

# Policy Analysis

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Routing

## *Why We Fight* *How Public Schools Cause Social Conflict*

by Neal McCluskey

### Executive Summary

It is all too often assumed that public education as we typically think of it today—schooling provided and controlled by government—constitutes the “foundation of American democracy.” Such schooling, it is argued, has taken people of immensely varied ethnic, religious, and racial backgrounds and molded them into Americans who are both unified and free. Public schooling, it is assumed, has been the gentle flame beneath the great American melting pot.

Unfortunately, the reality is very different from those idealized assumptions. Indeed, rather than bringing people together, public schooling often forces people of disparate backgrounds and beliefs into political combat. This paper tracks almost 150 such incidents in the 2005–06 school year alone. Whether over the teaching of evolution, the content of library books, religious expression in the schools, or several other common points of

contention, conflict was constant in American public education last year.

Such conflict, however, is not peculiar to the last school year, nor is it a recent phenomenon. Throughout American history, public schooling has produced political disputes, animosity, and sometimes even bloodshed between diverse people. Such clashes are inevitable in government-run schooling because all Americans are required to support the public schools, but only those with the most political power control them. Political—and sometimes even physical—conflict has thus been an inescapable public schooling reality.

To end the fighting caused by state-run schooling, we should transform our system from one in which government establishes and controls schools, to one in which individual parents are empowered to select schools that share their moral values and educational goals for their children.

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## **Introduction**

Public schooling, we are told, is the linchpin of American unity and democracy. “If common schools go, then we are no longer America,” writes Paul D. Houston, executive director of the American Association of School Administrators. “The original critical mission of the common schools was . . . to be places where the ideals of civic virtue were passed down to the next generation. They were to prepare citizens for our democracy. They were to be places where the children of our democracy would learn to live together.”<sup>1</sup> In a similar vein, Benjamin R. Barber, author of the best-selling *Jihad vs. McWorld*, asserts that public schools are “the very foundation of our democratic civic culture . . . institutions where we learn what it means to be a public and start down the road toward common national and civic identity. They are the forges of our citizenship and the bedrock of our democracy.”<sup>2</sup>

These are, without a doubt, very powerful images, and their widespread acceptance has long undergirded Americans' assumption that government-run schools have always been, and will always be, essential to the nation's unity. But “powerful” and “accurate” are far from synonymous. Consider: In the 1840s, disputes over the Bible's place in Philadelphia's public schools sparked rioting that inflicted millions of dollars in damage and killed or injured hundreds of people. In 1925, the Scopes “monkey trial” captured the nation's attention as the legality of teaching evolution in public schools was fought first in a Tennessee courtroom, and then, to accommodate the thousands of people who showed up for the spectacle, on the lawn outside the courthouse. In the mid-1970s, court-ordered busing of children in Boston precipitated constant brawling in the schools and unrest in the streets. Finally, just this past school year, tensions were so high in Miami over the removal of books from school libraries that one school board member reported that his colleagues feared that they “might find a bomb under their automobiles.”<sup>3</sup>

These and countless incidents like them reveal deep cracks in the “unity and democracy”

argument for public schooling. Moreover, as we shall see, history points to other American institutions as being much more important to the nation's harmony, freedom, and prosperity than government-run schooling. Overall, it has been the nation's commitment to limited government and individual liberty—not public schools' ability to indoctrinate children into some civic religion, or to mold them into “proper” Americans—that has been the key to America's success.

This paper reexamines the accepted story about public schooling's role in creating unity and upholding democracy. First, it documents outbreaks over the past academic year of the most divisive kinds of public school conflicts—those pitting people's deeply held values against each other—and makes clear that such combat is inevitable when everyone is required to pay for an official school system that only the most politically powerful control. Next, it examines the historical record of American education and finds that conflict and division have long been part of public schooling. Finally, the report identifies the true foundations of the nation's unity and success, and explains why the only system of education that can effectively support a free society is one that is itself grounded in freedom.

## **The Balkanized Year, 2005–06**

Decisions debated literally every day in public schools thrust Americans into political conflict, whether over district budgets, dress codes, the amount of time children spend in art classes, or countless other matters. To see this, most people need do little more than read about school board meetings in their local newspapers.<sup>4</sup> But although schools and districts may confront their own, specific issues, the conflicts those issues produce are all driven by the same dynamic: All taxpayers must support the public schools, but only those able to summon sufficient political power can determine what the schools will teach and how they'll be run.

Because of that, political fighting is inherent to the system.

All public school conflicts have the potential to inflict social pain, but the most wrenching are those that pit people's fundamental values—values that cannot be proven right or wrong, and that deserve equal respect by government—against each other.

Because of the deeply divisive and insoluble nature of such conflicts (and because it would be almost impossible to track every single dispute in every school district across the country), we tracked these sorts of values conflicts around the nation over the last academic year. In doing so, we discovered that whereas most conflicts had unique immediate causes, there were several common refrains that arose time and again. Moreover, we found that over the last year only one state—Wyoming—appeared to have dodged divisive, values-laden school warfare, and many states suffered numerous clashes. Even Wyoming suffered at least two such conflicts as recently as 2003.<sup>5</sup> In all, we tracked nearly 150 values-driven public school conflicts over the past year.

Below are the general categories of these battles in the 2005–06 academic year. None, clearly, garnered more national attention than wrestling matches over intelligent design, with 18 states reporting some debate over it and conflicts in Kansas and Pennsylvania grabbing headlines across the country. Other flashpoints were almost as widespread, including clashes over students' right to protest government policies without facing punishment from governmental entities (i.e., public schools) and tussles over “abstinence only” sex education.

It is important to note, moreover, that the stories reported in this paper, and the trends identified below, are based only on public reports in the press. As a result, this study may greatly *understate* the true number of values conflicts caused by public schooling. Moreover, the bias in the numbers is toward school districts in and around large cities, where sizable media organizations operate. Those factors further bolster the conclusion of this study: that forcing diverse people to support monolithic government school sys-

tems inevitably causes political and social conflict.

### **National Flashpoints**

***Intelligent Design.*** Conflicts last year over the inclusion of intelligent design theory in science classes were really just the most recent skirmishes in the seemingly endless evolution-creationism struggle, a battle that pits people who want only evolution taught in biology classes against those who want children to learn about perceived flaws in Darwin's theory or alternative explanations—often religious—for the origins of life.

There were two major intelligent design battlegrounds in 2005–06: Dover, Pennsylvania, and the entire state of Kansas. In Dover, a school district policy requiring biology students to hear a disclaimer stating that Darwinian evolution is a theory, not a fact, and directing students to the intelligent design book *Of Pandas and People* eventually ended up in a federal court. There, the policy was declared unconstitutional. The damage, however, had already been done. As ABC News reported a few months after the school board approved the disclaimer, the people of Dover were deeply torn over the school board's actions, and it was not uncommon for townspeople to refuse to even speak to those in their community who came down on the opposite side of the issue. “Suddenly,” ABC News reported, “Dover was at war with itself.”<sup>6</sup>

Kansas, for its part, continued a long-running roller coaster ride that has seen the state board of education change its stance on evolution several times in recent years. In August 2005, the board voted to include greater questioning of evolution in state science standards, returning to a policy akin to one it enacted in 1999 but reversed two years later. And this appears to have been followed by yet another reversal: In August 2006, the evolution-skeptic majority on the board was eliminated in primary elections, likely switching the board back to a pro-evolution majority.

Despite the focus on Dover and Kansas, intelligent design provoked conflict nationwide last year. President George W. Bush even

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weighed in on the controversy, asserting that “both sides ought to be properly taught . . . so people can understand what the debate is about.”<sup>7</sup> We found that last year in at least 18 states school districts, state school boards, or state legislatures debated how evolution should be handled in public schools.

**Freedom of Expression.** The fundamental conflict in freedom-of-expression battles is between students’ rights to say or wear what they want, and other students’ ability to obtain the education to which they are entitled (and for which taxpayers have paid) without disruption or feeling threatened. In these cases, the federal constitutional prohibition against government choosing what expression is acceptable collides head-on with the schools’ obligation to provide children with the education to which they are entitled. Included under this heading are such common grounds for dispute as dress codes, administrator oversight of student journalism, and simple student speech.

By far the biggest cause of free expression fights last year was the series of immigration protests that swept the nation. Numerous schools and districts struggled with how to discipline students who skipped school to attend rallies, and many others faced challenges maintaining peace on school grounds as students took sides in the highly flammable debate.

A situation that illuminated the quandary school administrators found themselves in last year occurred at Fallbrook High School in Fallbrook, California, where student Malia Fontana had an incident report placed in her file after a school security officer saw an American flag in her back pocket. The district had prohibited students from displaying flags on the heels of a violent student demonstration at the nearby Oceanside school district, in which students threw milk cartons and other objects at police, and police responded with pepper spray. School officials believed that various flags had become powerful—and dangerous—symbols in immigration-related tensions and banned their display to help maintain order. The ACLU, however, threatened to

sue the Fallbrook district on grounds that it had violated Malia’s civil rights.<sup>8</sup>

Like intelligent design, freedom of expression was a flashpoint for controversy in 2005–06, with a minimum of 20 states experiencing conflicts over it.

**Book Banning.** From *Huckleberry Finn* to *The Catcher in the Rye*, fights over what books should or should not be in school libraries or taught in classes have been a permanent feature of public schooling. The basic problem is this: Government has the right neither to censor speech nor to compel people to support the speech of others, yet public schooling does both. Whenever a school district buys a book with public funds, it forces every district taxpayer to support the speech contained in it, and whenever it removes a book from a library, it condemns that speech.

Nowhere did book banning prove more divisive last year than in the Miami-Dade school district. There, the school board ordered the removal from bookshelves district-wide of *Vamos a Cuba*, a book charged with portraying Castro’s Cuba in far too rosy a light, as well as all the other volumes in the 24-book collection to which it belonged. The removal did not occur, though, until tempers in Miami had reached feverish levels.

Ethnically diverse Miami, however, was not the only site of book banning conflict last year. Relatively homogeneous Carroll County, Maryland, was also beset by a censorship controversy when, at the request of some district parents, Superintendent Charles I. Ecker pulled *The Earth, My Butt, and Other Big Round Things* from schools’ shelves. The award-winning book depicted such things as self-mutilation and date rape that the aggrieved parents thought inappropriate for children. After a great outcry from members of the community who wanted the book restored, however, Ecker consented to returning the book to high school shelves while maintaining the ban in middle schools. Still, at least one student intends to fight on for a complete ban. “I’m not going to accept a [committee’s] decision that is stacked against the values of Carroll County,” said 17-year-old Joel Ready.<sup>9</sup>

Book-banning battles were not as prevalent as evolution or expression fights last year, but they were still common, occurring in at least eight states. And those were just the ones for which we found major media stories. According to the American Library Association, however, book fights were probably much more common than that. In 2004, for instance, ALA executive director Beverly Becker said her group received reports of 547 book challenges, and she estimated that to be only a quarter of the likely number.<sup>10</sup>

**Multiculturalism.** Perhaps nothing—not even creationism—has produced as much anger as the portrayal of different races, ethnicities, and cultures in America’s schools. What groups should be included in history textbooks? What aspects of their histories? How does a school handle disputed “facts” about different groups? Questions such as these produced a geyser of vitriol in 2005–06, as states and school districts tried to decide what every student under their authority would learn—or not learn—about the myriad groups that make up our society.

California was the site of perhaps the most fierce dispute last year, as Hindus across the state expressed great discontent with history books currently approved by the state that they say egregiously misrepresent Hinduism—and as a result, Indian history—by focusing on the caste system and oppression of women. Those are common smears, they said, dating back to British rule over India. But many historians have disagreed with their complaints, arguing that right-wing Hindus were trying to whitewash history.

Hindu reaction to the dispute has been intense. According to Glee Johnson, president of the state school board, the board received over 1,500 letters and e-mails from the Hindu community in a single week. “To many people, it gets very emotional,” Johnson said. “This is not just about academics, but is tied in to people’s view of themselves and their history.”<sup>11</sup>

In 2005–06, fires over the inclusion and treatment of different cultures, races, and ethnic groups in school curricula and textbooks burned in at least 11 states.

**Mandated Integration vs. Self-Determination.**

Forced segregation by race has been a blot on American society since the nation’s earliest days. However, government-mandated integration has also been problematic, often robbing people of control over their own lives in order to atone for past discrimination. At issue in disputes between segregation and freedom is often whether different racial groups, genders, or ethnicities should be allowed to go to schools and classes intended to serve them specifically or whether integration is of overriding importance.

Integration versus self-determination became a very high-profile issue in Nebraska last year when the state’s only black state senator amended education legislation so that it split Omaha’s school district along racial lines. “Several years ago I began discussing in my community the possibility of carving our area out of Omaha Public Schools and establishing a district over which we would have control,” Senator Ernie Chambers said during the debate on the floor of the legislature. “My intent is not to have an exclusionary system, but [one] we, meaning black people, whose children make up the vast majority of the student population, would control.” Despite Chambers’ intent to give Omaha’s African Americans control over their own schools, many black leaders in Nebraska disagreed with his efforts. “This is a disaster,” Ben Gray, co-chairman of the African-American Achievement Council, told the *New York Times*.<sup>12</sup>

Struggles between integration and self-determination were limited to only about five states, but where they occurred, passions ran high.

**Sex Education.** In 2005–06, parents who wanted their children to receive no sex education in schools or just abstinence education, were in regular fights with parents who wanted their children to be provided more comprehensive sex education. From upper-middle-class Montgomery County, Maryland,<sup>13</sup> to the Kyrene Elementary School District in Tempe, Arizona,<sup>14</sup> the determination of what children should be taught about sex created significant political tension. At a minimum, 13 states saw controversies over sex education.

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**Superintendent Paul Ash laid bare the problem: “We couldn’t run a public school system if every parent who feels some topic is objectionable . . . decides their child should be removed.”**

**Homosexuality.** The treatment of homosexuals personally, and homosexuality in principle, repeatedly led to clashes between parents and students who opposed homosexuality on moral grounds and those who wanted all students to learn about—and to tolerate—homosexuality. Public schooling’s mission to unite diverse people came into direct conflict with varying moral and ethical values.

In Lexington, Massachusetts, conflict broke out when a teacher read the book *King & King* to second-grade students. The book is about a prince who falls in love with another prince, marries him, and at the end it shows the two kissing.

“My son is only 7 years old,” parent Robin Wirthlin told the *Boston Globe*. “By presenting this kind of issue at such a young age, they’re trying to indoctrinate our children. They’re intentionally presenting this as a norm, and it’s not a value that our family supports.” Lexington Superintendent Paul Ash countered that the schools’ obligation is to be inclusive and expose students to all kinds of lifestyles. “Lexington is committed to teaching children about the world they live in, and in Massachusetts same-sex marriage is legal.” Moreover, Ash laid bare the heart of the public schooling problem: “We couldn’t run a public school system if every parent who feels some topic is objectionable to them for moral or religious reasons decides their child should be removed.”<sup>15</sup>

In Utah the homosexuality debate was a little different from Lexington’s but had the same roots. There, a state legislator tried to ban Gay-Straight Alliance clubs, while club defenders argued that they are entitled to equal protection and, hence, to have their organizations in schools just like any other group. Conservatives like Utah Eagle Forum President Gayle Ruzicka argued, however, that “most of the districts don’t want the clubs.”<sup>16</sup>

At least eight states, including Utah, Massachusetts, and others, suffered disputes over homosexuality’s treatment in the public schools.

**Religion.** Though overlapping several of the other categories, the treatment of religion itself

in public education brought Americans into regular conflict last year. Whether it was dealing with prayer in public school districts,<sup>17</sup> accommodating the holidays of all faiths,<sup>18</sup> giving equal access to religious student groups,<sup>19</sup> or teaching about the Bible,<sup>20</sup> the friction between religious freedom and compelled support of religion in public schools was constant. Several states—17 by our count—experienced some sort of religious conflict instigated by public schooling.

## **Examining Freedom’s Foundation**

As noted at the outset of this report, the primary argument for state-controlled, universally accessible elementary and secondary schooling is that it is essential to the nation’s unity, prosperity, and freedom. However, as can be seen from the preceding discussion, public schooling actually creates a great deal of conflict. In light of this, we must question the validity of the unity argument.

To do that, we look first at the evolution of thought driving American public education over the centuries, especially the writings of public schooling’s foremost advocates. Then, by examining the historical record of American education, we assess the extent to which the education promises of these advocates were realized. Finally, we discuss whether public schooling is truly the “foundation of our democracy,” or if some other force binds our nation together.

