's student body. At Roosevelt, a poor Black school, there were 247 dropouts, the largest number in the city.

Of the dropouts questioned for the administration's survey: 53.3 percent wanted more CLASSROOM behavioral discipline from the teachers; 65.4 percent wanted more COUNSELING for direction and guidance; 62.1 percent missed 26 or more days of school in the previous school year. This figure included DAYS SUSPENDED. Suspensions in the Dayton system are normally given maximum 10-day limits. Sixty-nine percent were in the General Course. "I was in that General Course for awhile," explains a college-bound Dayton high school senior. "Spent all semester making a broom, man. Worked on that old broom for months. Got an 'A'." Fifty-one and nine-tenths percent rated communication between pupil and disciplinarian POOR; 43 percent rated communication between pupil and counselor POOR; 51.6 percent rated communication between pupil and assistant principal POOR; 51.6 percent rated communication between pupil and principal POOR.

MORE THAN HALF of the dropouts had IQs of average and above average, yet 62.1 percent had grade averages between F and D, and 57.7 percent had repeated at least one grade.

The 10-page summary went on to discuss the difference between what the student needed in the way of information, and what the school provided him with. Here is one example:

Roosevelt High School, which has the highest number of dropouts in the city and a perennially high suspension rate, does not talk about suspensions or dropping out in its handbook, but it does devote space to the school seal: "The Roosevelt Seal which is in the main hall by the Mathison Street entrance is not to be walked on by anyone. This is a sacred symbol of our school and is to be respected at all times. It is an open book of knowledge and a flaming torch of wisdom."¹

A main point of the summary was "The attitude in school after school is one of tired resignation to the fact that herds of immature students must be controlled, processed through, and graduated. It seems inconceivable to administrators that students should first be given a detailed explanation of all the laws that govern them (i.e., in no school are suspension infractions spelled out), then given a say in creating the laws that govern them."²

A typical example of the controls over student-directed policy is cited in this example of the Centerville High School student handbook: "All powers of the student council are delegated to it by the school administration. The principal, therefore, has the right to veto any act of the student council or to revoke any of the powers held by the council."³

The Dayton administration's position is quoted from its 1970 pam-

¹ Ibid., p. 8.

² Ibid., p. 9.

³ Ibid., p. 9.

phlet entitled, "Students Rights and Responsibilities" which begins, "It is our belief that students are entitled to basic civil liberties guaranteed to other citizens..."¹, then goes on to explain that

...it is further recognized, however, that the traditional role of the school official and teacher is in loco parentis relative to the student. The obligation of this role is that more mature and experienced judgment should be exercised and may normally be expected to prevail in relation to the less mature and less experienced judgment of the student. Further, since school attendance is compulsory, a captive student group does in fact exist and school officials must often make decisions which protect the health and well-being of all students while at the same time safeguarding individual rights inasmuch as possible.²

In June, the Center researcher, Dan Geringer, wrote a 12-page special section on school suspensions that was published in Rap, then was reprinted (5,000) for mailing to all Dayton administrators, principals, assistant principals, and guidance counselors. The reprint was also mailed to teachers and to members of various social action agencies, was distributed for three days at the Student Board of Inquiry hearings, and at the equal educational opportunity Senate Committee hearings in Washington. Entitled, "The Devil Made Me Suspend That Boy," it began with a long, detailed account of how one Black student was suspended three times from a school he was being bussed to--once for allegedly starting a fight he later proved he did not start, once for allegedly throwing a snowball at a busdriver. In the last instance, he was made to walk 4.9 miles home when the principal refused to let him ride the bus and refused to let him wait in the school while he called his parents.³

The last part of the story contrasted administrative language and

¹ Dayton Public Schools, "Student Rights and Responsibilities in the Dayton Public Schools," September, 1970; p. 1.

² Ibid., p. 1.

³ Dan Geringer, "The Devil Made Me Suspend That Boy," Rap Magazine, June, 1971; p. 20.

understanding with the Black child's world. Quotes from school children were interspersed with quotes from administrator-written student handbooks, with results like this:

Three members of the class of 1918 wrote Fairview's song, "The Blue and Gold." While they were composing the song, they discovered that blue and gold sounded better when put to music than blue and orange, the colors chosen in 1909. As a result, Fairview's colors were changed to blue and gold.

It was on Easter Sunday I almost got shoot over fifth cent. I seen one of my girl friend mother. And she told me if she would of known the dude had a gun she would of shoot him. But I was lucky enough to get away from him.

No open display of affection please, holding hands will suffice.

I saw two man fight. They was fight about a young lady. This man feel this lady boogie and the other man got jealson and hit him. He pull out a knife and stab him in the arm. And they start shooting. Both of them¹ died and the lady walk out of the bar and said them fool.

The Student Rights Handbook for Dayton, Ohio.

The Student Rights Handbook for Dayton, Ohio was published in July with 10 chapters covering school discipline, student expression, counseling, physical punishment, police in the schools, marriage and pregnancy, verbal abuse of students, right to an education, and arrests. Two thousand copies were printed, and plans are now being finalized for a second printing of 10,000 because the demand exceeded the supply within three weeks of publication.

It is the first handbook of its kind for Dayton--detailing the state law and local Board policies, suggesting what the students' rights are in areas left ambiguous by such laws, listing addresses and telephone numbers for school board members, key administrators, and high school principals, and a complete directory of the Center staff. The

¹ Dan Geringer, "The Devil Made Me Suspend That Boy," Rap Magazine, June, 1971; pp. 26-27.

handbook was prepared by Center attorney Peter Rebold and consulting attorney Ralph Faust of the National Juvenile Law Center, St. Louis University. With emphasis placed upon responsible action, backed by law, it is also emphasized that the handbook is not a substitute for an attorney.¹

In addition to distribution of printed matter about the Center, the program has been publicized through speechmaking at church, parent organization, and social club gatherings by parent ombudsmen, the director, the staff attorney, and students.

Student rights radio broadcasts covered suspensions, the use of Title I funds, expulsions, corporal punishments, student government, free press in school, and freedom of assembly in school. There was a broadcast on the Black radio station, WDAO, in March and one over the White audience WAVI in June. There was also a television discussion by Center staff on the matter of student rights in June.

Press coverage by the Dayton morning paper, the Journal Herald, and by the evening paper, the Dayton Daily News, has been extensive and has included the funding of the Center, a student bill of rights proposed at the December, 1970 advisory board meeting, a role-playing workshop at the Center involving students, teachers, parents, and administrators, a juvenile courts analysis by visiting Center legal consultant Paul Piersma, the three-day student board of inquiry into highschool discipline, and the printing of the student rights handbook.

Editorially, both papers have been supportive. When the Center opened, the Journal Herald ran a long editorial, explaining that "...There has never been anything like the store-front center in the nation," saying

¹Appendix E, Student Rights Handbook, Dayton, Ohio, June, 1971; p. 235.

that the Center "...proposes...to bring the rule and process of law to bear on a range of issues which, in summary, involve the role of young people in certain everyday operations of their schools and also the legitimate--and long-neglected--question of making schools accountable for a level of educational excellence," and concluding that if the Center "...can pull it off, clear benefit could accrue to Dayton and a model of new-age 'school law' could be written."¹

The Dayton Daily News editorialized that

The locally published Student Rights Handbook is a tough-minded but even-handed outline that should be useful to students and school personnel alike...it deals forthrightly with issues that the official school board's booklet for students understandably scrimps on or avoids... Weighted against the board's own outline, the Center's study helps provide a balanced understanding for students.²

Nationally, stories on the Center have been prepared for Jet and Ebony magazines, and are scheduled for fall, 1971, publication.

¹ Journal Herald, Dayton, Ohio, November 11, 1970; p. 5.

² Dayton Daily News, Dayton, Ohio, July 8, 1971; p. 9.

Ombudsman Training Program

The Center's 10 parent ombudsmen all having children in the public school system, and all having histories of past community involvement, both in the schools and in various other fields--welfare, unionizing, Black demonstrations--received their initial orientation into the Center program on November 4, 1970. At that time, it was explained that the ombudsmen would work within the legal system to change the school system, instead of confronting the system through demonstrations, and using anger and rhetoric in place of legal homework.

The aim of the training program was to teach non-professionals how to do legal-style documentation on cases involving the students, teachers, and administrators, how to do the necessary legal research, and how to work with legal help to secure redress of grievances. They were also prepared for a second key function, that of keeping the Center in constant touch with the community. The community, hopefully, was to regard the Center as a place where an ombudsman was always ready to listen to a school or school-related problem, and then help solve it.

On the week-end of November 7 and 8, the ombudsmen attended the Center's first workshop. Julius Hobson, Director of the Institute for Quality Education in Washington, D.C., told them about his book, The Damned Children, a meticulously detailed study of how the Washington, D.C. school system discriminates in allocation of funds and quality of education for poorer districts. The techniques used in his book, he said, could be used in Dayton for a study of the local situation. The 1967 Hobson v. Hansen school case, in which Julius Hobson was involved, was based on the book's type of statistical evidence--assignment of teachers, expenditure per pupil, distribution of books and supplies, use of classroom space--

contrasting how the school system treated children in middle class v. poor neighborhoods. Definite patterns of discrimination were proved in the case and upheld in the U. S. Court of Appeals, Washington, D.C.

William Wright, Director of Black Efforts for Soul in Television, Washington, D.C., told the ombudsmen about lack of Black programming on television and radio and how they could force local stations to present Black programming in proportion to the population percentage of Blacks in Dayton, by monitoring current programming, then demanding a change in it when the local stations came up for license renewal. He stressed that soul music was not what he meant by Black programming but that programming on student rights, welfare rights, college admissions, social security, health services, and the like were some types needed.

Dr. Donald Smith, Director of the Compensatory Education Program, Bernard Baruch College, New York City, and Dr. Ermon Hogan, Education Director, National Urban League, New York City, talked about the benefits and pitfalls of open admissions programs, and how such programs might apply to Dayton.

David Kirp and Mark Yudof of the Harvard Center for Law and Education, talked about the lack of parent and student input into planning the use of federal Title I monies, and about how they sometimes got mis-used.

After the workshops, the ombudsmen were asked to write reports on what they had learned. Here is an example, written by ombudsman Elizabeth Robinson:

I learned that on our Title I Board and Committees, poor people have not served on these Board and Committees. These Boards or Committees could have a suit brought against them, and also Boards of Education for not having poor people on them.

I also was not aware that the guidelines were changed so that school clothes, lunches, and school supplies could be

bought out of Title I monies. I also heard that two State Houses waived suits on the Title I provision for purchases of school clothing. I learned that all information on Title I was supposed to be public information, and I have been asking for information on Title I education and they told me they could not give this to me.¹

During November and December, the ombudsmen met twice weekly for a legal primer course designed to equip them with a knowledge of state education law and local educational structure. The course was taught by Andrew Adair, an attorney from the local Urban League, retained on a consultant basis. The course covered the following topics:

1. Ohio School System (Education)
 - Title 33 Ohio Revised Code
 - A. Department of Education
 - Chapter 3301.01: Sections 3301.1 - 3301.011
 - B. Organizational Structure
 - Ohio Educational Directory (1970-71)
 - C. Superintendent of Public Instruction
 - 3301.08 Ohio Revised Code
 - D. School Districts
 - Chapter 3311 Ohio Revised Code
 - Sections 3311.01 - 3311.03
2. Dayton City School District
 - Ohio Educational Directory (1970-71)
 - A. Structure of:
 - (1) School Board
 - (2) Administration
 - (3) Teachers
 - (4) Schools
 - (5) Location
 - (6) Other School Personnel and Function
 - (7) Duties of School Personnel

¹ Progress Report I, Center for the Study of Student Citizenship, Rights and Responsibilities, December, 1970 (unpublished); p. 82.

3. State Laws Respecting Operation of Ohio Public Schools
Chapter 3313 Ohio Revised Code
 - A. Control of Schools
3313.47 Ohio Revised Code
 - B. Free Education
3313.48 Ohio Revised Code
 - C. Suspension of School, Transfer of Pupils
3313.49 Ohio Revised Code
 - D. Record of Test: Statistical Data; Individual Records
3313.50 Ohio Revised Code
 - E. Deposit of School Funds
3313.51 Ohio Revised Code
 - F. Special Instruction Schools
3313.53 Ohio Revised Code
 - G. Graded Course of Study; Diploma Course of Study Required
3313.60 Ohio Revised Code (Note A-G)

 4. Ombudsman
 - A. Definition of
 - B. Nature of
 - C. Function
 - D. Relationships to Present Function of Citizen Participant
for Dayton

 5. School Finance (Funding for Public Schools)
Chapter 3315 Ohio Revised Code
Sections 3315.01; 3315.02; 3315.06; 3315.061; 3315.08;
3315.09; 3315.15; 3315.18; 3315.19; 3315.28; 3315.31
3315.32.

Ohio Revised Code Chapter 5705
Sections 5705.05; 5705.10; 5705.11; 5705.21; 5705.30;
5707.06

Funds for Federal Programs (City of Dayton Schools)
 - A. Programs
 - B. Amount of Funds
- Source: Directory Special Assistance Program Dayton Public
Schools (1969-70)

6. School Attendance
Chapter 3321 Ohio Revised Code
 - A. Attendance
 - B. Compulsory Education
3321.01 - 3321.12 Ohio Revised Code
 - C. Annual Enumeration
3321.24 - 3321.30 Ohio Revised Code
 - D. Failure to Send Child to School
3321.38 Ohio Revised Code
7. School Reports
3319.32 Ohio Revised Code
8. Suspension or Expulsion
3313.66 Ohio Revised Code 1965 Supplement
9. Use of Force and Infliction of Force; Corporal Punishment
3319.41 Ohio Revised Code 1965 Supplement

While the sessions were going on, ombudsmen contacted students and parents in their school areas and recorded concerns. Here is a sample of what the ombudsmen turned in to the Center. This list of community concerns was submitted by ombudsman Lillian Walker:

Parents and Students:

1. Manner in which ADC students are identified and labeled within the school.

Example: Some students refuse to accept free lunch because of the stigma attached and because of harrassment from other students and negative attitudes of teachers.

2. Embarrassment by teachers of students who are tardy.

Example: Primary students have been isolated from the classroom and/or required to stand in the hall wearing signs, "I was late." During this isolation students are missing class instruction. No one can determine the damaging psychological effect this is having upon the child, particularly since it is doubtful that

he was totally or even partially responsible for his tardiness.

3. Lack of specific information as to ways in which students can be assisted in home study.
4. Apparent difficulty students have in adjusting to transition from elementary school to high school.

Example: A number of freshmen students leave the high school and return to the elementary schools during the school day. They express bewilderment and confusion over school procedures, particularly those concerning discipline and suspensions.

5. Suspension for nebulous reasons, such as eating candy in class. Inattention to more serious offenses such as floating crap games in the school basement. Difficulty in getting any concrete guidelines on high school suspension policies.
6. Paddling of adolescent female students by male staff members.
7. Presence of armed security guards in school buildings, even though school officials assured parents that the guards would be restricted to parking lots.
8. Unavailability of some school principals. Much of the running of the school is delegated to assistant principals and principals are many times unaware of events that take place. Both principal and assistant principals seem more concerned with discipline, paperwork, committee activities rather than instructional leadership.

Teachers:

1. Lack of availability of appropriate reading materials in middle grades--4th, 5th.

Example: In-service workshop on new reading materials is being held Tuesday, November 10th, two months after the beginning of the current school year.

2. Insufficient notification of Test Schedule (Central Administration). Second-grade teachers were informed that their classes would be tested one day before the test was to be administered. Lack of time to adequately prepare students for testing situation.
3. Delay in responding to request for equipment for Home Economics course.

Example: Washers and dryers have been on order for several years for target area schools. These have been

included in the Home Economics budget, but administrators have not pressed for confirmation from the Business Department that such equipment will be installed and maintained.

Teachers, Parents, and Students:

Concern about the effect desegregation of staff will have upon target area schools since the proposed 70/30 ratio will mean most target area schools will have the greatest number of faculty changes. How will this affect the overall learning situation when schools would be obligated to lose teachers who have participated in the Model Cities Education Program's In-Service Training and COP Training? How will White teachers with no previous association with target area schools relate to students and parents? What plans are being made for continuity in instruction and pupil progress as teachers become adjusted to new situations?¹

As the program progressed, the ombudsmen's duties fell into two main categories: caseworker and publicity agent. Here is a report by Mrs. Walker on a talk she gave at McNary Elementary School on the Center program:

On February 16, 1971, a presentation of the Student Rights Center Program was given for approximately 75 parents of the McNary PTA. The principal, Mrs. Anita Bullock, and teachers were present.

After an informal talk about the Center, packets were distributed to the audience. The materials in the packet were explained and questions were answered. Along with the packets, copies of the Ohio Revised Code were distributed. The sections dealing with suspensions and expulsions and corporal punishment were discussed.

The entire audience was receptive and expressed appreciation for the materials and the information. Several parents indicated that they would contact the Center. They felt that the emphasis on student rights is much needed.

DISCUSSION OUTLINE

- I. Purpose of the Student Rights Center
 - A. Why it is needed
 - B. What it is doing
- II. Duties of Parent Ombudsmen
 - A. Advocate for students

¹ Ibid., pp. 84-85.

- B. Giving information to parents
 - C. Explaining purpose of Student Rights Center
- III. Examples of ways in which students rights are violated
- A. Unofficial suspensions
 - B. Paddling
 - C. Unfairness
 - D. Poor teaching
 - E. Limited curriculum
- IV. Explanation of suspension and expulsion laws and ways in which they are consistently violated
- V. Rights of students which do not pertain to discipline and suspension
- A. Freedom of expression
 - B. Positive counseling, correct scholarship information
 - C. Accountability on the part of teachers, administrators

QUESTIONS AND COMMENTS FROM AUDIENCE

- High School Student: Is anything being done about suspensions? The present rules are ridiculous.
- Ombudsman : Contact the Student Rights Center and the Community School Council. Both organizations are working on this. Have your parents make contacts and get involved so that a change may be made that will benefit all students.
- Parent : What do you do about a teacher who uses slang in front of students and also calls them names? Parent demonstrated how she had seen teachers act in front of students. Teacher is also reported to constantly refer to students as "black niggers."
- Another Parent : Teacher may feel that using slang helps her to relate to students. This may not be particularly bad.
- Ombudsman : "Black nigger" is not slang. What would happen to a student if he called the teacher by the same name? Students respond to the kind of example that is set by teachers; however, as rules go now the student may be penalized. When parents are aware of situations such as this, they should contact other parents of the children involved and confer with the teacher and principal in an effort to resolve the problem. You may get help from the Student Rights Center if you need it.

- Parent : I'll try to do that.
- Principal : Parents need to be concerned with what is happening in the schools and to use resources such as the Student Rights Center.
- Parent : Please send me a copy of the Ohio Revised Code. I really need this information.¹

The kind of detail that the ombudsmen get into on their cases is illustrated in this taped interview between Mrs. Walker and staff researcher, Dan Geringer. Mrs. Walker had just successfully defended 769 students at MacFarlane School who had been suspended for incomplete immunization records. She defended them on the grounds that the school did not properly inform the parents about the necessity for the immunization shots, and their availability. Mrs. Walker describes the case below, then answers Geringer's questions:

On Monday, January 5, 1971, we found that 769 out of 1,048 students at MacFarlane School had been excluded for insufficient data on immunization shot records. In checking, I found that many children needed only one shot and that this had been added as one of the requirements in September of 1969. Many parents had called us during the holidays to say that they had not had previous notice that their children needed immunization. However, in checking with the school we found that information had been sent out. However, not all the information was included on any one notice that the parents got. Parents who were most upset were those of upper grade children, who felt that they had put forth every effort to get their children immunization shots on time and then were sent a letter of threat that they would be prosecuted if their children continued to stay out of school and yet they had been excluded from school by the Office of Pupil Personnel. In checking the law, we found that the Department of Pupil Personnel enforces the law that says that children from the ages of 7 through 18 must attend public schools or a school that has been given proper certification. The same department also has to enforce the health laws that say a child cannot attend school unless he has completed immunization. The law says he must not be admitted to school until he has completed these shots. The Department of Pupil Personnel allowed an October 15 cutoff date for completion of these shots and then another cutoff date of December 15. At that time, a letter was sent excluding students until they got their shots. The law says

¹ Progress Report II, Center for the Study of Student Citizenship, Rights and Responsibilities, March, 1971 (unpublished); pp. 137-139.

that they shouldn't have been in school in the first place. They should have been waiting at home to go to school. In the information sheet given the first day of school, a section on immunization was included. However, it didn't specify which kind of measles shot and by what time they had to complete the shots. Therefore, those parents who felt their child had a complete shot record felt no need to do anything else.

In most schools, they concentrated on those students who hadn't completed their basic shots and on those students who had transferred in and their shot records had not been sent; and on those whose parents had been negligent and hadn't gotten shots. Actually, if the school health law was obeyed, then there would be no children in school who hadn't completed their shots. There is no provision for suspending. You simply don't go to school until you get shots. Many of the parents didn't realize that if their children had the measles they had natural immunization, and therefore didn't necessarily need the rubcola shots. Then the terms Rubella and Rubeola were used, and many professionals are confused about the difference between them. The newest added is Rubella. Rubella is the three-day measles. Rubeola is the ten-day measles. There should have been a mass communication effort to let people know this and a concentrated effort to get the older children shots, since it was never required before. There was some misinformation. Some did not necessarily need Rubcola shots.

There were some shots given at the schools last year-- Rubella. What we are suggesting is that if a new shot is added there be some opportunity to get them easily. We don't want to place the responsibility for the total health and welfare of the child on the school, but since this is a requirement of the schools and because the parent is also required to send the child to school, then something should be set up to make it easier for parents. Many parents can't afford to lose a whole day's work and a day's pay.

We made recommendations at our council meeting that:

1. The immunization law be printed in its entirety in September, or that, if shots are added to the list that notations be given that an addition has been made and that arrangements have been made to have these shots available at the school.
2. That there be at least two evenings a week until 8:30 p.m. because most of our parents work. It really isn't serving school children if you only allow 1 1/2 hours for parents to get there.
3. That our particular school and other schools with an enrollment of over 1,500 have a full time nurse. That we have a doctor at the school at least twice a week.
4. That when information is given out that the complete information be sent out on each subject concerning immuni-

zation, and that it not be mixed in with other information, but sent separately.

5. That there be more accurate record keeping. We found that the school had lost some records. Feel it is the school's responsibility to replace it, not the parents. Found that some children had had the measles shot and that it just had not been recorded.

If you admit the child under the compulsory school law and then you exclude the child because you didn't follow the rules regarding shots and then if parents don't send children back to school and are liable for prosecution, there's something wrong. I'm not against insisting that the law be enforced at the beginning. I'm not for excluding any children after they are enrolled in school. I would rather see parents given the information at the beginning so they can comply with the law.¹

The uniqueness of the ombudsmen program is the personal and informal approach of the ombudsmen themselves--a distinct change from what students and parents are used to in the schools. Working on a serious case, ombudsman Betty Moore's report indicates the uniqueness of the ombudsman approach:

Today at school the police came to take a student out of school on a bench warrant. The principal was not in the school as he had to go to a principal's meeting. His assistant principal approached me and asked me if I had seen the student. I told him no. In his hand he had the warrant that he was going to give to the student. After he left I got up from the desk and looked for his friend. I found two of them and told them to tell the boy what was going on and to stay out of sight until the principal returned to the building. In the meanwhile, I had one of my co-workers who communicates with the students help me to help him. He hid the child in the building. Meanwhile, we tried to find out what was going on. When the principal returned, he had the police return to find out what was going on and what they wanted with the student. They wanted to get him out of the building with the bench warrant. The principal refused to turn the student over to the police. He informed them that from now on unless he called them no student would be arrested and taken out of the school building unless the parents were present. Further for them not to come to the school to arrest students on outside matters.

Our school has been on the move this year with a new principal with new ideas and to top it all, he can relate with the students. I would hate to see the day that anybody, even the establishment, tries to remove him. This school would be a big hole in the ground.

¹ Ibid., p. 139.

The students talk about him and they let one another know who their friend is in need or just to rap with. To lose his friendship is like losing your mother or a loved one.

The students are saying Dunbar should have had him ten years ago. That's how far back the school is. Here lately you can sense that the students are more at ease, even with one another. They know what teachers are for real and who is phony. They are taking pride in their school and they are doing things to make their school the greatest.

Today, talking with the principal of my sons high school, it was really amazing how a person can be so determined and with a good sense of humor.

The teachers had an emergency situation and called a meeting because some of the teachers felt the principal was too lenient with the students. Their other gripe was he was making too many changes in the ten weeks school had been open. One of their demands was for uniformed police with guns and handcuffs. Also, they want the gates down when the tardy bell rings. Any student who was caught in the hall was to be punished by the uniformed police. The ones who wanted this did not have a child in the school. If they had children who were old enough to go to high school, they were sent to upper-class schools in other parts of the city.

Our principal told them that he would let the students decide whether they want police or not. Any of their demands would have to go before the student body. They were one bunch of surprised teachers.¹

Although there are sometimes heated moments between ombudsmen and administrators, there is just as often the establishment of mutual respect based upon separate strengths. Following is a letter from one principal to the Center:

Office of the Principal

26 March 1971

Student Rights Center
1150 Germantown Street
Dayton, Ohio 45407

Dear Sirs:

Mrs. Corrine Tucker is the Ombudsman for Irving School.

It has been my pleasure to confer with her on several occasions. We, both, agree that students need to be more involved in school functions.

¹Progress Report I, Center for the Study of Student Citizenship, Rights and Responsibilities, December, 1970 (unpublished); pp. 80-81.

So far she has talked with the 8th grade; individual students, and also with our counselor as well as some teachers. She also is contacting parents.

I feel fortunate that Mrs. Tucker has been assigned to our school. She is a community member and a concerned parent of Irving School.

Respectfully,

/s/ John C. Lesko, Principal

In addition to local work, ombudsmen travel around the state of Ohio to speak on student rights. Mrs. Elizabeth Robinson, for example, uses her position as chairman of the Greater Welfare Right Organization, to talk on student rights at GWRO meetings all over the state. Ombudsmen, as well as students from the Center, have also spoken on student rights at workshops held at the University of Massachusetts and in Bethel, Maine.

Case Studies and Potential Areas of Litigation

Introduction

During the period from November 7, 1970 to June 30, 1971, the Center handled 125 complaints by parents and students. Approximately 70 percent of these cases concerned the Dayton school system; the rest came from rural and suburban school districts throughout Montgomery County, Ohio. Almost all of the complaints in the Dayton system were by Black parents and students. Almost all of the complaints against rural and suburban schools were by White parents and students. Sixty percent of the complaints involved suspensions from school. Fifteen percent involved corporal punishment of a pupil by a school official. Ten percent of the complaints were about expulsion from school. The remaining ten percent of the complaints included inadequate counseling by the school counselor, selection of curriculum, and promotions and grading.

Intake Procedure

Complaints reach the Center in two ways. Sixty percent of the cases begin with a phone call by the complainant to either the Center or one of the ombudsmen at home, followed by a personal interview as soon as possible. The remaining cases are walk-ins at the Center, at which time personal interviews are conducted.¹

The ombudsman's role in the intake procedure is very important. The initial interview with the complainant utilizes the ombudsman's knowledge of the community and its problems and feelings. The ombudsman's ability to relate to people enables him or her to get a clear idea of what the problem is. Once the problem becomes clear, the ombudsman can try to solve it by calling for a conference with the teacher or principal involved, or by aiding the complainant to start a formal complaint through

¹ Appendix J, Ombudsmen Case and Report Forms; p. 289.

administrative channels. Here the ombudsman makes use of his experience with the school system, the school law, and the rules and regulations he has learned to help solve the problem. In some cases, a more technical expertise is called for, and at this point the case is referred to the staff attorney. During the beginning months of the program, the staff attorney has been involved with sixty-five percent of the cases. This percentage should drop as the ombudsmen gain more expertise and experience. They will learn to solve a particular kind of problem by watching the staff attorney solve it.

Case Studies

Case 1:

Trotwood High School had approximately forty-five children enrolled in an Occupation Work Adjustment program. "Drop-out prone" students were put into the special classes in which they received academic instruction during the morning hours and worked in the afternoon. Most of the students were employed in the schools as the private economy could not provide jobs for them, as the program had contemplated.

The State of Ohio supported the project by providing fifty cents per hour to pay each student enrolled for his work. The school board paid the state money to the students and did not supplement it. However, 29 U.S.C. SS203 requires that the federal minimum wage (\$1.60 per hour as of February 1, 1971) be paid to employees of an elementary or secondary school. The school board refused to pay the minimum wage.

The Center attorney contacted the area director, Wage and Hour Division, U.S. Department of Labor. The attorney advised the director of the problem and gave him a list of names of students who were being denied the federal minimum wage. An investigation of the situation was

made by the Wage and Hour Division. The investigator found that the students were entitled to the minimum wage, retroactive to September, 1970 and the school board paid.

This case was important for several reasons. First, it made the fourteen and fifteen year old students believe that even the school board had to obey the law, which they were beginning to doubt was the case. The students were particularly disgusted when, after it became apparent that the federal minimum wage law did include them, Mr. Hofsiger, a Trotwood central administrator, said at a board meeting that he would contact Congressman Powell about the matter. They felt that a deal was in the offing and they would be the victims. This did not happen.

The second reason for the importance of the case was the publicity it engendered.¹ As a result, the Center became known as a place to which students could come for help. And, school administrators were put on notice that the wronged student could not effectively fight back.