### **From Political Revolution to Industrial America**

In the period between the Revolutionary War and ratification of the Constitution, when the brand-new United States was struggling to establish a stable republic, several leading Americans asserted that a system of public schooling was critical for a democracy to survive. In 1779, for instance, Thomas Jefferson introduced his “Bill for the More General Diffusion of Knowledge” in the Virginia legislature, which, if enacted, would have established a

system of free public schools for Virginians. “The most effectual means of preventing [the perversion of power into tyranny are] to illuminate, as far as practicable, the minds of the people at large,” Jefferson wrote, “and more especially to give them knowledge of those facts which history exhibits, that possessed thereby of the experience of other ages and countries, they may be enabled to know ambition under all its shapes, and prompt to exert their natural powers to defeat its purposes.”<sup>21</sup>

A few years after Jefferson introduced his public schooling proposal for Virginia, former Continental Army Surgeon General Benjamin Rush put forth an argument for public education in his state, Pennsylvania. Unlike Jefferson, though, Rush justified his plan more as a means for creating homogeneity than giving citizens the ability to identify threatening government. “Our schools of learning,” he wrote, “by producing one general and uniform system of education, will render the mass of the people more homogeneous and thereby fit them more easily for uniform and peaceable government.”<sup>22</sup>

By 1787, the notion that at least some publicly financed schooling was essential for peaceful, effective republican government had been accepted by many of the nation’s leaders. The Land Ordinance of 1785 and Northwest Ordinance of 1787 confirmed this, with the Land Ordinance requiring that one thirty-sixth of every township in western territories be set aside to fund public schooling, and the Northwest Ordinance declaring that “religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged” in the territories.<sup>23</sup>

Despite clear enthusiasm for public schooling in certain quarters, however, the most celebrated early American plans never amounted to much. Jefferson’s legislation to establish free public schooling in grades one through three in Virginia, for instance, was never enacted. Similarly, though the Continental Congress did pass the Land and Northwest Ordinances, the proceeds from renting the land set-aside for education typically ended up either stolen

or squandered, not poured into formal schooling, which many settlers neither wanted nor needed.<sup>24</sup> Indeed, between the signing of the Declaration of Independence and the 1830s, American education remained much as it had been since the colonial period: decentralized, entrepreneurial, and driven by the demands of individual parents and local communities, not school districts or states.

According to the “foundation of democracy” thesis, Americans during this period should have been socially fractured and civic involvement low. They weren’t. Indeed, as Alexis de Tocqueville observed in 1831:

In the United States the interests of the country are everywhere kept in view; they are an object of solicitude to the people of the whole Union, and every citizen is as warmly attached to them as if they were his own. He takes pride in the glory of his nation; he boasts of its success, to which he conceives himself to have contributed; and he rejoices in the general prosperity by which he profits.<sup>25</sup>

Clearly, public schooling was not necessary for unity, at least not in the early republic. It also wasn’t necessary to get people to do their civic duty: While data on such activities as voting in the earliest decades of the republic are not available, existing evidence suggests that people were highly civic-minded. De Tocqueville’s observations, of course, testify to this, and it was, after all, in this period that a new republic was created, power changed hands peaceably between different political parties, and the United States established a national identity. What greater evidence of civic success could there be?

Despite great civic and social accomplishments, by the 1830s many political leaders were beginning to advocate very intensely for systems of state-run schooling. Indeed, just a few years after de Tocqueville undertook the journey across the United States that informed his analysis of American society and democracy, Horace Mann was appointed sec-

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retary of the newly formed Massachusetts Board of Education. Over his 12-year tenure in that position, Mann would become a powerful political force thanks to his zealous advocacy for government-controlled schooling.

While Mann offered numerous rationales for creating a state system of “common schools,” ranging from the promotion of better hygiene to keeping people out of prison, his most celebrated argument was that common schools would unify the state’s citizens and equip them to execute their civic duties. As he declared in his 12th and final annual report, it was almost beyond dispute that “general intelligence” was necessary for a republic to succeed, and that “the spread of education, by enlarging the cultivated class or caste, will open a wider area over which the social feelings will expand; and, if the education should be universal and complete, it would do more than all things else to obliterate factitious distinctions in society.”<sup>26</sup>

Mann’s promises for public schooling did not, however, stop at unity. Indeed, he touted its potential to do little less than perfect the moral fabric of all whom it touched. “Without money and without price,” he declared, a free school system “throws open its doors, and spreads the table of its bounty, for all the children of the state. Like the sun, it shines, not only upon the good, but upon the evil, that they may become good; and, like the rain, its blessings descend, not only upon the just, but upon the unjust, that their injustice may depart from them and be known no more.”<sup>27</sup>

As a result of Mann’s influence and the work of like-minded reformers, common school systems became more prevalent and education increasingly centralized as the 19th century progressed. The famine-induced arrival of huge waves of Irish Catholic immigrants in the 1840s stoked a sense of urgency among the reformers, especially in northern states like Massachusetts. At the time, Mann himself hinted at a growing discomfort caused by burgeoning immigration and asserted that the common schools were necessary to shape poor immigrants into good Americans. “Every body acknowledges the justness of the declaration,” Mann stated in his

ninth annual report, “that a foreign people, born and bred and dwarfed under the despotisms of the Old World, cannot be transformed into the full stature of American citizens, merely by a voyage across the Atlantic, or by subscribing the oath of naturalization. . . . As the fitting apprenticeship for despotism consists in being trained in despotism, so the fitting apprenticeship for self-government is being trained in self-government.”<sup>28</sup> The latter, Mann asserted, should be the job of the common schools—essentially, state schooling should teach freedom.

Despite Mann’s confidence in common schools’ ability to prepare all Americans to be upstanding citizens, the common schools likely had at best tangential influence over American unity in the 19th century, and there is no evidence that they made children better citizens than they otherwise would have been. For one thing, even after Massachusetts made education compulsory in 1852, it did not become compulsory in most states until 1890, and even where such laws existed, enforcement was almost always lax.<sup>29</sup> Common schooling, in other words, was typically used only if people already wanted what it had to offer. Next, one of the major reasons that common schooling was initially able to grow was that most Americans were already educating their children. As a result, common schooling was at first able to assert itself with little unrest.<sup>30</sup> Finally, public schooling typically sprouted up organically, with homogeneous groups voluntarily establishing schools for their local communities, meaning that unity generally *preceded* common schooling. In this way, early common schools differed little from what de Tocqueville identified as a foundation of American society: voluntary associations, rather than systems imposed from above.<sup>31</sup>

This is not to say that even during the relatively tranquil opening decades of common schooling the system did not have divisive effects. Even in small, homogeneous communities, there were periodic disputes over the schools. Historian David Tyack, for instance, relates an incident in 19th-century Iowa, in which “dissident farmers secretly moved a



schoolhouse one night to their preferred site a mile away from its old foundation,” as well as trouble “in tiny Yoncalla, Oregon,” where “feuds split the district into three factions, each of which tried to maintain its own school.”<sup>32</sup>

It was with “outsider” groups, though, such as immigrants or the poor, that early common schooling created the greatest conflicts. Among the worst divisions it exacerbated were between Roman Catholics—a community that grew steadily with Irish immigration in the mid to late 1840s—and the dominant Protestants. Indeed, one of the bloodiest demonstrations of sectarian animus in the nation’s history was touched off by public schools in 1844, when hundreds of people were killed or injured and millions of dollars in property damages inflicted in the Philadelphia Bible riots.

The political struggle that peaked with the riots began in 1838, when the Pennsylvania legislature mandated that the Bible be used for reading instruction—though not “religious discussion”—in all schools receiving money from the state school fund. That set into motion a series of efforts by Roman Catholics to allow Catholic children to use the annotated Douay—rather than the Protestant King James—version of the Bible in the *de facto* Protestant public schools. Catholics’ efforts, however, prompted many Protestants, as well as xenophobic nativists, to accuse Catholics of attempting to remove the Bible from the public schools. Anger over this finally exploded into violence when a meeting of nativists in Kensington, a working class town adjacent to Philadelphia, precipitated violent clashes between Catholic and Protestant factions. Mob warfare soon engulfed the City of Brotherly Love, and it took the declaration of martial law and the arrival of thousands of sailors, marines, and state militiamen to end the violence.

That peace, though, did not last. A second round of fighting erupted two months after the first had subsided, when it was discovered that Catholics were storing guns in a church in Southwark, another district adjacent to Philadelphia. Round two did not end until five thousand troops occupied the city.<sup>33</sup>

The Philadelphia tragedy was certainly the bloodiest of the sectarian conflicts inflamed by state schooling, but it was sadly not unique. Tensions between Catholics and defenders of the Protestant public schools simmered, with occasional flare-ups, for most of the 19th century, and only subsided as much as they did because Roman Catholics established their own, separate schools, and because other issues, such as the Civil War, periodically pushed religious concerns to the back burner.

As the 19th century progressed, public schooling created an ever growing network of social fault lines. Religious divisions proliferated, and new fissures appeared. In the late 1880s, for instance, Illinois and Wisconsin were roiled by intense education battles, as primarily German-speaking Lutherans fought against compulsory education laws that allowed students to attend private schools, but only those in which instruction was conducted in English. In both states ethnic Germans railed against the measures, and tensions did not dissipate until Republican legislators and governors were swept out of office by indignant voters and the laws were eventually repealed.<sup>34</sup>

One last development made clear that Mann’s aspirations for common schools would go unrealized in the 19th century. By the late 1800s, industrialization was running at full steam, and public schooling in urbanizing areas, which was controlled by social and industrial elites, was designed to prepare students to work in factories, not to be free and responsible citizens. Ellwood Cubberley, dean of the Stanford School of Education, aptly summarized the ruling public education philosophy in 1916 when he wrote: “We should give up the exceedingly democratic idea that all are equal and that our society is devoid of classes. The employee tends to remain an employee; the wage earner tends to remain a wage earner.”<sup>35</sup> So while factory-prep schooling did increase “unity,” in the sense of cementing a common future for most students, it was hardly the democratic ideal in terms of promoting freedom and upward mobility. In ironic contrast to Jefferson’s aim

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for public education—that it should inform the people so that they can recognize and resist oppressive government—public schooling was itself imposed by governments to create obedient factory workers.

By the end of the 19th century, public schooling had thus proven itself not a unifying force, but a divisive one—particularly in the way it forced different religious groups into conflict. And one of the few respects in which it may have succeeded in promoting unity, shaping masses of students for work in factory jobs with little upward mobility, was a far cry from Horace Mann’s ideal system that would “obliterate factitious distinctions in society.”

How did it do at getting people to embrace their civic duties? Unfortunately, there is no clear evidence one way or the other on this point. But although no strong evidence has been found that public schooling increased voting rates (though more education in general is correlated with a greater tendency to vote), at the very least voting participation did rise through the latter two-thirds of the 19th century, when common schooling was growing. Between 1832 and 1844, the average turnout of eligible voters in presidential elections was 68.6 percent. By the period between 1884 and 1892, average turnout had risen to 77.7 percent, and had grown steadily in each 12-year period between the two cited here.<sup>36</sup> Of course, there could be many causes for this steady increase—people were already civic-minded; immigrants who’d fled oppressive political conditions gladly voted; the run-up to and ramifications of the Civil War heightened the political stakes, and so forth—but at least it can be said that voter turnout rose at the same time public schooling was spreading.

#### **From Dewey to Today**

By the early decades of the 20th century, it was clear that the reality of public schooling had departed radically from “foundation of democracy” rhetoric. Rather than uniting Americans, the public schools were either serving pre-existing homogeneous communities or causing disputes among heterogeneous ones.

Rather than forming independent thinkers capable of intelligent self-governance, they were training children to follow the rules and routines of industrial employment.

It was in this environment that John Dewey, arguably the most famous and influential American education philosopher, wrote *Democracy and Education*. In it, he revolted against the then-dominant industrial model of schooling and set forth public schooling designs that he thought would truly prepare diverse American children to live in harmony and take care of both themselves and the republic. “The increased political and economic emancipation of the ‘masses’ has shown itself in education,” he wrote. “But the revolution is still incomplete. The idea still prevails that a truly cultural or liberal education cannot have anything in common, directly at least, with industrial affairs, and that the education which is fit for the masses must be a useful or practical education in a sense which opposes useful and practical to nurture of appreciation and liberation of thought.”<sup>37</sup>

To achieve “liberation of thought” for all children, Dewey thought that schooling must be a student-centered process in which children interacted with each other regardless of class, race, or other stratifying characteristics, pursuing knowledge on the basis of their own interests. The objective was to make learning an appealing process, while teaching children to live united and tolerant in a free, pluralistic society:

A democracy is more than a form of government; it is primarily a mode of associated living, a conjoint communicated experience. The extension in space of the number of individuals who participate in an interest so that each has to refer his own action to that of others, and to consider the action of others to give point and direction to his own, is equivalent to the breaking down of those barriers of class, race, and national territory which kept men from perceiving the full import of their activity. . . . Obviously a society to which stratification into sepa-

rate classes would be fatal, must see to it that intellectual opportunities are accessible to all on equitable and easy terms.<sup>38</sup>

Dewey put his theories into practice at his famous laboratory school at the University of Chicago, where he experimented with child-centered education. It was, by most accounts, both a successful undertaking and impossible for the vast majority of public schools to replicate: Dewey's school, led by the dynamic Dewey himself, was free from bureaucratic rules and regulations, blessed with only about six students for every teacher, and composed—in contrast to Dewey's ideal for democratic education—entirely of white, upper-middle-class students.<sup>39</sup>

Although Dewey enjoyed great celebrity among educators, public schooling became no more unifying or democratic during or after Dewey's heyday. By the 1950s, in fact, authority over education had been placed in the hands of increasingly large and inflexible bureaucracies controlled by self-described “experts,” and “academic” instruction for most students—often against the will of their parents—had been forced out. In its place, students who were deemed not to be college bound—the vast majority—were given vocational and “life adjustment” training to prepare them either for vocational work or homemaking.

Despite the increasingly centralized control and standardized offerings of public schooling, it was fostering little social unity by the beginning of the 1950s, and its systematic exclusion and marginalization of many groups was becoming intolerable. Most egregious, of course, was that until *Brown v. Board of Education* in 1954, African-Americans in many states were legally prohibited from attending schools with whites, and even where the races were not legally separated, housing patterns kept different racial groups concentrated in their own schools.

Separation also remained when it came to religion. Most notably, Roman Catholics—the largest non-Protestant religious denomination in the country—had established a huge school system of their own to escape Protestant-con-

trolled public schools. At its peak in 1965, it enrolled almost 5.5 million students<sup>40</sup>—11 percent of the nation's entire elementary and secondary school population.<sup>41</sup> Moreover, distinctive religious groups tended to live together just like racial and ethnic groups (and there was, of course, significant overlap between ethnicity and religion) and so the “stratification” that Dewey and his disciples bemoaned was alive and well.

By the 1960s and 70s, often driven by efforts to eliminate the religious and racial segregation that pervaded society, political and social upheaval was occurring in all facets of American life. But those desegregation efforts focused primarily on forcing physical integration rather than eliminating legally required segregation as *Brown* had done.

Government efforts to force integration of the races, especially during the 1970s, were, ironically, some of the most divisive government actions in American history. School buses were sabotaged, and grassroots resistance to forced busing formed in places like Denver, Colorado, and Pontiac, Michigan, after federal courts put them under busing orders. “White flight” from cities required to institute busing was a common pattern. And then there was Boston, where in 1974 court-imposed busing sparked frequent violence. Throughout the 1974–75 school year, Boston police were a huge presence at many city high schools, yet racial violence persisted. And the rage was not confined to the schools. In the fall of 1975 a protest march to Bunker Hill by 400 women from the predominantly white neighborhood of Charlestown ended in a melee between the women, a crowd of their supporters, and police. In addition, in July of that year a brawl broke out over busing outside Boston's famous city hall. That fight was memorialized in Stanley Forman's Pulitzer Prize-winning photograph “The Soiling of Old Glory,” which captured a white man lunging with a flagpole—stars and stripes still attached—at a black man who was being restrained from behind. “Sometimes when I look out this window,” Boston's Mayor Kevin White was purported to have told an aide as

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busing battles raged in the streets, “I see Belfast out there.”<sup>42</sup>

Importantly, forced integration in the latter half of the 20th century did not just embitter whites. It was greatly resented by large numbers of African Americans as well. Indeed, a 1982 *Boston Globe* poll found that 79 percent of black parents with children in the Boston public schools favored open enrollment, which would have let them choose their child’s public school, over busing, and 42 percent said they had opposed busing from the start.<sup>43</sup> Moreover, many blacks felt more alienated after forced integration than they had before it, especially as they lost control of schools that had been integral to their communities. As historian James T. Patterson relates:

A Wilmington, North Carolina, black woman also wondered about desegregation. She had attended Williston High School, which had been dedicated as a new facility—for blacks alone—on the very day, May 17, 1954, that *Brown* had been decided. There she had been happy and motivated. “We were in a cocoon bathed in a warm fluid, where we were expected to excel,” she recalled. In 1968, however, “something called desegregation” arrived in Wilmington and “punctured” the cocoon. Williston High School ceased to exist as a black school, late becoming instead a middle school for whites as well as blacks. The woman sighed, “We went from our own land to being tourists in someone else’s. It never did come together.”<sup>44</sup>

Forced integration certainly put blacks and whites into the same schools, but it did little to promote the social cohesion that it was meant to foster.

Religious conflicts over the content of public school education also raged on in the 1960s and 70s, despite the fact that Supreme Court rulings such as *School District of Abington Township, Pennsylvania v. Schempp* and its companion case *Murray v. Curlett*, removed overtly

religious activity from public schools, ending many schools’ *de facto* Protestant orientation. The secularization of public schooling did little, however, to please many religious Americans, Protestant and otherwise, who felt that faith was central to good education and had to have a place in the public schools. The result has been decades of feuding over prayer in schools, students’ religious expression that might be deemed offensive to other groups, and endless battles over the teaching of evolution.

Today, despite rhetoric about public education being the “bedrock of democracy,” even many committed supporters of public schooling concede that over the last several decades it has failed to live up to its lofty charge to unify and democratize. As Stanford University professor Linda Darling-Hammond has written:

Right now our democracy is in trouble. Only about one-third of our citizens feel sufficiently interested or empowered to participate in a regular way in the political process. Racial, ethnic, and class divisions are growing as confusion about vast social changes create a search for scapegoats. The ability of citizens to come together for positive social action in their local communities seems undermined by a combination of intergroup antagonism and a sense of cynicism and hopelessness about the usefulness of collective effort.<sup>45</sup>

Public schooling, it appears, is failing in its mission to unify. It also seems to be failing its civic mission. Darling-Hammond observes a breakdown in “positive social action” in communities, in stark contrast to what de Tocqueville observed in 1831. Moreover, unlike the 19th century, in the 20th century turnout in presidential elections dropped, falling from an average of 70.8 percent in the elections between 1896 and 1908, to 52.7 percent between 1992 and 2004. As mentioned before, many variables are at play in voter turnout beyond education. But with the opening of public schooling to all students, compulsory attendance in every state in the union, and unprecedented state and fed-

eral control of schooling seen in the 20th century, if public schooling were really the foundation of democracy, we should not have seen a *negative* voting trend.

So what does history tell us about public schooling? It provides abundant concrete examples of how public schooling has contributed to divisions among Americans and provides at best mixed signals about public schools' success at propagating civic spirit. Perhaps more tellingly, it shows that both social cohesion and civic spirit thrived *before* there was common schooling. The historical record, then, demonstrates that the claim that public schooling is necessary for a democratic republic to thrive is dubious at best, and it is very likely false. Which raises a critical question: If public schooling has not unified us or made us anymore democratic, what has kept us together, and enabled our nation to thrive?

### **Freedom Is the Key**

As noted earlier, despite the absence of any system remotely approximating “public education” as it is conceived of today—or even as it was imagined by men like Thomas Jefferson and Benjamin Rush—Americans were remarkably unified and civic-minded in the nation’s first decades. Why? De Tocqueville offers a clue:

The free institutions which the inhabitants of the United States possess, and the political rights of which they make so much use, remind every citizen, and in a thousand ways, that he lives in society. They every instant impress upon his mind the notion that it is the duty as well as the interest of men to make themselves useful to their fellow creatures; and as he sees no particular grounds for animosity to them, since he is never either their master or their slave, his heart readily leans toward the side of kindness. Men attend to the interests of the public, first by necessity, afterwards by choice; what was intentional becomes an instinct, and

by dint of working for the good of one’s fellow citizens, the habit and the taste for serving them is acquired.<sup>46</sup>

It is especially important to note the voluntary nature of early Americans’ democratic spirit. De Tocqueville does not say that schools, or some other government-sponsored undertakings, are responsible for Americans’ democratic behaviors. He suggests, rather, that people first came to understand the practical need for voluntary cooperation, and that then helping “one’s fellow citizens” grew into an “instinct” over time.

This, of course, makes both intuitive and logical sense. True unity—meaning shared bonds of affinity between people—can only ultimately come through individual volition. People have to *want* to be unified. In contrast, when an authority simply requires diverse people to get along, the best that can be expected is for citizens to coexist and not do each other overt harm. Unity, however, can only truly exist when individuals themselves choose to work with, and even befriend, other people.

This proposition, demonstrated during de Tocqueville’s time, has been substantiated throughout U.S. history. But what has brought diverse Americans together in order to form voluntary bonds? The answer is commerce. While suspicion, animosity, and prejudice have been inescapable components of American society—as they are in any pluralist society, especially with the arrival of new, strange, people—Americans have been very adept at overcoming their worse natures by letting their desires for mutual gain overcome those natures. As Hunter College urban affairs and planning professor Peter Salins has observed, “once immigrants and natives work together and come to appreciate each other’s value it becomes much easier to form other kinds of interest-based relationships. Eventually, economic relationships lead to social ones, culminating in friendship and even intermarriage.”<sup>47</sup>

A look at several ethnic groups, including Irish, Jews, and Asians, bear out the importance

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of commerce—rather than public schooling—in bringing diverse peoples together. To see this, it is useful to compare the approximate length of time it took various ethnic groups to integrate into American society. Michael Barone did this in *The New Americans*, and found that the Irish, who came from largely peasant stock that had little experience with economic entrepreneurialism, took nearly 120 years to become fully integrated in American society. Jews and Asians, by contrast, who much more often came from merchant and artisan classes, were able to achieve economic and social integration in a matter of eight decades or less.<sup>48</sup>

The importance of freedom to democracy goes beyond social and economic integration, however. Freedom's importance is, in fact, visible in civic education itself, where we find that students in private schools demonstrate both greater civic knowledge and greater tolerance for others than public school students. As Notre Dame political scientist David E. Campbell found after controlling for variables such as race, family income, and academic performance, only 48 percent of nonmagnet public school students participate in community service, compared with 52 percent of students in secular private schools, 57 percent in non-Catholic religious schools, and 59 percent in Catholic schools.<sup>49</sup> He found similar differences in students' political knowledge, though the disparities were only statistically significant between Catholic school students and non-magnet public school children, with the former exhibiting appreciably greater political knowledge than the latter.<sup>50</sup> Finally—and perhaps most surprisingly—Campbell found that students in Catholic and private schools were more tolerant of inflammatory political expression—even anti-religious expression—than were public school students.<sup>51</sup>

In addition to creating better democratic citizens, private schools tend to be better racially integrated, a fact demonstrated best in school lunchrooms, where students exhibit truly voluntary integration. In a 1998 study of such integration, Jay Greene and Nicole Mellow found that 63.5 percent of students in lunchrooms at randomly selected private

schools sat in groups where at least one out of every five students immediately around them was from a different racial group, while in the public schools only 49.7 percent of students were so integrated.<sup>52</sup>

Perhaps the final—and for many parents and students, most important—advantage of private over state-run schooling comes in the form of academic success. When parents can choose schools that share their moral, pedagogical, and other beliefs, education is more effective because schools can quickly and efficiently teach coherent lessons rather than having to struggle to accommodate different children, values, and so forth. It's a reality that has been demonstrated well in Chile, which has relatively extensive school choice. There, researcher Claudio Sapelli found that students in private schools outpaced the performance of their counterparts at municipal schools even after accounting for socioeconomic variables and so-called “peer effects” (the tendency for a child's performance to improve simply as a result of attending schools with better-off students, rather than as a result of the schools themselves).<sup>53</sup>

### **School Choice: The Only Solution**

Given the dubious value and divisive social effects of state-run schooling, it seems logical that democratic values—and academic excellence—would best be served by an education system that maximizes freedom. School choice—in which the public ensures that all children can get an education, but parents select the schools—fits that bill. Supporters of the status quo frequently contend, however, that letting people choose their own schools would lead to serious social divisions, a result commonly known as “Balkanization.”

The specter of Balkanization was most famously applied to education in a dissenting opinion in a 2002 Supreme Court decision that declared a choice program in Ohio constitutional. Justice John Paul Stevens wrote in *Zelman v. Simmons-Harris*:

The Court's decision is profoundly misguided. . . . I have been influenced

by my understanding of the impact of religious strife on the decisions of our forbears to migrate to this continent, and on the decisions of neighbors in the Balkans, Northern Ireland, and the Middle East to mistrust one another. Whenever we remove a brick from the wall that was designed to separate religion and government, we increase the risk of religious strife and weaken the foundation of our democracy.<sup>54</sup>

Stevens' assertion came, of course, directly from the "foundation of democracy" myth. It was also highly ironic. Imposing government-run schooling on every American—the opposite of freedom and choice—has been the cause of constant social and political conflict, while enabling people to select schools that reflect their own values, use the curricula they desire, and so on, is essential to defusing social conflict. Indeed, the misery in places like the Balkans and the Middle East is much more the consequence of forcing different ethnic and religious groups together—just as public schooling attempts to do—than letting them remain apart.

Choice's salutary effects are not just theoretical. In other nations as well as our own, we have seen educational choice defuse social conflicts. The Netherlands, for instance, was split between Protestants, Catholics, and socialists, for generations, and these divisions caused constant battles over what should be taught in the public schools. Eventually, in a drive to end these conflicts, the Netherlands instituted a voucher system that let families choose their preferred public or private schools. By the 1960s, the social divisions that had previously torn the country apart had almost disappeared.<sup>55</sup>

In the United States we have seen similar decreases in hostility thanks to school choice. As discussed, when Catholics established their own schools and removed themselves from many battles to control public schooling, friction between Catholics and Protestants lessened and Catholics integrated fully into American society. Similarly, little of the out-

rage that accompanied desegregation in Denver, Pontiac, or Boston has been found in voucher programs, which tend to place students in more integrated settings than do traditional public schools.<sup>56</sup>

But though vouchers allowed the Dutch to vanquish their fiercest social conflicts, they were not a panacea. They reduced coercion, but still force generally liberal Dutch taxpayers to support some educational choices with which they do not agree, most notably, the more conservative Muslim voucher schools. Some Dutch citizens view state funding of conservative Islamic education as out of step with their values, and that has led to calls for government intervention to reduce the freedom or number of such schools. Thankfully, vouchers are not the only vehicles that deliver choice; tax credit programs of various types ensure that everyone can afford an education, without forcing taxpayers to support educational decisions with which they disagree.<sup>57</sup>

Finally, going back to the observations of de Tocqueville, Salins, and others, it is clear that choice in education is ultimately just a subset of the overall freedom that has united Americans and enabled them to succeed socially and economically. Indeed schooling driven by choice is the *only* education system that is truly consonant with liberty because it lets individuals—rather than government—make their own educational choices. Imposing "democracy" through government-run schooling, in contrast, is inherently authoritarian.

## Conclusion

All across the country, public schools threw Americans' fundamental values into conflict during the 2005–2006 school year—whether over intelligent design, dress codes, controversial school books, or sundry other divisive topics. This was not an aberration. American history is littered with an endless series of such conflicts, and the problem has only grown worse as public school systems have become more centralized and the

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**Under our monolithic system, different cultural, ethnic, and religious groups have no choice but to enter the political melee if they want to see their values taught by the public schools.**

nation more diverse. These conflicts are not only inescapable under our monolithic system of official schools, they are actually caused by it. Different cultural, ethnic, and religious groups have no choice but to enter the political melee if they want to see their values taught and desires met by the public schools.

So is American education doomed to eternal acrimony? Thankfully, it doesn't have to be. If public education were driven by free parental choice, it could escape the Balkanizing battles that plague our current system, because individual parents could choose schools that comport with their values, and there would be no need to fight over public schools for which all must pay, but only the most politically powerful can control. And there is an upside to choice even beyond unity and social cohesion. Current research shows that private schools do a significantly better job of teaching kids to become good, active, knowledgeable, and tolerant citizens than do the public schools.

### **Appendix: A Word on Organization and Story Selection**

The following section is organized first by state, and within states by the eight conflict types. The stories were collected between July 15, 2005, and July 15, 2006. Where years are not explicitly given in synopses, the months mentioned fall within that date range. Stories were identified using readily available news sources. Finally, several conflicts could fall under multiple categories, such as disputes between homosexual students and students expressing religiously driven opposition to homosexuality, which could go under "homosexuality," "freedom of expression," or "religion." These incidents have been placed under the categories most central to the conflict, though they could have been listed under any applicable heading.

For the majority of the stories the conflicts are obvious, as are their roots in gov-

ernment-run schools' inability to give equal weight to all peoples' rights and values. In a few cases, however, these might not be as clear, such as when the incident is a small battle in a larger fight or focuses on only one person's effort to change the schools. For instance, one story reviews a debate in Arizona over Black History Month in which several people asserted that the state's schools were doing an inadequate job of teaching African-American history. This did not involve a court case or specific legislation, but nonetheless showed that people were unhappy with the schools for which they had to pay but could only change through politics. A Nevada man's drive to put an initiative on the state ballot changing how evolution is addressed in Nevada schools is similar. While it might be dismissed as just one man's crusade, polls regularly show that large percentages of Americans have qualms about evolution. Moreover, even if just one person must enter a political fight to get satisfaction from the schools, it is still a case of conflict forced by public schooling. Finally, a few stories revolve around officials in public schools deeming such things as specific films or websites inappropriate for children. Conflict is inherent in these cases because even when the officials are reflecting the opinion of the vast majority of district residents, no government authority may constitutionally deem some forms of expression "appropriate" and others "inappropriate."

One final note: The author would like to thank Jessie Creel for assistance in collecting and collating these data.

#### **Alabama *Intelligent Design***

- *Montgomery*—In November, the Alabama Board of Education voted unanimously to continue use of a disclaimer in biology textbooks stating that "evolution is a controversial theory." This despite having dropped the same wording on the state's science guidelines last year and strong consensus among scientists that learning Darwin's theory of evolution is crucial to



understanding the development of life on Earth. Many critics of the 10-year-old disclaimer were relatively mum in the discussion about keeping it, but remained opposed—if somewhat resigned—to its use. “They know nothing is going to be done about it,” explained disclaimer opponent Randall Johnson.<sup>58</sup>

## **Alaska**

### ***Freedom of Expression***

- *Juneau*—In March, the 9th U.S. Circuit Court of Appeals decided that in January 2002 the Juneau school district had violated high school student Joseph Frederick’s rights when his principal suspended him for refusing to take down a sign saying “Bong Hits 4 Jesus” as the Olympic Torch passed through Juneau. Frederick was not on school property at the time of the incident but was at a school-sanctioned event, so principal Deborah Morse felt that she had to choose but to punish Frederick for refusing to drop the sign she thought endorsed illegal drug use. Frederick, however, saw Morse’s actions as a violation of his free speech rights, as did the 9th Circuit Court of Appeals. But this fight is not yet over: In December 2006 the Supreme Court agreed to hear Frederick’s case.<sup>59</sup>

## **Arizona**

### ***Freedom of Expression***

- *Tucson*—In May, a speech at Tucson High School by United Farm Workers activist Dolores Huerta, in which she said “Republicans hate Latinos,” elicited an immediate response from many Republican state legislators. They suggested that the Tucson Unified School District might be “brainwashing” students. Defenders of the Huerta’s appearance responded by noting that the First Amendment protects speech and suggesting that state legislators stay out of local business.<sup>60</sup>
- *Mesa*—In mid-May, Native American students slated to graduate from Westwood High School were told that they would be prohibited from attaching eagle feathers

to their graduation caps, setting off a dispute between the school district, students, and the Salt River Prima-Maricopa Indian Community. The students wanted to wear the feathers because they considered doing so a rite of passage. District spokeswoman Kathy Bareiss, however, said that no graduating student would be allowed to wear anything showing affiliations or cultural associations because the graduation ceremony is intended “to honor all of the academic achievements of the whole class and not an individual affiliation.” This policy was reversed, though, after two days of negotiations, with Mesa Superintendent Debra Duvall explaining that she changed her mind because “this is a time-honored tradition . . . bestowing this feather is a designation of a major event, or a significant event, in the life of that individual.” However, that decision left other people unhappy. After the reversal was announced, school board member Rich Crandall complained that he feared the decision would let students display all kinds of symbols at graduation.<sup>61</sup>

### ***Multiculturalism***

- In the wake of actor Morgan Freeman’s calling the annual observation of Black History Month “ridiculous” because “Black history is American history,” in January several Arizonans argued that the month was still needed, and that schools in the state were not doing enough to teach African-American history. “Being a Black American man, I don’t think (public schools) taught me enough about my culture,” Doug Harris, an English and history teacher at Desert Vista High in Tempe, told *The Arizona Republic*. Similarly, Arizona State University student Lynne Houston said that “the reality is that American history does not include Black history right now.”<sup>62</sup>

### ***Sex Education***

- *Tempe*—In June, the Kyrene School Board came under significant criticism by par-

ents and a local state representative when it considered adding graphic details about different types of sexual activity to its sex education curriculum for grades 6–8. Parents and state representative Laura Knaperek (R-Tempe) demanded that the board’s final decision on the changes be postponed until after the summer, when many families were away, so that parents could get a chance to read them. Board vice president Ross Robb gave some indication of why the Board might have been rushing to approve the new curriculum: “The likelihood of having something everyone can agree on is going to take a lot of work. It’s a topic that transcends everyone’s personal beliefs.”<sup>63</sup>

## **Arkansas**

### ***Freedom of Expression***

- *Springdale*—When an early afternoon march to protest proposed changes to federal immigration laws had students marching down a main thoroughfare on April 7, several Springfield residents called city hall to complain that students should be in school. Despite the fact that they were exercising their free speech rights, several students who took part in the march were cited for truancy.<sup>64</sup>

## **California**

### ***Intelligent Design***

- *Lebec*—At a special January 1 meeting, the El Tejon Unified School District approved a one-month, elective course called “Philosophy of Design,” which would have discussed evolution and “the scientific, biological and biblical aspects that suggest why Darwin’s philosophy is not rock solid.” Proponents of the course asserted that because it was called a “philosophy” class it would be legal. A group of 11 parents, however, disagreed, and contacted Americans United for the Separation of Church and State to bring a suit against the district. On January 17, faced with the legal action, the district cancelled the elective course.<sup>65</sup>

### ***Freedom of Expression***

- *Mira Loma*—In June high school senior Joshua Denhalter sued the Jurupa Valley Unified School District after he was suspended for wearing an anti-illegal immigration T-shirt with a picture of Uncle Sam on it and the words “Illegal Aliens We Don’t Want You!” and handing out fliers about an off-campus rally on the same subject. His actions were in response to a school-sponsored assembly Denhalter felt had turned into a rally in support of immigrant rights.