Case 2:

Melvin Robinson was expelled from Valerie Elementary School on March 18, 1971. The reason for his expulsion, cited in a letter to his mother, Mrs. Elizabeth Robinson, was that Melvin "...assaulted and threatened another pupil both on and off the school bus on March 3 and 4, 1971." The principal of Valerie School advised the parents of the boy allegedly assaulted to file a complaint against Melvin in Juvenile Court. According to the principal, both Melvin and his mother hated White people, and to cite Melvin to Juvenile Court might teach him a lesson. When the case came up for a hearing, the referee stated that it should never have

¹ Dayton Journal Herald, Dayton, Ohio; April 29, 1971, p. 20.

been brought to court. He did put Melvin on probation and ordered Melvin's probation officer to get Melvin back into school.

The Center was contacted for help after weeks passed and Melvin did not get back into school. Mrs. Robinson and the staff attorney decided to appeal the expulsion in accordance with Section 3313.66, Ohio Revised Code.

At the appeal before the Board of Education (first in living memory in Dayton), the Center attorney made the following arguments:

First, the school administration had not followed its own guidelines in expelling Melvin. Guidelines of January 8, 1971, from the Pupil Personnel Office require that counseling of the troubled student take place before expulsion. Melvin had never met his counselor.

Second, Melvin was expelled from school without a hearing or any of the trappings of due process. He was excluded on the decision of the Assistant Superintendent for Pupil Personnel without ever being able to tell his side of the story.

Third, the school administration did not see fit to advise parents of expelled students of their right to appeal the expulsion to the elected Board of Education. The reason that an expulsion hearing had never taken place in Dayton was that school authorities had never informed parents of their rights under Ohio law.

The case was heard on the last day of the school year, too late to reinstate Melvin in class. As a result of the case, however, the school administration was directed by the president of the school board to advise parents of their right to appeal an expulsion. Also, the school administration is now revising its guidelines for suspension and expulsion to include "due process."¹ Melvin Robinson is attending summer school free

¹ Letter from William Goff, Assistant Superintendent to Peter M. Rebold, Staff Attorney, The Center, June 8, 1971.

of charge and will be promoted to the ninth grade.

Case 3:

Melvin Jones supposedly called Mr. Clark, a teacher's aid, "...a fat ass son-of-a-bitch." For this he was suspended from school. The principal was talking to Melvin as he filled out the suspension papers. Melvin felt that the principal ought to look at him when he talked to him, so Melvin threw a box of Kleenex, a paper weight, and a teacher's manual at the principal. Then he struck him on the shoulder with his fist. Melvin was subdued and taken to the Juvenile Detention Home. The principal filed a complaint with the police against Melvin and recommended him for expulsion.

Melvin's mother contacted the Center. Mrs. Tucker, an ombudsman, worked on the case. She and Melvin's mother had a conference with the principal. Mrs. Jones explained Melvin's home life. Melvin got to tell his side of the story. The principal was understanding and reasonable. As a result of the conference, Melvin was readmitted to school. The recommendation for expulsion and the complaint was dropped.¹ Melvin was allowed to get up and leave the classroom for awhile if the pressures were too much to bear.

The importance of this case is the good relationship between ombudsman and the principal. Mrs. Tucker, a Center ombudsman, was active in the school organizations and the principal knew her well and trusted her judgment. This same sort of relationship between ombudsmen and principals is encouraged in each school.

Case 4:

William Little's mother and stepfather lived in Chicago. William

¹ Letter from John Lewlo, Principal, Irving Elementary School, Dayton, Ohio, to Mrs. Dorothy Jones, March 4, 1971.

had lived with them until Easter, 1971, when the home situation became intolerable. William came to live with his grandmother in Dayton on the first of April, 1971. The grandmother, Mrs. Wint, attempted to enroll William in the Dayton public schools at Stivers High School. A week after the first call was made a visiting teacher stopped at Mrs. Wint's house and told her it would cost \$185.73 per quarter for tuition in the Dayton schools. The reason given was the fact that William's parents were in Chicago and paid taxes there not in Dayton. Mrs. Wint refused to pay to send her grandson to school because she had paid taxes in Dayton for twenty-five years.

A week later a truant officer came and wanted to know why William wasn't in school. When he was told of the problem, he told Mrs. Wint to call the principal at Stivers High School. She did. The principal said there would be no problem. When Mrs. Wint attempted to enroll William, the principal requested the \$182.00. Mrs. Wint called her attorney who referred the case to the Center.

Section 3321.02, Ohio Revised Code, says that no child should be excused from observance of the compulsory attendance law because "the parent of the child is a resident of another state." Section 3321.23 of the Ohio Revised Code provides: "...If a child is residing apart from its parents...the person in whose residence the child resides is the person in charge of the child for the purpose of the compulsory attendance statute." Section 3313.48 requires that the Board of Education "shall provide for the free education of youth of school age." Section 3313.64 provides that the "schools...shall be free to all school residents between six and twenty-one years of age..." So, Mrs. Wint's dilemma was this: under Ohio law she was required to send William to school. But the school

administration refused to admit William unless she paid tuition, even though Ohio law clearly provided for the free education of children resident in the state. The threat of prosecution for not sending William to school was very real.¹

The staff attorney sent letters to the members of the Board of Education and to the school administration² outlining the law. He also appeared at the next public board meeting and asked for William Little's admission to school. The Board decided to consult with the city attorney, their counsel, to see if they were obligated to admit William Little to Dayton schools.

The staff attorney of the Center submitted a memorandum of law to the city attorney outlining the statutes, cases, and attorney general's opinions involved. The city attorney advised the Board to admit William Little to Dayton schools free of charge. The case was important because it put the school administration on notice that the Center put the student's right to a free education far above any supposed obligation to pay tuition. Residency cases become more and more common as population becomes more mobile. School systems with shrinking budgets don't want to admit any children they can possibly exclude. So this issue will remain alive and keep reappearing until settled by court decision. One reason the Center won the case so easily was that the city attorney and school board knew that the Center would appeal the case if William Little was denied admission.

Case 5:

Jeffrey Able was suspended three times in six months from Jefferson

¹"Teenager Out of School," Dayton Journal Herald, May 3, 1971.

²Letter from Peter M. Rebold, Staff Attorney, The Center, to Dr. William Goff, Assistant Superintendent, Dayton Board of Education, April 26, 1971

Elementary School, Jefferson Township school system. He had a personality conflict with Mr. Baker, his teacher. The principal, Mr. Charlie, last suspended Jeffrey because he cursed the music teacher. Jeffrey is not allowed in the school cafeteria because the school authorities say he 'cuts up' and gets into fights. So a teacher takes Jeffrey's money for him, buys his lunch, and brings it to Jeffrey, who eats alone. At one time, Mr. Baker told the other children that Jeffrey was a "bad boy" and they shouldn't play with him. Mr. Able, Jeffrey's father, talked to the superintendent who felt it would be all right for Jeffrey to return to school. Mr. Able contacted the Center and asked us to call the principal on his behalf.

This case involved two legal issues. First, the disparate treatment Jeffrey was receiving was a possible violation of 42 U.S.C. SS1983 in that he was being denied the "rights, privileges, and immunities secured by the Constitution and laws" under color of state regulation or usage. Second, the statement by Jeffrey's teacher that he was a "bad boy" not fit to associate with other children was defamatory and compensable in money damages.

The staff attorney did as the parent requested. He advised the principal of the legal issues involved and suggested there must be a better way to handle the problems of an eleven year old boy. The principal agreed. The parent was then contacted and advised that if Jeffrey had any more problems, the Center should be contacted.

Case 6:

The following case is that of Ernest Health, whose mother is an ombudsman at the Center. It will be quoted here from the after action

report Mrs. Heath filed on her own son's case. It is important because it shows how Mrs. Heath was able to solve the school administration's problem without help from anyone as a result of her training at the Center.

Ernest: I went to school Monday morning March 15, 1971. My throat and neck were hurting so I asked the teacher if I could go to see the nurse, and I did. The nurse checked my throat. The school doctor, Dr. Earley, came in, checked me, too, and said that I might have tonsilitis, to go home and go to a doctor. I came home at 11:30. After she got home at 6:00 p.m., I told my mother. I had medicine left from the other time I had this trouble so I took some of that and she brought some Excedrin for me to take. I stayed home the rest of the week. Saturday in the mail was a letter of suspension for 10 days of being absent. Monday, my mother called the school. She talked to Assistant Principal Mrs. Toles. Mother couldn't get anywhere with her. She said I had been absent too much, and she would check my record and call back. She didn't, so mother called 4 or 5 times. She couldn't get her. So she tried to call Dr. Earley and the nurse said he was busy and to call after 5:00 p.m. She even tried to make an appointment but no appointment was open till next week. She called again and still couldn't talk to him.

She got a card in the mail Thursday the 24th of March to see Mr. Cromer of Pupil Personnel the 26th of March. Mother called my family doctor, Dr. Earley to see if I could get a written statement from him. He said yes, but she didn't get a chance to get it before Friday.

Mrs. Ruth Heath: We went to the Board of Education and talked to Mr. Cromer. He said the case was new to him and read over it. He asked Ernest why he was absent and I told him he was sick and had seen the nurse and Dr. Earley. Mr. Cromer asked if I went to school about it, and I told him I didn't have the \$15.00 for trespassing, so I didn't go. But I had talked to the nurse and the Assistant Principal about it and couldn't get anywhere. He said, "That figures." He gave me the name of a contact person when I wanted to know about Ernest's attendance, a Mrs. Wright. He called the school attendance office. He spoke to someone and wrote down, 'absent from school 1st semester,' and from then on only missed 2 days. Mr. Cromer was upset and asked them why Ernest was suspended. They told him he was out of school all week. He told them by Ernest's seeing the nurse and the doctor that he was excused from school all week. The suspension was written during the next two days. He asked Ernest if he had been going to classes and Ernest said yes, all but 4th period B and C. So he stayed home A, B, and C. He took boys food B and C first semester and didn't go back the 2nd semester. So Mr. Cromer said he would call the school to see if he could get Ernest a 4th period class. Mr. Cromer asked if Ernest got along with the teachers. Ernest said, "All but 1 English teacher," but that they get along alright now. Mr. Cromer said that for two days absence this semester the school had no business expelling him. He said that he was sorry for the school. He asked Ernest if he was quiet in school and Ernest said yes. He showed him a pamphlet on the wall on Student Rights and Responsibilities and asked him

if he knew he had rights and responsibilities to himself as well as the school. He had the right to speak up as well as listen and not to let the teachers run over him if he knew his rights.

Mr. Cromer said they told him to tell me they were going to take Ernest to court this time and had a paper written up for it. Mr. Cromer was mad about that and said he thought this was really unnecessary because they shouldn't have expelled him anyway. He wrote out a paper to get Ernest back in school and told him to go to all his classes and be on time, because to get a job they would check school attendance. He told him to go back to school and to do the best he can. He told me to keep up with him in school, know how he is doing and how the teachers are treating him.

Case 7:

Louise Beasley was 17 and a senior at Dunbar High School in Dayton. She had a problem and contacted Mrs. Wiley, her neighbor, who is an ombudsman at the Center. Mrs. Wiley's after-action report follows:

Miss Beasley wants to attend one of two colleges in Atlanta, Georgia. But her counselor at Dunbar would not recommend Miss Beasley to the college of her choice. She recommended Hiram College in Ohio where there are few Black students. Louise did not want to go to Hiram. I brought Louise to the Center and told Dan Geringer her problem. Two phone calls later she was admitted to Morris Brown College. Miss Beasley was twenty-third in a class of over three hundred students. The admissions office at Morris Brown said she could have gone to college anywhere.

This case is significant for two reasons. The obvious lack of regard by the counselor for the student's right to attend the college of her choice was easily bypassed, and the student was admitted to her college. The counselor was then contacted and advised that a student has

a right to go to a college of his choice, and that counselors who did not respect a student's wishes were not helping students and could be replaced.

Perhaps more pleasing from the point of view of what the Center is trying to accomplish in the community was the way in which the case was taken by Mrs. Wiley, the ombudsman. People in her neighborhood knew she was an ombudsman. When a school problem arose, she was contacted at home. She heard the problem, wrote it down, and began looking for a solution. In this case, two phone calls sufficed. The next time a similar case arises, Mrs. Wiley will know who to call at a college regarding admissions and will be able to handle the entire case herself.

Case 8:

June 10, 1971, was graduation day at Huffman Elementary School in the Dayton school system. "Graduation" from the eighth grade was discouraged by the school administration, so the ceremony was called an "Awards Assembly." In preparation for the day, one child's parent borrowed forty dollars to buy her son a graduation suit. This was a particular hardship because the mother was receiving Aid to Dependent Children from the County Welfare Department. The children were released from school at 10:00 a.m. to go home, eat lunch, and get dressed for the ceremony which was scheduled at 1:00 p.m. Shortly before the children were released, Mr. Ryan, the principal, called some of them (later reports said eight children, some three) to his office and told them they couldn't participate in the ceremony because of their excessive absences during the school year. The children were crestfallen and told their parents they could not participate. Among the students was the boy whose mother had bought him a new suit for the occasion. The parents were angry. Two or three of them tried to see Mr. Ryan during the graduation but he said he

was busy and would talk to them next week:

Mrs. Childers, the head of the Community School Council at the school, was aware of the problem. She contacted the Center. Mr. Rebold, the staff attorney, was advised of the problem. He agreed with Mrs. Childers that there wasn't much that could be done now to solve the problem of the particular students, but that a meeting with the principal, the assistant superintendent in charge of attendance, and the parents of Huffman school might be helpful. The parents would like to know why the students were excluded from the ceremony, why only three hours notice was given, and be given assurance the injustice would not re-occur.

The staff attorney called the assistant superintendent who said he would meet with the parents. The problem had finally been dumped on him after two other assistant superintendents decided it was not their problem. The whole process took three weeks.

A meeting was finally held. The staff attorney was in Juvenile Court that day and could not attend, so the assistant superintendent did not know the meeting was to take place. Mrs. Childers had her group together and didn't want to wait. She called Mr. Ryan and the assistant superintendent and asked them to come to the meeting. They, at first, refused to come on a half-hour's notice, but yielded when Mrs. Childers told them the future of Huffman School was at stake.

At the meeting the administrators attempted to justify the principal's actions to the parents. The parents were not satisfied by the explanation. After twenty minutes the administrators left. The parents left the meeting with the feeling that Mr. Ryan, the principal, did not really understand the problems in the community which Huffman School

served. They are now planning another meeting with the principal.

The case illustrates several important points. It shows that the law which gives a principal a great deal of authority in his building, is often used as a licence for arbitrary, unjust, but legal acts. The role the Community School Council played is important. The "graduation" ceremony couldn't be repeated with all student participating but the Council was trying to insure that it wouldn't happen again. Perhaps the most important point is that the community made the principal and assistant superintendent in charge of attendance account to them. Why do our schools treat our children this way? Last, more by accident than design, the Center played only a minimal role in this case. When the staff attorney was unexpectedly called on another case, the parents forged ahead on their own.

Case 9:

Stebbins High School is in Mad River Township School District, Montgomery County, Ohio. The Board of Education rules regarding smoking by students is as follows: "Smoking or carrying cigarettes or matches onto school premises is forbidden. If a student is caught smoking or with cigarettes or matches, he may be suspended until he returns to school with his parent. If caught a second time, the student may choose either expulsion or attendance at the Kettering Memorial Hospital Smoking Clinic for one week." The sessions begin at seven o'clock and end at eight-thirty in the evening.

Jack Goins is a junior at Stebbins. He was caught smoking early in the semester and was suspended until the next day when he returned with his father. At this time, Jack went voluntarily to the smoking clinic hoping to get back in the good graces of the school.

However, as Jack says, "It didn't do any good." Jack was caught smoking in the bathroom on May 25, 1971, and Mr. Smith, the assistant principal, gave him the choice: expulsion or the clinic. Jack explained that he had already been to the clinic but he didn't want to be expelled with only two weeks of school to go. He said he would attend the next scheduled clinic in July. Mr. Smith told Jack he would not get his grade card or credits until he returned with proof of attendance at the clinic.

Page Gray, an ombudsman at the Center, conducted the initial interview and wrote down the case. He referred it to the staff attorney because of the legal issues involved. (1) Section 3313.66 Ohio Revised Code sets the maximum length of suspension at ten days. A student has a right to return to school after ten days. Hence, an attempt to suspend a pupil until he returned to the school with his parent is illegal. (2) Section 3313.642 Ohio Revised Code, allows school authorities to withhold grades and credits to enforce the payment of fees assessed for damage to school equipment. This is the only instance in which grades can be withheld legally. (3) The student's right to an education was taken away without due process of law. (4) The punishment (taking away right to education) was grossly out of proportion to the supposed "crime." (5) The student's right to privacy was invaded. To attend the clinic or not in his decision, not the school's.

The staff attorney immediately called Mr. Smith. Mr. Smith said the rules were Board of Education policy. "We are trying to help the student help himself." He suggested that Mr. Barnhorst at the central administration office be called. This was done. Mr. Barnhorst said that the rules were Board policy. The Board didn't think high school students

should smoke. The staff attorney replied that the Board could make any rule they wanted about who could smoke in their school, but no one could coerce his client to undergo treatment, especially when it had already been tried voluntarily. Mr. Barnhorst would not yield. The staff attorney told him he would give them a week-end to decide and if Jack Goins did not receive his grades without having to attend the clinic, a writ of mandamus would be filed in the Common Pleas Court of Montgomery County and a judicial order would be issued forcing the superintendent to give Jack Goins his grades and credits. On the following Tuesday, Jack received his grades.

Case 10:

Roy Heath's case which follows is included because it illustrates two points. First, the seventy cents and the principle involved here is too small for any court to handle, or for any lawyer to take the case. But the seventy cents and the principle involved loom very large in the lives of Mrs. Heath and her son. The second point which the case illustrates is this: parents who are vocal and active in school work and the defense of their children are retaliated against by the system. The retaliation consists of harrassment of their children. It is no accident that out of the ten case studies included in this work, two involve the sons of one ombudsman, Mrs. Heath. It is no accident that Mrs. Robinson's other son, Sam, was expelled as was Melvin. It takes a great deal of courage to fight the system, especially when you know that the system is going to take revenge on you by harrassing and mistreating your child. Again in her own words, Mrs. Heath's report of her ten year old son Roy's experience with a coffee pot:

Ruth Heath: My son, Roy, a 4th grade student at Weaver Elementary School

told me on Monday, May 23, that he needed 70 cents to buy a lid for a coffee pot he was cleaning out for the teacher. He had a substitute teacher who wrote him a note asking him to clean the coffee pot and close the window. While he was cleaning the pot, he asked another student, Darrik Howard, to hand him the top. As Darrik was handing Roy the top, he bumped against the wall and the lid fell and broke. Two days later, Mrs. Crutcher paddled them and also wanted them to pay for the lid.

I called for an appointment for a conference. She didn't respond to my call. I called a second day and an appointment was set up for 2:30 p.m., May 26. Mrs. Elizabeth Robinson and I went to the school to talk about the problem.

We entered the school and Mr. Johnson [principal] was in the hall. I told him I was to see Mrs. Crutcher at 2:30. He took us to her door and called her out into the hall. I told her who I was and why I was there--to see why my son had to pay for a coffee pot lid twice. She whipped them and also wanted them to pay for a coffee pot lid. She said that the pot was already clean and that they were playing with it in the back room. Roy, my son, said Mrs. Pinkston told him to clean the coffee pot and she said they had no business bothering it. At this time, Darrik walked out of a room across the hall. Mrs. Crutcher pointed to him as she was talking. I asked if that was the boy who dropped the lid, and she said yes. I called him over and asked him if Mrs. Pinkston asked Roy to clean the coffee pot. He said yes, she wrote him a note saying it. And I asked him if he got a paddling. He said yes. She denied it at first. After I asked

him if she gave him six licks, she said it wasn't that many. So she punished them two times for something they had no business doing anyway. Mrs. Robinson told her it was a Title I coffee pot anyway. She said it was her own personal coffee pot and she went to town two times trying to find a lid. Mrs. Robinson said a lid only costs about 29 cents so why the \$1.40 or 70 cents from each child. The teacher said again that she made two trips to find a lid and still didn't have one.

I think if a child goes to school to work he should be paid a salary; if he goes to learn, then learn. At 10 years old, this is child labor. If he was told to wash the coffee pot and if it got broken then why should he have to pay for it.

Mrs. Crutcher had a very nasty attitude about the whole thing. She said to Mrs. Robinson, "Who are you talking to?" Mrs. Robinson said, "You." Mrs. Crutcher said she had to separate the boys and asked why Darrik was in her room. She said when children get together they create a problem and that both boys were constantly doing things. Mrs. Robinson told her she was creating a bigger problem here in the hall. All the children looking and listening going up and down the hall. Because the children see them like this and probably will tease them outside and might cause a fight. Then Mr. Johnson asked us to come to the office. He was very displeased with the matter. He said he didn't know anything about it until now and asked if he could take care of this after he talked to Mrs. Pinkston, who was at Roosevelt High School at the time. He said he didn't go along with Mrs. Crutcher's double punishment. So I told him I didn't want her to punish or whip my son anymore. If he needs

a paddling, write me a note and I will do it and write her back. Because I know she is mad at him and also me and I know the least little thing that happens she will beat him for.

Now this happened about three weeks ago. And they say she's been threatening them for this money ever since. The other boy said she had taken his money out of the money he saved for the end of the year trip.

The Powerless Parent

An aggrieved parent or student in any of the school systems studied has little chance, if any, of obtaining justice. There are several reasons why this is so, some of which cast the teaching and the legal profession in a villain's role.

Let us take a hypothetical case and include in it all of the obstructions to justice we have found in the one hundred and twenty-five cases the Center as on file thus far:

Bruce Jones is in the sixth grade at Model School. He throws a spitball at a girl across the room. Mr. Wizard, the teacher, sees the incident. He grabs Bruce from his desk and strikes him in the chest with his fist. It is quite obvious that Mr. Wizard has lost his cool. Bruce goes to the principal's office and calls his mother at work.

Mrs. Jones comes to the school and talks to the principal, Mr. Zeus. He says that Mr. Wizard has a record of blowing his cool and has struck other students in the past. The state law, Mr. Zeus explains, gives teachers the right to corporally punish children as long as the punishment is "reasonable" and "reasonably necessary to preserve discipline."¹

¹ Section 3319.41, Ohio Revised Code.

Mr. Zeus says that he will have another talk with Mr. Wizard about hitting children.

Mrs. Jones is not satisfied. Who, she asks Mr. Zeus, determines what is "reasonable" under the law? "A judge or a jury," Mr. Zeus guesses. Mrs. Jones asks where she can further complain about Mr. Wizard because she doesn't want him hitting her child anymore. Mr. Zeus suggests that she talk to the assistant superintendent for personnel.

Mrs. Jones calls him on the telephone. He is at a meeting. Finally, she contacts him the next day and tells him of the problem with Mr. Wizard. The assistant superintendent asks her to put it all down on paper, sign it, and send it to him so that he has some "documentation." Mrs. Jones does this. She calls a week later and is told the assistant superintendent is on vacation. Mrs. Jones is becoming discouraged. "What can I do?", she asks. "Give me a copy of the grievance rules. How do I proceed when I want to complain about a teacher and nothing happens?"

The system responds, "Let us take care of this. Don't go to the newspapers or make a big thing of it. There's a new tax levy on the ballot, and you want it to pass, don't you?"

Finally, Mrs. Jones gets a call from the assistant superintendent. "I had a talk with Mr. Wizard," he says. "He has a different version of what happened than you do. However, he did tell me that he struck Bruce. Also, he's unhappy at Model School. So I am going to try to transfer him to a junior high. This way he won't be around Bruce anymore. Is this satisfactory?"

Mrs. Jones has lost all energy for the struggle. Originally, she wanted Mr. Wizard out of the system entirely. Transfer to another school only presents a problem for other students and other parents. But what can she do? At least Mr. Wizard won't be "teaching" Bruce anymore.

Mrs. Jones would have liked to have had some proof of the disciplinary measures taken against Mr. Wizard, if any. Was a reprimand put in his file? Mrs. Jones has no way of knowing. If the assistant superintendent would tell her an official reprimand had been entered in Mr. Wizard's file, she would doubt his veracity. Justice demands that some sanction be levied upon Mr. Wizard for striking Bruce Jones. But invisible justice is not justice. Mrs. Jones didn't see the letter of reprimand if any. As far as she is concerned, Mr. Wizard "got off" without a slap of the wrist.

Why, one might ask, didn't Mrs. Jones file a complaint for battery against Mr. Wizard, or see her lawyer and file a civil suit for battery against Mr. Wizard? The first reason is that the state law protects the teacher.¹ In all probability the complaint against Mr. Wizard would be dismissed, and he might even try to file suit against Mrs. Jones for malicious prosecution.

Why not a civil suit? Because no lawyer could be found to work on Mrs. Jones' behalf. Lawyer fees in such cases are on a contingency basis, twenty-five to thirty-five percent of the damages recovered. But the likelihood of recovering any damages was slim, because (1) the state law² gave Mr. Wizard the right to batter Bruce, (2) Bruce couldn't show substantial injury...blood or a broken limb...to show that the punishment was not "reasonable," (3) an ancient maxim of the law applies, "De minimis non curat lex," which translates "The law does not care for, or take notice of, very small or trifling matters."³ There is simply no

¹ Section 3319.41, Ohio Revised Code.

² Supra

³ Black's Law Dictionary, 4th Edition, (West Publishing Company, St. Paul, Minnesota: 1968), p. 482.

redress in the legal system for the grievance Bruce and his mother suffered.

Potential Areas of Litigation

Other sections of this paper and the case studies have detailed the failure of the school system to educate. The preceding narrative shows that a parent, or any taxpayer, who wants the system to be accountable to him is almost powerless. Therefore, the application of the sanctions of the criminal law against educators to make them educate is a future possibility. Some applications of the Ohio criminal code follow. All states have similar laws.

A. Conspiracy to Defraud the State

If two or more persons conspire to defraud this state, or any political subdivision thereof, in any manner, or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than five thousand dollars¹ or imprisoned not more than two years, or both.

Aren't all the voters in the school district, or in the state, defrauded by the conspiracy of educators from the state level down. Give us your money; we will teach your children...is a false statement, a fraud on the public.

B. Robbery

No person by force or violence, or by putting in fear, shall steal from the person of another anything of value.

Whoever violates this section is guilty of robbery, and shall be imprisoned not²less than one or more than twenty-five years.

¹Section 2921.14, Ohio Revised Code.

²Section 2901.12, Ohio Revised Code.

Our system of education puts children in fear, and steals from them their desire to learn, their inquiring mind, and their individuality.

C. Torturing or Neglecting Children

No person having the control of...a child under the age of sixteen years shall wilfully...torture, torment, or cruelly or unlawfully punish him...

Whoever violates this section shall be fined not less than ten nor more than two hundred dollars ¹ or imprisoned not more than six months, or both.

School systems claim to have control of children during school hours. Wilful torture and torment occurs when children are harrassed and molded to conform to the system's model of the perfect student. To keep a child in school eight hours a day, listening to a teacher who says nothing relevant is cruel punishment.

D. Fraudulent Advertising

No person shall directly or indirectly make, publish, disseminate, circulate, or place before the public, in this state, in a newspaper, magazine, or other publication, or in the form of a book, notice, handbill, poster, circular, pamphlet, letter, sign, placard, card, label or over any radio station, or in any other way, an advertisement or announcement of any sort regarding merchandise, securities, service, employment, real estate, or anything of value offered by him for use, purchase, or sale and which advertisement or announcement contains any assertion, representation, or statement which is untrue, or fraudulent.

Whoever violates this section shall be fined not more than two hundred dollars or imprisoned not more than twenty days or both. ²

Are not board of education and educators guilty of violations of this law? Is not every school tax levy campaign a violation? School people advertise education. Children and parents are consumers of education induced by false advertising.

¹ Section 2903.08, Ohio Revised Code.

² Section 2911.41, Ohio Revised Code.

E. Larceny by Trick

No person shall obtain possession of, or title to, anything of value without the consent of the person from whom he obtained it, provided he did not induce such consent by false or fraudulent representation, pretense, token, or writing.

Whoever violates this section is guilty of larceny by trick, and if the value of the thing so obtained is sixty dollars or more, shall be imprisoned not less than one nor more than seven years.¹

School boards and administrators have been taking public money for years with consent. Indeed, they ask for more and more money. The public consent is induced by representations made by administrators that children's education will improve, and the pretense that children learn in proportion to the dollars spent. These representations are false. The proof of their falsity is that high school diplomas are awarded to people who read and write at an eighth grade level.

F. Embezzlement by Municipal and School Officers

No member of the council of a municipal corporation, or an officer, agent, or employee of a municipal corporation, or board or department thereof, or an officer or employee of a board of education, shall knowingly divert, appropriate or apply funds raised by taxation or otherwise, to any use or purpose other than that for which said funds were raised or appropriated, or knowingly divert, appropriate or apply money borrowed, or a bond of the municipal corporation or part of the proceeds of such bond, to any use or purpose other than that for which such loan was made, or bond issued.

Whoever violates this section shall be fined double the amount of money or other property embezzled and imprisoned not less than one nor more than twenty-one years.²

¹ Section 2907.21, Ohio Revised Code.

² Section 2919.05, Ohio Revised Code.

Boards of education receive public money to educate children. When children leave the school system after twelve years, unequipped to hold a job in our society, haven't the public monies been knowingly diverted "...to any use or purpose other than that for which said funds were raised or appropriated?"

G. Injuring or Defrauding Under Color of Office

No sheriff, coroner, constable, jailer, clerk, county recorder, county auditor, county treasurer, or other ministerial officer, or a deputy or subordinate of such officer, by color of or in the execution of his office shall wilfully injure, defraud, or oppress another or attempt to do so.

Whoever violates this section shall be fined not more than two thousand dollars.

Board of education and educators wilfully defraud parents when they say they are educating their children. Children are wilfully oppressed by the education system.

H. Usurpation of Office

No person in an office or place of authority without being lawfully authorized to do so, or by color of his office shall wilfully oppress another under pretense of acting in his official capacity.

Whoever violates this section shall be fined not more than three hundred dollars or imprisoned not more than twenty days, or both.²

Teachers "under pretense of acting in his official capacity" mold children to conform to the model. What worse oppression could occur?

Summary

The amount of change forced on the school system by the Center is hard to measure. Some things come immediately to mind: in Melvin

¹ Section 2919.12, Ohio Revised Code.

² Section 2919.17, Ohio Revised Code.

Robinson's case, the Center forced the administration to notify parents of their right to appeal expulsions and to commit itself to a "due process" procedure before expulsion or suspension occur. In the Trotwood case, the Board of Education had to pay the federal minimum wage. William Little's case set a precedent in Dayton for other children who might otherwise be forced to pay tuition. Most cases have results which affect one individual...he gets back into school if suspended; he doesn't have to pay for the coffee pot, and so forth.

The cases with results which appear to affect only the individual are most important because of their effect on the students involved, and the parents. People have hope and faith in the system when they know they can go to a neighbor who will plead their case with the schools without charge. Students particularly regain hope when an adult takes up his case against the system. It helps to remove the presumption of guilt with which the student has been labeled.

Lay advocacy in schools does work. It would work better if the lay advocate worked full time and if the Center had one advocate, or ombudsman, per school. It would work better if the ombudsmen had an official place in the school system's grievance mechanism without himself being part of that system. Those who are part of the system have no credibility outside the system. As the ombudsmen become better trained and gain experience and confidence, they will win more victories and the number of clients will rise accordingly. Then the full impact of lay advocacy on the school system will become apparent.

Student Board of Inquiry Into High School Discipline

On June 21, 22, and 23, 1971, the Center sponsored a Student Board of Inquiry Into High School Discipline. The three-day hearings were conducted at the University of Dayton's O'Leary Auditorium and were open to the public. From 7:30 to 10:30 each evening, ten high school students representing a cross-section of Montgomery County, Ohio heard witnesses testifying about various aspects of high school disciplinary procedures.

The ten-student panel was selected by a committee composed of the staff attorney, project coordinator, ombudsmen and members of the local advisory board from among students who came to the Center for interviews. Ultimately the student representation was as follows: five Black students, five White students, of whom four were female and six were male. Representation included six city of Dayton schools and four suburban schools from four different districts.

Briefing sessions were held at the Center with the ten students on how-to-conduct-a-hearing, how to question witnesses successfully, what Ohio law says about various disciplinary procedures, and the Center expectations regarding recommendations from the student panel after the hearings. John Saunders from the Department of Health, Education and Welfare, Washington, D.C., Ralph Faust from the St. Louis University National Juvenile Law Center, Dr. Ellis Joseph and Edward Gay from the University of Dayton Department of Secondary Education conducted these pre-hearing sessions. Also on hand before and during the sessions were the staff attorney, the project coordinator and the parent ombudsmen from the Center for additional student-consultation.

During the first evening, June 21; 1971, the student panel was asked to consider expulsions and suspensions. Among the witnesses who testified were the Supervisor of Visiting Teachers, Pupil Personnel Department, Dayton, Ohio Public Schools. This witness gave the statistics for suspension and expulsion in the Dayton city system, as well as a brief rundown of the role of the Visiting Teacher. He was questioned intensely by the students regarding due process and expulsion for truancy violations.¹

The Montgomery County Board of Education representative told the students about the abuses that have cropped up in the last several years regarding suspension and expulsion. Where once these disciplinary measures were to be used only as very serious last resorts, they are now used indiscriminately for much less serious behaviors. He also entered statistics on county wide suspensions and expulsions and cited as possible reasons for the very large statistical figures the growth in student population, the existence of a general backlash reaction to students, their dress, and their activism. He recommended that the system be revised and that workshops be held for teachers and administrators so that they might become better acquainted with students.²

The Ohio State Department of Education sent a representative who testified about the Ohio State guidelines for expulsion and suspension. He recommended that due process be strictly adhered to, but also noted that the State Board of Education does not have the power to enforce the laws. He noted that some school districts do follow the laws, but that

¹ Loren Roberts, Supervisor of Visiting Teachers, Pupil Personnel Department, Dayton Public Schools, Video Tape, Student Board of Inquiry, June 21, 1971.

² Chuck Englehardt, Montgomery County Board of Education, Video Tape, Student Board of Inquiry, June 21, 1971

many do not. A State booklet on Student Rights and Responsibilities, soon to be published, was also mentioned by the witness as a step in the right direction.¹

An attorney from the American Civil Liberties Union appeared as a witness on the right to hearings and appeals. He mentioned the recent rulings that have come from the U. S. Supreme Court and that many more cases will be undoubtedly on the dockets in the months to come.²

From the Montgomery County Juvenile Court came a Referee who testified about the procedures the court uses to handle cases with and without official filing. He gave a description of some community efforts to deal with the "unruly" child, such as detention homes, counseling, and the Job Corps.³

Two students who had experienced multiple, successive suspensions testified about their cases and their feelings about how they had been treated by the system. When asked if they felt that suspensions had helped them to become better persons, they testified unequivocally that this was not the case.⁴

A principal from one of the large, recently integrated city high schools testified about his change-of-attitude about the use of suspension and expulsion. At one time, he felt that they were not justifiable modes of discipline, but he since changed his opinion in cases where students are abusing and harrassing fellow students and

¹ Edward Cruttendon, State Department of Education, Video Tape, Student Board of Inquiry, June 21, 1971.

² Asher Bogin, American Civil Liberties Union, Video Tape, Student Board of Inquiry, June 21, 1971.

³ A. James Deneke, Juvenile Court Referee, Video Tape, Student Board of Inquiry, June 21, 1971.

⁴ Jackie Brand, Northmont High School and Ricky Hall, Studebaker Junior High School, Video Tape, Student Board of Inquiry, June 21, 1971.

teachers. His repeated terminology of "I will bust you if you hurt someone," caused considerable reaction from the student panel and from the audience.¹

The second evening of the hearings, June 22, 1971, two topics were up for consideration: school security and corporal punishment. Witnesses were most informative and the panel questioned each one sharply.

From the Dayton Public Schools School Security Department the witness who was supervisor of the department testified that the purpose of the Security Department, a new concept in public schools, is to prevent trouble. The force of 12 men received 120 hours of police training. He testified that not all high schools have security police in them, but that men are assigned to schools that have the most problems. When asked what type of things his men have dealt with the witness mentioned rape, assault and battery, carrying of weapons, strong armed robbery. He was asked for statistics on the aforementioned and could not give accurate figures other than in the case of rape which amounted to two cases over a period of one year.²

The Director of the Dayton Police Department Conflict Management Team spoke to the students about the total Conflict Management approach to law enforcement. Some of the successful techniques that his team employs have been in methods of crowd control with the emphasis on the investigation of grievances, and not just repression of legitimate problems.³

A member of the Dayton Board of Education cited during her testimony that the general lack of self-discipline in society at-large seems to have created a need for security in public schools, though this is not

¹Dr. Robert Meadows, Principal, Colonel White High School, Video Tape, June 21, 1971.

²Emmett Watts, School Security, Dayton Public Schools, Video Tape, June 22, 1971.

³Tyree Broomfield, Conflict Management Team, Video Tape, June 22, 1971.

a pleasant task. She cited that the prime, and only, responsibility of such a team is to protect students and faculties in schools because every student has a right to go to school free of physical harm and extortion. That the security individuals involved need to be able to relate to the people is paramount, she stressed. This Board member felt that there needs to be a vast change in the entire concept of teaching and learning and asked the audience-at-large for their suggestions and cooperation.¹

The next witness was a Center ombudsman with a student who had been suspended earlier in the year. After being told by the downtown Board of Education office to return to school, the student did so and was apprehended on the school grounds during the lunch hour by the Security Guards. He was accused of trespassing. Two students who were with the young man were handcuffed and when the young man refused to also be cuffed, a pistol was pulled and thereupon the student allowed himself to be manacled. It took quite some time for the records of this student to be located and when it was finally determined that he was, in fact, a student at the school, the principal then allowed him to return to class. The witness asked the gathered assembly to consider the indignities that this young man had to suffer during this incident. These indignities could only be the result of inefficiencies, lack of communication and general bureaucratic confusion.²

Testifying on corporal punishment was the most eloquent teacher from the Kettering school district. She gave quite a few examples of how punishment was used in the schools in which she had taught, e.g., children whose bottoms have been whacked for chewing gum, throwing gum on the floor, throw-

¹ Mrs. Jane Sterzer, Dayton Board of Education, Video Tape, June 22, 1971.

² Mrs. Elizabeth Robinson, Parent Ombudsman, Video Tape, Student Board of Inquiry, June 22, 1971.

ing spitballs, dropping pieces of equipment in industrial arts classes, consistently not paying attention. She cited instances in two different schools in which boys have had fistfuls of hair pulled out of their heads by teachers grabbing them by the hair. Or consider the incident in which a little girl in the second or third grade was made to stand on her toes with her nose to the wall during recess because she forgot to bring in some papers signed by her parents.¹

The teacher concluded that since things have changed so much in this world in the past fifty or seventy-five years, all who had been educated traditionally have much to learn. The "woodshed" for misbehavior may be traditional, but that does not mean that it is appropriate for today. She strongly maintained that if one cannot reach a child through his mind, then she did not see how he would be reached through his behind.²

A Legal Services Attorney³ from Cincinnati, Ohio, discussed a survey taken in 1969 by the State of Ohio which showed that all but two jurisdictions believed in corporal punishment. She then read the Ohio State Code 339.41 regarding corporal punishment.⁴ Her presentation included the corporal punishment regulations as used by Cincinnati principals: (1) one other teacher should be present; (2) principal must file a report within 48 hours after such punishment; (3) teachers and principals who are found guilty of abuse of corporal punishment can be fined \$100, per the Ohio code.

It was the attorney's personal opinion that there are much better ways to discipline students based on her prior experience as a teacher.

¹ Edith Holsinger, Teacher, Video Tape, Student Board of Inquiry, June 22, 1971.

² ibid.

³ Penny Mannes, Legal Services Attorney, Video Tape, Student Board of Inquiry, June 22, 1971.

⁴ Appendix K, Ohio Revised Code, 339.41; p. 295.

From the Montgomery County suburb of Centerville came a parent and interested citizen to testify about her experiences with corporal punishment.¹ She noted that Centerville is proud of its progressive schools, beautiful buildings and the tentative beginnings of modern ideas. Her son's junior high principal talked about Summerhill, and other progressive educational institutions, and yet her son came home and said his gym teacher, a former weight lifter, threatened him with a huge wooden stick. The very next day, that same principal who talked so blithely of "free" schools, made an announcement to the student body that there would be two whacks with a paddle for anyone chewing gum. In talking with some of the neighborhood children she also heard of a science teacher in the school who was holding "kangaroo" court every day, holding wrongdoers (those who forgot their homework or talked in class) up in front of the kids for them to vote on whether the wrongdoer would be detained after school or whipped with a stick. She then checked with the school board and sure enough, they had recently voted to continue their practice of paddling children. In fact, several years earlier a man had brought his boy, beaten black and blue, before the Board to demand the practice be stopped. Only one member voted to stop it. All the rest thought the teachers must be allowed to hit children to keep them in line.

Her concluding remarks included a wish that every teacher who talked about liberty and justice for all would be required to submit him or herself to a wooden paddle.

The third and final evening of the hearings dealt with freedom of expression and student government. Speaking on freedom of expression in high school was the principal of Dunbar High School in Dayton. His views

¹ Arlene Jenkins, Centerville Parent, Video Tape, Student Board of Inquiry, June 22, 1971.

of free-and-open communication were roundly applauded by most of the audience.¹ He cited that good communication in schools must include everybody: staff, teachers, parents, non-certified staff, custodians, and community people. He felt that if schools were to indicate to students how-to-act responsibility then they must begin to allow students to practice what is preached. When asked if armbands, buttons, dress-modes were harmful to learning, his response was an unequivocal, "No."

Second speaker of the evening was a teacher from Centerville High School.² He stated his belief that the first amendment to the Constitution applied to teachers and students. In four years of teaching at Centerville High School, he stated he had never been constrained from expressing himself in any way. This teacher stated he encouraged students to use their rights and he felt that censorship was an unnecessary disciplinary method.

The student witness for this section of the hearing was a young lady from Colonel White High School.³ She was a member of the school newspaper staff. After a difference of opinion about what should be published, she resigned to form an underground paper. She felt that there should be more variety in the student press. After surveying papers from six different area high schools, she noted that all were very much alike in the news reported and in the basic format, even though each school served a different area of the city with many different problems. She would like to see freedom-of-expression in her school newspaper, especially in political points-of-view. In closing, she was hopeful that the administration would be more lenient in regard to her school newspaper.

¹ George Findley, Student Board of Inquiry, Video Tape; June 23, 1971.

² Mack Van Allen, Centerville High School Teacher, Video Tape, Student Board of Inquiry, June 23, 1971.

³ Sheila Johnson, Student, Video Tape, Student Board of Inquiry, June 23, 1971.

A member of the Dayton Board of Education was next to testify before the student panel.¹ He mentioned that he had no prior contact with student councils. In fact, during his time on the Board, no student had ever come to him with a problem. It was his opinion that students were more interested in sports and social affairs than in student council or political participation. When asked if he favored eighteen year olds running for office on the Board, he said that he would not be in favor of that, but later in the questioning, he modified that position somewhat. The board member found merit in a study of the feasibility of the voucher system for an area like Dayton. To both the question of "Do you think students should be in a position to fire teachers?" and "Do you think students can handle dress codes?", his answer was "No."

From Fairview High School a young member of the Student Senate Advisory Council to the Dayton Board testified.² He cited a number of good things that the senate had achieved, but felt that overall the senate had not given students a real voice in policy-decisions.

The president of the student body at Centerville High School expressed similar sentiments, but also added that many, many of his peers were not highly motivated politically.³

A third student from Stivers High School felt basically the same way as the other two young men. His comments were geared more to taking the administration to task for its failure to encourage student involvement.⁴

¹ James Hart, Dayton Board of Education, Video Tape, Student Board of Inquiry, June 23, 1971.

² Steve Rothstein, Student, Video Tape, Student Board of Inquiry, June 23, 1971.

³ Bob Bowman, Student, Video Tape, Student Board of Inquiry, June 23, 1971.

⁴ Henry Essicks, Student, Video Tape, Student Board of Inquiry, June 23, 1971.

The task now confronting the 10-member student panel will be to review all the testimony in order to come up with a set of recommendations to be presented to the state and local board of education. The target for the presentation of the panel findings and recommendations is within 60 days of the hearing, or the end of August, 1971.

As a community education vehicle, this Student Board of Inquiry Into High School Discipline was a very successful effort with extensive coverage by both local newspapers as well as a session with a Dayton television station.¹ Many requests for copies of the forthcoming student recommendations have been received by the Center.

For the students themselves, however, the hearing panel was a totally new experience. They remarked more than once what a unique feeling it was to be on the other end of the firing line for a change.

¹ WLWD Television, Miami Valley U.S.A., Video Tape, June 30, 1971.

CHAPTER V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Introduction

The Center for the Study of Student Citizenship, Rights and Responsibilities was established in Dayton, Ohio, in October of 1970. This Center was one of the first student advocacy centers to be established anywhere in the nation, and was to assume the posture of investigating and providing answers to many of the problems that students and parents were being confronted with in the public school system of Dayton, Ohio. As a result of financial support received from the Legal Services Division of Research and Demonstration programs of the United States' Office of Economic Opportunity, the Center has been able to function effectively in achieving its primary task, that of informing students of their rights and responsibilities within the school system.

The major objectives of this study were: (1) to identify the major actors that were influential in the establishment of the Center, and to determine the major effects that lead up to the Center's establishment and (2) to analyze the Center's initial period of operation from its official establishment on November 7, 1970 through June 30, 1971. Within the general framework of these overall objectives a number of specific purposes have emerged. First, through an analysis of written documents, correspondence materials, and newspaper accounts, and through the use of interviews, the investigator has (1) identified and described the major actors who were influential in the establishment of the Center, and (2) identified and described the major events leading up to and influencing the establishment of the Center. Second, through an analysis of the grant proposal, reports, correspondence materials, demographic data and through the use of interviews and onsite observations, the inves-

tigator has: (1) identified the procedures used in the operation of the Center and the roles of the various personnel utilized within the Center operation, and (2) described and analyzed major Center activities that occurred between November 7, 1970 and June 30, 1971.

This final chapter will summarize and present conclusions regarding the information presented in previous chapters and, in addition, will develop a number of recommendations as to further study and research.

Summary and Conclusions

Since the legal rights of students in the public schools is a recently emerging area of interest, there has been very little research conducted that relates directly to the establishment and operation of organizations similar to the Dayton Center for the Study of Student Citizenship, Rights and Responsibilities. At the same time, there is a sufficiently broad literature base related to the general area of student's rights activities in the United States to point out that a logical approach to the review of related literature would be to focus sequentially upon the following four topics: (1) the social upheaval that has been apparent in our society during the past two decades, (2) the declining organizational health of our public schools, (3) educational reform in America, and (4) literature related to students' rights activities in America. Each of these areas will now be summarized briefly.

An overview of Supreme Court decisions that have been handed down since the landmark *Brown v. Board of Education of Topeka* decision in 1954 (which overthrew the legal segregation position that had been established by the courts 58 years earlier) to the 1964 Civil Rights Act can provide one effective perspective on the social upheaval that has occurred during the past several decades. When, in addition, the myriad of related but

lesser known legal decisions that have occurred during that same period are also examined, it becomes clear that increasingly specific laws are emerging with relationship to the rights of an individual within our present society. For example, the rights of individuals are increasingly acquiring greater protection in areas such as the following: the use of illegally obtained evidence, the right to counsel for indigent defendants, the right to be confronted by witnesses, the right to remain silent when arrested, and the right to refuse to testify against one's self. As this general legal trend toward more specific legal protection for individual rights has emerged during the past several decades, it appears to be a reflection of larger societal changes that have taken place during the past two decades. Partly as a result of these changes, but also as a result of the larger societal changes, individuals and minority groups who have up until this time been passively acquiescent in accepting their relatively inferior status within society have become increasingly vocal in demanding their rights. Partly as a result of these increasingly vocal demands on the part of previously deprived individuals and partly as a result of the gradual increase in levels of awareness on the part of individuals from all status levels within our society, there has been an increasingly sharp focus upon the prevailing system of inequities which has served to further support the social upheaval that appears to be a prerequisite to the alleviation of these inequities.

In the same way that our society as a whole is currently engaged in a thorough re-examination of its general social health with specific concern for the correction of past and current inequities in the treatment of individual citizens, the organizational health of public schools has undergone close scrutiny during the past two decades by critics from both within and outside of the public schools. Critics that span a broad

range of political perspectives all seem to agree that there are significant failures within our current educational system, and they point out that the students who receive the worst education are those who also tend to be deprived in other aspects of their lives (e.g., housing, health services, nutrition, and income). To a certain degree, our society seems to have singled out certain groups of people for special substandard treatment in all areas of their lives, and our public schools have provided those same groups of people with schools that cannot help the deprived individual out of his dilemma. Unless the organizational health of the public schools can be modified so that it begins to provide support for its clients in achieving the often stated but seldom achieved goals of the public school, the institution that we know as the current public school may be gradually forced out of existence since it is not adequately performing its job.

Much of the hope for reshaping our public schools so that they can more effectively meet individual student needs is based upon the various educational reform movements that have emerged during the past several decades. A wide range of reform options have emerged in the areas of curriculum, organizational restructuring, and revised staffing patterns. In addition, attempts have been made to focus specifically upon the educational problems in the ghetto, and a number of alternatives ranging from reform of the existing system, to the establishment of a variety of alternative experimental schools on a competing basis, through the disestablishment of existing ghetto school systems entirely, have been suggested. Although a wide range of alternatives have been suggested very little actually has been done in the way of implementing the suggestions and schools continue to have their negative and crippling impact upon youngsters.

All of the literature on the current state of public schools, the larger society, and the patterns of emerging legal support for the rights of the individual point to one approach that may be successful in helping to bring about certain educational reforms--the emergence of an increasing concern for the rights of students. Since the history of the individual rights movement has pointed out that those in power seldom relinquish that power willingly, it is not surprising that the major advocates for student rights have come from outside of the public school system. In addition, there appear to be striking similarities between the approaches utilized by schools in depriving students of their rights and in the approaches that have traditionally been used by other social institutions in depriving suppressed peoples of their rights. And in much the same way as other suppressed groups have sought legal redress, the student rights movement has utilized the courts as a means for obtaining relief from some of the more oppressive practices that have been going on within public schools.

As a result, a number of recent court decisions have begun to restrain school systems from exercising many of the forms of control over student conduct which both the schools and their communities have previously accepted as normal and proper (e.g., the constitutional rights to freedom of expression, personal rights, procedural due process, marriage and pregnancy, and police within the schools). Legal developments in the area of student rights, however, are still in their infancy, and as the legal situation continues to change, new institutions must emerge that can effectively interpret current legal developments in the area of student rights to students, parents, and educators.

The Dayton Center for the Study of Student Citizenship, Rights

and Responsibilities was established in the Fall of 1970 as one of the first organizations of its kind in the nation. In Chapter III of this study, the investigator identified and described both the major actors and the major events that lead up to the establishment of the Dayton Center. In addition, Chapter III included a general description of the Center's operational procedures as well as the specific roles of various Center personnel. Each of these areas will now be discussed.

Although many people were involved in a number of ways in the establishment of the Center, the following six people provided the major influence in the design and establishment of the Dayton Center: Arthur Thomas, Dr. Edgar Cahn, Mrs. Jean Camper Cahn, Dr. Ruth Burgin, Mr. Terry Lenzner and Mr. Michael Kantor. In addition, the members of two local agencies (The Dayton Model Cities Planning Council and the Community School Councils of Dayton, Ohio) also assisted greatly in the establishment of the Center. To a certain extent, the significant events leading up to the establishment of the Center also represent a chronology of the investigator's involvement as an advocate for students--first as a teacher and an administrator in the Dayton Public Schools; second as the coordinator of the Dayton Model Cities Educational Program; third, after his dismissal from the Model Cities position by the Dayton School Board, as an unemployed educator who still considered himself an advocate for the students of Dayton; and fourth, as one of the founders and the first director of the Dayton Center for the Study of Student Citizenship, Rights and Responsibilities. During the period of time that the investigator served as a teacher, coach, and administrator within the Dayton Public Schools, a gradual depth of commitment to

students at all grade levels within the school system began to emerge. This strong commitment to students combined with a willingness to speak out aggressively on their behalf lead to an escalating series of minor confrontations with a wide variety of teachers, school administrators, and other public officials while the investigator was still employed as a teacher and administrator within the Dayton Public Schools.

The investigator and Dr. Ruth Burgin were both heavily involved in the development of the Dayton Model Cities Program in 1968, and when that program was subsequently funded, Arthur Thomas was named the Director of the education component by the Dayton Model Cities Planning Council. Subsequently, ideas for the Dayton Community School Council were developed, and this program received funding in April of 1969 as a means of providing an opportunity for Model Cities area residents to participate in the development of educational programs and to provide for community participation in educational decision making. When the Community School Council Program was brought to life under the directorship of the Model Cities Education Program, a series of confrontations between the community representatives and the Central Office administrative staff of the Dayton Public Schools began. As it became increasingly evident to Central Office school administrators that the Director of the Model Cities Education Component was primarily an advocate for students, the gulf between the school system and the various Model Cities Education Programs gradually widened.

During the Summer of 1969, a decision was made to begin integrating the Dayton schools by bussing students in the Fall of 1969. No White students were bussed and in September, racial disturbances

broke out at Stivers, a newly integrated high school located in a predominantly Appalachian community. Subsequently, the Model Cities Planning Council directed Arthur Thomas and Edward Campbell (the Education Committee Chairman) to check the conditions at Stivers the next day. During that visit, it was discovered that the racial disturbances had not subsided, and in fact, that students were in danger of physical harm. As a result, Thomas led thirty to forty students from Stivers to the school systems central administrative offices where the students met with various administrative officials. The racial disturbances at Stivers continued and later that afternoon, Arthur Thomas was arrested and charged with disorderly conduct and abusing a police officer. That evening, Thomas received a telegram from the superintendent informing him that he had been relieved of his administrative responsibility as the Director of the Model Cities Education Component.

During the subsequent hearings held by the Dayton Board of Education, Edgar and Jean Cahn became involved as attorneys for Arthur Thomas. After two months and 3200 pages of transcripts, the School Board upheld the Thomas dismissal. It was during these extensive hearings the idea for a Student Rights Center gradually emerged in the many discussions involving Thomas, Burgin, and attorney's Jean and Edgar Cahn. As the magnitude of the student rights problem gradually unfolded, it became clear that a program was needed that would protect the rights of students and at the same time provide parents with information that would enable them to effectively deal with a school system that was consistently violating student rights. It was felt that a lawyer alone could not do the job since most lawyers were unable to communicate effectively with young people; at the same time, an educator who was trusted by

students might compliment the legal efforts of an attorney quite effectively.

Thus, on December 31, 1969, shortly after the School Board upheld the Thomas dismissal, a proposal outlining the Center for the Study of Student Citizenship, Rights and Responsibilities was submitted to the Research and Demonstration Section of the Legal Services Office of the Office of Economic Opportunity through Central State University. Ten months later, the Student Rights Center opened and shortly thereafter, the official program activities began.

The Center operates through the Institute for Research and Development in Urban Areas, an administrative unit within Central State University that was established as a research and service agency to work with urban problems. The Center has both a national advisory board and a Dayton advisory board, and the individual members on both of these advisory boards have been involved in a wide range of Center activities during the first year of Center operation.

Staff personnel within the Center consist of a Director, a research assistant, a staff attorney, an executive secretary, a research secretary, and a clerk-typist receptionist. In addition, there are ten parent ombudsmen who receive salaries, a fluctuating number of full- and part-time volunteer ombudsmen and 19 student ombudsmen. By effectively orchestrating the diverse talents of this Center staff, a wide range of project activities have been accomplished during the first year of operation.

In analyzing the major program thrust of the Center during its first year, the Center activities have been organized into the following five topic categories: (1) the development of effective inter agency

and community relationships, (2) the development of dissemination materials, (3) the design and implementation of the ombudsman training program, (4) a description of selected case studies and potential areas of litigation, and (5) the operation of a student board of inquiry into high school discipline. Each of these areas will now be dealt with sequentially.

The task of developing effective inter-agency and community relationships was approached primarily through the implementation of a series of community workshops that involved a wide range of individuals and organizational representatives from throughout the greater Dayton area. Over 1,100 persons have attended these community workshops which have featured both local and nationally known speakers as well as a wide range of education relation topics (e.g., student rights, the use of Title I funds, educational television, and the distribution of educational resources within school systems).

Although most of the major service and community organizations within the Dayton area were involved in the community workshops, additional efforts were made to establish cooperative working relationships with all of the major legal, social service, and educational agencies in the Dayton area. Meetings have been held with representatives from the school system, the Dayton Bar Association, the American Civil Liberties Union, various parent groups, and a variety of community organizations. Since the primary thrust of the Center is in the area of education, special efforts were made to develop closer working relationships with organizations such as the Dayton Classroom Teachers Association and the Dayton Board of Education. Although there initially was some concern on the part of many individuals as to the purposes of the Center, the effort spent during the first year in developing effec-

tive community and inter-organizational relationships have been quite effective in communicating the role of the Center as a helping agency for students of all ages.

There were two primary purposes in developing an extensive dissemination component during the initial project year: first, it was necessary to clearly explain the Center's programs and purposes so that individuals who might have had either vague or erroneous ideas about the phrase "student rights" would understand what the Center was trying to do and second, the dissemination was utilized as a means for gradually changing the distorted image of the Center Director that had emerged as a result of the media coverage surrounding his dismissal as the Director of the Model Cities Education Component. Numerous newspaper articles, editorials, and photo essays have appeared about the Center operation, and in addition, two major magazine stories were prepared. One of these magazine articles was placed in the local Dayton area Black magazine, Rap, and one was placed in the area Chamber of Commerce publication, Dayton, U.S.A. In addition to these dissemination efforts, the Center developed information leaflets and basic question lists that were distributed on a door-to-door basis within the Black community. These leaflets were designed primarily to carry a message about Center services directly to the potential clients.

In June, a special twelve-page section on school suspension was published in Rap Magazine and then 5,000 reprints were obtained and subsequently mailed to all Dayton school administrators, guidance counselors, teacher association personnel and members of various social action agencies. The Student Rights Handbook for Dayton, Ohio was published in July with ten chapters covering school discipline, student expression, counseling, physical punishment, police in the schools, marriage and pregnancy, verbal abuse of students, right to an education, and arrests. With-

in three weeks of publication, the entire 2,000 copies of the initial printing were exhausted, and a second printing of 10,000 copies had been ordered. This is the first handbook of its kind for the Dayton area, and it details the state law and local school board policies. In addition, the handbook suggests what the students rights are in areas that have been left ambiguous by such laws.