Denhalter believes his free speech rights were violated by the school. “The question you have to ask yourself is this,” Denhalter told the *Los Angeles Times*, “what is the 1st amendment worth to you?” District officials, however, saw the situation much differently. “This district is concerned with safety and security of students first without regard to race or point of view,” said Superintendent Elliott Duchon.<sup>66</sup>

- *Oceanside*—A lunchtime confrontation between police and Oceanside High School students who were trying to leave school to join late-March immigration protests culminated in 224 suspensions. In April, the National Lawyers Guild said that those suspensions were illegal because many of the students were charged with truancy, which according to the state Education Code cannot be punished by suspension. Oceanside superintendent Ken Noonan disputed the guild’s accusation, saying that the students were suspended for defiance of authority, not truancy. Regardless, Kate Yavenditti of the guild’s San Diego branch asserted that the issue was ultimately much more basic: “Really what they’re doing is punishing kids for political speech and political actions.”<sup>67</sup>
- *Fallbrook*—On the heels of the troubles in Oceanside, many California schools took extra precautions to guard against immigration protest-related disturbances. At Fallbrook High School, this allegedly led

to sophomore Malia Fontana having an incident report placed in her file because she had a flag in her back pocket. Flags, she was told, had been prohibited at the school because they were being used to inflame animosity generated by the protests. Viewing this as a violation of her right to free speech, Malia's mother contacted the American Civil Liberties Union, which demanded that the school stop "censoring" student flag displays and remove the incident report from Fontana's file.<sup>68</sup>

- *Poway*—When student Tyler Chase Harper wore a T-shirt two years ago that said "Homosexuality is shameful" he started a legal firestorm that continued to rage last year. In April, the U.S. 9th Circuit Court of Appeals decided 2 to 1 that the Poway dress code which prohibits students from wearing clothing with hurtful sayings, was constitutional. In May, action took place on another suit Harper had launched against the district, this time accusing school administrators of acting improperly when they removed him from class for wearing the shirt. Both Harper's and the district's lawyers asked federal Judge John A. Houston to declare that there was no need for a trial, and to rule on their side. Poway schools' attorneys were feeling especially boxed in: The district had recently lost a case brought by two homosexual students who accused school leaders of doing too little to fight harassment. "We are being sued for stopping it and we are being sued for not stopping it," lamented Poway schools lawyer Jack Sleeth.<sup>69</sup>
- *Sacramento Area*—Students in many Sacramento-area schools were disciplined in the last week of April—the same week that other students were participating in a "Day of Silence" to support gay and lesbian students—for wearing T-shirts expressing disapproval of homosexuality. "I want other people to know the truth," said Anna Choban, a San Juan High School sophomore who was punished for

refusing to take off a shirt with an anti-homosexual saying. San Juan High principal Dave Terwilliger supported his actions by stating, "We celebrate the multicultural nature of our school, and an anti-gay or anti-lesbian T-shirt we don't find particularly tolerant."<sup>70</sup>

- *Pittsburg and Richmond*—As the Pittsburg and West Contra Costa school districts prepared to institute school-uniform policies in the 2006–07 academic year, opinions differed about the value and appropriateness of uniforms. Proponents argued that uniforms helped to curb violence and eliminate visible distinctions between rich and poor students and cited a recent study that suggested uniforms raised graduation rates in Ohio. Sociologist David Brunnsma, in contrast, argued that the uniforms would at best mask behavioral problems and social distinctions and would violate kids' rights to free expression. "It's about much more than clothing kids," he told the *Contra Costa Times*. "It's about the rights of children."<sup>71</sup>

### ***Homosexuality***

- *San Francisco*—In May the San Francisco Board of Education considered a proposal to ban the Junior Reserve Officers Training Corps (JROTC) from public high schools. The proposal, which sought the establishment of a program with similar physical fitness goals not tied to the U.S. military, came after members of the community objected to the armed forces' "Don't Ask, Don't Tell" policy. Mark Sanchez, the board's only openly gay member and author of the measure, argued that "if the military said 'You can't be openly Jewish or you can't be openly Catholic,' I don't think we would have stood for it." Last year 1,625 San Francisco students participated in JROTC, however, and many—backed especially by Asian-American veterans—have fought to save it. "It helped my self esteem," Cadet Rick Chen told San Francisco's ABC News

affiliate. “I know I can do this. I’m confident. I’m able to speak in front of people.” In November, 2006, the board approved the ban.<sup>72</sup>

- *Sacramento*—California’s first openly gay legislator pushed a bill through the state Senate in May that would have required state textbooks to include contributions from members of the gay and transgendered community. “Our community is invisible in all of the teaching material, so that our students are never, ever given any information about the fact that somebody who did something good was a gay person,” complained Sen. Sheila Kuehl (D-Santa Monica), who sponsored the bill. Many Californians, however, were outraged by the measure. “While half the Hispanic and black students drop out of school, the Legislature is sexually indoctrinating our students,” said Randy Thomasson, president of the Campaign for Children and Families. The assembly eventually changed the bill to only prohibit negative portrayals of gay people in textbooks, and Governor Schwarzenegger ultimately vetoed it.<sup>73</sup>

### **Sex Education**

- *Santa Ana*—A proposed health curriculum for the Santa Ana Unified School District that would push abstinence and barely touch on birth control sparked conflict in September. “It’s good to have the AIDS and HIV [education], but that’s not enough,” argued Steve Delgadillo, who had two daughters become pregnant at age 17 and favored a more comprehensive sex education program. School board member Rosemarie Avila disagreed, backing the proposed curriculum and stating that “children need to have a consistent message from adults: that marriage is to be honored and that’s why you have sex.”<sup>74</sup>

### **Book Banning**

- *San Juan*—After discovering that her ninth-grade son was reading books for

school that profaned God’s name and contained multiple uses of “the F word,” Cori Grimsman gathered like-minded parents to demand that the school district put together a parent review panel to rate all assigned books for adult content. “I don’t really want teachers talking to my kids about morality or controversial situations,” said parent Carol Horst. “It’s my right and my duty as a parent to teach them those things.” District officials resisted Grimsman’s proposal on the grounds that the district already had a process for vetting reading materials and that it would be impossible to select readings of which all parents would approve. “Quite honestly, there aren’t many Shakespeare plays that could be read, according to Ms. Grimsman’s classification,” said Sarah Grondin, director of schools and programs for the district.<sup>75</sup>

- *Malibu*—When students at Malibu High School selected the book *Lovely Bones* for a school-wide reading project in March, it alarmed a lot of parents. The book is written from the perspective of a 14-year-old girl in heaven who has been raped, murdered, and dismembered by a neighbor, and who watches her family’s reactions to the horrific crime. At a meeting to discuss the controversial selection, many parents expressed great discontent over the choice. “I see this book as a very dangerous book for some children, who are just about to become adults,” said one parent. English teacher Bonnie Thoreson responded to the uproar by noting that “the book was selected by the students, and we would like to respect that,” and that “the book was approved by the California Department of Education.”<sup>76</sup>

### **Multiculturalism**

- Hindus across California railed against history books currently approved by the state, charging that the books misrepresent Hinduism—and as a result, Indian history—by focusing on the caste system

and oppression of women. Those are common smears, they said, dating back to British rule over India. They wanted new, more even-handed books adopted by a special commission charged with approving California textbooks. Many historians disagreed with their complaints, however, arguing that right-wing Hindus were trying to whitewash history. Historian Meenakshi Jain summed up the problem, arguing that “there is no such thing as an objective history.”<sup>77</sup>

## Colorado

### *Freedom of Expression*

- *Aurora*—When teacher Jay Bennish compared President George W. Bush’s rhetoric to Adolph Hitler’s and said capitalism was “at odds with human rights” in a March lecture, he likely did not know that student Sean Allen was recording him. When Allen’s recording got out, Bennish found himself on administrative leave. The appearance, at least, was that he was being punished for saying unpopular things. However, district spokeswoman Tustin Amole announced that “this is not a free speech issue. . . . It’s about whether [Bennish] provided sufficient balance.” A little more than a week after being put on leave the district reinstated Bennish, but not until the incident had set off debate nationwide about freedom of speech in schools.<sup>78</sup>
- *Westminster*—With immigration protests occurring all over the country in April, the principal of Shaw Heights Middle School in Westminster banned all “patriotic” clothing at her school, believing that such clothing could instigate trouble. Principal Myla Shepherd said the move was precipitated by the arrival of about 20 students at school one day who were wearing camouflage jackets and pants, which she believed were intended to express some kind of controversial patriotism. “Safety is my first concern, so I’m going to do things to keep us from getting to a point where anybody is hurt

or being suspended for fighting.” Despite safety concerns, many parents and community members immediately protested the move. Eric Gorgart, whose eighth-grade daughter was threatened with suspension if she did not change her clothes, organized a petition and rally against the ban. In doing so, he said he “was just standing up for the rights of every American.”<sup>79</sup>

### *Book Banning*

- *Littleton*—In August, the Littleton Board of Education banned from district schools *The Bluest Eyes* by Nobel Prize winner Toni Morrison after receiving complaints from parents about the book’s explicit sex scenes, including depictions of rape. In October, however, district English teachers vowed to bring the book back. “It’s pretty shocking that any school board would ban a book by a Nobel Prize winner,” said English teacher Judy Vlasin at a special meeting about the ban. “It’s a huge step backward for the school district.” Parent Pam Cirbo, however, had a different take: “Do they [students] need to know the explicit graphicness of rape? I don’t think so,” Cirbo said. It was student Camille Okoren, however, who best summarized the problem. “Once you ban one book, parents and teachers think it’s OK to ban another book. Everyone is offended by different things.”<sup>80</sup>

### *Religion*

- *Monument*—After Erica Corder announced in a graduation speech that “if you don’t already know (Jesus) personally, I encourage you to find out more about the sacrifice he made for you,” school district officials threatened to withhold her diploma unless she told the parents of other students that district personnel did not condone her remarks. Officials pointed out that it would be a violation of the Constitution had they approved of her proclamation. In an e-mail, Corder told

parents that she did not intend to offend anyone, but refused to apologize for what she said.<sup>81</sup>

- *Bennett*—In January, the opera *Faust* became the cause of great disruption for Bennett elementary school students when a videotaped scene depicting Mephistopheles reportedly traumatized many first- through third-graders who saw it in music class. “It created kind of a fire-storm,” Bennett school district supervisor George Sauter told the *Los Angeles Times*. “We have people on both sides of the fence. Some are saying it’s trying to promote the devil. Other people are defending the arts to the hilt.” Despite the mixed reactions, Sauter placed vocal music teacher Tresa Waggoner on paid leave for showing the disputed scene, which featured sock puppets singing from the opera in a video series narrated by Joan Sutherland called *Who’s Afraid of Opera?*<sup>82</sup>

### **Connecticut** ***Freedom of Expression***

- *West Hartford*—When students at Conard High School released crickets into the school’s cafeteria as a senior prank, they probably did not realize it would lead to the arrest and suspension of their student council president. That’s exactly what it did, though, when Francisco Acevedo Jr. video-recorded what he thought was excessive use of force by a police officer who was trying to bring order to the cricket-release chaos.

When Acevedo thought he saw Officer James Parizo pushing students around and reaching for his baton, he yelled to Parizo to “chill out” because he had him on tape. At that moment Vice Principal Irene Zytka arrived on the scene and told Acevedo to put his camera away. Acevedo said he complied, but yelled to Zytka that he had every right to record the incident. After the chaos had subsided Acevedo was taken to the school office and arrested by Parizo. He was also suspended for disrespect and insubordination by school offi-

cials, who said he challenged Zytka when she told him to put the camera away. The suspension threatened to keep Acevedo out of graduation and prohibited him from attending a post-graduation party. Acevedo’s lawyer, in response to the incident, lodged a civil rights complaint against the district, claiming that Acevedo’s constitutional free speech rights were violated by the school and police officer, and that Acevedo would be irreparably harmed were he unable to attend his graduation as a result of constitutionally protected conduct.<sup>83</sup>

### **Delaware** ***Religion***

- *Georgetown*—For decades, Mona Dobrich was either a student or a parent in the Indian River School District, and she’d always heard Christian prayers recited at official district functions, including the start of school board meetings. It was not until a minister declared that Jesus was the only way to the truth at her daughter’s 2004 graduation, however, that the Jewish mother of two had had enough and asked the school board to say more generic prayers at official functions. Her request was rejected, and Dobrich and her family soon became the district pariahs as Christian parents essentially told Dobrich and her family to leave the district if they didn’t like it. “What people here are saying is, ‘Stop interfering with our traditions, stop interfering with our faith and leave our country the way we knew it to be,’” said Dan Gaffney, a talk show host on local radio station WGMD.

Dobrich eventually contacted the ACLU to sue the district, and was joined by “the Does,” a district family that chose to remain anonymous. In August 2005, a federal judge ruled for the district on one portion of the Dobrich’s grievance, stating that reciting a Christian prayer before a school board meeting is legal because a school board is a legislative body and that in 1983 the Supreme Court ruled that

opening a legislative session with a prayer “is not a violation of the Establishment Clause.” Dobrich and the Does continued, however, to sue the district for creating “an environment of religious exclusion,” and the district rejected a settlement with the plaintiffs in March.<sup>84</sup>

## Florida

### Freedom of Expression

- *Boynton Beach*—When Boynton Beach High School junior Cameron Frazier refused to stand for the Pledge of Allegiance in December, his teacher demanded that he stand and said: “See your desk? Now look at mine. Big desk, little desk. You obviously don’t know your place in this classroom.” A few moments later, school officials came to take Frazier to the principal’s office. Frazier, however, was prepared to fight, and the ACLU helped him first to sue the district, and then the state Board of Education, so that the state law requiring students to stand for the pledge could be overturned. Frazier’s suit asserted that forcing students to stand for the pledge conflicts with their free speech and due process rights. In June, a federal judge sided with Frazier, overturning the law. The state of Florida, however, was not yet ready to give up. “We’re disappointed in the ruling,” Florida Department of Education spokeswoman Cathy Schroeder said after the decision. “Our attorneys are going to be reviewing it to see if we can take any further action.”<sup>85</sup>
- *St. Lucie County*—In April, Superintendent Michael Lannon proposed a dress code for the entire St. Lucie county school district, a code that would ban such items as T-shirts, flip-flops, and hooded sweat shirts. Lannon said that his “Dress for Success” guidelines would help kids succeed in school. “I know this is controversial. . . . But I believe every parent wants their child to find success.” In 1999, when Polk County schools established an elementary and middle school dress code, parents filed a lawsuit against the district, and St.

Lucie students have started an online petition against that district’s code.<sup>86</sup>

- *Clay County*—For her senior yearbook photo, Kelli Davis, a lesbian, wore a tuxedo, one of two attire options school officials gave the students. Fleming Island High School Principal Sam Ward, however, refused to let Davis’s picture go in the yearbook because he said it violated the dress code. Davis appealed the decision to the Clay County School Board, which sided with Ward. Eventually, Davis threatened to take the district to federal court, and then the district agreed to enter into mediation. In September, Davis and the Board finally settled their dispute, with the Board promising to change the way senior portraits are governed and to provide faculty and staff with sexual orientation training. Davis was pleased with the outcome, but Principal Ward refused to say how he might judge portraits in the future. “I have made my [previous] decision,” he told the *Florida Times-Union*. “That ought to tell you something.”<sup>87</sup>

### Book Banning

- *Miami*—The book *Vamos a Cuba*—in English, *A Visit to Cuba*—threatened to tear the Miami-Dade school district apart last year, as angry members of the district’s Cuban population called for the district-wide removal of the book they said paints far too rosy a picture of life in Castro’s Cuba. “The Cuban people have been paying a dear price for 47 years for this reality to be known,” declared Juan Amador Rodriguez, a former political prisoner who filed the initial complaint against the book. When the district eventually banned the book in June, however, free speech advocates were outraged. “This unfortunate decision is a throwback to a Miami of several decades ago, when the battle about freedom in Cuba was waged too frequently about First Amendment rights in Miami,” said Howard Simon, director of the ACLU of Florida.<sup>88</sup>
- *Miami*—Perhaps inspired by the successful

effort to remove *Vamos a Cuba* from Miami-Dade district schools, David Rosenthal called on the district to remove *Cuban Kids* as well, another book charged with portraying life in Castro's Cuba as too pleasant. This time, though, the Miami-Dade board of education might have dodged a major fight, dismissing Rosenthal's complaint because he lives in Broward County, not Miami-Dade. Rosenthal, however, promised to fight on, saying that the dismissal was a result of "either ignorance on their part or a disingenuous attempt to quash the complaint."<sup>89</sup>

### **Homosexuality**

- *Miami*—Miami Sunset Senior High starts off every day with a student-run television broadcast. One such broadcast at the end of February threw the school into turmoil when, in a series of segments featuring students and staff talking about their views on homosexuality, a few students and a teacher spoke out against it. Business technology teacher Donna Reddick's comments were particularly upsetting for many students. Reddick said that "God destroyed Sodom and Gomorrah because of their sexual sins, which included homosexuality."