A wide range of additional dissemination activities have been conducted throughout the year, including speeches by virtually all Center staff members, radio and television broadcasts on a wide range of student rights topics, extensive local press coverage, and several articles that have been accepted for national publication.

The Center's ten parent ombudsmen have been trained to utilize the legal system as a means for changing the public school system, and the primary purpose of the ombudsmen training program was to teach non-professionals how to carry out legal-style documentation on cases involving students, teachers, and administrators as well as how to perform necessary legal research and how to work effectively with legal specialists in securing redress of student grievances. In addition to all of these duties, the ombudsmen were responsible for keeping the Center in constant touch with the community.

The actual ombudsman training program consisted of using not only a wide variety of national and local consultants, but also it focused heavily upon the ombudsman involvement with students and educators in testing out and refining the various skills that they would be expected to utilize as ombudsmen. Thus, the ombudsmen training program actually continued for sometime after the ombudsman had begun to work with students, parents, teachers, and school administrators. As their proficiency increased, individual ombudsmen were also able to assume responsibility for

training student ombudsmen and volunteer ombudsmen. Much of their current effectiveness is the result of their strong community ties, the seriousness with which they view their roles, the effectiveness and attention to legal specificity, the amount of time and energy devoted to their jobs, and the fact that they have been trained to function independently.

During the period covered by this investigation, the Center handled 125 complaints by parents and students. Approximately 70 percent of these cases concerned the Dayton School System; the rest came from rural or suburban school districts throughout Montgomery County, Ohio. Almost all of the complaints in the Dayton system were by Black parents and students. Almost all of the complaints against rural and suburban schools were by White parents and students. Sixty percent of the complaints involved suspensions from school, and 15 percent involved corporal punishment of a pupil by a school official. Ten percent of the complaints were about expulsion from school, and the remaining ten percent of the complaints included inadequate counseling by the school counselor, curriculum selection and promotions and grading.

Complaints reached the Center in two ways: sixty percent of the cases begin with a phone call by the complainant to either the Center or one of the ombudsmen at home, followed by a personal interview as soon as possible. The remaining cases are walk-ins at the Center, at which time personal interviews are conducted. The ombudsman's role in the intake procedure is very important. The initial interview with the complainant utilizes the ombudsman's knowledge of the community and its problems and feelings. The ombudsman's ability to relate to people enables him or her to get a clear idea of what the problem is. Once the problem becomes clear, the ombudsman can try to solve it by calling for a confer-

ence with the teacher or principal involved, or by aiding the complainant to start a formal complaint through administrative channels. Here, the ombudsman makes use of his experience with the school system, the school law, and the rules and regulations he has learned to utilize in solving the problem. In some cases, a more technical expertise is called for, and at this point cases are referred to the staff attorney. During the beginning months of the program, the staff attorney was involved in 65 percent of the cases, and it is anticipated that this percentage will drop as the ombudsmen gain more expertise and experience.

In addition to providing a number of specific case studies which explain in some detail the types of grievances raised by various student clients of the Center, a number of potential areas of litigation were discussed as a means of illustrating how it might be possible for individuals to apply the sanctions of criminal law against educators in an attempt to hold them accountable for the task that school systems are supposed to perform. The following potential areas of litigation were discussed: (1) conspiracy to defraud the state, (2) robbery, (3) torturing or neglecting children, (4) embezzlement of municipal and school officers, (5) injuring or defrauding under color of office, and (6) usurpation of office.

The exact amount of change that has been brought about in the school system as a result of these specific cases is rather difficult to measure since most of the cases focus on individual grievances. At the same time, the fact that an adult ombudsman who is well known in a particular neighborhood can have an important and positive effect on students and parents from that neighborhood as well as the educators who work in that neighborhood school. Students in particular regain hope in their schools when an

adult takes up their case against the school system, and this student advocacy helps to remove the presumption of guilt with which the student has been labeled. Lay advocacy on behalf of the students in the Dayton Public Schools does appear to have been successful. As the ombudsmen become better trained and gain more experience and confidence, they will probably win more victories for their student clients and the number of clients should rise accordingly.

In June, 1971, a three-day student board of inquiry into high school discipline was sponsored by the Center at the University of Dayton. For three hours each evening, ten high school students representing cross sections of Montgomery County, Ohio, school systems heard witnesses testifying about various aspects of high school disciplinary procedures. The ten students on the panel included five Black students and five White students (four of these were female and six were male). Representatives were also selected from six schools within the city of Dayton and four different suburban school districts.

Topics considered by the board of inquiry included expulsions, suspensions, school security, corporal punishment, freedom of expression, and student government. Testimony was received by the student panel from a wide range of witnesses including school board representatives; visiting teacher, an attorney from the American Civil Liberties Union, a representative from the Ohio State Department of Education, a referee from a Montgomery County Juvenile Court, several students, a principal, the Director of the Dayton Police Department conflict management team, a Center ombudsman, and a legal services attorney.

After a thorough review of the testimony, the panel will develop a set of recommendations based on that testimony that will then be distributed to state and local boards throughout Ohio. In addition to serving

as a very effective learning experience for the individuals present, the student board of inquiry functioned as an effective community education vehicle since there was extensive coverage by local newspapers and, in addition, an interview session was conducted on the Dayton television station. In addition, many requests for the forthcoming recommendations by the student committee have already been received by the Center.

In summary, a number of interesting facts that were uncovered in the process of completing this study. They are:

- (a) The Center appears to be providing a worthwhile service to school administrators on the basis of their support as indicated in an administrative survey.¹ Interested administrators have invited the Center staff to their meetings to talk about the Center and student rights.
- (b) The in-service education workshops that have been held have drawn in excess of 1,100 people or an average of 100 persons per workshop.
- (c) The Center has obtained from the public a total of 125 case referrals in its first year of operation.
- (d) The Center has had parents accompany the students in 105 of the 125 cases.
- (e) In cooperation with the administration of the Dayton Board of Education, the Center has developed a written document which has been officially agreed upon by both agencies.
- (f) A Student Rights Handbook has been developed and distributed for the direct use of students.
- (g) The Center has trained ten parent ombudsmen so that they are now able to provide specific Center services directly to parents and students.
- (h) The Center has secured an additional \$10,000 grant from the United States Office of Education to develop a handbook for parents that will assist parents in protesting their children's rights.
- (i) The Center has developed eight video tapes for use in the

¹ Appendix L, Administrative Survey, Questionnaire & Responses; p. 307.

training of parents, students, administrators and teachers.

- (j) The Center has secured, in conjunction with the National Urban League, a planning grant for an experimental school which will serve as an alternative to the present school activity.¹
- (k) The Center is working with Ohio State Legal Services to protect the rights of students through careful analysis of pending legislation.

Recommendations

This investigation has focused primarily upon a documentation and analysis of the emergence and initial year's operation of the Center for the Study of Student Citizenship, Rights and Responsibilities. It is important to remind the reader that this has been a narrative description of an ongoing project that is still in the embryonic stages of developing a new process--the provisions of basic rights for students in Dayton, Ohio. Since the central thrust of the Center under investigation in this study is based upon the concept of student advocacy, and since the investigator has been an integral part of the Center since its inception, it is impossible for the investigator to claim neutrality or a lack of student advocacy bias within this study. And in addition to the bias that is imposed by the investigator's continuing student advocacy orientation, this study also contains those limitations that are imposed upon the objectivity of any investigator who attempts to examine his own work.

In the same way that the investigator cannot claim complete neutrality within previous sections of this investigation, the following series of recommendations will obviously continue to reflect the investigator's strong belief in and support for students rights. Thus, in his role as an advocate for youth, the investigator cannot ignore this opportunity to recommend further study and action in a number of areas that although they may appear on the surface to be only tangentially related

¹Appendix M, Experimental School Proposal; p. 310.

to this investigation, are in reality vitally integrated with the emerging quest for student rights.

Specific recommendations of this investigator are as follows:

(1) Additional research needs to be conducted in the area of student rights and responsibilities. Utilizing the Dayton Center as one model for a Student Rights Center, it is recommended that a number of additional Centers be established throughout the nation and that careful attention be given to the development of a comprehensive evaluation design that will effectively assess the impact of each of these Centers upon students, parents, teachers and school administrators.

(2) It is recommended that a detailed study be conducted into the feasibility of developing a comprehensive information compilation service which collects, analyzes, and reports upon legal cases related to the area of student rights. Such a compilation and reporting system would be of significant value to educators, students, lawyers, and parents.

(3) It is recommended that further investigation be conducted into the potential changes in student self perception before and after becoming involved in taking their grievances to the Student Rights Center. On the basis of verbal interaction with students who have been successful in contesting administrative actions with the assistance of the Center, student self perceptions seem to be positively related to "winning" their case.

(4) It is recommended that a detailed analysis of case studies conducted within the Center be continued throughout the next five year period. Such an analysis could be conducted by focusing upon a number of different variables (e.g., kinds of complaints, grade level and age of complainant, the accused party in the grievance, nature of the grie-

vance, number of repeat cases, etc.). In addition, such an investigation might provide information as to the relationship between cases and the changing state of the law related to student rights.

(5) It is recommended that further research be conducted into investigating alternative ways of bridging the traditional gulf between research findings in a variety of fields and the indigent poor. As a result of the Dayton Center efforts, it was discovered that when information is presented in a communicable format, parents and students in Dayton repeatedly demonstrated great creativity and effectiveness in utilizing that information in bringing grievances against the Dayton Public Schools. Perhaps there may be other arenas wherein information normally unavailable to indigenous personnel could be made available with similar positive benefits.

(6) It is recommended that further research be conducted into the relationship between the oppressive strategies utilized by school administrators within other institutions with captive audiences (e.g., governmental agencies dispensing welfare).

(7) It is recommended that those interested in discovering more about the Center for Student Citizenship, Rights, and Responsibilities visit the Center as observers. It is hopeful that out of such visits additional research in the areas of students rights might emerge.

(8) It is recommended that existing legal training programs be examined to determine the extent to which they are effective in communicating current and relevant information on student rights to future lawyers. In addition, it is recommended that legal training programs for parent ombudsmen be established as regular paraprofessional roles within school systems and that the prerequisite training elements for such roles

be jointly developed by schools of education and schools of law.

(9) On the basis of the initial success on the part of parent ombudsmen, it is recommended that further study be conducted as to the impact of these parent ombudsmen upon teachers, administrators, students, and parents.

(10) It is recommended that a follow-up investigation on the impact of the Dayton Student Handbook be conducted. Such a follow-up study might obtain feedback from students, teachers, and administrators with regard to their perceptions of the handbook, actual use of the handbook, and suggested refinements.

(11) On the basis of the Dayton experience, lawyers, parents, and educators were able to develop an extremely effective and close working relationship. Further investigation into these multiple professional teams needs to be conducted.

(12) It is recommended that the feasibility of establishing a series of national and local student fact-finding commissions be investigated. Such student commissions would have access to lawyers and other research personnel, and potential areas for discussion and presentation of position papers might include the following topics: suspension, freedom of expression, expulsion, and corporal punishment.

(13) It is recommended that the feasibility of awarding federal grants directly to students and student groups be investigated so that they might assist in finding ways of improving the quality of American life. Potential areas of contribution for students would be in providing assistance to other students, to the poor, the old, and the physically handicapped.

(14) It is recommended that new paraprofessional career ladders

be established within the legal profession as a means of expanding the supply of legal manpower in student advocacy. These new legal technicians, who would be local parents and citizens, might serve as lay advocates, arbitrators, mediators, and ombudsmen, for parents, students, and consumers.

(15) It is recommended that methods for involving students in educational decision making be developed. For example, existing membership on boards of education might be expanded by four members. These four new members could be students between the ages of seven and twenty years and their responsibility would be to represent their constituency in school board decisions. Under such an arrangement, it is further recommended that their powers be the same as existing school board members.

(16) It is recommended that further investigation be conducted into the Center's impact upon various aspects of the Dayton Public Schools. For example, it would be extremely valuable to discover what effect Center activities have had upon areas such as the school curriculum, school staffing patterns, and various organizational aspects of the Dayton Public Schools. Every effort should be made to develop an even closer working relationship with the Dayton Public Schools in order to provide the necessary cooperative base for such joint research efforts.

(17) It is recommended that the feasibility of establishing a variety of student-developed and operated activities should be investigated for the Dayton area. For example, a cable television station controlled by students might be one approach to further utilizing the largely untapped resource of youth. Under such an arrangement, the students could develop their own programs and might be effective in educating each other and the larger Dayton community about student rights, aspirations and responsibilities.

(18) Various punitive practices within the present disciplinary structure of schools should be examined thoroughly in order to determine whether or not they should be abolished. For example, the discontinuation of the present practices of corporal punishment and student suspensions could be utilized by school system authorities as a means for developing mechanisms for handling student behavior as an integral part of the educational process.

(19) It is recommended that the feasibility of establishing a new form of delivery system for legal services should be thoroughly explored. Since the Dayton Center is unique in its approach to balancing the activities of education and litigation, it is quite possible that the experiences of the Center might be used as one model for the development of such alternative delivery systems.

(20) Additional investigation into the processes whereby adults can learn more effectively from various groups of youth ought to be explored. The tone whereby adults have learned from students has shown to be workable in the Center and a careful examination of the Center environment might be extremely valuable to the development of more effective relations between adults and students in other cities. By involving parents more directly in securing new rights for students, it may be possible to eliminate some of the problems presently associated with the generation gap.

(21) Since the real success of the legal system is dependent upon all people possessing a sufficient understanding of the law so that they might become their own advocates, it seems appropriate to consider establishing inter-related advocacy centers in addition to the Center for Student Rights. Under such an arrangement, advocacy centers for other disenfran-

chised groups in the Dayton area (the aged, poor, Appalachian, etc.) might be developed utilizing the Student Rights Center both as an initial guide and as a long-term supportive agency.

APPENDIX A

CENTER FOR THE STUDY OF STUDENT CITIZENSHIP,
RIGHTS AND RESPONSIBILITIES
National & Local Advisory Boards

CENTER FOR THE STUDY OF STUDENT CITIZENSHIP,

RIGHTS AND RESPONSIBILITIES

National Advisory Board

Dr. Dwight Allen, Dean
School of Education
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Amherst, Massachusetts

Dr. David K. Cohen, Director
Harvard University Center for
Education and Social Policy
Chairman, Harvard University
Center for Law & Education
Cambridge, Massachusetts

Mr. Gregory Favre, Editor
West Palm Beach Post
West Palm Beach, Florida

Dr. Charles V. Hamilton
Professor, Department of
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Dr. Ermon Hogan, Director
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Dr. Rhody McCoy
Career Opportunities Program
School of Education
University of Massachusetts
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Mr. Donald Reeves, Freshman
Cornell University
Ithica, New York

Dr. Robert J. Simpson
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CENTER FOR THE STUDY OF STUDENT CITIZENSHIP,

RIGHTS AND RESPONSIBILITIES

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Mr. John McClendon, Sr.
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353 West Third Street
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Dayton View Stabilization
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City of Dayton
Municipal Building
Dayton, Ohio

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Mrs. Sally Sperry (Parent)
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Miss Katherine Staffney, Senior
Roosevelt High School
4019 Edison Street
Dayton, Ohio

APPENDIX B

ADVISORY BOARD TASK FORCE PLANNING

&

QUESTIONNAIRE

TASK FORCE PLANNING

1. Formulate and state a set of acceptable objectives and philosophies
 - (a) Determine working objectives
 - (b) Determine methods (tools) for seeking other objectives
2. Define the most important problems and place them on a priority list
 - (a) Why is problem important
 - (b) How will its solution affect the goals of the group
 - (c) Are those the important problems or only emotional in nature (which, although important, are frequently not as important as other non-emotional type problems)
3. Formulate the several alternative SOLUTIONS to the problem
 - (a) Collect and classify the pertinent data (find facts)
 - (b) Critically evaluate each proposed solution (evaluate all facts)
4. Decide upon a plan of action
5. Do not duplicate efforts of another Task Force and/or public or private agency
 - (a) Touch base with area related firms and agencies
 - (b) Get assistance, wherever possible, from these groups
6. Conclusions: Measure results
 - (a) Via records, reports, statistics, etc.
 - (b) Evaluate and prepare extensive work project summary

TASK FORCE QUESTIONNAIRE

OCCUPATION _____ HOME ADDRESS _____

Do you have children in secondary schools? YES _____ NO _____

Place of Employment _____ Male _____ Female _____

What do you think are the three most important Dayton problems in relation to news media?

- 1.
- 2.
- 3.

What would you like to see done by the Center in relation to each of these problems? What result would you like to see from the action?

- 1.
- 2.
- 3.

Please indicate what you think are the four most serious problems in this area from the list below. Please put a "1" for the most important, "4" for the least important, etc. Please also indicate in the right column what you would like to see the Center do in all problem areas, and what you would like the action to accomplish.

PROBLEMS

DESIRED ACTIVITY & RESULTS

- | | | |
|-------|---------------------------------------------------------------------|--|
| _____ | 1. Treatment of school performance in teaching and administration | |
| _____ | 2. Treatment of student rights | |
| _____ | 3. Treatment of parents rights | |
| _____ | 4. Treatment of teacher rights | |
| _____ | 5. Treatment of relationship between environment and student action | |
| _____ | 6. Employment of students and high school and college graduates | |
| _____ | 7. Treatment of racial discrimination | |

APPENDIX C

CENTER FOR THE STUDY OF STUDENT CITIZENSHIP,

RIGHTS AND RESPONSIBILITIES

Staff & Qualifications

STAFF AND QUALIFICATIONS

Arthur E. Thomas, Director

B.S., Education, Central State University; M.Ed., M.A., Miami University, Oxford, Ohio; Doctoral Candidate, University of Massachusetts. Former teacher, coach, and assistant principal, Dayton Public Schools; Coordinator, Model Cities Educational Program; Project Director, Model Cities Education Program.

Daniel Geringer, Research Assistant

B.A., English, Rochester University. Former feature writer, Dayton Daily News; staff writer, North (suburban newspaper).

Peter M. Rebold, Staff Attorney

B.S., Xavier University; J.D., Georgetown University Legal Center. Former Captain, U.S. Army; staff attorney, Legal Aid Society of Cincinnati, Ohio. Admitted to Ohio Bar, 1968; U. S. District Court, So. District Ohio, 1970.

Ruth Bankston, Executive Secretary

B.S., Accounting, Central State University; participated in Work-Aid Program at Central State; credit department of Sears, Roebuck & Company; City of Dayton Division of Parks and Recreation Park Supervisor; assistant accountant, West Side Furniture Company.

Madeline J. Breslin, Research Secretary

Xavier University Evening College; advertising copywriter, John Shillito Company, Cincinnati, Ohio; assistant public relations director, John Shillito Company, Cincinnati, Ohio; St. James School Board of Education and Community School Council; Centerville Human Relations Council.

Lillie M. Meeks, Clerk-Typist-Receptionist

Sinclair Community College, Dayton, Ohio, courses in sociology and typing. Employed as general office clerk at SCOPE, Dayton, Ohio 1968 to 1970.

Paid Ombudsmen

Edward E. Campbell, Ombudsmen Supervisor

Associate Degree, Sinclair Community College, Dayton, Ohio. Continuing Education at Central State University. Sales Manager, Chicago Metropolitan Mutual Insurance Company, Dayton, Ohio; President, Tamparites Block Club.

Page E. Gray

Associate Degree in Engineering, Sinclair College, Dayton, Ohio; Continuing Education at Central State University. Former Director, Dayton Organization; Community Organizer, Montgomery County Community Action Agency; Program Coordinator, Action, Inc.

Corrine Tucker

School parent; active in Community School Council, Irving School, Dayton.

Betty Moore

School parent; formerly Pollster, Model Cities Planning Council; presently Hall Monitor, Dunbar High School.

Lillian Walker

School parent; B.S., Elementary Education; M.A., Educational Administration and Supervision; Chairman, MacFarlane School Community School Council; Membership Chairman, MacFarlane PTA; formerly elementary school teacher, Washington, D.C.

Elizabeth Robinson

School parent; Chairman, Dayton Welfare Rights Organization; Chairman, Ohio State Committee for Adequate Welfare; Board Member, Unicen; Member of Black Coalition.

Ruth Heath

School parent; Member, Dayton Welfare Rights Organization, Black Coalition; Four C-Day Care, O.S.C.A.W., secretary-treasurer.

Ellis E. Hutchinson, Jr.

Graduate, Roth High School; formerly Recreation Supervisor, City of Dayton. Presently community ombudsman, Montgomery County C.A.P. Agency.

Mabel Wiley

School parent; Oakwood School PTA; Active in parochial school desegregation.

Volunteer Ombudsmen

Richard Menefee

Worked with Model Cities Planning Council, Dayton Youth Patrol, Dayton Welfare Rights, Dayton Express Newspaper, and Montgomery County Community Action Agency.

Juanita Johnson

School parent; Hall Monitor, Dunbar High School; Chairman, Dunbar Community School Council.

Lori Tannenbaum

School parent; Active in League of Women Voters.

NOTE: Additional parent volunteers helped to develop workshops on part-time basis.

Student Ombudsmen: Donnie Moore, Dunbar High School; Walter Brooks, Dunbar High School; James Phillips, Roth High School; 10 Project Emerge Student, Roosevelt High School in training; 6 Elementary School Students, 8th Grade, in training.

APPENDIX D

TOWARD ESTABLISHING A COOPERATIVE RELATIONSHIP
BETWEEN
CENTER AND SCHOOL ADMINISTRATION

CENTER FOR THE STUDY OF STUDENT CITIZENSHIP,
RIGHTS AND RESPONSIBILITIES

1145 Germantown Street
Dayton, Ohio 45408
Ph: (513) 223-8228

February 19, 1971

Dr. Joseph Rogus
Assistant Superintendent
Instruction Department
The Dayton Public Schools
Administration Building
348 West First Street
Dayton, Ohio 45402

Dear Dr. Rogus:

We are sorry for the delay in answering your questions. Many circumstances prevented us from answering them before this time.

We have answered them to the best of our ability. These answers are enclosed. We hope that now we can immediately begin to work together in the area of student rights and responsibilities in the Dayton School System. We feel that by working with us in this area the school administration will gain the necessary confidence that the Center for the Study of Student Citizenship, Rights and Responsibilities is a positive program working in the best interests of Dayton school children.

We are deeply concerned with developing a positive relationship with the Board of Education and with school officials. We are willing to cooperate in any way possible to attempt to solve problems, and assist in developing positive programs and strategies relative to student rights and responsibilities.

The phrase "student rights" evokes a variety of emotional reactions. Reaction to "Student rights" is due in part to the use of the phrase by student advocates as a rallying cry in haranguing the establishment. Many school administrators, teachers, policemen, and probation officers would like to restate the concern. Student rights? What about teachers' rights? Or rights of policemen? Should not school administrators have the right to deal properly with disruptive students? The point is that the issue of student rights seems to be getting all of the attention, while other important concerns are overlooked. For example, a critical concern should be the search for innovative strategies in dealing with truant, failing, misbehaving, disruptive, and law-breaking students. Certainly, the argument can be made that giving additional rights to children will not solve the problems of juvenile delinquency and will not necessarily improve the quality of the educational process.

However, the Supreme Court of the United States has made it clear that the local school board and school administrators cannot continue to regulate student behavior

with virtually unchecked authority. The question is not only whether the students have a right to challenge unreasonable rules and insist on due process of law. The question is also the manner in which the school disciplinary processes will be restructured to meet emerging legal principles.

If they wish, school boards and school administrators can ignore the issues, worry them to death, waste their energies in reacting, and wait for lawsuits.

Or, instead of waiting for lawsuits, school personnel can go to work in assuming the task of restructuring the disciplinary process. The methods of approaching the task are legend. However, the effort will be a waste of time unless the complexity of the task is appreciated and the efforts of other school systems are thoroughly examined. First, an attempt must be made to ascertain the criteria employed by the courts in reviewing school rules and disciplinary procedures. At the same time, model codes and codes recently adopted by other school systems should be reviewed. Next, legal counsel should be employed to participate in the arduous process of drafting rules and disciplinary policies which will stand up under court review.

One significant threshold question is the method by which community reaction and input is structured. If community feelings run high on particular issues, a substantial benefit can accrue in letting people bare their grievances. However, an unstructured grievance session is a step far removed from the implementation of precise disciplinary policies. One or more key persons, including a lawyer, should do their homework in advance of community forums. To key the discussions, specific proposed rules and disciplinary procedures should be made available to the participants.

Another vehicle which may bring surprising results is to simply give the students the broad directive to recommend specific rules and sanctions for the violation of these rules.

Throughout whatever approach is adopted, the tests likely to be applied by a reviewing court should be kept in mind: does substantial evidence exist to support a finding that the regulation in question is necessary to prevent a disruption of the educational process? It is equally important to determine exactly how alleged violations are to be determined.

Aside from procedural questions, a critically important aspect of any serious effort to review the disciplinary process is the search for strategies to develop an atmosphere more conducive to learning in the schools. An attempt should be made to develop programs which enhance the possibilities that failing students will have some successes in school. Further, teachers and administrators must begin to develop appropriate strategies for dealing with "disruptive" students instead of the ubiquitous use of suspension.

There seems to be very little dissent to the proposition that suspension does not make the misbehaving student a better student. In some communities, the threat of suspension can have a deterrent effect with most children. In Dayton the threat of suspension to many children is tantamount to an offer of a reward

for bad behavior. For example, a suspended child may face no aversive consequences when he gets home and may find a new-found status with peers.

The other side of the coin is that suspension is the simplest way for the schools to deal with "disruptive" children. Out of sight, out of mind, and out of the teacher's hair. The teacher will not have to bother with calling in the parents or stay after school. But, why blame the teacher? Suspension is the most efficient method of obtaining a manageable class size.

To cut down on suspension and expulsion, the system must eliminate the built-in punishment for teachers who decide to try alternatives to sending the child to the office for suspension or expulsion.

An effort must also be made to develop innovative programs which enhance the possibility that the truant, failing, and misbehaving student will have some successes in school. Approximately 25 percent of all charges of juvenile delinquency are based on school truancy, misbehavior in school, incorrigibility, or some other act of the child which does not constitute a violation of the criminal law. (President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime 4, 1967).

Several studies of delinquent children have noted their failure in school. (Glueck and Glueck, Unraveling Juvenile Delinquency (1950); Wattenberg, Girl Repeaters, 3 National Probation and Parole Association. 48 (1957); Gold, Delinquent Behavior in an American City [1970]).

The findings of one study indicated that failure at school along with sex and age were the factors most often associated with delinquency. Palmore and Hammond, Interacting Factors in Juvenile Delinquency, 29 AM, Sociological Rev. 848 [1964]).

An interesting finding of Gold is that the pattern of school grades coincides in some important respects with the pattern of delinquent behavior, especially among boys. (Gold, op. cit: supra, note 2, at 123-4).

In support of his findings, Gold cites two programs dealing with delinquent boys in which efforts to help boys feel that they were competent students produced marked reductions in their delinquent behavior. (Bowman, Effects of a Revised School Program on Potential Delinquents, 332 Annals of the Am. Academy of Pol. and Social Sci. 53 (1959) and Massimo and Shore, A Comprehensive, Vocationally Oriented Psychotherapeutic Program for Delinquent Boys, 33 AM. J. of Orthopsychiatry 634 [1963]).

To provide failing and misbehaving children with successes and to develop an atmosphere more conducive to learning are admittedly not easy tasks. Nevertheless, the effort must be made, because if some gains are not made in allaying an atmosphere ripe for disruption, conditions will be intolerable in the schools

Dr. Joseph Rogus
February 19, 1971
Page 4

with the school boards and administrators getting tougher in applying suspensions only to find themselves as defendants in lawsuits.

Yours in the struggle for the best possible
education for all of our children,

Arthur E. Thomas
Director

AET/gw
Encs.

QUESTIONS

1. Why were representatives of the Dayton Public Schools not involved in initial project development efforts?
2. Why was the project proposal submitted through the Greene County C.A.P. rather than through channels available in Montgomery County?
3. Why have Dayton City School administrators been unable to obtain copies of the original proposal?
4. Why is there no representation of the Dayton City School administration on the Center Advisory Board? If the Center Advisory Board is to represent the people, why were members selected instead of elected?
5. Why were invitations to the inaugural meeting tendered to Dayton City School administrative staff two days prior to the session when invitations were tendered to other invitees far in advance of the meeting?
6. What assurances are provided that project funds will not be used to support litigation against the school district?
7. What are the assumptions upon which project plans are based? Since a proposed activity of the center is to make students aware of their rights, for example, the assumption must be that students are not presently aware of such. If this is the case, the documentation of this fact should be shared with all concerned. The assumptions and supporting evidence underlying all center activities should be clearly spelled out.
8. What are the assumptions underlying the selection of Dayton as a target city? What evidence exists in support of these assumptions?
9. Since the center is a research and demonstration project, what are the hypotheses to be tested?
10. What lines of communication with the central administration of the Dayton City School system are intended?
11. What is the role of the ombudsman? Through what processes will ombudsmen follow in relating with principals, teachers, and students. From the time a complaint is received by an ombudsman, what steps will be followed?
12. Assuming that complaints against professional staff would be accepted by the center, how would processes to be followed relate to provisions of the master agreement?
13. Are student teachers and aides working the Central State University to serve as a source of information regarding concerns to be brought before the ombudsmen?
14. Ten schools are named in the proposal. Why were they selected? Why were the Dayton schools related rather than a system within the county from which the proposal was submitted?
15. Please provide documentation, that is, names, dates and other pertinent data for the following allegations* made in the proposal:

- a. "...Irving had not been painted in eighteen years." p. 9
- b. "...the school administration does not publish amounts of money allocated to each school each year for supplies, equipment, and maintenance." p. 9
- c. "In at least one documented instance, contradictory directives by two administrators produced the potential situation of placing a student in jeopardy of arrest after he had been assured by the principal that he could return to class." p. 13
- d. "...teachers were privately informed that seventy-five percent of elementary school students had scored below 3 on a nine-point scale of city-wide achievement test ratings." p. 15
- e. "A teacher who had formerly taught the student...before a crisis occurred." p. 18
- f. "...this means that demands for such action as reallocation...or even explanation of present allocation...of school supplies get short shrift." p. 19
- g. "Another continuing source of dispute is charging low-income students four dollars per year for school supplies." p. 19

*The allegations in question are but a sample of undocumented statements appearing in a copy of a Student Center proposal received by the Dayton School administration.

ANSWERS

1. The project was developed with the parents, teachers, students and other interested parties in the Dayton community. The program developed out of an expressed need on the part of students at Community School Council meetings for an agency to represent their needs and concerns as related to student rights and responsibilities.
2. Research and demonstration grants do not have to be submitted through CAP agencies. They are submitted directly to the Research and Demonstration Office of OEO Legal Services. The program, however, did receive a sign-off from the Montgomery County CAP Organization.
3. The quotes from question #15 come from the original proposal.
4. The President of the Dayton Board of Education is a member of the Advisory Board. Dayton City School Administrators have been invited to and have attended our workshops and meetings and have made valuable contributions explaining Board policy. The Center's Advisory Board was selected according to OEO Legal Service guidelines.
5. They were unaware that this occurred.
6. In the event of litigation against the school system, project funds will only and can only be used for problems related to Student Rights and Responsibilities as described in the grant application.
7. The assumptions are based on the Report on the Dayton School system by the Department of Health, Education and Welfare, other documents on the Dayton School system, and actual conversations with students, parents, administrators, and teachers in the Dayton School System and on the basis of detailed research on the part of those who developed the proposal. We have complete faith in the honesty and integrity of those who were interviewed and who provided information upon which some of our assumptions were developed. Students and parents are not aware of their rights as witnessed by the confusion and tensions at various high schools and elementary schools in Dayton. The Board's own suspension rules, for example, are constantly violated by principals. Parents and students do not know how to cope with this. Our ombudsmen and staff are trying to inform the students and parents who come to us that they can deal with this themselves.
8. OEO Legal Services made several trips to Dayton and talked with several individuals and organizations. OEO Legal Services officials felt that the size of Dayton, the similar situations that exist in Dayton schools relative to student rights that exist in schools across the nation and the fact that a great deal of experimentation is taking place in Dayton relative to the Police Department and other agencies made Dayton an ideal place to locate this research and demonstration project.
9. The hypotheses to be tested are stated in the proposal. Other experiments may develop, however, out of this program.

10. The Center staff has already expressed a desire to develop a cooperative relationship with the Central Administration of the Dayton School System, and heartily endorses the appointment of Dr. Spencer Durante as the individual who will work with the Center.
11. Ombudsmen will make every attempt to develop a positive relationship with school officials, our main concern being to assist in the solving of any problems that may exist. The ombudsmen will in all probability, take the complaint, try to get the facts, try to set up a meeting, try to mediate the problem. The Center has impressed upon ombudsmen the importance of trying to weigh all sides, and we believe that many very positive opportunities exist for Board of Education and Center cooperation. The Center is interested in any suggestions the Board of Education may have.
12. The Center has already developed a cooperative relationship with the Dayton Classroom Teacher's Association.
13. No.
14. The primary area of concern is the Model Cities Target Area. However, OEO Legal Services is also concerned with city-wide, state-wide and nation-wide problems.
15. Documentation does exist for all questions raised. Evidence was given to us in confidence with the understanding that it would be used in proposals but that names would remain in confidence.

STUDENT RIGHTS CENTER/DAYTON PUBLIC SCHOOLS

SUMMARY OF MINUTES, MEETING OF

March 25, 1971

To Establish Cooperative Relationship

Present: Dr. Spencer Durante, Chairman; Norman Feuer, Edward Campbell, Bob Roberts, Dan Geringer, Herb Carroll, John Harewood, Arthur Thomas, Peter Rebold, Mabel Wiley, Maddie Breslin, Corine Tucker, Greg Caras, George Findley, Bill Holloway, Dr. Joseph Rogus, Dorothy Kavanaugh.

- I. Purpose: To explore possible areas where Center and Board can operate cooperatively.

Areas of Discussion

- A. Explanation of Center Activities.
- B. Principal/Ombudsmen Relations.
- C. Meaning of Students' Rights and Responsibilities.
- D. How Student Rights Center can be of assistance to school administrations.
- E. Future Plans of Center, including workshops, seminars, and other educational programs.
- F. Ongoing Liaison Committee.
- G. Adjourned with notification from Chairman that he would be in touch very shortly with a suggested proposal for a cooperative relationship.

DAYTON PUBLIC SCHOOLS

Department of Instruction

GUIDELINES FOR INITIAL COOPERATIVE RELATIONS

WITH THE STUDENT RIGHTS CENTER

Introduction

It has been the practice of the Dayton Public Schools to make wide use of the resources of the community in the instructional program when they can contribute to improved educational opportunities for children and youth. The range and comprehensiveness of the resources require that they be screened carefully to determine their educational worth and to be sure that we attain a proper balance of values.

The Student Rights Center is a new resource in the community. The contribution it can make to the education of boys and girls will need to be established. This set of guidelines provides the Center an opportunity for the initiation of wholesome working relationships between the Center and the schools.

I. Student-Parent Grievances and SRC

The grievances of students and parents should be examined in an objective manner. The channels and procedures parents and students should follow in seeking to solve their problems should be pointed out and they should be encouraged to work through them on their own.

- A. Review grievances of students/parents to determine if their rights and school board policies are being violated.
- B. Point out school procedures for handling problems.
- C. Encourage students and/or parents to follow established school procedures.
- D. Advise students and/or parents to seek conference with principal as a basis for solving problems which have not been resolved through other regular procedures.
- E. Advise principal that students/parents have referred their grievances to the SRC for investigation. Set conference for discussion of the problem. The principal and the parents will need to agree on persons to attend the conference.
- F. Notify Pupil Personnel in the event a satisfactory solution is not found.

II. School-Student-Parent-SRC Conference

- A. The resolution of problems through the conference technique can best be achieved when
 - 1. The climate is free from fear and hostility;
 - 2. The problem is clearly delineated;
 - 3. All persons involved are concerned with the educational and general welfare of the individual student and all other students in the school;
 - 4. Respect is shown for everyone even though there may be differences of opinion.
- B. Students should be excluded from adult discussion of issues which would likely have a negative effect on their attitude and relationship to the school.
- C. Electronic recording and picture taking of a conference are not permissible unless agreed to by the parents and the school.
- D. When satisfactory progress is not being made, the conference should be concluded and resumed at a later date.

III. School-SRC Conference

- A. SRC representatives may confer with the principal or persons designated by the principal on:
 - 1. General policies, practices and procedures of the school;
 - 2. SRC Programs and services available to the school;
 - 3. Community problems and developments which are likely to affect students and the school.
- B. The SRC-School conferences may not discuss the personal problems or the school record of an individual pupil without the written permission of the parents.
- C. The SRC will be provided a copy of school board policies, rules and regulations, and copies of each individual school rules and regulations upon request.

IV. SRC Sponsored Seminars, Workshops, Institutes and Other Educational Programs

- A. The Center has resources to develop for educators in-service education programs on student rights and responsibilities. Members of the professional staff may serve to assist the Center in planning such programs, and administrators and teachers may choose to participate in programs that are relevant to their work.
- B. Teachers may use SRC consultants and resource persons in the classroom when they can contribute to the achievement of the purposes of lesson. Established school procedures for using outside consultants in the classroom must be followed.

V. School-SRC Committee

A committee made up of representatives from the public schools and SRC will meet at regular intervals to

- . Identify and discuss common problems;
- . Explore new approaches and techniques for solving problems;
- . Evaluate the cooperative efforts of each.

SED/jcm

Submitted on: May 17, 1971

APPENDIX E

STUDENT RIGHTS HANDBOOK

Dayton, Ohio

June 1971

School Discipline

Suspensions

Section 3313.66 of the Ohio Code authorizes the superintendent of schools or the principal of a public school to "suspend a pupil from school for not more than ten days." Neither the Ohio Legislature nor the Dayton school system has specified the potential reasons for which suspension may be imposed. Thus a student may be suspended for any conduct which does not meet the approval of the superintendent, or more particularly, the principal of the school.

There are limitations which may apply to the actions of school officials with regard to suspensions. Students have a constitutional right to an education and this right cannot be taken away as punishment for any act unless "due process of law" has been provided. What "due process of law" requires for high school students in disciplinary situations is very unclear. Court cases are being brought almost daily, but the courts in Ohio have not yet followed the trend toward recognizing significant student rights in this type of situation.

When it is determined that a student shall be suspended, Section 3313.66 requires that the student's parent or guardian be notified within 24 hours of the suspension, in writing, of the fact of the suspension "including the reasons therefore." The Pupil Personnel office, in its "Guidelines for Suspension and Expulsion", requires the communication sent to include "a description of the behavior which made the suspension necessary." These guidelines further provide that "other methods of guidance and control should have been tried and the parents should have been apprised of the growing seriousness of the student's behavior." Thus,

the principal should not suspend a student unless all other methods of dealing with the problem have been tried and failed. Suspension should only be used as a last resort.

A suspension may not last longer than 10 days or until the end of the current semester, whichever comes first. The principal may ask the student's parent or guardian to come in for a conference to discuss the problem which led to the suspension. The parent does not have to attend this conference. If the parent does attend the conference, the length of the suspension may be decreased or the student might not be recommended for expulsion. For example, where the suspension is the result of a misunderstanding between the student and the school, it may be beneficial for the student and parent to attend the conference. But even if the parent does not attend the conference, the student may not be kept out of school beyond the ten-day period.

Expulsions

Section 3313.66 grants to the superintendent of schools the power to expel a student from school. No expulsion shall continue "beyond the current semester." When a principal feels that an expulsion is necessary, he will suspend the student for ten days and recommend to the superintendent that the student be expelled. If the superintendent agrees, an expulsion letter will be sent to the parent within the ten-day suspension period.

The "Guidelines For Suspension And Expulsion" state that "(E)xpulsion from school must be considered an extremely serious step." One example given of behavior which might warrant recommendation for expulsion is "willful assault upon a teacher or student." As with suspension, other methods of guidance and control should have been tried by the school and have failed

before an expulsion should be considered. A student may be expelled for the same reasons and based upon the same act or acts as merited the suspension.

When a student is expelled, a parent has the right to appeal to the Board of Education. The Board of Education, by a majority vote, can reinstate the student to the school. Thus, the right to appeal should always be exercised. When a student and his parents appear before the Board of Education, they should always try to have an attorney with them. If they cannot afford an attorney and have not found an attorney who will take the case free of charge, they should contact the Student Rights Center. The address of the Student Rights Center is in the back of this Handbook.

An expelled student is eligible to return to school the semester following his expulsion. The principal or the guidance counselor may try to discourage the student from coming back to school. However, *he may not be legally prevented from re-entering the school because of the expulsion.*

If You Are Suspended or Expelled

1. You cannot be suspended for more than ten days or expelled for longer than the remainder of the current semester.
2. At all times you should remember that anything you say may be used against you at a later time. You don't have to speak or answer questions when what you say could get you in trouble. Whenever what you say might lead to a juvenile court or criminal court prosecution, you shouldn't talk until you have received advice from an attorney.
3. If you are suspended or expelled, school officials must send to your

parent or guardian, within 24 hours, a notice of the suspension or expulsion. The notice should include a *specific* description of the behavior which made the discipline necessary.

4. If you are expelled you have the right to appeal to the Board of Education. This right should *always* be exercised. To exercise this right, your parent first calls the Pupil Personnel Office to arrange an appointment with Dr. Goff (461-3850). He will then have a conference with you and your parents, and will set a date for the appeal hearing before the Board of Education.

Since this conference can affect your appeal, you should try to bring an attorney with you. If you cannot afford an attorney you should contact the Student Rights Center (223-8228).

At the appeal hearing, you should demand that the principal present documentary evidence or the testimony of witnesses concerning the behavior which resulted in your expulsion. If you think that the reasons for the expulsion are unjustified, you should have witnesses of your own at the hearing to testify to the real facts. Above all, try to have an attorney at the hearing.

5. A suspension or expulsion is a very serious matter which can have severe consequences for the rest of your life. It can decrease your chances to get into college or to get a good job. Sincere educators believe that when a school imposes serious disciplinary action upon a student, it is because the school has failed to meet the needs of the student in some way. Frequently, the best way to help a student who is suspended or expelled is to work to improve the school which he attends. Students who have been suspended or expelled, and their parents, should

contact the Student Rights Center (223-8228) to discuss their problem with someone at the Center.

Student Expression

The recent United States Supreme Court case, *Tinker v. Des Moines Independent School District*, 393 U.S. 503, (1969), affirmed the constitutional rights of students to freedom of expression. The court declared that "students...may not be confined to the expression of those sentiments that are officially approved." No expression of opinion may be prohibited unless school officials can make a *reasonable* forecast that the expression will cause a *substantial disruption* or a *material interference* with school activities.

Distribution of Literature, Leaflets and Newspapers

You may distribute printed materials adjacent to the school but off school grounds. The school may not discipline you for this activity.

Board of Education regulations require that you request authorization from the principal before distributing any material on school property. A request, with two copies of the material to be distributed, must be submitted to the principal at least two days before the time of distribution. Further, you must have the permission of the Superintendent of Schools before distributing any materials not written and signed by students.

Within the spirit of the *Tinker* decision, these regulations may be unconstitutional. Nevertheless, students should realize that a person who challenges a regulation on constitutional grounds is guilty unless a *court* declares that the regulation is illegal. It is often difficult to get a case before a court so that the constitutionality of a regulation may be challenged. Before challenging any school regulation

which you think is unconstitutional, you should consult an attorney.

Another way to deal with this problem is to request school officials to change these regulations so that your free speech rights are recognized. School officials should only be able to regulate the time and place of the distribution of written material so that a *substantial* disruption of school activities does not occur.

Symbolic Expression

You may wear political buttons, armbands, or other symbols of your beliefs so long as these symbols do not constitute a threat to the health and safety of other students or substantially disrupt the educational process.

Counseling

Tax money is used to place counselors in the schools to help you. You have the right, therefore, to demand assistance from the counselors.

Some counselors do not allow students to write their own course schedules. Many students are forced into the general course; but remember there are no general jobs. You should choose the courses which you feel are most relevant to your future life. Guidance counselors do not know as well as you do what information you want to learn and are capable of learning. If a counselor tells you that you should not take a particular course, ask him to tell you his reasons. If you do not agree with those reasons, demand to take the course which you want. Above all, do not allow yourself to be pressured into taking a course which you do not want to take, unless that course is required for graduation for all students.

The counselor should have information about the alternatives available to you when you leave the school. The counselor should have information files on these alternatives. He should give you assistance on colleges, job possibilities, and the draft. You have a right to receive this information and assistance. If the counselor is not giving you the assistance which he is paid to give, you, your parents, and your friends should demand a counselor who will do the job properly.

The most important function a high school serves is to provide an avenue for students to the various alternatives they have for their future lives. Students should demand nothing less than the best and most complete information on what these alternatives are.

On some subjects, other organizations exist which will provide

more complete information to the students than counselors will provide.
If you cannot get the information you need from your counselor, contact
the Student Rights Center (223-8228).

Physical Punishment

Section 3319.41 of the Ohio Code authorizes teachers, principals or administrators to inflict *reasonable* physical punishment upon a student "whenever such punishment is reasonably necessary in order to preserve discipline while such pupil is subject to school authority." The right to administer physical punishment is thus a limited one. As the Board of Education has aptly noted, "authority derives from justice." (Student Rights and Responsibilities in the Dayton Public Schools, September, 1970.)

The punishment given must be *reasonably necessary in order to preserve discipline*. A teacher may not administer physical punishment merely because he does not like a student. Also, the punishment given to a student must be related to the student's act and to the reasons for the student's act. Physical punishment is not reasonably necessary if other means of controlling a student's behavior exist. In no event should physical punishment be given in anger.

The physical punishment given should be reasonable. Punishment which leaves serious marks or injures the student is not reasonable physical punishment.

You should question punishment which is not reasonably necessary in order to preserve discipline, or which is given for acts which you did not commit. You should demand to be taken immediately to the principal to explain the facts to him.

Many educators believe that corporal punishment is never reasonably necessary. Corporal punishment is being challenged in many communities across the country. Many have abolished this practice. If you

have been given physical punishment which was unreasonable or unfair,
you should contact an attorney or the Student Rights Center (223-8228).

Police In The Schools

There are two separate groups which serve a police function within the schools. First, there are the city and state police whose duty it is to enforce the law both within and outside school grounds. Second, there are private security forces who are employed by the school system to protect students, teachers, and staff from outsiders thought to be harmful within the school.

The police have the same powers within the school as they do in the street or anywhere else. The private security forces have more limited powers. They are employed to patrol the parking lots and guard the doors of the school. They are not employed to harass or intimidate students. Because the Board of Education employs this private security force, it is responsible for their conduct. If any member of this security force acts outside of his authority or harasses or intimidates students, the students should immediately report this to the principal and to the Board of Education. If no action is taken on the matter, the students should contact an attorney or the Student Rights Center (223-8228) so that further action can be taken.

Questioning By Police

Municipal police or court officials have the right to remove a student from school without his consent or that of his parent or guardian only after the student has been arrested. See the section on ARREST.

Under some circumstances, particularly when investigating a crime committed on school grounds, police authorities may question students within the school. The Constitution fully protects the student's rights

to remain silent at all times. Anything which a student says may be used in a future prosecution against the student. A student may give his name, his address, his age, and the reason for his presence within the school. However, the student should absolutely refuse to answer any further questions without having first consulted an attorney. The police and the school officials may well try to be friendly toward the student, as if the questioning was not important, or make threats toward the student. Do not be misled. **DON'T TALK!**

Questioning By Private Security Forces

Private security forces may question students when they are performing the duties for which they were hired. A student who is in the parking lot or is coming into the school at an unusual time should answer questions only to the extent of explaining the reasons for his presence at that particular place. If the questioning continues, or if the private security forces attempt to ask questions *in any other situation*, the student should demand to be taken immediately to the principal's office. At this point, private security forces have no reason to ask any further questions.

REMEMBER: You have the right to remain silent; anything you say may be used against you.

Searches

If you have been arrested, police have the right to search your person. Even if you have not been arrested, police have the right to "frisk" you if they are about to question you and if they have reasonable cause to believe that you are carrying a concealed weapon. These are the only

situations in which police may search your person without your consent. Further, school officials do not have the authority to consent to a search of your person in your behalf.

It is the Board of Education's policy that "When (the) search of the student's person or personal effects is for evidence of a violation of school regulations and not for evidence of a crime *per se*, such search is permissible without consent..." A court might disagree with this policy. However, in most cases it is wise not to resist a search of this nature, since school officials will make trouble for you in other ways if you do. It is the Board of Education's policy that evidence obtained in a search on this theory may not be used in any subsequent criminal prosecution or juvenile court hearing.

It is possible that evidence obtained when school officials search your locker may be used against you. Therefore, you should never carry on your person or keep in your locker any object which you would not wish to show to a school official or police officer. Above all, you should not resist an illegal search beyond a statement that it is a violation of your rights, since active resistance will cause you more trouble.

Marriage And Pregnancy

Marriage

A married student may continue to attend school under the same conditions as any other student. The state of marriage does not excuse a student from compulsory school attendance.

Pregnancy

According to the current policy of the Pupil Personnel Office, "A married or unmarried girl who becomes pregnant must withdraw from the regular day school program upon knowledge of pregnancy. This withdrawal is required as a protection of the health of the student."

This policy is contrary to a recent Attorney General's opinion. In OAG 68-061, the Attorney General of the State of Ohio ruled that a board of education may not exclude from school an unmarried pregnant student, unless school attendance would be detrimental to her physical safety and well being. The determination of whether school attendance would be detrimental to a pregnant student's physical safety and well being must be made upon an individual basis. This is a medical decision rather than an administrative one. Consequently, if a principal attempts to exclude a pregnant student and the student feels that her continued school attendance would not be "detrimental to her physical safety and well being," she should demand that the determination be based upon a physical examination and a report by a physician. A statement from a doctor in behalf of the student's position would be helpful in securing the student's continued attendance in school.

The Pupil Personnel Office has adopted the following policy with regard to students whom the school officials believe to be pregnant but

who deny that they are pregnant. "The School may insist upon a physical examination and a report by a physician of a student believed to be pregnant but who denies she is pregnant, such examination and negative report to be a condition of her remaining in school." This policy is of very questionable legality. The administration cannot exclude a student merely because of her pregnancy, but only when her continued "school attendance would be detrimental to her physical safety and well being." The student, particularly if she is not pregnant, should demand that this medical examination be given at Board of Education expense.

The Pupil Personnel Office has adopted several policies in order to attempt to provide continued education for pregnant students. For one thing, "A student whose pregnancy occurs or is discovered during the last grading period of a semester and whose classroom work is passing may be given homework assignments and a final examination, the completion of which shall enter into the determination of six weeks grades." If the exclusion because of pregnancy does not occur during the last grading period of a semester, a pregnant student has two alternatives, depending upon her age. If she is 16 years of age or older, she may enter the Dayton Night High School free of charge. For those pregnant students under 16 years of age, the School Board has adopted the following policy: "Upon application by the parent and the recommendation of a physician, a pregnant girl under 16 years of age may receive home instruction for the completion of the semester under the following conditions: (a) student is making satisfactory progress in her classroom work; (b) a home teacher is available."

Separating pregnant students from other students violates the

pregnant student's rights to equal protection of the laws. Further, concern for the "protection of the health of the student" is lacking when the student is compelled to attend night high school to secure the education to which she has a right. This sounds like another case of "separate but equal" education.

In any event, a student-mother, whether married or unmarried, may return to her regular school in her regular program in the semester following the birth of her child. No student may be excluded from the regular day school program because she is a mother.

Verbal Abuse of Students

Some teachers and school officials insist upon calling students "dumb," or other derogatory terms. This must be stopped. Students have the right to be free from the psychological damage which comes from verbal abuse. "Dumb," for example, should be applied only to those students who lack the power of speech, and then not in a derogatory manner.

When a teacher calls a student "dumb," or any other dehumanizing word, the student should immediately make a complaint to the principal, as well as inform his parents of the incident. If the principal does not act upon the matter (at a minimum, an apology would be appropriate) the complaint should then be brought to the attention of the superintendent's office or the Board of Education. If no action is taken at this level, or if the verbal abuse continues, the student should contact an attorney or the Student Rights Center (223-8228) to consider further action.

Further, the provisions of Sections 2901.20, and 2901.21 of the Ohio Code may be applicable. Section 2901.20 provides that no student or person in attendance at a school shall engage in hazing or commit an act which injures, degrades, or disgraces a fellow student or person attending such school. Violators may be fined up to \$200.00, or imprisoned up to six months, or both. Section 2901.21 provides that no teacher or other person in charge of a school shall knowingly permit hazing or attempts to haze, frighten, degrade, or disgrace a person attending such school. Violators may be fined up to \$100.00.

Right to An Education

Every student has the constitutional right to an education. As the Supreme Court of the United States has stated, "Where the state has undertaken to provide it (an education), (it) is a *right* which must be available to all on equal terms." (Emphasis added.) *Brown v. Board of Education*, 347 U.S. 483, 493 (1954). The dimensions of right are still unclear. However students, as the consumers of education, should demand that the education to which they have a right be a reality.

The Dayton Board of Education has made a general statement on student involvement in educational policy. "Students should have a voice in the formulation of school policies and decisions which affect their education and lives as students. Through such participation, students can be a powerful resource for the improvement of the school, the educational system and the community." Students should accept the Board's challenge. Students might organize action groups, composed of students and parents within a particular school, both to attempt to improve the quality of education within the school and to formulate new school policies where these are necessary.

The following are only a few of the many possible actions which might be taken.

1. Schools are supposed to teach students how to live in the world in which they are growing up. Thus, the school curriculum should be relevant to the particular interests and needs of the students within the school. If this is not the case, students should demand appropriate changes in the curriculum so that these interests and needs will be met.
2. No group is more capable of evaluating the quality of teachers than the students who must listen to them every day. Students should work

to implement a system in which all teachers are evaluated by their students and where these evaluations are considered in the decision of whether or not to rehire a teacher.

3. In many schools textbooks and machines are used which are outdated. Look inside the cover of your textbooks to see in what year the book was published. If it is more than five or ten years old, ask your teachers and your principal why they are teaching you from this outdated book.

4. No student should be forced to take a course which one does not want to take or does not feel is in one's best interests. To be forced to take one set of courses rather than another can mean, for example, that a student will not be able to gain admittance to college. Students should demand the right to take those courses which they feel are in their best interests. It is, after all, students who must live with the consequences of these choices, rather than guidance counselors or other school officials.

5. Students and their parents or guardians should have the right to inspect all school records which pertain to the student. Further, students and their parents or guardians should demand that all records which are untrue be removed from the student's file. At the present time, teachers or other school officials can place any statement, whether true or false, on your record, without you or your parents or guardians ever knowing that it exists. These false and damaging records can then follow you around for the rest of your career in the schools, and the effects of them can continue for the rest of your life.

These are only a few of the many changes which students might

demand. Further assistance in changing these and other conditions in the schools can be obtained from the Student Rights Center (225-8228). Students will have their right to an education implemented only when they demand it.

Arrests

What Is An Arrest?

A policeman does not have to say "You are under arrest" in order for an arrest to take place. Any loss of freedom, any indication that the policeman is taking custody of you, as for example his grabbing your arm, should be treated as an arrest.

An arrest without a warrant is legal if a policeman has reason to believe that *any* crime is being committed in his presence or that the person arrested has committed at any place a *serious* crime (felony). Whether any arrest, with or without a warrant, is legal, is a technical question of law which can only be answered in court. Thus, it is important that any "arrest" *not be resisted*. No matter what you think happened, the judge will almost invariably believe what the policeman says happened. Further, even if your arrest was ruled illegal, it would still be a crime to resist it.

What Are Your Rights?

When you have been taken into custody, there are two important rights which you always have, no matter what the situation. First, you have the right, which you should *always* exercise, to remain silent, since anything you say may be used against you in a future criminal prosecution. Second, even if you are only being detained for "custodial interrogation," you have the right to the assistance of counsel. Further, if you cannot afford to hire an attorney, the state is required to appoint one for you.

When you have been arrested, since you are frightened, you might be tempted to talk to the police. The police may pretend to be friendly,

encouraging you to talk, or they may threaten you with all sorts of terrible things unless you talk. Do not give in to temptation; DON'T TALK!

The more you talk to a policeman, the more likely it is that you will admit something which is incriminating. Since you have no idea what information he is looking for, it will not usually pay to be evasive. The Fifth Amendment to the Constitution of the United States gives you the absolute right to remain silent. Exercise it.

The police may also threaten or cajole you to try to get you to sign a waiver of constitutional rights form. Regardless of what the police tell you, never sign any form which waives your constitutional rights. Demand that your parents be notified and present and that an attorney be appointed to represent you. Until you have spoken to your attorney, you need not give the police any information other than your name, your address, your age and your occupation. It is useful to give this limited information to facilitate your release from custody.

Arrest Checklist

1. You can safely tell the police your name, your address, your age and your occupation. Except for this, remain silent.
2. When you are arrested, there is a tendency, because you are scared, to "freeze-up" and not notice your surroundings. Try to remain calm and take careful note of the circumstances of your arrest. For example, who witnessed the arrest? People who say your arrest may be very important witnesses for you at a future time. What is the badge or car number of the police who arrested you? What are the facts which led up to the arrest? Do not rely on your memory. As soon as possible, write down everything which you remember about the arrest since you will otherwise quickly forget the details.

3. Demand that your parents be notified of your arrest immediately. If you can afford an attorney, either you or your parents should notify one immediately. You have the right to make these phone calls from either the police station of the juvenile court where you have been taken. If you cannot afford an attorney, demand that one be appointed for you immediately. Persons who cannot afford an attorney are entitled to one at state expense.

Conclusion

This booklet tells you what your human rights are in school. It also explains what your human responsibilities are in school.

The two things--rights and responsibilities--go hand in hand. You can't have one without the other. If you have a right to free speech in school, you also have the responsibility to use that speech to build, not to destroy. If you have a right to free press in school you have the responsibility of exercising that right with the same standards of good taste that professional, honest, non-racist newspapers use. And so on.

Use this book as a tool to improve the quality of your life in school, and the quality of life for all young people. One reason we have written this book for you is to help bridge the gap between young Black and young White people. I agree completely with Frederick Douglass, who said: "I esteem myself a good, persistent hater of injustice and oppression, but my resentment ceases when they cease, and I have no heart to visit upon children the sins of their fathers." He also said: "You cannot outlaw one part of the people without endangering the rights and liberties of all people. You cannot put a chain on the ankles of bondsmen without finding the other end of it about your own neck...Experience proves that those are oftenest abused who can be abused with greatest impunity. Men are whipped often who are whipped easiest."