After Reddick's and the critical students' views aired, district officials began to review their policies on religious and free expression, but Principal Lucia Cox nonetheless suggested that the critical comments from both Reddick and the students might have violated school board policy because "we separate church and state" and "don't discriminate against sexual preference." Matt Staver, president of Liberty Council in Orlando, had a very different viewpoint: "To censor or discriminate against this teacher because her viewpoint is objectionable to some is, in my view, unconstitutional."<sup>90</sup>

### **Religion**

- *Sarasota County*—Thanks to a web filter that blocked students' access to "nontra-

ditional religions, occult sites," students in a World Religions class in Osprey couldn't access information on a number of religions that are considered outside of the mainstream, including sites discussing the Dalai Lama and Tibetan Buddhism. The filter was required under the federal Children's Internet Protection Act of 2000, which mandated that all school districts and libraries receiving federal funds have filters in place to protect children against material deemed obscene or otherwise harmful to minors.

"It just isn't right," said sophomore Melody Stromal. "We should be able to look at information on whichever religion we want." District administrators were sympathetic to the students' plight and said they were trying to refine what the filters blocked, but pointed out that it can be hard to know what is or is not a legitimate site or religion.<sup>91</sup>

- *Leon County*—When she didn't hear any Christian music at the Fairview Middle School band concert in December, grandparent Sandy Fulton started a petition for more Christian music at school concerts. Fairview Principal Roger Pinholster told her, however, that he could not promise that more Christian music would be in future concerts, saying that he thought the selection of pieces should be left up to the music director. Still, he said he respected Fulton's "right to her beliefs and her right to ask question." Brenda Havlicak, head of the Fairview band-parent organization, suggested that it might be best to steer clear of religious music altogether: "As a parent, I just want all children to feel included and welcome."<sup>92</sup>

### **Georgia**

#### ***Intelligent Design***

- *Cobb County*—In fall 2002, the Cobb County school board ordered that all high school biology textbooks bear a sticker stating that "this textbook contains material on evolution. Evolution is a theory, not a fact, regarding the origin of living things.



This material should be approached with an open mind, studied carefully and critically considered.” In January 2005, U.S. District Judge Clarence Cooper ordered all those stickers removed, finding that they improperly endorsed religion.

Almost a year later, in December 2005, the 11th U.S. Circuit Court of Appeals looked like it might be ready to overturn Cooper’s decision, or at least one judge on the court, Ed Carnes, appeared to be. “I don’t think y’all can contest any of the sentences,” he told a lawyer who represented parents who brought the original suit, noting that every time the U.S. Supreme Court has discussed evolution, it has called it a theory. Gerry Weber of the Georgia ACLU, however, suggested that whether or not the words were accurate, the intention behind them was to push religion. “The only reason evolution was given this treatment was to satisfy persons of a particular faith.” Intentions notwithstanding, in May, the 11th Circuit Court of Appeals vacated the district court’s decision because of gaps in the evidence.<sup>93</sup>

### **Book Banning**

- *Guinnett County*—In September, Laura Mallory, a missionary and mother of four, asked that her children’s school take books from the Harry Potter series off school shelves because they glorified witchcraft. When the school was unresponsive, she took her request to the district, and in April, along with other parents sympathetic to her cause, got a hearing before the school board. Her complaints were clear-cut: “I think the anti-Christian bias—it’s just got to stop. And if we don’t say something, we’ll just keep getting pushed out of the schools. And I pay taxes, too. And I think that gives me a voice to speak out about this.” Clear cut or not, in May the district turned her down, and Mallory appealed to the state Board of Education. The state board was sched-

uled to issue a decision on the matter in December, 2006.<sup>94</sup>

### **Multiculturalism**

- *Atlanta*—In September, Georgia’s State Board of Education turned down Decatur mother Michele Mitchell’s petition to require that students learn black history. Twelve out of thirteen board members—one was absent—voted against Mitchell because, they said, black history is already an “integral aspect” of the state’s curriculum. Mitchell, however, maintained that what was currently being taught was insufficient. “I really believed that just maybe they weren’t aware,” she said, “that if they knew how much was left out . . . they wouldn’t want these things to happen.”<sup>95</sup>

### **Homosexuality**

- *White County*—When students wanted to start a Gay-Straight Alliance club at White County High School in January 2005, the school board initially agreed to let them. Soon after, though, administrators at the high school eliminated all “noncurricular clubs,” and in June, Superintendent Paul Shaw suggested that that was the plan all along. “Clubs have not lived up to what they are supposed to be doing,” he said. “Plus, we want to focus on academics this coming school year.” The ACLU, however, did not buy Shaw’s assertion, and when it found that the school was allowing some clubs to gather after all, in February it sued the district, saying it had violated the federal Equal Access Act. In August a federal court ruled that the district must allow the Gay-Straight Alliance club to meet at the high school.<sup>96</sup>

### **Religion**

- *Atlanta*—In April, when Governor Sonny Perdue signed legislation requiring the state to create courses on the history and literature of the Old and New Testaments, Georgia became the first

state to permit students to take state-funded courses on the Bible. Proponents of the legislation argued that knowing the Bible is essential for understanding much of Western civilization. “The biggest misconception is that this teaches the Bible when, in fact, it uses the Bible as the primary text to teach a course in history and literature influenced by the Bible,” said a spokesperson for the bill’s sponsor, Sen. Tommie Williams (R). A People for the American Way lawyer, however, pointed out that by using terms such as Old and New Testament, which she said showed a Protestant slant, the curriculum was biased before it had even been created.<sup>97</sup>

## **Hawaii**

### ***Multiculturalism***

- *Honolulu*—Last year, Hawaii found itself embroiled in controversy as legislators worked to implement a state core curriculum. Proponents of the curriculum argued that it was key to helping the state’s students learn what they needed to be successful. Opponents, however, charged that a core curriculum, especially patterned after the work of “cultural literacy” guru E.D. Hirsch Jr. would be a failure. They asserted that it would be too rigid and not equally accessible to students from all racial, ethnic, linguistic, and financial backgrounds. “The core curriculum being shilled by self-proclaimed ‘curriculum experts’ like E.D. Hirsch Jr.,” University of Hawaii education professor Paul Deering wrote, “is nothing more than ‘The Greatest Hits of the Dead White Guys Society.’”<sup>98</sup>

## **Idaho**

### ***Book Banning***

- *Salmon*—According to the American Library Association, *The Chocolate War*, by Robert Cormier, is the fourth most challenged book in the country. In March the profanity-laced book about a teen who

refuses to sell fundraiser chocolate bars at an all-boys Catholic school was challenged again when Lutheran minister Timothy Gordish called for its removal from the freshman reading list at Salmon High School. After initially pulling the book, in May the Salmon School Board reviewed the decision and reinstated *The Chocolate War*, despite serious misgivings. “I consider myself a pretty tough guy, but after reading this I had a sick feeling inside,” said board Chairman Jim Bob Infanger. Still, the board seemed to agree with parent Chris Swersey, who thought Gordish’s moral objections to the book were not sufficient grounds to ban it. “There are people other than clergymen who can talk about morality,” Swersey said.<sup>99</sup>

## **Illinois**

### ***Freedom of Expression***

- *Libertyville*—With the rise of MySpace.com and other Internet outlets for young people to post information, pictures, and stories about themselves and their friends, teachers and parents have become increasingly concerned about kids endangering themselves or celebrating bad behavior on the Web. In May, Community High School District 128 became the first district in Illinois to punish students for postings that indicate they’ve participated in “illegal or inappropriate behavior.”

Not surprisingly, some students disagreed with the new policy. “It’s called ‘MySpace’ for a reason, not ‘What-I-do-at-school Space,’” said high school senior Katy Bauschke. Some civil liberties groups agreed. “I think this is a huge overstepping of schools’ authority into the rights and privacy of students,” Alex Koroknay-Palicz, executive director of the National Youth Rights Association, told the *Chicago Tribune*. However, at least some parents saw things differently. “If the students are posting it on a public domain, it is open for anyone to read,” said Cheryl Chrysler, president of the

Cougar Parent Connection at Vernon Hills High School. “What they’re posting on their blogs can be used against them.”<sup>100</sup>

- *Niles*—In May, the Park Ridge Education Association filed suit against the Park Ridge School District for prohibiting the union from placing its “Teacher Talk” newsletter in a take-home packet given to students every other Thursday. The union claimed that the district was violating its first and fourteenth amendment rights. District officials, however, maintained that the take-home packets are intended to include notes from individual teachers and information about school activities and student groups, not political or sectarian messages.<sup>101</sup>

### **Book Banning**

- *Arlington Heights*—A meeting of the Township High School District 214 school board ran until 1:30 a.m., and required overflow seating in a nearby field house, when the board debated removing several books from the district’s curriculum, including Toni Morrison’s *Beloved* and Kurt Vonnegut’s *Slaughterhouse-Five*. Board member Leslie Pinney spearheaded the book-banning charge, objecting to the depictions of sexual activities and drug references in many of the books. In the end, though, the board voted to keep the titles. “I think some of [the books] are very provocative in a very positive way,” said board member Miriam Cooper. “I think they are appropriate.”<sup>102</sup>

### **Sex Education**

- *Urbana*—It took the Urbana public schools four years to come up with a new curriculum guide for physical development and health education, which it finally adopted in May. The major sticking point was what and how to teach about sex. That was clear when the committee drafting the guidelines sat down to finally complete them in February. “Quite a few people came to

that meeting to express their views from all over,” said school board member Cope Cumston. District spokesperson Kathy Wallig summarized the fundamental problem that produced the big crowd: “Sex education becomes a moral matter; it’s a matter of ethics.”<sup>103</sup>

## **Indiana**

### ***Intelligent Design***

- *Indianapolis*—In November, state representative Bruce Borders (R-Jasonville) said he would introduce a bill in the state legislature mandating the teaching of intelligent design in Indiana schools. The Republican was not alone in calling for such legislation, getting support from across the aisle. “Evolution was designed by God,” said Rep. Jerry Denbo (D-French Lick). “I really think that should be taught.” Despite such bipartisan support, the Indiana Civil Liberties Union said it would likely oppose any bill akin to the one proposed by Borders because it would violate the separation of church and state. In the end, the ACLU didn’t have to act: In light of a December federal court ruling in Pennsylvania against the teaching of intelligent design, Borders introduced a bill in January that called only for “accuracy in textbooks.”<sup>104</sup>

### ***Freedom of Expression***

- *Columbus*—When the *Columbus North Triangle*—a high school newspaper—ran a story on the dangers of oral sex, it put the limits of student journalism in the spotlight. School board member Russell Barnard likened the article to something “you might find in a magazine like *Playboy* or *Hustler*,” adding that it “should not be in a school newspaper.” Columbus North Principal David Clark, while uncomfortable with the subject matter, nonetheless disagreed with Barnard. “It these kids . . . are coming to me saying they know it’s a problem then I can’t stick my head in the sand,” he said. According

to the Columbia Scholastic Press Association—which gave an Edmund J. Sullivan award honoring “student journalists who have fought for the right to speak their minds” to the *Triangle’s* staff—the row eventually resulted in calls for newspaper adviser Kim Green’s resignation, and left “clergymen, community members, and school board members” divided.<sup>105</sup>

- *Noblesville*—Perhaps inspired by the work of the *Columbus North Triangle*, in February the staff of the newspaper at Noblesville High School attempted to run its own article on the hazards of oral sex. This time, though, the controversy broke out before the article was even published. Upon learning that a senior had prepared a story about oral sex, Noblesville High School Principal Anetta Petty instructed the newspaper’s staff to delay publication of the article and assembled a committee of students, community members, and the newspaper’s adviser to discuss whether or not to allow the article to run. In late February, the district elected to prohibit publication of the article on the grounds, according to Superintendent Lynn Lehman, “that it’s not an article that’s appropriate to be published in a high school newspaper in Noblesville, Indiana.” But the debate was not yet over; after the district first blocked the story it gave the newspaper’s staff a chance to appeal the decision, and the district eventually changed course, giving the nod to publication after all. At the end of May, the article ran.<sup>106</sup>
- *Gary*—Despite having worn women’s clothes to school all year, gay West Side High School student Kevin Logan was kicked out of his prom in May for wearing a dress. District officials said the student was ejected from the prom for being out of dress code, not because he was gay. The ACLU of Indiana responded that that action was a violation of the student’s First Amendment rights. Said Logan: “If my dress was disruptive . . .

half of the other females up in there that was half-naked was disruptive, too.”<sup>107</sup>

- *Logansport*—Veterans were outraged when Logansport High School administrators banned flags of all nations from being brought to school on Cinco de Mayo. Many Hispanic students brought Mexican flags to school on the holiday the previous year, and administrators feared a repeat would lead to fights because of the intense national debate over rights of illegal immigrants. “I hope it never comes to the day when [the American] flag is banned anywhere in this country,” said veteran Brian McAllister, “Especially at a school that is supported by taxpayer money.”<sup>108</sup>

### **Multiculturalism**

- *Perry Township*—Performance of the play *Ragtime* revealed fissures all over the community served by Perry Meridian High School. The play, which includes swearing in God’s name, discussion of masturbation, and use of the term “nigger,” was stripped clean of the former two controversial elements, but the latter remained. This angered many African Americans in the district, especially a group of black clergy who called for removal of the “notorious N-word.” The clergy also alleged that the swearing and sexual references were removed at the request of white parents while concerned black citizens were ignored. The play—which is intended to depict racism and ethnic tensions in early 20th century New York—also seemed to split the black community along age lines, with opponents of the show largely over age 50, but many black students and younger community members supporting the performance. “The people older than me,” said radio talk show host Abdul-Hakim Shabazz, 35, “they tend to pick fights where there are none.”<sup>109</sup>

### **Iowa**

#### **Homosexuality**

- *Cedar Rapids*—When a forum addressing the bullying of gay students was scheduled

to be held in Cedar Rapids in October, the Cedar Rapids Civil Rights Commission voted 5-4 not to back the discussion. The deeply divided commission, whose members are appointed by the city's Mayor and approved by the City Council, was torn between those who could not support a forum that focused just on the bullying of homosexual students, and members who thought that any forum on bullying was worth supporting. Both sides blamed each other for playing politics. "They have a political agenda," said Mike Hartwig, a forum opponent. "It seems pretty evident if this was about bullying, they would have people coming from more than one perspective." Commission member Virgil Gooding countered Hartwig's sentiment by asserting that the commission's decision was itself "purely political by folks who want to play politics."<sup>110</sup>

- *Marshalltown*—In April, people in the Marshalltown school district were greatly divided over a proposal to specifically list gay and lesbian students as protected by the district's anti-harassment policies. Many residents feared that by giving homosexual students specific mention in the guidelines, they would be condoning gay behavior. Others thought that the best way to address harassment was to simply cover everyone without listing individual traits. As reported by the *Des Moines Register*, the debate got extremely emotional. "Marshalltown father Doug Hensley wept as he explained why he believes gay and lesbian students should be specifically listed in school anti-harassment policies," the newspaper reported. "Hensley said his son, who is gay, experienced harassment starting in the second grade, and, despite a passion for academics, quit high school after one day of ninth-grade classes."<sup>111</sup>

## **Kansas**

### ***Intelligent Design***

- *Topeka*—Last year, Kansas's state standards on evolution—which have been in

constant flux since 1999—appeared ready to change again, this time away from Darwinian evolution. In November, after months of acrimonious debates and hearings, the Kansas Board of Education approved science standards that required students to learn evolution, but also noted that there are many challenges to the theory of evolution.