We believe it is imperative that you, as a student, learn to use the law as a tool for survival in a society that can be, at times, oppressive. That is the purpose of this book. According to Nathan Wright, it is the duty of the oppressed to save both himself and the oppressor. According

to Martin Luther King, power is never good unless he who has it is good. Malcolm X advised young people to "*think for yourselves.*"

Less than two percent of the lawyers in this nation come from Black and other "minority" groups. It is imperative that more young people from lower economic groups become interested in the law. The Student Rights Center, 1145 Germantown Street, is trying to convince those in power that they can concede power to students and that, by sharing their power with young people, they can create a true democracy within the Dayton schools.

Margaret Mead, the anthropologist, talks about three kinds of cultures: the post-figurative, where the young learn from the old; co-figurative, where the old and young learn from their own peer groups; and pre-figurative, where the old learn from the young. She says we are now strongly moving into a pre-figurative culture. So it becomes more and more important for you to know your rights under the law. You will be setting the pace and the style of the future.

We think it is important to remember that the idea of "student rights" is a frightening thing to parents, teachers, and administrators, but that they have to be convinced that to give students rights is not to take away parent, teacher, and administrator rights. In a book called In Defense of Youth, Earle C. Kelley wrote: "Hostile attitudes on the part of the elders are quickly sensed by youth whose response in many instances is hostility and aggression. The conflict between age and youth is one of the saddest aspects of our culture. And the saddest fact of all is that age always strikes the first blow."

There are many fine teachers and administrators in the Dayton

system who will help you. There are also some who will be afraid of you and work against you. Using this book, you can defend your rights within the bounds of the law. That is the only kind of lasting and meaningful defense that I know. Use this book as a tool to defend your human rights in school. Do not use it as a substitute for a lawyer. There are two reasons for this. First, the law, by its nature, is constantly changing. Although several attorneys helped write this handbook, only an attorney who knows all the facts of a case can fully advise you of your legal rights. Second, there is a crucial difference between legal theory and practice. How people enforce laws in a community is often more important than what the Supreme Court says in Washington.


We at the Center love, trust, and respect you and have confidence in your ability to use this book to make democracy for the young a reality.

The handbook was developed with the assistance of many people. Among these were: Robert Bowman, Walter Brooks, Ruth Burgin, Joe Cannon, Ames Chapman, Michael Geltner, Ellen Hanson, Larry Hillman, Ellis Hutchinson, Ted Lauer, Richard Menefee, Donnie Moore, William Patterson, Carolyn Peck, James Phillips, Paul Piersma, Carolyn Russell, John Saunders, Robbie Smith, David Turner, Claudius Walker and Ferieda Walker.

The following organizations and individuals played a major role in the development of the Student Rights Center. Their hard work and dedication is tremendously appreciated: The Dayton Model Cities Planning Council, The Community School Councils, Marcia Brockerborough, Edgar Cahn, Jean Camper Cahn, Bruce Kirschenbaum, Patricia Clarkson, Steve Huber, Michael Kantor, Terry Lenzner, Troy Overby, Elliot Stanley and Nancy Stanley.

KNOWLEDGE IS POWER. . . BE THE BEST OF WHATEVER YOU ARE, AND IT'S WHEN THINGS SEEM WORST THAT YOU MUST NOT QUIT.

Yours in the struggle for the best possible education
for all of you very beautiful and together young
people.


Arthur E. Thomas

APPENDIX F

REFERENCE TO TITLE I

REFERENCE TO TITLE I

Analysis By

Percy O. Vera
Assistant Professor of Economics
Sinclair Community College
Dayton, Ohio

The problem of educating low income (primarily Black) children is a continuing one in the City of Dayton School District.

One aspect of the problem lies in the distribution of funds and the proper allocation of other resources. As the accompanying financial figures indicate, the problem goes deeper than can at first be noticed. An example is the number of children attending the predominantly Black schools who are considered to be from poverty backgrounds as opposed to those from the other areas of the city. Students from the predominantly Black west side make up 51.8 percent of the total members eligible to participate. Of that number eligible, however, only 70.1 percent are actually said to participate. The remaining schools making up the remaining 48.2 percent eligible have 73.3 percent participating.

When an observer goes further and takes into account the dollars spent on the students participating, there is even more incongruity apparent. There was, for example, an 11.5 percent increase in the budget from the 1969-1970 school year to the 1970-1971 school year for Title I funds. At the same time, there was no increase in the number of students served. The total dollar difference in the two years funded was an increase of \$134,173.06 and if one considers this factor the dollar amount per pupil is about on a par in the Black schools compared to other areas because of serving more pupils. The dollar difference for instructional purposes in 1969-1970 was only \$26.00, \$624.00 per pupil in the eleven schools in West Dayton to \$598.00 per pupil in the remaining schools of the district.

The interesting factor is that the eleven Black schools make up only 42.3 percent of the eligible schools under Title I. But, the \$26.00 difference in instructional expenditures is less than 4 cents per student.

When considering further that the pupil statistics used by the school board research office are eleven years old one must wonder when a more realistic look will be taken at the problems of the poor. Realizing that there are 22,000 fewer people in Dayton City proper in 1970 than in 1960 and that the majority of those who left were white it is obvious that the preponderance of the poor children in the district are Black and are not being properly accounted for.

The nature of the problem of educating poor children then is not only instructional and motivational but also the reality of the amount of dollars spent. To bring about equality in education must require much more money to those who have the greatest need.

BUDGET FOR TITLE I

1969-1970

ADMINISTRATION

| | | |
|-------------------------|----|-----------|
| Administrative Salaries | \$ | 60,356.94 |
| Contractual Services | | 500.00 |
| Other | | 3,200.00 |
| | | <hr/> |
| TOTAL | \$ | 64,056.94 |

INSTRUCTION

| | | |
|-----------------------------------------------------------------------------------|----|------------|
| Parent Consultant (1) | \$ | 12,684.00 |
| Teacher Aides (16) | | 17,605.00 |
| Project Coordinator (1) | | 16,874.77 |
| Administrative Aide & Typist (3) | | 16,747.93 |
| Curriculum Consultant (3) | | 32,195.16 |
| Social Service Consultant (1) | | 11,069.79 |
| Parent Consultant (1) | | 11,069.79 |
| Special Services Specialist (2) | | 21,955.71 |
| Psychologist (1/4) | | 1,699.85 |
| Other (130) | | 676,862.35 |
| (e.g., Parent Prog. Asst. Language Art Specialist Social Case Worker, etc.) | | |
| | | <hr/> |
| TOTAL | \$ | 819,164.35 |

| | | |
|-------------------|----|------------|
| Health Services | \$ | 40,629.27 |
| Pupil Transfers | | 9,748.00 |
| Plant Operation | | 7,273.40 |
| Plant Maintenance | | 1,600.00 |
| Fixed Charges | | 187,672.16 |
| Food Service | | 5,000.00 |
| Equipment | | 1,223.00 |

| | | |
|------------------------------------------|----|------------|
| Total Salaries | \$ | 890,078.96 |
| Total Contractual Services | | 60,762.36 |
| Other (Plant Maintenance, Fixed Charges) | | 207,247.48 |

| | | |
|-------|----|--------------|
| TOTAL | \$ | 1,158,088.80 |
|-------|----|--------------|

PUPIL ENROLLMENT TITLE I

1970-1971

PUPIL BREAKDOWN:

| <u>SCHOOL</u> | <u>NUMBER ELIGIBLE</u> | <u>NUMBER PARTICIPATING</u> | <u>PERCENT</u> |
|------------------|------------------------|-----------------------------|----------------|
| Irving | 120 | 80 | 67 |
| Emerson | 120 | 80 | 67 |
| MacFarlane | 120 | 100 | 83 1/3 |
| Louise Troy | 120 | 100 | 83 1/3 |
| Edison | 120 | 80 | 67 |
| McGuffey | 80 | 80 | 100 |
| Shawen Acres | None Listed | 20 | 100 |
| GROUP I TOTAL | 680 | 540 | 79.4 |
| Weaver | 80 | 80 | 100 |
| Huffman | 120 | 40 | 33 1/3 |
| Greene | 90 | 40 | 44 |
| Whittier | 120 | 40 | 33 1/3 |
| Jackson Primary | 120 | 80 | 67 |
| Hawthorne | 20 | 20 | 100 |
| Wogaman | 40 | 40 | 100 |
| Ruskin | 80 | 40 | 50 |
| Highview | 120 | 40 | 33 1/3 |
| Longfellow | 40 | 40 | 100 |
| GROUP II TOTAL | 830 | 460 | 55.4 |
| Westwood | 40 | 40 | 100 |
| Gardendale | 40 | 40 | 100 |
| Washington | 40 | 40 | 100 |
| McNary | 40 | 40 | 100 |
| Drexel | 40 | 40 | 100 |
| Franklin | 40 | 40 | 100 |
| Addams | 40 | 40 | 100 |
| Van Cleve | 40 | 30 | 75 |
| Patterson | 40 | 30 | 75 |
| GROUP III TOTAL | 360 | 340 | 94.4 |
| TOTAL ALL GROUPS | 1,870 | 1,340 | 71.7 |

BUDGET FOR TITLE I

1970-1971 vs. 1969-1970

| | <u>1970-1971</u> | <u>1969-1970</u> | <u>Percentage of Increase/Decrease</u> |
|----------------------------|-----------------------|-----------------------|----------------------------------------|
| Total Salaries | \$1,005,760.28 | \$ 890,078.96 | + 12.9 |
| Total Contractual Services | 28,050.00 | 60,762.36 | - 54.1 |
| Other | 258,451.58 | 207,247.48 | + 24.4 |
| TOTAL | \$1,292,261.86 | \$1,158,088.80 | + 11.5 |

DOLLAR INCREASE

| | |
|----------------------------|-----------------|
| Total Salaries | + \$ 115,681.32 |
| Total Contractual Services | - 32,712.36 |
| Other | + 51,204.10 |
| | <hr/> |
| | + \$ 134,173.06 |

SALARY OF TOTAL BUDGET
(Percentage)

| | <u>1970-71</u> | <u>1969-70</u> |
|----------------|----------------|----------------|
| Administration | 4.5 | 5.2 |
| Instruction | 71.0 | 70.7 |
| Other | 24.5 | 24.1 |
| TOTAL | 100.0 | 100.0 |

Sources:

- Elementary and Secondary Education Act, Title I, Parent-Child Educational Foundations Program Report for Fiscal Year 1970.
- Application for Public Assistance for the Education of Children from Low-income Families under Title I of Public Law 89-10. Basic data 1970-71.
- Parent-Child Educational Foundations Program: Program Narrative.
- Dayton Metropolitan Social Profile - 1960.

Sinclair Community College

140 South Perry Street
Dayton, Ohio 45402

223-7151

April 14, 1971

Mr. Mark Yudoff
Center for Law and Education
Harvard University
38 Kirkland Street
Cambridge, Massachusetts 02138

Dear Mark:

Enclosed is a brief analysis of the Title I budget for 1969-70 and 1970-71 school years in the Dayton school district which was requested by the participants of the workshop in March.

If you will take particular note of the final page you will notice that there was an 11.5% increase in the total budget but, not surprisingly, there was no increase in the number of children served. On page three you will also notice that of the total number of children eligible to participate, only 71.7% are accounted for in the program. This bit of information, by the way, is based on 1960 statistical information which is still being used by the research department at the board. Seemingly there has been no attempt to update their information and as such compromises their total effort.

I have plans to do a more complete study this summer of all the pertinent data relative to the poor in West Dayton so that the center will have more information on which to base its efforts. Art has indicated an interest and perhaps the next time you are in town we can discuss it in more length. As of now, however, I hope that the enclosed material will be enough to help you draw some sound conclusions on our local situation.

If you need more information or help, please don't hesitate to call. Until the next time.

Sincerely,

PERCY O. VERA
Assistant Professor of Economics

POV/ca
Enclosure

APPENDIX G

WORKSHOPS HELD TO DATE

WORKSHOPS HELD TO DATE

| Date | Major Speaker | Subject | Approximate Attendance |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------|
| 11-7-70 | --Dr. Edgar Cahn --Mr. Michael Kantor Director, Program Development & Training, OEO Legal Services --Mr. Arthur E. Thomas Director, Student Rights Center | Planning Center Priorities | 100 |
| 12-9-70 | --Mr. John Saunders, U.S. HEW Office of Community Planning, Washington, D.C. --Miss Mary Watson, High School Information Center, Washington, D.C. | Involving Students in School Through Student-Initiated Programs; How Students Feel About Schools | 100 |
| 1-9-71 | --Mr. Donald Reeves, Student --Miss Doretha Tillie, Director, Project Justice, Bronx, New York --Mrs. Diane Divakey, Director, Research for Student Rights, New York Civil Liberties Union --Professor Michael Geltner, Constitutional Law, Ohio State University | Student Rights in High Schools and Colleges; State Title I Programs | 90 |
| 1-16-71 | --Dayton Classroom Teachers Association & Student Rights Center Representatives | Joint workshop on attitudes of parents, students, teachers, administrators as relates to student rights | 80 |
| 1-13-71 | --Mr. Richard Fairly, Director, Compensatory Education Programs, U.S. Office of Education --Mr. Robert Greer, Assistant Superintendent for Urban Education, State of Ohio | State Title I Programs; Role of State Committee on Students Rights and Responsibilities and other related State activities | 80 |
| 2-23/24-71 | --Mr. Paul Piersma, Training Director, National Juvenile Law Center, St. Louis University School of Law | Juvenile Courts Procedures and Problems | 100 (for two sessions) |

| Date | Major Speaker | Subject | Approximate Attendance |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------|
| 3-5/6-71 | --Mr. David Kirp, Director --Mr. Mark Yudof, Staff Attorney, Harvard Center for Law & Education --Mr. Bob Cohen, Staff, Harvard Center for Law & Education | Monitoring Title I Programs and Securing Parental Involvement | 110 (for two sessions) |
| 3-23-71 | --Center Staff and Dayton Students | Student Rights and Responsibilities in Relation to Springfield, Ohio, Problems | 40 |
| 4-17-71 | --Dr. Willie Williams, Psychologist, University of Cincinnati | Legal and Psychological Implications of Testing in the Public Schools | 50 |
| 5-19-71 | --Mr. Robert Bothwell, Consultant to the National Urban Coalition | Voucher Plan; Urban Education in the Future | 60 |

APPENDIX H
PROJECT EMERGE

A DESCRIPTIVE DIALOG ON

PROJECT EMERGE

In early April, the Student Rights Center agreed to work with ten Project Emerge students from Roosevelt High School. In a letter to Mr. Webb, the Roosevelt principal, Center personnel outlined the idea of how the students would spend their time at the Center:

This program includes a number of projects aimed at stimulating each student to consider what learning is all about. The most immediate thing that comes to mind about learning is that it is training to make money. The ten students assigned to us have some idea about how they would like to make money and about what training they will need for this. The girls prefer nursing, secretarial work and modeling. The boys prefer electronics and auto mechanics.

We at the Student Rights Center feel that behind every auto mechanic and behind every secretary is a human being whose capabilities to understand things beyond the immediate occupational field depend upon training of a different nature.

This other kind of training is attitudinal; in other words, just how many new ideas is a person receptive to without suspicion? How many ways of living can a person be exposed to without feeling that because another way is different, it is a threat?

We spent the first week at the Center talking, answering questions on paper, and role-playing school situations. The role playing included: a crap game that becomes a fight, is broken up by a teacher, and ends with the trial of the student; a student suspended for wearing a hat in school has a suspension hearing; a student is accused of robbery and is brought to trial; students demand changes at Roosevelt and fail to get anywhere; students are caught in a drug bust and brought to trial; etc. Students played all the roles--student, teacher, principal, parent, judge, jury, policeman, lawyer.

The written things asked of the students were treated like poison. The students hated to write and their efforts were minimal

during their first week at the Center. Here are some of our questions, and a sampling of the replies:

Question 1: In your opinion, what are two or three major problems at Roosevelt?

Answers: Teacher and student. The courses. The atmosphere. Cutting classes. Suspensions. Mr. Cobb (disciplinarian) and the teachers. "You do some odd thing and get suspended." Hall walking. Not enough interesting classes to prepare for job.

Four students wrote nothing at all. No student listed three things. No student elaborated or explained his points.

Question 2: What do you like best about Roosevelt?

Answers: Nothing. Playing basketball. If you don't do your work, they won't give you a lecture. Gym. Sports. Some of the students. Getting out of school. Sports and band. Almost everything. In some rooms you can do what you want. I like when they have dances. Can leave when you feel like it.

Question 3: What do you like least about Roosevelt?

Answers: Nothing. (From the same student who said 'Nothing' to Question 2.) Some teachers teach for the money. Some of the teachers and subjects. Some of the students. Some of the subjects. Some of the teachers. Rules. Some teachers are too strict. The way they teach. Some old teachers.

Question 4: What important things have you learned in school up to now?

Answers: Math. Everything I wanted to know. Don't do what your friends do. Math. Math, reading, and how to play the trumpet a little better. "English and my rest of subject." Math, science and lit.

Question 5: What would you like to learn that schools do not teach?

Answers: Law. Trade skills. Electrician. Coaching. How to model and nursing. Automotive. Nursing and hair dressing. I want to go to college.

Question 6: Do you think students should take part in school planning? How?

Answers: Yes, like when they have Open House. Yes--what do you mean by school planning? Yes, because they have some

rules that we don't want to do: Yes because we should have a right to plan our own thing. Yes because some things students don't agree with. Yes, write down places want to go.

Question 7: Does the Student Council represent you?

Answers: Four said yes, four said no, one said "Yes sometimes," and one said "...in a way and in a way not." No one explained his answer.

Question 8: What is the one thing you want most out of life?

Answers: I want to enjoy myself. Money and decent wife. Love. A place in society. To be a good football player and a son just like me. A good job and a good man. To live. My equal right. Lots of pleasure.

Question 9: What things do your parents believe that you don't believe?

Answers: Sometime they don't thing I be going to school. I don't know. Taking unwanted subjects. I don't know. Staying out as long as I want as long as I don't get into trouble. You come in the house when you wants. Staying out late and going to school late. I would go to school and sometime my parents would not believe me. Nothing.

Question 10: What things do you believe that your parents don't believe?

Answers: They don't thing I going to get married. Wearing high price clothes. Staying out late. That stay out don't make you get in trouble. Eating when I get ready. Coming to school late and staying out late. I would go some place and my mother would believe I was diding something bad. Nothing. Mom believes in stick.

A second questionnaire asked the students to complete sentences like "I feel..." and "I love..." and "I hate..." and "Roosevelt School is..." and "Life is..."

Here is a sampling of the answers:

Answer 1: I feel--real proud in my job, I got a dirty deal at Roosevelt High School, I should made first team on the basketball team, good, good, cool, like a brother, sick, like myself, that I am hungry.

Answer 2: I hate--my father, two faced people, fish, school, my dog, Mr. Cobb, to see people cast out, Mr. Cobb, troubles.

Answer 3: Roosevelt School is--a nice high school it's the people what make it bad but don't forget we're the teddies, tuff, school, hip, the grooveys school on the West Side, okay, pretty nice school, nice high school and we are the teddie the might might teddie.

Another writing exercise to loosen the students up was a bunch of fantasy questions that required brief answers. The questions were: Suppose you are taking a walk in the forest, who would you take with you? You are walking along and an animal walks out on the path. What kind of animal is it? How would you deal with that animal? Next, as you were walking along, you saw a house. What kind of house was it? Did the house have a fence around it? You walked in the front door of the house and saw something sitting on a table. What did you see on the table? Then you came across a cup on the front lawn. What was the cup made of? Next you came upon a body of water. What kind of body of water was it? If you had to get across the body of water, how would you do it?

The above, obviously, has no great significance. Its main purpose was to relax everyone and ask them to consider writing as something other than a big, complicated deal which would be carefully scrutinized and graded. We carried this theme further by asking the students to write down as many street expressions as they could.

They wrote: green power, poor back, grease back, home plate, comp some z's, eaten cheese, boo, tips, doge, deaden that, get off the head, brawn, hip, dig up, eat at the Y, you have a T.W.A., big cheese, lick my soul, get off the legs, get off the cheese, get off the back, hound, snapper, give me a square, you file, break away, L7, eaten monkey, dime bag, play the dozen, spook, club soda, sardines, later on, what it be, yo-in-the-canyon, grease monkey, pig, speck.

We followed this up by picking twelve of the phrases and asking the students to write a story using all of them. Here are two of the stories:

All you L7's break away from playing the dizen and dig up on the tips about a hound who eats at the Y. Hey deaden that shit and give me a square if you got a dime bag it's cool.

Dig up man. I'm going to tell you a story about tips. Deaden that man. Don't play the dozen man. I ain't playing the dozen. Let's buy a dime bag man. Break away man. What you want to do man, hound? You a L7 man. Give me a square. I don't have one. Do you have any brawn man? No. What do you have? Let's eat at the Y. What Y?

We spent an afternoon listening to rock and blues--Janis Joplin, Lee Michaels, Little Richard, Mountain, Joe Cocker, Dylan. The students could write down what they felt about each song:

Comments: He lives in a house and he's all alone. He got bags under his eyes.

About a young lady who could get men to fall in love with her when she dance.

Mississippi Queen is a ho.

This dude is talking about everywhere you go everybody is looking at you.

The man that was saying was not to cool looking and his house was bad looking too but he did not like the idea of being all by his self.

She looks like a fox maybe maybe she don't.

The students could choose three posters on the walls at the Center and write about them:

Comments: It is about a little boy who is look in Jail at his father. His father is in jail because of trying to get him something for Christmas and got cough.

This is a picture of a lady that have been taking drug so long she jump off a build and though she was flying. And died.

Monkey love white woman. Because she butiful. If you know what I mean.

The girl is pregnant and she can not tell her mother so she is in the addict think about it.

A Black boy try to steal some money to help his parents pay some bill. So that they can have light and gas to see and cook.

Janis Joplin. Singing the blues. We got to live together! Stop!

The students read comic books like Wonder Woman, Super Girl, Rawhide Kid, Billy the Kid, Two Gun Kid, The Ringo Kid. Then they answered a sheet of questions: Who did you like best in the story? Why? Who did you hate? Why? What was the hippest part of the story? Why? What was the jive part of the story? Why? If you could change the story, what would you change? Why?

Then it was pointed out that there were no Black comic books. The students were asked to take five panels in one of the comic books, make believe the people lived in Germantown Street, and change the dialogue into Black street talk. Soon the cowboys were saying:

Put his motherfucking hat on, man, so he'll look real hip when we hang his ass.

Freeze, damn it, or I'll shoot the shit out of you.

Man, you don't know what I am. I'm Curly the Wolf.

Drink up. It water and some herb. It will get you higher.

The pigs is coming.

Bullshit, I can't take another step.

It's a big ass fire at the school for working mothers.

I wish this bitch would quit following me.

The students were asked to draw their own comic. In one, a hip man with an Afro is asking another man, "The sun shine. The mud still dry. Why you wear your pant so high?" In another, two trees are

talking:

Tree 1: Hey buddy.

Tree 2: What do you want?

Tree 1: I want water.

Tree 2: So tell your mother, kid.

Tree 1: But you're my mother.

While the writing program continued, trying to work with what was in the students' heads instead of trying to demand something that felt unnatural to them (perfect spelling, grammar, and the exclusion of language that is a daily reality in every place except the classroom), we also began a physical arts program. The students made sculptures out of wax, then went to the Dayton Art Institute to cast them in lead. They also made rings, using the same process. We also converted a back room into a darkroom, and they began learning photography--the entire process from picture taking to developing in the darkroom and printing and enlarging. This is an on-going program. The same thing that characterized their attitude towards writing was true of their initial reaction to these programs. Anything strange or anything misunderstood or anything that seemed like more work than its worth was immediately put down. The interest in the art program picked up quickly. Photography has reached some students, totally turned off others, but efforts continue.

The students spent a week at St. James School, a mostly-Black private school that uses a non-graded approach to learning with minimal emphasis on discipline and rules, and maximum emphasis on student self-reliance. After the week, they were asked to write answers to these questions: Did you enjoy your visit? What did you particularly like,

if anything? What did you not like, if anything? Has this study (the past week) added to your interests in any way? How? If you were a student in St. James, what would you change? If you were principal, what would you do differently?

The students' responses were overwhelmingly enthusiastic. All the students said that they enjoyed their visit and one added: "Seeing the students here made me believe that tomorrow's students will have a better start in the world. I wish all elementary schools were like this." The students mentioned Black Awareness class, the friendliness of the teachers, and the freedom of each student to learn at his own pace at things they particularly liked.

The only thing one student mentioned that he didn't like was "no hot meals every day." The main change that Roosevelt students wanted to see at St. James was the building of an indoor gym. Also, no uniforms and the addition of a student lounge.

The students spent a week with Leon Frazier, a Dayton police officer. Frazier is the most outspoken Black man on the police force and surprised most of the students with his honesty about police prejudice and about how individual rights are violated by bad policemen. He also told them how he was almost a pimp instead of a cop, and how, when he first became a cop, he spent most of his time busting Black people's heads because he didn't understand how to behave and acted stupidly. The students were impressed by his honesty. They filled out questionnaires on their attitudes towards cops before and after the week with Frazier. Here is one student's answers to the pre-Frazier questions:

Question: What do you think of cops? Why?

Answer : I don't think nothing of them. I have had the displeasure of watching them beat my Black brothers

for no relevant reason. Only because they are Black.

Question: What is the worst thing you've seen a cop do, or heard about a cop doing?

Answer : The worst thing I've seen a cop do is beat a brother in the head with a steel shoe-horn looking weapon and call him a nigger for no reason. The worst thing I heard a cop do is break into a Black families house knocked the woman down the steps and killed the man. Again no reason.

Question: What is the best thing you've ever seen a cop do, or heard about a cop doing?

Answer : I can't think of too much except one time 4 policemen came to our school and talked about the things that dope does to you.

Question: Would you ever be a cop?

Answer : No, I feel that the closest thing I would be willing to come close enough to would be a juvenile counselor or a social worker for delinquents.

Question: Why are cops called pigs?

Answer : Because that's just what they rate.

Here are the same student's answers to the questions after Frazier's week.

Question: What was the best thing Frazier said or did?

Answer : I feel that the best thing he did was he did not bulljive us. He told us how it was and mainly how it is supposed to be. He just didn't say it but he showed us too. And that's good because usually people just tell you and don't prove it. He did.

Question: What was the funkiest thing that Frazier said or did?

Answer : How he used to be a no good brother and cop. I was shocked because he's really together now. And if you are willing to change you can't really be all that bad. Frazier is definitely together.

Question: Do you think Frazier is a typical cop?

Answer : No, he's together! He couldn't be a typical cop because most of them wouldn't take time to work with students.

Question: Do you think Frazier chose the right kind of job?
Can you see him as something else besides a cop?

Answer : Yes, I feel he chose the right job because you need somebody everywhere. I can see him as a panther and a damn good one.

Question: Did Frazier go through some changes from the time he first became a cop to now?

Answer : Yes, because he was a Tom at first because he used to make enemies of his own people and that wasn't no good. But now you can't say that because he's Black, skin and mind.

Question: Do you still think he needs to go through some changes?

Answer : No.

Question: What do you know now about cops that you didn't know two weeks ago? Also, what do you know about your rights that you didn't know two weeks ago?

Answer : I know that a cop just can't walk up to you and begin to search you. A cop always wins in court. Some cops will do all they can for you. A cop can't search your home without a warrant. I have the right to ask a cop what he wants. I have the right to carry a gun as long as it is not concealed. I have the right to freedom of speech as long as it doesn't harm or disturb anyone.

Question: What do you still want to know about cops?

Answer : I want to know all the laws.

Question: What do you still hate about cops?

Answer : When I saw them beat up on my brothers and take them to jail without probable reasons.

Question: Do you like anything about cops?

Answer : Yes. I like the way they look in their outfits.

Question: If we invited another cop here, what would you ask him about?

Answer : If he's White, I'll ask him if he's prejudice and if he's scared to go over on the West Side. If he's Black, I'll ask him if he's together.

Question: Do you think a White cop could understand the things Frazier does about Black people?

Answer : No, because he has never lived under the conditions as Black people have.

Question: What do you think Frazier understands about being a cop in the Black community that a White cop would not understand?

Answer : He understands that it's hard to make a living, especially a Black person.

Officer Frazier will be coming back to the Center for a follow-up unit, accompanied by a White policeman this time. The students were uninhibited with Frazier, very direct. He responded in kind. It made for the best "learning" week in the program. In addition to lecture and discussion, he used movies and role-playing very effectively throughout the week. The students even had a chance to fight him. (He used judo holds and won.)

The writing program continues--asking students to write about their own subjects in their own language. Here are some of the stories:

If I could do what I want all day with know one messing with me and my lady we would have fun all day and good fun to all day playing in the bed just playing not have sex or anything just be playing and having fun for once just like we would if we were little again and lay in bed talk laugh play eat food or popcorn in the bed or some thing like that.

One day I was walked down the street and it was a punk. He was whistle at a woman and the man stop and told her to come here and she was just sanking and walk right pass him and he said come here. She turn her head and he said you Dizzy Bitch. And she said you Baster and he said you pimp. And she pick up something and throw it as the car and the man drive off and she was talk to herself.

If I was head of Roosevelt High and I had a bad day would expell any person who come in my office and beat my dog if he jump on me when I get home.

I saw two man fight. They was fight about a young lady. This man feel this lady boocie and the other man got jealson and hit him. He pull out a knife and stick him in the arm. And they start shooting. Both us them died and the lady walk out of the bar and said them fool.

One night when I was going to light the furnace I didn't count to 100 and the furnace blow up in my face.

I don't see why pimp hit there woman when they don't get any money and there is no reason for that because she can't help if. And all pimp want is new cars and lot of money and they should want the woman there self.

Well, one day as I was walking down the street this lady came out of a house say 'you Black Bitch.' I didn't know what was going on, but she had caught this lady in the house with her man. The lady came out the door with a gun in her hand and said come out of there. The other lady came out the house and the man with her. He said don't you shoot her or you shoot me. Then she drop the gun on the ground and said God be with me.

One boy was telling me one night he went over some guy house and the guy father came out with a gun in his hand and said what do you want and the boy said I want to speak to Willie. Willie is not here said the man and to me that was dangerous.

When I was in a car rake you didn't no if anyone was going to live or die because the cars bump together and then the car I was in turn over 5 times and when it land every one fall out of the car and my sister was cut over her eye. Every one thought it was her eye and I had my teeth were all louse and all my bones were broke. And I could hearly breca and they didn't no if I was going to live or die.

One day there live a handsome prince name Gregory and a beauty princiess name Denise. They were madness in love. They use to pick flowers every Sunday after church. Then one day a girl name Jackie came a long and move her out of place. Gregory forgot all about Denise. One day they was have a dance. Gregory took Jackie and Denise went all by nerself. Jackie was dresses in a beauty yellow dress with yellow and white shoes and Gregory was dress in a black tockseale. Soon they were dances together and then Denise came in. She was loveful. Every body stop dances and look at her and say how beautiful she was and Gregory stop dances and dance with her and he said she the mose beauty woman he ever saw.

APPENDIX 1

CENTER COMMUNITY FLYERS

TROUBLES

Suspension troubles?

Expulsion troubles?

Learning troubles?

Need help?

We can help.

We will help.

If you have school problems
come on down!

The Student Rights Center
1110 W. Harrison Ave.
Chicago, Ill. 60607

Call us at 312-334-3333

1. Individual
problems
to solve
to solve
problems
to solve
to solve

suspension troubles?
expulsion troubles?
learning troubles?

need help?

we can help.

we will help.

if you have school troubles
call or visit:

The Student Rights Center
1145 Germantown Street
Dayton, Ohio 45408

Telephone: 223-8228

APPENDIX J

OMBUDSMEN CASE AND REPORT FORMS

OMBUDSMAN _____

File Number _____

Open _____ Closed _____

INITIAL INTERVIEW

Student's Name _____ Age _____

Address _____ Phone _____

School _____ Grade _____

School System _____

Parent or Guardian _____

Address _____ Phone _____

Principal's Name _____

Teacher's Name _____

How did student or parent hear about the Center? _____

Has a private attorney been consulted? Yes _____ No _____

If so, give his name and explain below. _____

(NOTE: Please explain to us the facts of your case by using the printed form called "COMPLAINT FORM," which is provided for that purpose.)

THE STUDENT RIGHTS CENTER
1145 Germantown Street
Dayton, Ohio 45408

Phone: 223-8228

COMPLAINT FORM

Person Taking Complaint:

When a student or a parent has a complaint, we need the following information:

Student's name, address and telephone:

Parent's name, address and telephone (if different from student's):

A detailed account of what happened in the student's and in the parent's own words, beginning at the beginning and going step by step through the incident, naming all the names, telling what time things happened if possible, and naming all the witnesses involved. Also, where do things stand now? Also, what is the student's past history in school--lots of problems with teachers and principal? attendance? grades? any problems before? Also, what was the final word from the school; what was the final word from the student? Ombudsman writes all of this down patiently, in great detail on this sheet, front and back. Make sure all of the above questions are answered. Then make an appointment as soon as possible for the parent and student to come to the Center or for the Center to visit them.

THE STUDENT RIGHTS CENTER
1145 Germantown Street
Dayton, Ohio 45408

Phone: 225-8228

DISPOSITION FORM

The first thing I did was _____

The strategy we used was _____

We won _____ We lost _____

We won or lost because _____

THE STUDENT RIGHTS CENTER
1145 Germantown Street
Dayton, Ohio 45408

Phone: 223-8228

REPORT FORM

Name _____ Phone No. _____ (Home)
Address _____ (Work)

Children's Names, Ages, and Schools _____

Any problems with any of the children in school? _____ Suspension problems? _____ Dis-
cipline problems? _____ Paddling? _____ Learning problems? _____ College guidance pro-
blems? _____ Anything that the Center can help with or can get some information on?

_____ (For example, a student wants to go to college, has no money, wants scholarship
information. We will help.) _____

(continue notes on back)

Anything else that the parent or the student feels the Center can do about anything in
the schools? _____

(continue notes on back)

THE STUDENT RIGHTS CENTER
1145 Germantown Street
Dayton, Ohio 45408

Phone: 223-8228

OMBUDSMAN'S NAME _____

Name of Principal _____ Date of Visit _____

Name of School _____ Time of Visit _____

School Address & Telephone _____

I explained the Student Rights Center program by telling the principal about _____

He wanted to know more about or had questions about _____

I think we should follow up my visit by _____

I talked about these school problems with the principal (what are his problems? suspen-
sions? counselling? etc.) _____

After talking with the principal, I asked him what he thought of our program and he
said _____

I suggested I come back and talk to a (1) teacher (2) student (3) parent group at the
school about our program and he said _____

APPENDIX K

OHIO REVISED CODE

OHIO REVISED CODE

Chapter 3301.01

Section 3301.1 - 3301.011

STATE BOARD OF EDUCATION: ELECTION OF MEMBERS. There is hereby created the state board of education to consist of twenty-three members. For the purpose of election of board members, the state of Ohio is hereby divided into twenty-three districts. The boundaries of such districts and the counties composing each district, shall coincide with the boundaries and the counties composing each of the twenty-three congressional districts, as such latter districts were in lawful existence on January 1, 1955, under the provisions of Section 3521.01 of the Revised Code.

Ohio member of the state board of education shall be elected from each of the twenty-three districts herein created.

3301.08 - QUALIFICATIONS, APPOINTMENT, AND COMPENSATION OF SUPERINTENDENT OF PUBLIC INSTRUCTION. The state board of education shall appoint the superintendent of public instruction, who shall serve at the pleasure of the board at a salary of twenty-five thousand dollars per year.

The superintendent of public instruction, while holding such office, shall not hold any other office or position of employment or be an officer or employee of any public or private school, or a public or private college, university, or other institution of higher education. He may, in the conduct of his official duties, travel within or without the state, and his necessary and actual expenses therefore when properly verified shall be paid by the state.

No one who is interested financially in any book publishing or book selling company, firm, or corporation, shall be eligible for appointment as superintendent of public instruction. If a superintendent becomes interested financially in any book publishing or book selling company, firm or corporation, said superintendent shall forthwith be removed from office by the state board. The interest of a person as author of a book shall not be improper, provided such book is not one offered for use by pupils in the public schools of Ohio.

Chapter 3311

Section 3311.01 - SCHOOL DISTRICTS CLASSIFIED. The school districts of the state shall be styled: "city school districts," or "local school districts," "exempted village school districts," "county school districts," "joint high school districts," and "joint vocational school districts."

3311.02 - CITY SCHOOL DISTRICT DEFINED. The territory within the corporate limits of each city, excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes, constitutes a city school district. When a city is reduced to a village, the city school district shall thereupon become a local school district.

3311.03 - LOCAL SCHOOL DISTRICT DEFINED. Each school district, other than a city school district, exempted village school, county school district, joint high school district, or joint vocational school district, in existence on

OHIO REVISED CODE (cont'd)

September 16, 1943, shall be known as a "local school district" and shall continue to be known as a "local school district" until it has lost its identity as a separate school district or has acquired a different styling as provided by law. All school districts created after September 16, 1943, other than city school districts, exempted village school district, county school districts, or joint vocational school districts shall be known as "local school district."

3313.47 - MANAGEMENT AND CONTROL OF SCHOOLS VESTED IN BOARD OF EDUCATION. Each city, exempted village, or local board of education shall have the management and control of all the public schools of whatever name or character in its respective district. If the board has adopted an annual appropriation resolution, it may, by general resolution, authorize the superintendent or other officer to appoint janitors, superintendents of buildings, and such other employees as are provided for in such annual appropriation resolution.

3313.48 - FREE EDUCATION TO BE PROVIDED, MINIMUM SCHOOL YEAR. The board of education of each city, exempted village, and local school district shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof. Every day school so provided shall be open for instruction with pupils in attendance for not less than one hundred seventy-six days in each school year. Each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as shall be approved by state board of education. Each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as shall be approved by the state board of education.

3313.49 - SUSPENSION OF SCHOOL, RESOLUTION OF BOARD: TRANSFER OF PUPILS. The board of education of each city, exempted village and local school district may suspend, by resolution, temporarily or permanently, any school in such district because of disadvantageous location or any other cause. Whenever any school is suspended, the board of education of the district shall at once provide for the assignment of the pupils residing within the territory of the suspended school to such other schools as are named by said board.

3313.50 - RECORD OF TESTS: STATISTICAL DATA: INDIVIDUAL RECORDS. Boards of education and boards of health making tests for determining defects in hearing and vision in school children shall keep an accurate record of such tests and of measures taken to correct such hearing and visual defects. This record shall be kept on a form to be prescribed and furnished or approved by the director of health. Statistical data from such records shall be made available to official state and local health, education and welfare departments and agencies.

Individual records shall be made available to such departments and agencies only in cases where there is evidence that no measures have been taken to cor-

3313.50 (cont'd)

rect defects determined by such tests, provided that such records shall be made available to school authorities where they are deemed essential in establishing special education facilities for children with hearing and visual defects.

3315.51 - DEPOSIT AND DISBURSEMENT OF SCHOOL FUNDS: DESIGNATION OF DEPOSITORY. In every school district the clerk of the board of education shall be the treasurer of the school funds. No moneys of a school district shall be paid out except on a check signed by not less than two officers of the school district, one of whom shall be the clerk and the other shall be the president, vice-president, business manager, or assistant superintendent in charge of business administration. If the clerk is incapacitated in such manner that he is unable to sign such checks, the board may appoint an officer of the school district to sign such checks in the capacity of the clerk; provided the two officers who sign such checks shall not be the same person. Payroll disbursements constitute an exception to this requirement if otherwise provided by law. All moneys received by a clerk of a school district from any source whatsoever shall be immediately placed by him in a depository designated by the board of education of such school district, as provided by Sections 135.01 to 135.23, inclusive, of the Revised Code.

3315.53 - SPECIAL INSTRUCTION SCHOOLS. The board of education of any city, exempted village, or local school district may establish and maintain in connection with the public school systems:

- A. Manual training, industrial arts, domestic science, and commercial departments;
- B. Agricultural, industrial, vocational and trade schools;
- C. Kindergartens. Such board may pay from the public school funds, as other school expenses are paid, the expenses of establishing and maintaining such departments and schools and of directing, supervising and coaching the pupil activity programs in music, language, arts, speech, government, athletics and any others directly related to the curriculum.

3313.60 - COURSES OF STUDY REQUIRED. Boards of education of county, exempted village, and city school districts shall prescribe a graded course of study for all schools under their control subject to the approval of the state board of education. In such graded courses of study there shall be included the study of the following subjects:

- A. The language arts, including reading, writing, spelling, oral and written English, and literature;
- B. Geography, the history of the United States and of Ohio, and national, state and local government in the United States;
- C. Mathematics;
- D. Natural science, including instruction in the conservation of natural resources;
- E. Health and physical education, which shall include instruction in the harmful effects of narcotics and their illegal use and shall include instruction in the effects of the use of alcoholic beverages;
- F. The fine arts including music;
- G. First aid, safety and fire prevention.

OHIO REVISED CODE (cont'd)

3313.60 (cont'd)

Every school shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course study of American history.

Every high school shall include in the requirements for graduation from any curriculum one unit of American History and Government, including a study of the constitutions of the United States and of Ohio.

Basic instruction in geography, United States history, the government of the United States, the government of the state of Ohio, local government of Ohio, the Declaration of Independence, the United States Constitution and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

3321.01 - COMPULSORY SCHOOL AGE FIXED. A child between six and eighteen years of age is "of compulsory school age" for the purpose of Sections 3321.01 to 3321.13 inclusive, of the Revised Code, but the board of education of any district may by resolution raise the minimum compulsory school age of all children residing in the school district to seven, subject to subsequent modification to six; and the compulsory school age of a child shall not commence until the beginning of the term of such schools, or other time in the school year fixed by the rules of the board of the district in which he resides.

The parents, guardians, or other persons who have the care of a child of compulsory school age shall instruct him or cause him to be instructed as provided in such sections, unless he is employed on age and schooling certificate, or shall have been determined to be mentally incapable of profiting substantially by further instruction:

3321.02 - WHO IS AMENABLE TO COMPULSORY EDUCATION LAWS. Every child actually resident in the state shall be amenable to the laws relating to compulsory education, and neither he nor the person in charge of him shall be excused from the operation of said sections or the penalties under them on the ground that the child's residence is seasonal, that the parent of the child is a resident of another state, or that the child has attended school for the legal period in another state.

3321.03 - CHILD MUST ATTEND SCHOOL. Every child of compulsory school age who is not employed under an age and schooling certificate and has not been determined to be incapable of profiting substantially by further instruction shall attend a school which conforms to the minimum standards prescribed by the state board of education, under the conditions prescribed by law.

3321.04 - COMPULSORY ATTENDANCE. Every parent, guardian, or other person having charge of any child of compulsory school age who is not employed under an age and schooling certificate and who has not been determined to be incapable of profiting substantially by further instruction, must send such child to a school, which conforms to the minimum standards prescribed by the state board of education, for the full time the school attended is in session, which shall not be for less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term or within one week after his withdrawal from employment.

3321.04 (cont'd)

Excuses from future attendance at or past absence from school may be granted for the causes, by the authorities, and under the following conditions:

- A. The superintendent of schools of the district in which the child resides may excuse him from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:
- (1) that his bodily or mental condition does not permit his attendance at school during such period;
 - (2) that he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches as the advancement and needs of the child may, in the opinion of such superintendent, require. In each such case the issuing superintendent shall file in his office, with a copy of the excuse, papers showing how the inability of the child to attend school or the qualifications of the person instructing the child at home were determined. All such excuses shall become void and subject to recall upon the removal of the disability of the child or the cessation of proper home instruction; and thereupon the child or his parents, guardians, or other persons having him in charge may be proceeded against after due notice whether such excuse be recalled or not.
- B. The state board of education may adopt rules and regulations authorizing the superintendent of schools of the district in which the child resides to excuse a child over fourteen years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for his parents or legal guardians.

All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

- C. The board of education of the city, exempted village, or county school district in which a public school is located or the governing authorities of a private or parochial school may in the rules and regulations governing the discipline in such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons.

The state board of education may by rules and regulations prescribe conditions governing the issuance of excuses which shall be binding upon the authorities empowered to issue them.

3321.05 - DETERMINATION OF CAPACITY OF CHILD: RECORD: SUPERVISION OF INCAPABLE CHILDREN. A child of compulsory school age may be determined to be incapable of profiting substantially by further instruction.

The state board of education may prescribe standards and examinations or tests by which such capacity may be determined and prescribe and approve

3321.05 (cont'd)

the agencies or individuals by which they shall be applied and conducted; but the capacity of a child to benefit substantially by further instruction shall be determined with reference to that available to the particular child in the public schools of the district in which he resides, and no child shall be determined to be incapable of profiting substantially by further instruction if the superintendent of public instruction, pursuant to board standards, finds that it is feasible to provide for him in such district, or elsewhere in the public school system, special classes or schools, departments of special instruction or individual instruction through or by which he might profit substantially, according to his mental capacity as so determined. In prescribing, formulating, applying, and giving such standards, examinations or tests, the state board of education may call for assistance and advice upon any other department or bureau of the state, or upon any appropriate department of any university supported wholly or partly from state appropriations.

The result of each examination or test made with the recommendation of the agency of individual conducting the same, shall be reported to the superintendent of public instruction, who, subject to board standards, may make the determination authorized in this section. If a child is determined to be incapable of profiting substantially by further instructions, such determination shall be certified by the superintendent of public instruction to the superintendent of schools of the district in which he resides, who shall place such child under the supervision of a visiting teacher or of an attendance officer, to be exercised as long as such child is of compulsory age. The superintendent of public instruction shall keep a record of the names of all children so determined to be incapable of profiting substantially by further instruction and a like record of all such children residing in any school district shall be kept by the superintendent of schools of such district. Upon request of the parents, guardians, or persons having the care of such child whose residence has been changed to another school district the superintendent of schools shall forward a card showing the status of such child as so determined to the superintendent of schools of the district to which the child has been moved.

Any determination made under this section may be revoked by the state board of education for good cause shown.

A child determined to be incapable of profiting substantially by further instruction shall not hereafter be admitted to the public schools of the state while such determination remains in force.

3321.06 - GRADUATION EXCEPTION TO COMPULSORY ATTENDANCE. If a child of compulsory school age has been graduated from the twelfth grade such child shall not be required longer to attend school.

3321.07 - REQUIREMENT FOR CHILD NOT ATTENDING PUBLIC SCHOOLS. If any child attends upon instruction elsewhere than in a public school such instruction shall be in a school which conforms to the minimum standards prescribed by the state board of education. The hours and term of attendance exacted shall be equivalent to the hours and term of attendance required of children

OHIO REVISED CODE (cont'd)

3321.07 (cont'd)

in the public schools of the district. This section does not require a child to attend a high school instead of a vocational, commercial, or other special type of school, provided the instruction therein is for a term and for hours equivalent to those of the high school and provided his attendance at such school will not interfere with a continuous program of education for the child to the age of sixteen.

3321.08 - PART TIME DAY SCHOOL: DEFINITION. Every child who has been granted an age and schooling certificate excepting such children who have been determined to be incapable of profiting substantially by further instruction, shall, until the age at which such certificate is no longer required, attend a part-time school or class for the number of hours not over eight per week that such school or class is in session, provided the board of education of the school district in which the child resides or is employed has made such school or class available. Such attendance shall be for the full term such school or class is in session, and shall begin with the first week of the school term or within one week after issuance of the age and schooling certificate. This section does not apply to children who are employed under vacation and part-time certificates only. The superintendent of schools may excuse a child from such attendance for one of the reasons provided in Section 3321.10 of the Revised Code. A part-time school or class is one which shall offer to those minors who have entered industry, instruction supplemental to their daily occupations or which will increase their civic and vocational competence or both and which are taught between the hours of seven in the morning and six in the afternoon of any day except a legal holiday, Saturday or Sunday, or between the hours of seven in the morning and twelve noon on Saturday.

3321.09 - PART TIME SCHOOLING NOT PROVIDED BY BOARD OF EDUCATION. Attendance at a part-time school or class provided by an employer, by a partnership, corporation or individual, by a private or parochial school, by a college, or by a philanthropic or similar agency shall serve in lieu of attendance at a part-time school or class provided by a board of education in case the given school or class is conducted for substantially a term and hours equivalent to those of the part-time schools or classes provided by the local board, and in case the school or class is approved by the state board of education. When such school or class is conducted within or in connection with the establishment in which the child is working the obligation of attendance at part-time school or class indicated in Section 3321.08 of the Revised Code shall apply to the children holding age and schooling certificates who are employed in the given establishment regardless of the accessibility of public part-time school or classes.

3321.10 - SUPERVISION OF CHILDREN EMPLOYED ON AGE AND SCHOOLING CERTIFICATES. All parents, guardians and other persons who have the care of children who are employed under age and schooling certificates shall cause them to attend a part-time day school or class for the full time that the school or class is in session whenever such part-time school or class has been established and is accessible to the child in the district where the child resides or is employed, unless the superintendent of schools determines that the child has already completed the same work as or work equivalent to that taken up

3321.10 (cont'd)

in such part time schools or classes as are available for the child to attend or that the bodily or mental condition of the child does not permit his attendance at such school or class.

Such attendance shall begin within the first week of the school term or within one week after an age and schooling certificate is issued to a child.

If a child resides in one school district and is employed in another, he shall be under the jurisdiction of the district in which he is employed for the purpose of this section and Section 3321.08 of the Revised Code, unless by written excuse the superintendent of schools releases him to the jurisdiction of the district in which he resides.

3321.11 - AVAILABILITY OR ACCESSIBILITY OF PART TIME SCHOOLS. The superintendent of schools shall be the judge of the availability or accessibility of part time schools for children who are holders of age and schooling certificates.

3321.12 - REPORT TO CLERK OF BOARD. The principal or teacher in charge of any public, private or parochial school, shall report to the clerk of the board of education of the city, exempted village, or local school district in which the school is situated, the names, ages, and places of residence of all pupils below eighteen years of age in attendance at their schools together with such other facts as said clerk requires to facilitate the carrying out of the laws relating to compulsory education and the employment of minors. Such report shall be made within the first two weeks of the beginning of school in each school year, and shall be corrected with the entry of such items as are prescribed by the state board of education within the first week of each subsequent school month of the year.

3321.24 - ANNUAL ENUMERATION OF YOUTH. An enumeration of all youth between the ages of five and eighteen resident within the district and not temporarily there, shall be taken in each school district annually during the four weeks ending on the fourth Saturday of May. This enumeration shall designate the name of each child, his sex, his age, name of his parents, location of his residence, and what school building and grade he attends, and shall indicate in separate columns whether each child is from five to six years of age or from sixteen to eighteen years of age and whether he is a resident of the Virginia military district, the Connecticut western reserve, the United States military district, the French grant, or any one of the three tracts of the Moravian lands, or in any original surveyed township or fractional township to which belongs section sixteen or other land in lieu thereof. Such enumeration shall be taken under the supervision of the attendance officer of the county, exempted village, or city school district. The state board of education shall prescribe forms and suggest improved methods of taking and recording such enumerations.

3321.25 - APPOINTMENT OF ENUMERATOR: OATH: RETURN AND AFFIDAVIT: REPORT TO BE KEPT. On or before the last Saturday in April the board of education of each city, exempted village, or local school district shall appoint one or more persons to take the enumeration provided for in Section 3321.24 of the Revised

OHIO REVISED CODE (cont'd)

3321.25 (cont'd)

Code. Each person appointed shall take an oath or affirmation to take the enumeration accurately and truly to the best of his skill and ability, and in accordance with the directions of the attendance officer. Such person shall make the return thereof, with all details secured, to the clerk of the board, with his affidavit that he has taken and returned the enumeration accurately and truly to the best of his knowledge and belief, and that such list contains the names of all such youth so enumerated and no others. The clerk of the board or any officer authorized to administer oaths may administer such oath or affirmation and take and certify such affidavit. The clerk shall keep enumerator's report in the office for five years.

3321.26 - COMPENSATION PAID: REPORT. Reasonable compensation shall be paid by boards of education to those employed to take enumeration as provided by Section 3321.25 of the Revised Code after they have made proper returns to the clerk. A board may require that the persons employed to take the enumeration shall report all unoccupied houses in the district, and also that the enumeration be arranged for report in forms which will be convenient for checking or reference, and may pay compensation for such services. A board may employ a teacher or attendance officer to take the enumeration.

3321.27 - WHEN DISTRICT SITUATED IN TWO OR MORE COUNTIES. When a school district includes territory situated in two or more counties, persons taking the enumeration must report separately the children residing in each respective county. The clerk of the board of education shall make returns, as provided in Section 3321.31 of the Revised Code, to the auditor of each county.

3321.28 - CERTIFICATION WHEN COUNTY LINE DIVIDES ORIGINAL SURVEYED TOWNSHIP. If parts of an original surveyed township or fractional township are situated in two counties, the county auditor of the county in which the smaller part is situated, as soon as the abstracts of enumeration are received by him from the clerks of the board of education, shall certify to the auditor of the county in which the larger part is situated the enumeration of youth residing in the part of the township or fractional township are situated in more than two counties, like certificates of enumeration must be transmitted to the auditor of the county containing the greatest relative portion of such township, by the auditors of the other counties containing portions thereof. When it is uncertain which county contains the greatest relative portion of such township, such certificates shall be transmitted to the auditor of the oldest county, by the other auditor. If the land granted by Congress to such township or fractional township for the support of public schools has been sold, the auditor to whom such certificates are transmitted must notify the auditor of a state without delay, that such enumeration has been certified.

3321.30 - COPIES AND INDEX OF ENUMERATION. A board of education shall provide a copy of the enumeration provided for in Section 3321.24 of the Revised Code for the use of the attendance officer and may provide for the keeping of an index of the enumeration for purposes of ready reference in such form as the state board of education prescribes. Such index shall be made

3321.30 (cont'd)

available for consultation by nonpublic schools not conducted for profit, by philanthropic organizations and other responsible persons interested in child welfare.

3321.38 - FAILURE TO SEND CHILD TO SCHOOL.

- A. No parent, guardian, or other person having care of a child of compulsory school age shall violate Section 3321.01, 3321.03, 3321.04, 3321.07, 3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The court may require a person convicted of violating this division to give bond in the sum of one hundred dollars with sureties to the approval of the court, conditioned that he will cause the child under his charge to attend upon instruction as provided by law and remain as a pupil in the school or class during the term prescribed by law.
- B. No parent, guardian, or other person shall fail or refuse to pay a fine and costs for violating division (A) of this section of the Revised Code or fail to give bond as provided for in this section.
- C. This section does not relieve from prosecution and conviction any parent, guardian or other person upon further violation of such sections; nor shall forfeiture of the bond relieve such person from prosecution and conviction upon further violation of such sections.

3319.32 - RECORDS TO BE KEPT BY SUPERINTENDENTS AND TEACHERS OF ALL SCHOOLS: REPORTS. Boards of education shall require all teachers and superintendents to keep the school records and to prepare reports in such manner as to enable the preparation of the annual reports required by law and shall withhold the pay of such teachers and superintendents who fail to file the reports required of them. The records of each school, in addition to all other requirements, shall be so kept as to exhibit the names of all pupils enrolled therein, the studies pursued, the character of the work done and the standing of each pupil; and these records shall be as nearly uniform throughout the state as practicable.

3313.66 - SUSPENSION OR EXPULSION. The superintendent of schools of a city or exempted village, the executive head of a local school district, or the principal of a public school may suspend a pupil from school for not more than ten days. Such superintendent, executive head or principal shall within twenty-four hours after the time of expulsion or suspension, notify the parent or guardian of the child, and the clerk of the board of education in writing of such expulsion or suspension including the reasons therefor. The pupil or the parent, or guardian, or custodian of a pupil so expelled may appeal such action to the board of education at any meeting of the board and shall be permitted to be heard against the expulsion. At the request of the pupil, or his parent, guardian, custodian, or attorney, the board may hold the hearing in executive session but may act upon the expulsion only at a public meeting. The board may, by a majority vote of its full membership, reinstate such pupil. No pupil shall be suspended or expelled from any school beyond the current semester.

3319.41 - USE OF FORCE AND INFLICTION OF CORPORAL PUNISHMENT ON PUPILS. A person employed or engaged as a teacher, principal, or administrator, in a school, whether public or private, may inflict or cause to be inflicted, reasonable corporal punishment upon a pupil attending such school whenever such punishment is reasonably necessary in order to preserve discipline while such pupil is subject to school

OHIO REVISED CODE (cont'd)

3319.41 (cont'd)

authority. Such person may also, within the scope of his employment, use and apply such amount of force as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property.

APPENDIX I

ADMINISTRATIVE SURVEY

Questionnaire & Responses

PRINCIPAL & ADMINISTRATOR RESPONSES TO
QUESTIONNAIRE ON CENTER WORK

CONTACT

TYPE OF CONTACT

| Number Contacted | Ombudsmen | Staff | Workshops | Other |
|------------------|-----------|-------|-----------|-------|
| 15 | 7 | 5 | 6 | 0 |

RESPONSES

NUMBER REPLYING

| | Overall Responses | Principals | Central Administrators |
|---------------------------|-------------------|------------|------------------------|
| Favorable | 9 | 8 | 1 |
| Unfavorable | 0 | 0 | 0 |
| Not Enough Contact to Say | 5 | 3 | 2 |
| Decline to Answer | 1 | 0 | 1 |
| Total | 15 | | |

INTERIM PRINCIPAL QUESTIONNAIRE

PRINCIPAL _____

PHONE _____

SCHOOL _____

1. What has been your contact with the Center for Student Rights and Responsibilities?

_____ Contact with Ombudsmen .

_____ Contact with Individual Staff Other Than Ombudsmen

_____ Attended Center Workshops

_____ Other Contacts; Indicate what below.

2. What is your present response to the existing program?

_____ Very Favorable

_____ Slightly Unfavorable

_____ Favorable

_____ Neutral

_____ Very Unfavorable

_____ Not Enough Contact to Say

_____ Decline to Answer

3. Why?

APPENDIX M

DAYTON AREA EXPERIMENTAL SCHOOL

DAYTON AREA EXPERIMENTAL SCHOOL

Summary and Rationale

(from a working draft of the prospectus)

The National Urban League and the Center for the Study of Student Citizenship, Rights and Responsibilities

The proposed Experimental School is a significant alternative to the Dayton Public School system. In order to overcome or prevent the low achievement and motivation of students and discouraged attitudes of teachers fostered by school system insensitivity, the Experimental School will provide flexible and individualized learning programs, innovative instructional materials, an open atmosphere conducive to honesty and understanding among program participants, and a continuous human relations training program for students, staff, parents and community residents. In order to overcome or prevent the effects of racial discrimination and lack of community involvement prevalent in the Dayton area public school systems, the Experimental School will serve a racially integrated student body and build in a diversified staff and direct parent and community involvement and control in all aspects of instruction and administration. In order to overcome student apathy and lack of self-confidence and achievement due to the isolation of the public school curriculum from the life of the community and its insensitivity to local community needs, the Experimental School will develop problem-centered learning programs which take students into the community to learn directly from a wide array of resources and to engage in responsibility-taking experiences, and a program of special services to community groups and organizations. All these program components will be coordinated by a Director and service staff to insure maximum cooperation and efficiency

and to maintain focus on the wishes of the community and the needs of each student.