The camps in the Kansas battle last year broke down along familiar pro- and anti-Darwinian lines, and each accused the other of trying to impose its beliefs on all Kansans. Promoting the new standards, for instance, school board member John Bacon (R-Olathe) declared that they eliminate "a lot of dogma that's being taught in the classroom today." Opponents of the new standards, for their part, suggested that the standards themselves were little more than a reflection of creationist dogma. "This is neo-creationism, trying to avoid the legal morass of trying to teach creationism overtly," said Eugenie Scott, executive director of the National Center for Science Education. And the controversy, it seems, is nowhere near an end: In August, the evolution-skeptics lost their majority on the school board, setting things up for yet another swing of the evolution pendulum.<sup>112</sup>

### ***Freedom of Expression***

- *Wichita*—Like their peers in cities around the country, in late March numerous students in Wichita, Kansas, left school to rally against proposed federal laws that would have tightened American immigration policies. And, just like their peers elsewhere, those students brought truancy laws and the need for order in schools into direct conflict with students' rights to express themselves. In Wichita, though, school officials blamed adults as much as students for the truancy. "We have a groups of adults who . . . use kids . . . to get their agenda approved," Wichita schools superintendent Winston Brooks said. "I

think it's so outrageous. . . I'm prepared to press charges on those adults should I find out that there are any legal violations encouraging students to be truant." Some students, however, say they organized the walkouts, and that they did so to exercise their free-speech rights. "We saw rallies in California and Texas and wanted to do something," said 18-year-old Ana Romero. "We didn't walk out to be rebellious."<sup>113</sup>

### ***Integration vs. Self-determination***

- *Wichita*—For 34 years the Wichita school district had mandatory busing to integrate its schools. In February schools superintendent Winston Brooks said it was time to change how integration in Wichita is done. He argued that it should be fostered through choice rather than compulsion, such as via magnet schools or letting students and families volunteer for busing. "I'd like to take the pressure off of the African-American kids bused and see more choice," said school board member Sara Skelton. Much hinged, however, on what the U.S. Department of Education's Office of Civil rights would allow the district to do.<sup>114</sup>

### ***Sex Education***

- *Topeka*—In June, conservative State Board of Education members backed away from mandating abstinence-only sex-education courses, but also caught flack for their compromise proposal: a requirement that districts teach "abstinence until marriage" along with providing information about sexually transmitted diseases and birth control. "We need to be concerned [about] abstinence-only because it isn't accurate information," said Debra Rukes, director of the Topeka YWCA's teenage pregnancy prevention program. "That puts our kids at risk."<sup>115</sup>

### **Kentucky**

#### ***Intelligent Design***

- *Frankfort*—In Kentucky state law has long

permitted teachers to discuss Biblical creation when teaching evolution. A state-wide debate still emerged, however, in late December–early January, when Senate president David Williams (R-Burkesville) said that he and other Republicans were discussing pushing Kentucky schools to teach intelligent design, and Gov. Ernie Fletcher (R ) briefly plugged intelligent design in his State of the Commonwealth address. Supporters of injecting at least some discussion of intelligent design into Kentucky public schools portrayed doing so, among other things, as a simple matter of free speech. "Any time you have a free and open conversation about theories that people have . . . I think that's very positive," said Williams. Miriam Steinitz-Kannan, a microbiology professor at Northern Kentucky University, however, saw the suggestion as a religious assault on science. "The moment we throw faith in there and tell students not to think, then we're in trouble," she said.<sup>116</sup>

### ***Homosexuality***

- *Ashland*—In 2004, a federal judge required the Boyd County school district to implement anti-harassment training for all middle and high school students as part of the settlement of a case brought against the district by the ACLU, which sued the district for blocking a Gay-Straight Alliance at Boyd County High School. In December 2005 the ACLU asked that a federal court dismiss a lawsuit brought by families who contended that because part of the training prohibited students from speaking critically about homosexuality, forcing students to attend the training violated their free speech rights. In February, U.S. District Court Judge David Bunning found against the plaintiffs, arguing that there is case law supporting prohibitions on "harassing speech that disrupts the educational process."<sup>117</sup>
- *Cannonsburg*—Boyd County was again

roiled by gay issues in May when a teacher at Boyd County High School showed students in a senior cinematography class a clip from the film *Brokeback Mountain*. “If she wanted to show it in class she should have gotten parents’ permission,” complained parent Kelley Smith. The teacher defended her choice by noting that the Academy Award-winning film has been widely praised for its visual cinematography. Superintendent Howard K. Osborne launched an investigation into what happened and said the movie would not be shown at the school again.<sup>118</sup>

## **Louisiana**

### **Religion**

- *Tangipahoa Parish*—In February the Tangipahoa Parish School District appealed to the 5th U.S. Circuit Court of Appeals a ruling made a year earlier by U.S. District Court Judge Helen G. Berrigan that the district’s school board could not open its meetings with a prayer. The district maintained that the prayers are acceptable because unlike a classroom, where students are compelled to be, no one is required to attend school board meetings, and the U.S. Supreme Court has ruled that a deliberative body may open sessions with a prayer because doing so has the secular purpose of solemnizing the event. Representatives from the state chapter of the ACLU disagreed, saying that opening with a prayer would impermissibly require nonbelieving parents to violate their conscience in order to attend board meetings.<sup>119</sup>

## **Maine**

### **Sex Education**

- *Westbrook*—A meeting of the Westbrook School Committee in May brought out lots of people, and some police, as the committee contemplated—and then approved—a new sex education curriculum that included discussion of contraception in eighth grade. The police were called to investigate people handing out fliers about

the meeting on school grounds, and the committee went into recess when one opponent of the new curriculum wouldn’t stop talking after he had gone over his three-minute public comment limit. Protesting parents were especially upset because they felt they had not been sufficiently included in the decision about the new curriculum. Westbrook parent George Rodrigues, for instance, characterized the new curriculum as “the culmination of an agenda-driven effort by certain employees of the Westbrook school district who are seeking to impose their own values on the children of Westbrook.” School officials, however, contended that they had allowed more public comment on the new curriculum than was required, and dismissed the protesters as “a vocal minority.”<sup>120</sup>

## **Maryland**

### **Freedom of Expression**

- *Montgomery County*—In fall 2005 the Montgomery County school system implemented a ban on showing R-rated movies in high school classes and PG-13 films in middle schools. Complaints from teachers, students, and parents quickly arose, however, and in January the district put together a working group to try to forge a new policy that both enabled teachers to show films of true educational value while solving the problem of showing films to kids in school that they wouldn’t be permitted to see in theaters. “We understand that people are concerned and that there are teachers who might be showing inappropriate material,” said English teacher Hilary Gates. “But our professional judgment is being overruled by the county.”<sup>121</sup>
- *Baltimore*—In March, when students tried to leave Northwestern High School to go to a protest against school closures, chaos broke out as students found exits blocked by school employees. According to some reports, about 100 students eventually got together and ran out of the blocked front door. A spokesperson

for the school system, however, denied that employees tried to keep students from exiting, saying that staffers simply explained to students as they were leaving that they would receive an unexcused absence for doing so. Despite what supposedly transpired, Antonio Williams, chief of the city schools police, said that “we weren’t going to hinder their ability to do a peaceful demonstration. The reality is, I didn’t want anybody arrested or taken into custody. Quite frankly, the kids that are demonstrating are kids that normally attend school regularly.”<sup>122</sup>

- *Bethesda*—By February 2006 former *Washington Post* reporter Colman McCarthy had been teaching a peace studies class for years at Bethesda-Chevy Chase High School. When one student questioned on a group e-mail list whether McCarthy’s course should be eliminated, however, it was clear that his class was far from unanimously beloved. According to the *Post*, within a few hours of the message going up, there were more than 150 responses both ardently for and against McCarthy’s class. And the student who posted the initial message, Andrew Saraf, is definitely not happy: Saraf and his friend Avishek Panth are leading a charge to get rid of the class, which they say presents only one side of controversial debates over world peace. “It’s not acceptable for a public high school to be used to push a political agenda. That’s not what education is about,” Saraf told *Front Page Magazine*. McCarthy responded to Saraf and Panth’s moves by arguing that he’s “never said [his] views are right and theirs are wrong. . . . In fact, I cherish conservative dissenters.” Principal Sean Bulson, for his part, made clear that complaints or not, peace studies wasn’t going anywhere. “It’s been an institution here, and kids from all across the spectrum have taken it,” he said. “It’s not about indoctrination. It’s about debate and dialogue.”<sup>123</sup>

### **Book Banning**

- *Carroll County*—After receiving com-

plaints from students and parents at Westminster High School, Charles I. Ecker, superintendent of Carroll County public schools, banned *The Earth, My Butt, and Other Big Round Things* from school libraries countywide. But the book which depicts self-mutilation, date rape, and eating disorders, is also an award-winner, and it quickly gained vocal support from other students and parents. Ultimately, after receiving numerous complaints about censorship, in January Ecker reconsidered his complete ban on the book and returned it high schools while keeping it out of middle schools. One student offended by the book, junior Joel Ready, however, was not ready to just give in after Ecker changed his stance. “I’m not going to accept a [committee’s] decision that is stacked against the values of Carroll County,” he said.<sup>124</sup>

### **Multiculturalism**

- *Baltimore*—In April, the Baltimore school system found itself the target of a biting critique from the chairman of the board of a major African-American museum when it failed to implement a statewide curriculum about the history of African Americans in Maryland. George L. Russell Jr., board chairman of the Reginald F. Lewis Museum of Maryland African American History and Culture, said that Baltimore students had been robbed of an opportunity to “know examples of courage and struggle” because the city failed to implement the new curriculum. State Superintendent Nancy S. Grasmick noted that the failure to implement that curriculum was especially troubling because the Baltimore school district is predominantly African American, and district children deserve to have their schools teach them their history. “I think it’s disappointing, particularly when we have a system that is majority African-American students,” she said. The district said that it had distributed the curricular materials to 120



city schools, but state officials asserted that they had received calls from many Baltimore teachers saying they never received the materials.<sup>125</sup>

### **Sex Education**

- *Montgomery County*—Montgomery County had been trying to establish a new sex education curriculum for years when, in May 2005, it abandoned a plan that elicited a lawsuit from parent groups and led a federal judge to issue an injunction against the new curriculum. The parents objected to the new curriculum because it would have taught kids about homosexuality in eighth grade, and given tenth graders a video demonstration of how to put on a condom. In October, the Montgomery County school board tried to start all over by appointing an advisory board to contemplate changes to the curriculum. Trouble immediately ensued, however, with a representative from Citizens for a Responsible Curriculum getting left off the panel, even after the board agreed to give the group a seat on the 15-member advisory panel. The Board said the group was left off because its nominee, Henrietta Brown, had served on a previous sex education committee. Citizens for a Responsible Curriculum threatened to sue the district if their representative was not given a seat on the advisory board.<sup>126</sup>

### **Religion**

- *Baltimore County*—It is not easy to accommodate the holidays of all religions, as Baltimore County schools found out recently. Since 2004, Bash Pharoan, president of the Baltimore County Muslim Council, has been trying to get the school district to close on two Muslim holy days, just as it closes on Rosh Hashana and Yom Kippur. In February, a school board committee recommended religious holidays for the system's calendar, and Pharoan's desires were not met. "The main issue," said Pharoan, "is that the ad hoc committee failed again to recognize

that the issue is about equality. We want equal treatment." Currently, state regulations count a day taken off for religious holidays as a "lawful absence," but students still miss class and, said committee Chairman Luis E. Borunda, "are penalized de facto by the fact that their record indicates an excused absence." Despite this, in June the school board approved a calendar that did not give two Muslim holy days off.<sup>127</sup>

- *Howard County*—In June, the Howard County schools confronted a problem similar to Baltimore County's, only in Howard's case the district kept a policy that allows Muslim students to leave school 20 minutes early on Fridays to attend prayer services. A policy review committee had recommended eliminating the early dismissal because students who leave early end up missing a lot of class time by the end of the year. However, "Constitutionally, we are obligated to make reasonable accommodation to those who wish to practice their religion" said Joshua M. Kaufman, chairman of the Howard County Board of Education.<sup>128</sup>

### **Massachusetts**

#### **Multiculturalism**

- *Waltham*—With anonymous e-mails to parents and staff questioning whether principal Pilar Shepard-Cabrera gave preferences to Latino children and favored the district's Spanish-speaking population in general, a December meeting of parents, teachers, and community members at William F. Stanley Elementary School descended into a dispute about racism and Shepard-Cabrera's competence. What sparked the fight were Spanish classes that had been offered to teachers and staff on a volunteer basis under Shepard-Cabrera and fears that such classes would be forced on children. Many people present asserted that Shepard-Cabrera had divided the school by catering to the

needs of Spanish-speaking families and by generally failing to communicate effectively with parents. Others identified a racist streak in the district and feared that Shepard-Cabrera was being criticized simply because she spoke Spanish. As one self-described Latin-American man said at the meeting, he sensed “an incredibly racist hostility in [the] room” and reported that he had “heard that there’s a rumor that Dr. Cabrera is being pushed out of school because she speaks Spanish.”<sup>129</sup>

- *Sudbury*—Whether Turkey committed genocide during World War I—a hotly disputed question among Turks and Armenians—initiated a bitter dispute in Massachusetts last October when a Lincoln-Sudbury Regional High School student and two teachers joined a group of Turkish Americans in suing the state department of education. Their complaint: That the state unfairly kept out of curriculum guides arguments that Turkey did not commit genocide when its forces killed more than a million Armenians in World War I. Asked teacher Bill Schechter, “If they are sending out guides, they should be helpful, thorough, and balanced, where balance is required. Why is the state declaring there is no controversy when there is?” Opponents of the suit, however, argued that there really is no debate. “The historical fact is that genocide happened; over a million Armenians were slaughtered,” said state senator Steven A. Tolman (D-Brighton). For Anthony Barsamian, chairman of the Armenian Assembly of America, the entire issue is very personal, and he called the suit “an affront to all who have ancestors who suffered and were victims of Armenian genocide.”<sup>130</sup>

### **Sex Education**

- All over the state, including last year, school districts administered confidential surveys of students asking some very

prying questions, such as “have you ever given or received oral sex?” and “during the past three months, with how many people did you have sexual intercourse?” Many education and public health officials argued that administering these surveys was vital to collecting information on risky student behavior that needed to be addressed. Many parents, however, saw them as unwarranted prying into students’ lives, and even potentially dangerous. “With some kids, it might put an idea in their heads of something to do, something to try,” said Robert Bennett, a Lexington father of eight.<sup>131</sup>

- *Boston*—State lawmakers took up a bill in October that would have bundled all sex education in public schools into an elective course, and eliminated the current requirement that parents be notified prior to scheduled discussions of sexuality. Many parents noted that the current law rarely worked because schools often failed to provide the required notification, and thought the proposed legislation would give them more control over what their children learned in school because the new course would be an elective. Some also supported the bill because they thought it would help curb the agenda of gay advocacy groups that they thought were trying to control sex education. Groups like Planned Parenthood, in contrast, argued that making sex education an elective would lead to students learning too little about sex. “If we don’t teach kids how to protect themselves from unwanted pregnancies and sexually transmitted diseases, we will see higher numbers [of both]” said Planned Parenthood League of Massachusetts spokesman Angus McQuilken.<sup>132</sup>

### **Homosexuality**

- *Lexington*—With the legalization of gay marriage in 2003, many Massachusetts parents say their ability to insulate their children from pro-gay material at school has been greatly compromised. In May,

two families launched a suit against the Lexington school district for failing to notify them when their kindergarten-aged children were going to be taught about same-sex marriage, and for having one of the fathers, David Parker, arrested when he refused to leave a Lexington school. “In many parts of the United States, we could have presented our concerns and objections, and it wouldn’t have been a problem,” said Parker’s wife, Tonia. Glenn Koocher, executive director of the Massachusetts Association of School Committees, denied that there is a pro-gay campaign in the schools, and said there were really just a few anti-gay marriage activists whom he said suffered from “narcissistic activist personality disorder.” Amidst such strong feelings, Eliza Bayard of the Gay, Lesbian and Straight Education Network said simply that “one of the basic realities of American life is that all of us have to deal with beliefs we disagree with.”<sup>133</sup>

- *Lexington*—One of the incidents that fed into some people feeling that gay marriage had opened the door to indoctrination in the schools was the reading of *King & King*—a book that depicts a prince falling in love with and marrying another prince—to second-graders at Lexington’s Joseph Estabrook Elementary School. Parent Robin Wirthlin complained to the school system about the book in April, asserting that reading such a story to seven-year-old children is tantamount to indoctrination. “They’re intentionally presenting this [gay marriage] as a norm, and it’s not a value that our family supports,” she complained. Superintendent Paul Ash responded that the district had no legal obligation to notify parents about the book, and said that “we couldn’t run a public school system if every parent who feels some topic is objectionable to them for moral or religious reason decides their child should be removed.” He added that “Lexington is committed to teaching children about the world they

live in, and in Massachusetts same-sex marriage is legal.”<sup>134</sup>

- *Sturbridge*—In planning Tantasqua Senior High School’s annual Diversity Week for the 2005–06 school year—during which the school’s Gay-Straight Student Alliance would be sponsoring a day of silence to protest discrimination and harassment against gay students—in October school board members argued over whether the activities were disproportionately about homosexuality rather than all kinds of diversity. “You are allowing one group special access,” member James Cooke of Brookfield complained to Principal James N. White. Member William Gillmeister went further, suggesting that children who felt homosexuality is wrong felt intimidated during previous days of silence. Superintendent Kathleen H. Reynolds, however, supported the day of silence, noting that “there is an incredibly high suicide rate” among gay students, and the day of silence would help to mitigate that.<sup>135</sup>

### **Religion**

- *Medway*—When elementary school students failed to sing “We Wish You a Merry Christmas” at a holiday concert, one grandfather got into such a heated dispute about the program with a teacher that police had to be called to the scene. And it was not the first holiday dispute to rock the Medway schools: Earlier, a middle school mother became upset when her son brought home red and green elf hats she had sewn for his class, saying his teacher asked her to replace the red trim with white to avoid Christmas colors. Also, Memorial Middle School replaced the words “Merry Christmas” with “swinging holidays” in a holiday concert, setting off alarms. Dale Fingar, who sewed the controversial elf hats, seemed to sum up the confusion: “I thought it was a celebration of the seasons and not Christ.”<sup>136</sup>

## Michigan

### *Intelligent Design*

- *Richland*—For two years, Julie Olson and Dawn Wenzel, middle school teachers in the Gull Lake Community Schools system, taught intelligent design alongside evolution. During that time, they also slipped the pro-intelligent design book *Of Pandas and People* onto the district’s annual textbook list, and added a lesson on the book into the district’s science curriculum, both of which the school board approved. Eventually, the district caught on to what had happened when a parent complained in the fall of 2004. The district subsequently put together a committee, which included the two teachers, to determine whether intelligent design belonged in the curriculum. In May 2005 the committee voted against including intelligent design, and the teachers turned to the Thomas More Law Center, a conservative public interest law firm, to contemplate a suit. In January, after losing an intelligent design case in Dover, Pennsylvania, Thomas More Center president Richard Thompson said he would be turning his attention toward Richland. Wenzel, for one, seemed to be itching for a fight. “As far as my academic freedom goes, that’s being stifled,” Wenzel told the Associated Press in January. Gull Lake Superintendent Rich Ramsey was willing to have Intelligent Design discussed—in social studies class. “I don’t think intelligent design ought to be banned from being talked about,” he said. “It has value in the appropriate setting.”<sup>137</sup>
- *Lansing*—In September, a bill that would have required Michigan’s state board of education to add language to state science standards saying that students should be able to critically evaluate scientific theories, but which mentioned only two theories by name—global warming and evolution—was introduced in the legislature. The bill was immediately rebuked by groups like the National Center for Science Education, while sup-

porters like state representative John Moolenaar said the bill would help make sure that all sides of controversial topics were taught. “There is a growing body of scientific education that contradicts or questions various aspects of evolution, which provides opportunities for students to examine (theories) from both sides,” Moolenaar said. The House Education Committee eventually passed the legislation, but with the language specifically targeting evolution and global warming removed.<sup>138</sup>

### *Multiculturalism*

- *Lansing*—“America” is a term that technically refers to all of North and South America, and “Americans” is the term for people who live in those places. However, people in the United States routinely identify their nation as “America” and themselves as “Americans.” For Michigan school kids, that’s becoming less and less acceptable. Ten years ago, for instance, state officials eliminated the use of the term “Americans” in the Michigan Educational Assessment Program’s social studies test because, according to Michigan Department of Education social studies consultant Karen Todorov, it is “ethnocentric.” In May, Todorov made defenders of the more common use of “American” angry once again when she told the Michigan Social Studies Supervisors Association that school officials should tell teachers never to use “America” or “Americans.” As the *Detroit News* wrote in a late-May editorial, “[state school superintendent Mike] Flanagan may soft pedal her [Todorov’s] comments as an innocent ‘conversation,’ but they had the blunt force of the state behind them.”<sup>139</sup>
- *Lansing*—In June, State Superintendent of Public Instruction Mike Flanagan put implementation of new high school social studies standards on hold when an outcry was raised against them. Oakland County Circuit Court Judge Michael Warren first brought attention

to the holes in the standards when he served on a committee to shape them starting in 2004 and objected to them in a lengthy memo to the state Board of Education in June 2006, noting that they made no mention of presidents like Teddy Roosevelt, Franklin Roosevelt, and Ronald Reagan, important figures like Rosa Parks and Henry Ford, and major events such as Watergate and the Holocaust. State Superintendent Mike Flanagan agreed with many of Warren's objections to the proposed standards, adding that "the people have to have faith that we're not propagandizing," and removed consideration of them from the Board's June agenda.<sup>140</sup>

### ***Integration vs. Self-Determination***

- *Detroit*—State lawmakers took up legislation that would allow single-sex schools in Detroit, a move aimed to help stanch the city's constant loss of students and give city parents a new educational choice. Detroit Public Schools spokesman Lekan Oguntoyinbo said that there was "tremendous support" for the idea of letting parents choose single-sex schools. Parent Shari Lemonious certainly supported the idea. "It takes away a level of distraction," she said. "Boys definitely (wouldn't be) competing to get the girls and vice versa." The ACLU, however, threatened to go to court if the legislation passed. "It's segregation—segregation based on gender rather than race," said Shelli Weisberg of the ACLU's Michigan chapter. In July, despite the ACLU's threat, Gov. Jennifer Granholm signed the legislation.<sup>141</sup>

### ***Sex Education***

- *Howell*—The results of a survey of Howell parents released in April revealed that no matter what the schools teach about sex, a large number of parents will be unhappy. According to the poll, 247 out of 579 respondents said they wanted contraception taught in middle school, 189 said in high school, and 112 said they didn't

want the topics taught at all. Of 582 respondents, 218 said they wanted sexual orientation issues discussed in middle school, 132 in high school, and 153 not at all. A sex education advisory committee was scheduled to recommend changes to Howell's sex education curriculum in May.<sup>142</sup>

- *Grosse Pointe*—In March, the Grosse Pointe Public School's new sex education and health curriculum was under fire before it was even implemented. Parents across the district felt that the new curriculum was too explicit for the fourth-through eighth-grade students at whom it was targeted, and many felt it had been thrown together too quickly. "I won't let my children be experimented on because this is an untested program. Nobody knows the impact this might have on them or anyone else," said parent Emmy Georgeson. District assistant superintendent Susan Allan was disappointed by the controversy created by the new curriculum. "It's always a very difficult process when people are this divided," she lamented.<sup>143</sup>

## **Minnesota**

### ***Religion***

- *Burnsville-Eagan-Savage School District*—The Child Evangelism Fellowship of Burnsville asked that District 191 hand out information about the group's Good News Club at the start of the 2005–06 school year. The district refused to do so, saying that its policy is only to give out information about itself or local community-based groups with which it works. After the refusal, Liberty Council, a civil liberties group, joined the fellowship in threatening legal action against the district for violating the group's First Amendment rights. "The concept of First Amendment legal access is pretty straightforward" said Liberty Council general counsel Matt Staver. "Whatever you do for one group you must allow for others." District superintendent Benjamin Kanninen responded

that “the issue is not this organization. The issue is whether or not we are required to distribute literature from any organization.”<sup>144</sup>

## Mississippi

### *Intelligent Design*

- *Jackson*—A state law signed by Governor Haley Barbour (R) in April says that school officials cannot prohibit students or teachers from discussing how life began. In general, however, local school officials have said they haven’t had much trouble handling evolution, and that they fear the new statute is so vague that it invites lawsuits. The problem, perhaps, is that an early version of the law was too specific—and too controversial—stating that schools could not prohibit discussions about the “flaws or problems which may exist in Charles Darwin’s Theory of Evolution and the existence of other theories of evolution, including, but not limited to, the Intelligent Design explanation of the origin of life.” That version was rejected in the House and the language that was eventually enacted was a compromise.<sup>145</sup>

## Missouri

### *Freedom of Expression*

- *Jackson*—More than 1,600 people signed an Internet petition demanding an apology from a high school principal when he prohibited a student from attending a school dance in a kilt. In November, Jackson High School senior Nathan Warmack attempted to wear a kilt to the school’s “Silver Arrow” dance in order, he said, to honor his Scottish heritage. Principal Rick McClard, however, told Warmack he had to go change because “this is my dance, and I’m not going to have students coming into it looking like clowns.” District superintendent Ron Anderson later explained that McClard had the authority to judge appropriate dress for the event in order

“to protect from the possibility of a disruption.” The district apologized to Warmack in January.<sup>146</sup>

- *Columbia*—In the fall of the 2005–06 school year Fulton High School performed the musical *Grease*, and at least one group—members of the Callaway Christian Church—complained that they were offended by scenes showing students smoking, drinking, and kissing. For the spring, drama teacher Wendy DeVore chose to perform Arthur Miller’s *The Crucible*, which depicts the 17th-century Salem witch trials. On the heels of the complaints about *Grease*, however, district Superintendent Mark Enderle told DeVore to choose something else. She changed her selection to *A Midsummer Night’s Dream*, but when administrators nonetheless told her that her contract might not be renewed, she announced her resignation. “It became too much to not be able to speak my mind or defend my students without fear or retribution,” she said.<sup>147</sup>

## Sex Education

- *Jefferson City*—In February, Rep. Cynthia Davis (R-O’Fallon) introduced legislation that would have ended requirements that public schools in Missouri teach about birth control and would have required districts to only tell students that accurate information is available from their doctor. Davis said that the legislation was a good compromise between encouraging abstinence and giving students information about contraception. Rep. Beth Low (D-Kansas City) argued, however, that the compromise was bad because it would make “information about pregnancy and contraception available only for those who can afford it.”<sup>148</sup>

## Montana

### *Religion*

- *Missoula*—In June, a group called Good Schools Montana filed a lawsuit against the Missoula school district for selling a

former elementary school to a Roman Catholic education foundation in what it called “a sweetheart lease/purchase deal.” The transaction, the group claimed, violated the Montana Constitution by using public property to benefit a religious organization. However, According to Jenda Hemphill, chairwoman of the district trustees, supporting religion was not the intent of the discounted sale. Supporting education was. “One factor for me in deciding to sell to the Catholic school was it would remain a school,” she said. “I wanted it to remain open to community use, so the playground would continue to be open space. Those may not have a dollar amount, but they are important values.”<sup>149</sup>

## Nebraska

### *Integration vs. Self-determination*

- *Omaha*—Last year, Nebraska’s only black state senator amended education legislation so that it split Omaha’s school district along racial lines. His reason: To enable Omaha’s black community to take charge of its own education. “My intent is not to have an exclusionary system,” said Senator Ernie Chambers, “but [one that] we, meaning black people, whose children make up the vast majority of the student population, would control.” Despite Chambers’s intent to give Omaha African Americans control over their own schools, many black leaders in Nebraska disagreed with his efforts. “This is a disaster,” Ben Gray, co-chairman of the African-American Achievement Council, told the *New York Times*. The legislation ultimately passed, and in May the NAACP announced that it would file a suit against the new law.<sup>150</sup>

## Nevada

### *Intelligent Design*

- *Las Vegas*—Steve Brown, a Las Vegas masonry contractor, filed an initiative petition in February aimed at passing an amendment to the Nevada constitution requiring all schools to tell students

before the end of 10th grade that while most scientists believe that the theory of evolution is “well supported, a small minority of scientists do not agree.” The amendment would also have required, among other things, that students be told that some scientists believe “it is mathematically impossible for the first cell to have evolved by itself,” and that the origin of “sex drive is one of biology’s mysteries.”

Reacting to Brown’s effort, the *Las Vegas Review-Journal* noted: “Ongoing squabbles over evolution . . . are a predictable outcome of the domination of American primary and secondary education by tax-funded schools. State schools fall naturally into teaching a standardized curriculum, and some parents will inevitably object to some part of that standardized subject matter.” Brown failed to collect sufficient signatures to put his initiative on the ballot.<sup>151</sup>

### *Religion*

- *Las Vegas*—When a high school valedictorian went off-script and declared that “God’s love is so great that he gave his only son up,” school officials pulled the plug on her microphone. In July, that student, Brittany McComb, filed a lawsuit against the school district claiming that her rights to free speech and equal protection were violated. “I wanted to say why I was successful, and what inspired me to keep going and what motivated me. It involved Jesus Christ for me, period,” she said. The district would not comment on the suit, but Allen Lichtenstein from the ACLU of Nevada said that “Proselytizing is improper for a school-sponsored speech at valedictorian graduations.”<sup>152</sup>

## New Hampshire

### *Religion*

- *Pittsfield*—In December, some Pittsfield Middle School students claimed that their religious freedom was violated when English teacher Harry Mitchell

told them to make and wear yellow stars as part of lesson on *The Diary of Anne Frank*. Mitchell said that the assignment was intended to instill empathy for Frank. “If you’re not wearing it, you’re not getting the full awareness of Anne and her family,” he said. Thirteen-year-old Samantha Gage, a student in the class, objected so vehemently to the assignment that she wrote a letter about it to the *Concord Monitor*. “Many people won’t learn anything except that their religion (if they’re not Jewish) isn’t good enough,” she wrote. Students who refused to wear the star received lower grades than those who wore it.<sup>153</sup>

### **New Jersey**

#### ***Freedom of Expression***

- *Hasbrouck Heights*—To protest a district ban on wearing shorts between October 1 and April 15, 17-year-old Michael Coviello decided he would wear skirts to school. The district, however, ultimately prohibited him from wearing those as well, so Coviello contacted the ACLU to help him out. In January, the ACLU and Coviello reached an agreement with the district that enabled Coviello to wear a skirt in order to continue his protest against the district’s seasonal ban on shorts.<sup>154</sup>
- *Oceanport*—In 2003, the Oceanport school district punished student Ryan Dwyer for creating a website critical of his school, a punishment that included a week-long suspension from class and a month-long suspension from the school’s baseball team. In response, Dwyer’s family contacted the ACLU of New Jersey, which helped them to sue the district. In November, their suit was finally settled, with the Oceanport district agreeing to give Dwyer \$117,500. The district nonetheless continued to maintain that it had to punish Dwyer in order “to protect all of the children and the staff in the district.” The ACLU’s Grayson Barber objected, asserting that “our schools should encourage

debate and political engagement rather than punishing students who provide a forum for free expression.”<sup>155</sup>

- *Parsippany*—A war crimes “trial” for President George W. Bush was staged in a Parsippany High School classroom in February, and a lot of people thought it was going too far. “We’re polarizing people in an area that we shouldn’t be,” school board member Frank Calabria said of the class project that had been approved by the school’s principal. Parsippany Mayor Michael Luther, a Democrat, agreed, saying that it “breeds disrespect to accuse the commander-in-chief of being a war criminal.” The president of the Parsippany teachers’ union, however, said that administrators in the district who were criticizing both the project and the teacher in charge, Joseph Kyle, “just couldn’t take the heat.”<sup>156</sup>

#### ***Religion***

- *Eagleswood Township*—At age 65, substitute teacher William McBeth decided to undergo a sex change and become Lily McBeth. At age 70 the change was completed, and William McBeth reapplied for his job as Lily. After the school board hired McBeth by a 4-1 vote, a major controversy broke out as a group of parents objected to the hiring, culminating in a contentious February school board meeting. “You are forcing sexuality questions on my children (that) they are not capable of understanding,” complained Mark Schnepf, the father of two district students, who also said that having McBeth teach his children “violates my religious beliefs.” Defenders of McBeth were also present, including members of Garden State Equality, some of whom carried placards calling New Jersey “the state that doesn’t hate.” In the end, the school board reaffirmed its hiring decision.<sup>157</sup>
- *Frenchtown*—In May 2005 an 8-year-old girl attempted to sing “Awesome God” at a voluntary, after-school talent show,



and was forbidden by administrators from doing so because the song was too religious. In June 2006, a case brought against the district by the student's parents went to trial.

According to school superintendent Joyce Brennan, the trouble was not that the child was singing a religious song, "the problem came with the words in the song that were not espousing what the child believed but rather indicating what other people should be believing." She continued, "we have people of all faiths here . . . And for me to say 'OK, you'd better believe in this thing,' maybe my Muslim parents wouldn't understand that, nor would their children." The girl's mother, Maryann Turton, however, contended that the district's actions made her daughter feel "dirty and wrong and icky" for choosing the song she did. "I didn't like seeing my child made to feel that way and I wouldn't want anyone else's kid to feel that way either," she said.<sup>158</sup>

- *East Brunswick*—In October, an East Brunswick High School football coach was barred by the district from praying with the team. In November, the coach filed a lawsuit against the district saying it had trampled on his constitutional rights. The district maintained that it had no choice but to prohibit the coach from praying with the team because federal courts have ruled that public school staff members cannot participate, encourage, or lead students in prayer. The coach argued that a football team's prayer is not a religious event, and even if it were, at the very least the coach should be allowed to show respect by bowing his head or bending his knee.<sup>159</sup>

## **New Mexico**

### ***Intelligent Design***

- *Rio Rancho*—In August, the Rio Rancho School Board approved a new policy for its science classes intended, according to its supporters, to allow students and teachers to discuss origin of life theories that are

alternatives to evolution. Opponents objected that the last line of the new policy was a back-door attempt to introduce intelligent design into district biology classes. The line read, "When appropriate and consistent with the New Mexico Science Content Standards, Benchmarks, and Performance Standards, discussions about issues that are of interest to both science and individual religious and philosophical beliefs will acknowledge that reasonable people may disagree about the meaning and interpretation of data."

In April, after months of rancor over the new policy, the board revisited it. In the end, they amended the last line to read "Students shall understand that reasonable people may disagree about some issues that are of interest to both science and religion (for example, the origin of life on earth, the cause of the 'big bang,' the future of the earth)." Still, not all board members were happy. Board member Margaret Terry said that she felt the new language continued to be a back door to intelligent design, and said that the district's teachers were "not qualified to teach my religion in a public school." She added that "if you want it [intelligent design] taught, create your own school."<sup>160</sup>

## **New York**

### ***Freedom of Expression***

- *New York City*—When a Brooklyn high school cancelled a speech by Lynne Stewart—the lawyer convicted of relaying messages from jailed bombing mastermind Sheikh Omar Abdel-Rahman to his followers—students at the school decried it as a violation of free speech. "The students wanted to hear what she had to say," said Gardith Edouard, president of the school's student government. Department of Education lawyers, however, defended the decision on the grounds that Stewart was "not the type of role model that we would want to have speak to children."<sup>161</sup>

- *Long Island*—Reportedly on a whim, two students at a Long Island high school submitted quotes from Adolph Hitler to go into the school’s yearbook, and classmates lobbied to keep them in the book despite the yearbook adviser counseling against it. Once published, the quotes were condemned by Rabbi Ian Silverman of the East Northport Jewish Center, who said that “this is offensive not only to Jews but to all Americans.”