The overriding goals of the proposed Experimental School are:

- (1) to provide an educational atmosphere and a set of educational programs conducive to the fullest development of each individual student's creativity, conceptual ability, expressiveness, self-confidence, independence, sensitivity, and understanding of the world and of himself;
- (2) to create a school program responsive to the needs and wishes of the Dayton area communities and involving parents and community residents directly in all aspects of administration, instruction, and evaluation;
- and (3) by so doing, to serve as a pilot and alternative for other educators, schools, and communities to follow or modify in an effort to expand the availability of quality education focused on the needs and interests of each individual child in the Dayton Metropolitan area and elsewhere.

The student population of the Experimental School will total approximately 500 students, or about 70 of each age group from 12 to 17 or 18. It will be composed of a racial mix of approximately 60 percent Black children and 40 percent White children, drawn from a variety of communities in Montgomery County. It is anticipated that 50 percent of the children will be from the West Dayton Model Cities target area and that these children will be primarily Black children of low income families. Middle-income Black students will be accepted from the adjacent Jefferson Township area. Low income White students will be accepted from the nearby predominantly Appalachian community of East Dayton and will make up roughly 20 percent of the school's population. Finally, middle-income White students will be recruited from surrounding communities to help to foster a cultural, social, racial, and economic diversity in the student body.

APPENDIX N

A SUMMARY OF PENDING OHIO BILLS

A SUMMARY OF PENDING OHIO BILLS

House Bill Number 12:

To amend sections 3317.06 and 3327.01 of the Ohio Revised Code to require school districts to transport all educable mentally retarded pupils and to provide a special state subsidy. Includes provision of money for: board and transportation required for physically or emotionally handicapped children and educable mentally retarded children attending regular school or special education classes, the cost of teacher training, and the approved cost of home instruction and special instructional services; operation of classes for children of migrant workers who are unable to attend an Ohio school during the entire regular school year; guidance, testing, and counseling programs approved by the state board; emergency purchase of school buses; the improvement of the educational and cultural status of disadvantaged pupils; adult basic literacy education; services and materials to pupils attending nonpublic schools within the school district for guidance, testing, counseling; special programs for the deaf, blind, emotionally disturbed, crippled, and physically handicapped; audio visual aids, speech and hearing services; remedial services, educational television, etc.: driver education.

House Bill Number 36:

To amend section 3313.66 of the Revised Code relative to suspension or expulsion of pupils who assault teachers: The major change from the current provision is that the school board, holding an expulsion hearing and deciding to reinstate an expelled student, may assign that pupil to

another school within the district. Also, that "Except in the case of a pupil who has assaulted a teacher no pupil shall be suspended or expelled from any school beyond the current semester."

House Bill Number 54:

To amend section 3313.642 and to enact section 3317.062 of the Revised Code to provide for the state to supply certain school materials for all school children, including nonpublic school children. These materials are "any materials used in a course of instruction with the exception of the necessary textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code." A new provision of this bill is: "The State Board of Education shall purchase, and distribute to the Board of Education of each school district, pencils and writing tablets for each pupil enrolled in a public or nonpublic elementary or secondary school in the district." The state board may also purchase and distribute other personal school supplies.

House Bill Number 102:

To amend section 3313.66 of the Revised Code, relative to the suspension or expulsion of a city or exempted village public school pupil. "The superintendent of schools of a city or exempted village, executive head of a local school district, or the principal of a public school may, AFTER GIVING WRITTEN NOTICE TO THE PUPIL AND HIS PARENTS, GUARDIAN, OR CUSTODIAN AND HOLDING A HEARING, suspend a pupil from school for not more than ten days, OR UNTIL THE HAPPENING OF A SPECIFIC EVENT WHICH IS CERTAIN TO HAPPEN, WHICHEVER IS LONGER." The written notice and hearing conditions

also apply to expulsions. "SUCH WRITTEN NOTICE SHALL SET FORTH THE REASON OR REASONS FOR THE PROPOSED SUSPENSION OR EXPULSION, SHALL SET A TIME FOR SUCH HEARING, WHICH SHALL NOT BE LESS THAN 18 HOURS FROM THE TIME THAT THE NOTICE IS ISSUED TO THE PUPIL FOR DELIVERY BY HIM TO HIS PARENTS, GUARDIAN, OR CUSTODIAN THAT THEY MAY BE REPRESENTED BY COUNSEL AT SUCH HEARING IF THEY SO DESIRE TO ENGAGE COUNSEL. NO PUPIL SHALL BE DENIED ADMISSION TO HIS CLASSES PENDING SUCH HEARING."

House Bill Number 105:

To enact section 3301.18 of the Revised Code to require the state board of education to establish a statewide testing program to measure reading proficiency among pupils in elementary and secondary schools. Requires the state board to establish standards for reading proficiency for third, seventh, and tenth grade students, and for a testing program to be administered to students upon their entry into the third, seventh, and tenth grades.

House Bill Number 116:

Along with minor revisions of several Revised Code sections, relative to required school attendance and employment, this bill would amend 3321.01 to read "A CHILD SIXTEEN YEARS OF AGE OR OLDER MAY WITHDRAW FROM SCHOOL FOR A PERIOD NOT TO EXCEED ONE SCHOOL YEAR FOR REASONS AGREED UPON BY HIS PARENTS OR GUARDIAN AND THE SUPERINTENDENT OR EXECUTIVE HEAD, OR HIS AUTHORIZED REPRESENTATIVE SUCH A CHILD SHALL BE CONSIDERED NOT TO BE OF COMPULSORY SCHOOL AGE." Another major feature of the bill is the enactment of section 3313.661 which allows for the exclusion from school for the "duration of the current school year a child 14 years of age or

older whom the superintendent or executive head determines lacks the proper attitudes and motivation to profit from further instruction..."

House Bill Number 230:

To amend section 3317.06 of the Revised Code to authorize an appropriation to assist school districts in providing free lunches for needy children and for equipment needed in food preparation. Similar in some respects to House Bill 12 but does not include House Bill 12's "educable mentally retarded" provision, and does include a provision that Bill 12 lacks for providing free lunches to needy children, and for assisting needy school districts in purchasing the necessary equipment for food preparation.

House Bill Number 239:

To amend section 3503.02 and 3503.05 of the Revised Code relative to the voting rights of students. It alters the rules governing registrars and judges of elections in determining the residence of a person offering to register or vote. A key provision states that "If any person attends any institution of learning, his residence and the residence of his spouse, if any, shall be determined according to the place where he resided prior to admission to such institution and not by the place where he resides while attending school or institution, unless such person by his actions and conduct manifests an intent to make his new home in or reasonably near the political subdivision in which the institution of learning is located." This would replace a stricter rule requiring the person to actually establish or acquire a home for permanent residence.

House Bill Number 261:

To amend section 3313.531 of the Revised Code to provide state reimbursement for persons 16 years of age and older who are enrolled in an adult high school continuation program. This bill amends the definition of "adult high school continuation programs" to mean "an organized instructional program for persons sixteen (instead of 21) years of age and older who are not otherwise enrolled in a high school for which the state board of education sets standards pursuant to section 3301.07 of the Revised Code."

House Bill Number 270:

To enact section 3327.013 of the Revised Code to require state reimbursement for pupil transportation provided by public transit system. "A school district shall be eligible to receive reimbursement under this section for the transportation to and from school of every child who rides a public transit vehicle to and from school and for whom the district does not receive a transportation subsidy under Chapter 3317 of the Revised Code.

House Bill Number 275:

To amend section 3319.22 of the Revised Code to provide for the issuance of pre-kindergarten and kindergarten teachers' certificates. This bill would add pre-kindergarten and kindergarten to the kinds of state teachers' certificates that can be issued. Currently, the classifications begin with "kindergarten-primary."

House Bill Number 329:

To amend section 3313.66 of the Revised Code relative to suspension or expulsion of pupils who assault teachers. Same as House Bill Number 36. (See above).

House Bill Number 444:

To amend section 3317.06 and to enact section 3313.532 of the Revised Code to authorize boards of education to establish pre-schools for three-year olds. The pre-schools would be free to residents of the school district and available to non-residents on a tuition basis. The cost would be borne by public school funds.

Senate Bill Number 63:

To enact section 3327.013 of the Revised Code to provide for reimbursement to transit systems furnishing reduced fares to school children.

APPENDIX O

MODEL HIGH SCHOOL DISCIPLINARY PROCEDURE CODE

MODEL HIGH SCHOOL DISCIPLINARY PROCEDURE CODE

by Ralph Faust
National Juvenile Law Center

(Attempts Will Be Made to Have Dayton
School System Implement)

Article #1 - Preliminary Procedure

1. No student shall be suspended, transferred or expelled, by the School Board or any of its agents, unless the requirements of this Code are specifically and completely followed. The provisions of this Code shall not apply to non-disciplinary transfer of students.

COMMENTS: This Code is intended to govern only the serious disciplinary actions specified. Thus, discipline such as reprimands or even the removal of a student from a classroom by a teacher for the remainder of the class period are not circumscribed by this Code. However, it is intended that with regard to the serious disciplinary actions specified, a failure to comply with this statute in all respects makes the disciplinary actions statutorily impossible. This should not be one more "rights" Code to which only lip service is given.

2. Where the principal determines to impose any disciplinary action regulated by this Code, he may either:
 - (a) temporarily suspend the student under the provisions of (3) of this Code; or
 - (b) invoke the hearing procedure provided for in Article II of this Code.

The implementation of either of these alternatives with regard to a particular factual incident shall preclude the use of the other.

COMMENTS: "Principal" is used here and throughout because that office usually wields the power which is being structured. Substitutions based on local conditions are easily made.

3. The principal of a school may temporarily suspend any student, where the continued presence of the student at the school at that time will be substantially disruptive of the physical or educational interests of the other students. No temporary suspension shall continue past the opening of the second regular school day after the day on which the temporary suspensions begin, or be renewable. Where the principal temporarily suspends any student he shall immediately, either in person or by certified mail, give both to the student and to his parent or guardian, a written notice which shall include, but not be limited to, a description of the act or acts upon which the temporary suspension is based, and the duration of the temporary suspension which has been imposed. The imposition of a temporary suspension pursuant to this section shall preclude any other disciplinary action based upon the same factual incident.

COMMENTS: This section is, frankly, a sop to principals. The hope is to allow them to deal with emergencies, where feelings are running high, without imposing serious punishment upon any student. Too often in the past, students have been scapegoats for anger and frustration existent throughout the school. Here the principal can "punish" even, if need be, to "save face," without doing serious damage to the student. The high procedural cost of an Article II proceeding should further encourage the principal to utilize this section. Of course, the benefit to the student (e.g., in terms of future earnings or in terms of future likelihood of being labeled "delinquent" or "criminal") of not having serious disciplinary action taken against him cannot be over emphasized.

Some present statutes (e.g., Section 10601 of the California Education Code) give a teacher the power to suspend a student for two school days for "good cause." I have not provided for anything of this nature in this statute because I can think of no reason why a teacher has any interest in the whereabouts or the presence of a student in the school beyond the presence of the student in that particular teacher's classroom. Teachers will, with-

out regard to this statute, still be able to evict a child from their classroom and order him to the principal's office. I can see no reason to give them any further power.

4. The principal shall have the sole power to initiate proceedings to suspend, transfer, or expel any student. Except as provided in Section 3, this process shall be commenced by the giving of notice under the provisions of Section 6 of this Code. Where the principal has given notice pursuant to Section 6 of this Code, and where the principal further determines that the continued presence of the student in the school at that time will be substantially disruptive of the physical or educational interests of the other students, the principal may suspend the student pending a hearing.

No suspension pending a hearing may continue beyond the beginning of the sixth regular school day after the day on which the suspension pending a hearing begins, or beyond the time of the hearing, whichever comes first, except as provided in Section 9 of this Code.

COMMENTS: The conflict upon which I have tried to work in this section is between reducing the amount of time during which a student will be forced to remain out of school and circumscribing the discretion to be placed in the hands of the principal. It seems to me that the only way to effectively limit the discretion of the principal is to take the decision entirely out of his hands. However, giving the decision to another person or to a Hearing Board would force a delay in the hearing and would probably tend to keep a student out of school for a greater length of time. I view a long period out of school as a more serious harm to a student than placing five days of discretion in the hands of the principal.

One problem with this section is that it might be perceived as a barricade to a non-disciplinary transfer (e.g., to achieve a racial mix within particular schools). The Code is not intended to apply to non-disciplinary transfers of students between schools within a district.

5. No student shall be suspended, transferred, or expelled except as provided for in Section 3 of this Code, by the school board or any of its agents, except for the violation of any of the following regulations:

- (a) assault or battery upon any other person on school grounds;
- (b) continued and repeated wilful disobedience of school personnel legitimately acting in their official capacity, which results in a disruptive effect upon the education of the other children in the school; or
- (c) possession or sale of narcotic or hallucinogenic drugs or substances on school premises.

Copies of these regulations shall be sent to all students, as well as their parents or guardians, at the beginning of each school year.

COMMENTS: The intent here was to specify every reason for suspending, transferring, or expelling students from a school. If it is felt that there is any basis not included here which is substantial enough to justify serious disciplinary action, it should be specified. Four other possibilities worth consideration are: (1) academic dishonesty including cheating or plagiarism; (2) theft from or damage to institution premises or property; (3) intentional disruption or obstruction of the educational function of the school and (4) possession of firearms.

Additionally, provision might be made for a situation where continued conflict exists between a student and a particular teacher without this conflict having led to the initiation of disciplinary proceedings by the principal. One section of a Code might provide for a conference to adjust this type of situation. This conference might include, for example, the teacher, the student, the parents, and the school counselor, and be held after a specified number of times in which the teacher has removed the student from the class and forced him to report to the principal. Where the conflict is

not based upon any larger problem than a clash of values or personality between teacher and student, it might be provided that, where possible, the student merely be transferred to another class so that no loss of time or credit would be forced upon him merely because he is in an inferior status position compared to the teacher.

Article #2 - Hearing Procedure

6. Prior to the imposition of any suspension, transfer, or expulsion upon any student, except as provided for in Section 3 above, the principal shall, either in person or by certified mail, give to the student and to his parent or guardian a written notice which shall include, but not be limited to:
 - (a) a description of the alleged act upon which disciplinary action is to be based with reference to the provisions of Section 5 of this Code which allegedly had been violated;
 - (b) the nature of the disciplinary action which is sought to be imposed upon the student;
 - (c) the time and place where the hearing, provided for in this Article, shall take place; and
 - (d) a statement of the student's rights at the hearing, including, but not limited to, the right to counsel, the right to counsel at School Board expense where the student is indigent, and the right to confrontation and cross-examination of witnesses.

COMMENTS: If the format of this "notice" provision remains one of minimum requirements, it might also be appropriate to include a list of the community resources who might serve as representatives for students. Where counsel is paid for by the School Board, as this Model provides, this would probably not be necessary. However, if the statute were amended to allow representation for the student but not to compel the School Board to pay for it where the student was indigent, inclusion of a provision of this nature would seem

critical. At a minimum it should inform the student of legal services offices, CAP agencies, law student representation projects, etc.

It has been suggested that, prior to a regular hearing as provided for in the next section, a conference be held among the child, the parents or guardian, and the principal. The purpose of this conference would be to discuss the basis for the proposed disciplinary action. One advantage of this would be that it would set an additional roadblock in the path of the principal considering disciplinary action. A disadvantage, however, is that the dynamics of this type of meeting would tend to allow the principal to confirm in the parents' minds the "wrongness" of the child. Thus, it would tend to diminish the support which the child should be receiving from the parent. Finally, a conference of this nature might better be held long before the principal considered using the serious disciplinary measures which this Code regulates.

7. Prior to the imposition of any suspension, transfer, or expulsion upon any student, except as provided for in Section 3 above, a hearing shall be held by a Hearing Board to determine whether the imposition of the disciplinary action proposed by the principal is warranted. Except as provided in Section 9 of this Code, this hearing shall be held within five school days of the date on which written notice, pursuant to Section 6 of this Code, is given.

The Hearing Board shall consist of eight members; the presence of six of whom shall constitute a quorum, to include:

- (a) two teachers, to be selected annually from the faculty of the school by the faculty of the school;
- (b) two parents of students at the school, to be selected annually by and from the parents of the students of the schools;
- (c) two administrators from the school, appointed by the School Board and
- (d) two students selected annually from the student body by the students.

Wherever possible, no person shall serve on the Hearing Board for more than one year consecutively. A student may elect to have the proceedings of the hearing kept confidential. A student may also elect to have his hearing conducted solely by the two teachers and the two administrators as provided for in Section a and c above, and to have the proceedings of the hearing kept confidential. This election may be made by the student at any time prior to the hearing. Such an election by the student shall not affect any of his rights under this Code.

COMMENTS: The principle upon which this Hearing Board is structured is one of equalization of power among competing interests. The four groups represented all seem to have different interests to protect (although all would probably continue to propagate the myth that they "had only the student's interests at heart"). Recognition of these differing interests through the grant of power to them seems to be the most just solution.

Four other possibilities for the filling of the "Hearing Board" function were considered. Though none of these seemed as fair as the Hearing Board proposed, all have advantages in certain situations, and are certainly preferable to most current practice. All of these are based upon the model of a hearing examiner. The difference in proposals depends upon where the examiner comes from.

The four possibilities are listed, with reservations about their adoption appended:

(1) hearing examiner from voluntary panel of the bar--how do we convince attorneys to volunteer for this when, particularly in rural communities, we are hard pressed to find volunteers to represent indigents in criminal cases?

(2) hearing examiners from degree candidates in colleges having elementary and secondary school curricula--how do we convince them to perform this function? Are the colleges close enough to the schools to make this feasible? Are they perhaps already insti-

tutionally biased?

(3) where one exists, the school district ombudsman as hearing examiner--would this compromise the possible effect of other things the ombudsman might be trying to accomplish?

(4) an examiner agreed upon each time by the student and the school--does the student remain in school until an examiner is selected? Can a student be the equal of a principal in the bargaining which would have to occur on the choice of an examiner? What if no agreement could be reached on an examiner?

8. No finding that disciplinary action is warranted shall be made unless a majority of the Hearing Board has first found, beyond a reasonable doubt, that the student committed the act upon which the proposed disciplinary action is based. Where this finding has been made, the Hearing Board, by majority vote, shall take such disciplinary action as it shall deem appropriate. This action shall not be more severe than that recommended by the principal.

COMMENTS: The intent is to require two separate findings, each by a majority vote of the Hearing Board. Only after the Board has found that the student committed the act(s) charged, may it find that the proposed disciplinary action is warranted.

9. Any student against whom disciplinary action is proposed is guaranteed the right to a representative of his own choosing, including counsel, at all stages of the proceedings against him. If a student is unable, through financial inability, to retain counsel, the School Board shall incur the cost of retained counsel for the child. In no case may a waiver of the right to counsel be made, except by the student with the concurrence of his parent or guardian.

The representative chosen by the student may have the hearing postponed for not longer than one week where necessary to prepare his case. Where the hearing is postponed at the request of the student's representative and where, in addition, the principal finds that the presence of the student in the school during that period will be substantially disruptive of the physical or educational interests of the other students, the principal may continue the suspension pending the hearing of the student for one week or until the hearing takes place, whichever occurs first.

COMMENTS: It seems likely that the right to counsel at school board expense will not pass any legislature, despite the value it would

have for the student. If this is the case, the statute should at least provide for representation of the student by an adult of his choice, to include an attorney if one is available. The presence of counsel is critical to the protection of a student's interests in any politically charged situation. Further, the presence of a representative in addition to the party is critical when one considers the difficulty of maintaining one's control and reason in a highly charged situation such as a disciplinary hearing where one is vulnerable.

Waiver of counsel should be determined by the same standards now in use for juveniles in delinquency hearings. (See e.g., "Juvenile Waiver of Counsel," 4 Clearinghouse Review 404, 1971).

10. No finding may be made except upon the basis of evidence presented to the hearing board. Only evidence which is relevant to the issue being considered by the hearing board shall be presented. Only the kind of evidence upon which responsible persons are accustomed to rely in serious affairs may be relied upon by the hearing board. All testimony shall be given under oath. The hearing board shall state, in writing, its findings of fact as well as the basis upon which these findings were made.

COMMENTS: Analytically, the intent of this section, in combination with Section 8, is to require two separate findings, and thus presentations of evidence. First, the Hearing Board should determine whether the student committed certain acts in violation of certain regulations, all specified in the notice sent to him. For this finding, only evidence relevant to that issue should be considered. Specifically, the student's "file," or other evidence of his "character" or past behavior, is specifically excluded from consideration.

Only if the first finding is made should the Hearing Board go on to consider whether the proposed disciplinary action is warranted. At this finding, the principal would probably wish, and probably should be allowed, to present evidence tending to show

why particular disciplinary action was recommended. Relevant portions of the student's "file" should be admissible for this purpose, assuming that the guarantee's of Section 11 are applicable to the contents of the file.

The evidentiary standard is intended to be the new "relaxed" standard now advocated for all non-jury adjudicative hearings. The specific wording is derived from the standard proposed by K. C. Davis.

11. The right to confrontation and cross-examination of witnesses is guaranteed to any student against whom disciplinary action is proposed.

COMMENTS: It has been suggested that it is unrealistic to expect students to conduct their own cross-examination; that it would only produce a shouting match. This may sometimes be the case. However, the only just alternative may then be to limit the waiver of counsel to situations where the student is pleading guilty and hoping for mercy (i.e., where confrontation and cross-examination are not an issue). Of course, counsel's presence is valuable even in this situation. A study done for the President's Commission found the presence of attorneys in juvenile court to be most beneficial at disposition hearings. (The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, 103 [1967].)

12. The School Board shall have the right to compel the presence before the hearing board, upon reasonable notice and at a reasonable time and place, of any of its employees, for the purpose of presenting evidence to the hearing board relevant to its inquiry. The School Board shall compel the presence of any person as provided hereinabove whose presence is requested by the student against whom disciplinary action is proposed. Nothing in this section shall be deemed to infringe upon the right of either the principal or the student to present the relevant testimony of any person whose presence cannot be compelled by the School Board. Further, nothing in this section shall be deemed to infringe upon the privilege against self-incrimination guaranteed to all persons

by the Fifth Amendment to the Constitution of the United States.

COMMENTS: There is some disagreement about whether or not the School Board can compel the presence of students at the hearing. I think not, unless perhaps the hearings were held during school hours. Having the hearing during school hours seems unreasonable, however, since many parents would have either to miss the hearing or miss a day's work. It seems more reasonable to have hearings in the evening, and not worry about the problem of compelling the presence of students. Presumably the School Board could delegate the power to compel the presence of employees to the superintendent without difficulty and perhaps even without formality.

13. No suspension shall continue for longer than four weeks after the date of the hearing, or until the end of the semester, whichever comes first. Any student who is expelled may apply for readmission at the beginning of the subsequent school year and shall not be denied readmission on the basis of the expulsion.

14. In the event that disciplinary action shall not be found warranted by the Hearing Board, all school records of the proposed disciplinary action, including those relating to the incidents upon which it was predicated, shall be destroyed.

Article #3 - Appeal Procedure

15. The School Board shall provide for a reliable verbatim record of any hearing before the Hearing Board, in the event of an appeal by the student.

16. Any student against whom disciplinary action is found warranted by the Hearing Board shall be allowed to appeal, first, to the Circuit Court of the County in which the school is located, and then through the proper appellate judicial channels of the state. The appeal shall be based upon the record of the hearing before the Hearing Board and upon the briefs and arguments of counsel for both sides. The Court may, in its discretion, allow the student to remain in school pending the appeal.

COMMENTS: An alternative to an appeal in the judicial system is an administrative appeal. (See e.g., California Education Code, Section 10608 [Appeal as of right for parent or guardian to county board of education, whose determination is "final and binding"].) This seems

to be less costly but also much less politically desirable. A more desirable, and still inexpensive, alternative would be to have an ombudsman, employed either within the local school district or in the state Board of Education. The ombudsman would, of necessity be required to be totally independent of the regular school hierarchy. If such an ombudsman existed, he could handle all appeals administratively and thus do away with the need to continually use the court system to handle appeals from Hearing Board decisions. Of course, as was noted earlier, having an ombudsman perform these functions might well compromise his effectiveness on other matters with which he is dealing.

The School Board shall, upon written notification that an appeal is being taken by a student, immediately prepare an accurate transcript of the record of the disciplinary hearing, a copy of which shall be provided to the student for use on appeal. The School Board shall be responsible for providing a copy of this transcript to the court for its use in considering the appeal.

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AUTOBIOGRAPHICAL DATA

Name: Arthur E. Thomas

Birth: 21 June 1938; Philadelphia, Pennsylvania

Education: B.S. in Education, Central State University, Wilberforce, Ohio
M.S. in Education, Miami University, Oxford, Ohio

Educational Associations:

Phi Alpha Theta - Historical Society
Phi Delta Kappa - Educational Fraternity
American Education Research Association

Awards: Certificate of Recognition in Community Volunteer Service
Phi Delta Kappa - Regional Award 1968
Best Educator in Ohio - Central State University
--History and Political Science Department
--Kappa Alpha Psi Fraternity
--Student Government Award
--Sinclair Black Student Union
--President Bronson and Staff
1967 - Resolution - Ohio State Legislature for co-founding the
Youth Patrol with C. J. McLin, Jr.
1968 - MacFarlane faculty and student body award for services
as assistant principal
1969 - Dayton Postal Alliance Award
1968 - (Summer) - Speaker at Black Nuns Conference in Pittsburg,
Pennsylvania. Presented picture of nuns in appreciation
as outstanding educator.
1968 - (April) - Feature article in Jet Magazine for MacFarlane School
Program. National recognition.
State Department of Education and Federal Government praised the
process of development of the education program and termed it as
the most outstanding in the nation.

Ratings as Teacher and Assistant Principal:

Irving--Strong
Roth--Superior
MacFarlane--Superior

Civic Activities:

Board of Directors, Youth Patrol; Board of Directors, Ascension (non-profit, self-help organization); Board of Directors, ACTION (federally funded anti-poverty social action agency); Technical Advisory Committee; Dayton Urban League Education Planning Committee; Board of Directors, MAT (Moving Ahead Together--Social Action Agency); Police Assistance Council (Encouraged program for youth summer 1968)

Work Experience:

- 1962-65 Irving Elementary School, Dayton, Ohio
Teacher, Seventh Grade
Language Arts
- 1965-67 Roth High School, Dayton, Ohio
Teacher, Eighth Grade
Language Arts; Assistant Football Coach, Assistant Track Coach
- 1967 MacFarlane Elementary School, Dayton, Ohio
Assistant Principal
- Summer 1967 Community Research Community Relations Service Section
of the Justice Department (on contract)
- Fall 1967 Education Director OIC
- 1968-69 Coordinator of the Model Cities Education Program
- 1968-70 Central State University, Wilberforce, Ohio
Teacher, Sociology 200, Black Awareness, African Writers,
African Influence on Black Writers
- 1969-70 Project Director, Model Cities Education Program
Developed what is presently a \$700,000 Program with 11
projects currently in operation and more in process of
development. Projects include:
- Renovation Surveys, Administrative Interns, Teacher
Aids, Student Counselors, Drop-out Counseling,
School's After Hours Programs, Parent Councils,
Visits by Renowned Black Americans, Technical Aid
from Local Colleges and Universities, In-Service
Training for Teachers, and New Leadership Planning
Sessions with Model Cities Principals. Presently,
a staff of 37 is working with teachers in their
schools; this is the only Model Cities Program now
delivering a major number of services to West
Dayton residents.
- 1970 Consultant to the Department of Health, Education and
Welfare; Director of Center of Student Citizenship,
Rights, and Responsibilities--an OEO Legal Services
Program funded to Central State University, Wilberforce,
Ohio
- 1970 Senior Consultant to the University of Michigan Crisis
Intervention Network
- 1970 Consultant to Follow-through Program

Publications:

"Love, Trust and Respect for Each Other, Preconditions of Justice as
the Basis for Law and Order," an Assessment of the Juvenile Delinquency
Prevention and Control Act of 1968, ed. Larry L. Dye, Amherst, Mass:
University of Massachusetts Conference 1970.

"Community School Council, Philosophy and Framework for Urban Educational
Change," with Ruth W. Burgin; Institute for Research and Development
in Urban Areas, Central State University, Wilberforce, Ohio. May 1971.

"An Experiment in Community School Control: An Evaluation of the Dayton Experience," with Ruth W. Burgin, Institute for Research and Development in Urban Areas, Central State University, Wilberforce, Ohio. May 1971.



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