The principal of the school apologized for the quotes, and district officials said they were considering contacting the publishing company to ask them to either reprint the affected section, omitting the quotes, or to offer white-out tape to those who wish to cover the quotes up. In addition, the school is contemplating creating a committee of parents, teachers, and students to vet senior quotes in future yearbooks. Some students saw that possibility as censorship. “I don’t believe they should censor your senior quote,” said senior Joanna Dickman. “I mean, if that’s what those guys want to be remembered by, that’s up to them.”<sup>162</sup>

- *New York City*—Students at Hunter College High School threatened to sue the school in May after advisors cut jokes in the yearbook that typically accompanied pictures of student clubs. School officials had the yearbook’s printer excise the jokes because they could have been considered offensive. Students maintained that doing that violated their First Amendment rights. “My concern is that they are going too far,” said editor Netta Levran, who added that “it’s not just the jokes but the bigger issue of losing something that makes Hunter unique.”<sup>163</sup>
- *Peekskill*—In March, a 7-year old girl’s recitation of a poem she wrote that condemned white nationalism and called people like Christopher Columbus and Charles Darwin “pirates” and “vampires,” elicited an apology to all district parents from officials at the Peekskill

County school system. Judith Johnson, the district superintendent, apologized for inviting Autum Ashante to recite her poems for district children. “We had a lot of kids who were really upset,” Johnson said. Ashante, however, made no apologies for what she said, “I don’t think there’s anything wrong with my poem. I was trying to tell them the straight-up truth.” The teacher who invited Ashante reported that, truth or not, after her controversial performance Autum was “unofficially” banned from ever performing in the district again.<sup>164</sup>

### **Multiculturalism**

- *Albany*—In September, the New York State legislature created a new Amistad Commission—named after the slave ship *Amistad*—to determine whether the state’s schools were adequately teaching about the slave trade. “We feel there is . . . a void in our education curriculum . . . when it comes to the issue of slavery and the dehumanization of Africans,” explained Assemblyman Clarence Norman (D-Brooklyn). Opponents of the commission’s work argued that the state’s schools were already doing all they could to teach African-American history, and they feared that the commission would open the door for every ethnic or racial group to demand special treatment. “Jews will decide how to teach the Holocaust, the Irish the Great Famine, Armenians the Turkish genocide, Indians the French and Indian War, and so on,” argued Candace de Russy, a State University of New York trustee. Both sides made clear why former New York state schools chancellor Carl Hayden responded to the fracas by noting that “the single most difficult standard . . . [is the] history standard, because it is so potentially controversial.”<sup>165</sup>

### **Sex Education**

- *New York City*—In March the New York City Department of Education announced that children as young as five years old would

learn about HIV, and Mayor Michael Bloomberg defended the move. “We’re making sure that it’s age-appropriate” he said. “For the kids in first, second, third grades, you teach ‘em about germs and to wash your hands. And as you move up, you try to tailor the education to the maturity of the students.” Many critics, however, thought kindergarten—when kids would be told that HIV is a “germ”—was way too early to introduce the subject of HIV/AIDS. “This is entirely too young, and the city of New York should really hang their heads in shame,” said Conservative Party chairman Michael Long. Catholic League president Bill Donohue went one step further, telling Catholic parents to pull their children out of the classes.<sup>166</sup>

### **Religion**

- *New York City*—When the New York City schools scheduled assessment tests on the Muslim holiday *Eid-ul-Adha* (Celebration of Sacrifice), it should not have been a surprise that many Muslims were upset. Omar Mohammedi, the New York City commissioner for human rights, was especially angry, and wrote a letter to New York City Schools Chancellor Joel Klein stating that “mandating these children to take state testing during this important holiday is at a minimum insensitive if not discriminatory.” A spokesperson for the chancellor countered the criticism, pointing out that legally absent students could make up the test, and that “no one was penalized because of religion.”<sup>167</sup>
- *Albany*—In April, a federal judge ordered Mexico Academy, a public high school near Syracuse, to put bricks bearing evangelical Christian messages back into a walkway constructed from bricks inscribed with personalized messages. In 2000, the district removed bricks saying “Jesus Saves” and “Jesus Christ the Only Way” because the district was being threatened with a suit for endorsing Christianity were the bricks *not* removed. The April decision, in contrast, said that

the district was practicing “viewpoint discrimination” when it removed the bricks.<sup>168</sup>

### **North Carolina**

#### ***Freedom of Expression***

- *Charlotte-Mecklenburg*—In the midst of student walkouts all over the country to protest proposed federal immigration rules, the Charlotte-Mecklenburg school district reexamined its policy toward students who left school to attend protests and rallies. District officials were unhappy with the current policy, which gave students who left “unexcused absences,” which required offenders to make up lost class time either after school or on Saturdays. However, the district was conflicted, wanting neither to encourage disruptions nor issue suspensions at the same time they were emphasizing staying in school. Some community members emphasized something else: the importance of political speech. “No student should be suspended from school for walking out to protest on an issue of national importance,” Duke University law professor Jane Wettach told the meeting of district leaders. “They are learning to be citizens of the U.S., and I think it’s fabulous.” John Hood, president of the John Locke Foundation, however, disagreed, arguing that “there are plenty of ways for students to express their political view that do not involve willful truancy.”<sup>169</sup>

### **North Dakota**

#### ***Intelligent Design***

- *Fargo*—On the grounds that it is too controversial, the North Dakota High School Activities Association said it would not make intelligent design the topic of its January debates. “We were going to exclude kids from the state and public forum debate if we stayed with intelligent design,” explained association spokesman Bob Hetler. “Some schools were afraid parents wouldn’t allow their

kids to do this one.” Hetler said about 5 of North Dakota’s 15 schools that offer debate had problems with the topic. Mandan School District superintendent Kent Hjelmstad explained further, saying that he thought “the message is that you want the experience of an academic challenge, but you don’t need to have objectionable discussions to get that challenge.” Other people were struck by debaters dodging such a heavily argued subject. “It’s unfathomable that we’re not going to allow some of the brightest, most articulate kids you can find have an intelligent discussion on intelligent design,” lamented Adam Burnside, the debate coach at Dilworth-Glyndon-Felton, a Minnesota district that often competes with North Dakota schools.<sup>170</sup>

### **Ohio** *Intelligent Design*

- *Columbus*—In 2002 the Ohio Board of Education added a passage to state science standards saying that students should be able to “describe how scientists continue to investigate and critically analyze aspects of evolutionary theory.” That passage had been controversial ever since, and in February the state school board decided to delete it from Ohio’s standards. Board member Martha Wise praised the move, saying, “it is deeply unfair to the children of this state to mislead them about science.” Supporters of the deleted passage, however, were determined to keep fighting. “We’ll do this forever, I guess,” said board member Michael Cochran.<sup>171</sup>

### *Freedom of Expression*

- *Brooklyn*—In January, a teacher gave students an assignment requiring them to research the internet porn industry, and relate their reactions to what they found. Several parents were upset about the assignment, however, feeling that it was inappropriate for high school freshmen, and complained to school offi-

cial. After receiving the complaints, Brooklyn schools superintendent Jeff Lampert cancelled the assignment. By then, though, word of the assignment had gotten to the media, and it spurred days of intensive debate and news coverage. Lampert was not happy that the issue had blown up. “We didn’t take this lightly,” he said. “We are a partnership. If you have a concern, an issue, call me; call someone in the district.”<sup>172</sup>

### **Oklahoma** *Intelligent Design*

- A poll of Oklahomans released in mid-February revealed a severely divided population when it comes to teaching intelligent design. The SoonerPoll.com survey found that 48.5 percent of Oklahomans supported teaching intelligent design in science classes, while 35 percent opposed teaching it. Perhaps as a reflection of the support for teaching intelligent design, at least three bills allowing local districts to teach it in science classes were wending their way through the state legislature at the time the poll was released. In opposition to what those bills would allow, however, one poll respondent clearly stated where he thought intelligent design should be taught. “It’s not a scientific question,” said Charles Van Boskirk. “You can teach it in religion class, but not in science.”<sup>173</sup>

### **Oregon** *Intelligent Design*

- *Salem*—With intelligent design a hot issue all over the country, in September officials at the Oregon Department of Education thought it best to reiterate official policy: Creationism can be discussed in comparative religion or literature, but not science class. “It’s a classic disconnect between science and religion, and the state has no problem coming out on where schools should be,” said Department of Education spokesman Gene Evans. Not all Oregonians agreed.

Said Bend La-Pine School Board member Brian Gatley, “a number of scientists are looking at intelligent design, and I see no reason to not have it brought into school.”<sup>174</sup>

## **Pennsylvania**

### ***Intelligent Design***

- *Dover*—In December, federal judge John E. Jones III ruled that a Dover school district policy requiring biology students to be told that Darwinian evolution is a theory, not a fact, and directing them to the intelligent design book *Of Pandas and People*, was unconstitutional. Jones stated clearly in his ruling that he found intelligent design to be “a religious view, a mere re-labeling of creationism, and not a scientific theory.”

Despite the closure Jones’ ruling might have brought to the people of Dover, who had been fighting over the policy since it was adopted in October, 2004, a great deal of social and personal damage had already been done by the dispute. Many Dover citizens were so divided by the policy, in fact, that they refused even to speak to neighbors who held different opinions than their own about the teaching of evolution.<sup>175</sup>

### ***Freedom of Expression***

- *Mercer County*—In December, using his grandmother’s computer, 17-year-old Justin Layshock created a parody MySpace.com profile of his principal, Eric W. Trosch. The profile made fun of Trosch’s size and used some profanity, but was not threatening in any way. In other words, other than being a little distasteful and maybe mean, there was nothing illegal or dangerous about what Layshock posted. Yet, when he owned up to creating the profile—there were three other, more offensive profiles for the principal that Layshock said he did not create—he was given a 10-day out-of-school suspension and moved to an alternative education program. Layshock filed a suit against the district in February, charg-

ing that his free speech rights had been violated.

To many observers, Trosch’s punishment did not fit the crime, if there was any “crime” at all. “Kids are making fun of the principal every day,” said Paul Houston, executive director of the American Association of School Administrators. “You just have to take it. You’re a lightning rod for that sort of thing.” The Hermitage School District, however, contended that Layshock’s actions created a “substantial disruption” for the school, something for which Supreme Court precedent says a school can punish a student, even if the student was exercising free speech.<sup>176</sup>

### ***Multiculturalism***

- *Upper St. Clair*—With at least one school board member asserting that the International Baccalaureate program violates “Judeo-Christian” values, and with national critics suggesting that IB is anti-American, in February the Upper St. Clair school district cut its IB program. IB is coordinated by the International Baccalaureate Organization in Switzerland and is generally considered to be very rigorous.

Reaction against the board’s move was loud and swift, with numerous residents begging it to reinstate the academically challenging program. In March, a group of parents sued the district and the five board members who voted to cut the program, claiming that the members axed IB to retaliate against residents who opposed their election the year prior. They also claimed that the members wanted to impose their religious and political beliefs on the district.

At the end of April, the IB supporters got their wish: The school board voted to reinstate the program for at least two years. Board president William M. Sulkowski suggested, however, that the board had not changed its attitude concerning IB, only that financial pressures caused by the lawsuit forced the change. “This agreement does not imply that the board’s February

20 decision was erroneous,” he said. “This lawsuit was about trying to overturn an election. If the special interests of this community are unwilling to accept the change for which the people of Upper St. Clair voted, costs will continue to rise unchecked, taxes will continue to rise and our property values will decline.”<sup>177</sup>

### ***Integration vs. Self-Determination***

- *West Chester*—In December, the West Chester school board took up a proposal to ban boys from playing girls’ field hockey, and to keep the district’s girls’ teams from playing against squads with boys. For one thing, the fact that men already have more athletic opportunities than women is one good reason to keep boys out of field hockey, said Donna Lopiano of the Women’s Sports Foundation. And another? “Do you want to put that boy hitting a ball that’s harder than a baseball in front of that girl? Do you want to take that chance? The answer for most school districts should be no.” For boys who want to play field hockey, however, the issue is simply about being able to play their sport. And even some girls’ coaches think boys should be allowed to play with girls, as David Grace, who coached a girls’ team that had a boy on it, suggested: “When you see the contributions he made—not only on the field but also at practice—you would not want to say boys aren’t permitted to play.”<sup>178</sup>
- *Philadelphia*—The proposed Southwest Philadelphia Academy for Boys raised a debate about single-sex schooling in Philadelphia when the school came up for approval by the city’s School Reform Commission in January. Proponents of single-sex education argued that boys have different needs than girls, and that many boys and girls can learn more effectively in single-sex settings. Opponents, however, argued that separating students by gender is both illegal and can reinforce negative stereotypes. “We are not opposed

to a Latin school at all and think probably girls would benefit every bit as much as the boys,” said Carol E. Tracy, executive director of the Women’s Law Project. “But this does not pass legal muster.”<sup>179</sup>

## **Rhode Island**

### ***Sex Education***

- *Providence*—At the urging of the Rhode Island chapter of the American Civil Liberties Union, in March the state’s Department of Education banned public schools from using the abstinence-only sex education courses provided by Heritage of Rhode Island, a pro-abstinence advocacy group. The ACLU said that the curriculum “endorsed particular religious views . . . invaded students’ privacy rights,” and “promoted sexist stereotypes.” In light of that, the organization applauded the state’s action, asserting that it was the right response to “inappropriate use of taxpayer dollars to support discriminatory and religious teachings” in public schools.

Chris Plante, executive director of Heritage of Rhode Island, denied that the program forced religion on young people but noted that it did include values that many people want their children to be taught. “We work in Rhode Island where we know the faith community sees the religious or spiritual necessity of this type of program.”<sup>180</sup>

## **South Carolina**

### ***Freedom of Expression***

- *Latta*—15-year-old Candice Hardwick wanted to wear clothing to school with the Confederate battle flag on it in order, she said, to honor her ancestors who fought in the Civil War. Her problem was that her school wouldn’t allow that because of the negative associations many people have with the symbol. In May, Hardwick staged a protest against the district. Moreover, in a sign of how complicated issues of race and expression can be, one of Hardwick’s most visible

supporters was H. K. Edgerton, a black man who chaired the board of the Southern Legal Resource Center, a group that in March filed a lawsuit on Hardwick's behalf. "She made a stand for the Southland," said the former National Association for the Advancement of Colored People local leader in North Carolina.<sup>181</sup>

## **South Dakota**

### ***Sex Education***

- *Pierre*—An abstinence-oriented sex education measure that passed the South Dakota House comfortably was killed by the Senate Education Committee in February, largely because opponents feared the bill would have prevented schools from including lessons on contraceptives. Rep. Roger Hunt (R-Brandon), the bill's sponsor, said the measure would not prohibit all teaching about contraceptives but would require that students be taught that abstinence was the only certain way to avoid pregnancy and sexually transmitted diseases. Lawmakers heard from students on both sides of the issue. "It doesn't make sense to give me a condom and say 'Go get them, tiger,'" said Lincoln High School senior Daniel Brunz. His view was countered by Jenny Badger from Riggs High School, who asserted that "There are kids having sex. You can't stop everyone."<sup>182</sup>

## **Tennessee**

### ***Freedom of Expression***

- *Oak Ridge*—In November, when Oak Ridge High School administrators discovered that the *Oak Leaf*, the school newspaper, contained articles about contraceptives and tattoos, they retrieved about 1,800 copies from classrooms, mailboxes, and lockers. Superintendent Tom Bailey said that the birth control article needed to be edited to be acceptable to the entire school, and the tattoo story could not run because it contained a photo of a tattoo belonging to a stu-

dent who had not yet told her parents about it. Overall, Bailey explained, "we have a responsibility to the public to do the right thing." Some First Amendment experts, however, were very critical of the school's actions. "This is a terrible lesson in civics," said University of Tennessee journalism professor Dwight Teeter. "Either the students are going to have a voice, or you're going to have a PR rag for the administration."<sup>183</sup>

## **Texas**

### ***Intelligent Design***

- *Austin*—Governor Rick Perry created a stir in January when he said that he favored teaching intelligent design along with evolution in science classrooms. The governor's spokeswoman said that Perry "has always supported providing students with alternative theories as part of the effort to teach critical and analytical thinking skills," but also noted that the governor had no plans to seek legislation to make that happen. Intelligent Design opponents were nonetheless alarmed. "For the governor to suggest that intelligent design should be taught in science classes is troubling," said Kathy Miller of the Texas Freedom Network. "We shouldn't be teaching religion and faith in science classes. That is something that should be left to parents and clergy."<sup>184</sup>

### ***Freedom of Expression***

- *Austin*—In May, some students discovered pictures on the Internet showing that Tamara Hoover, an art teacher at Austin High School, was also involved in art as a nude model. When Hoover's nude pictures were brought to the attention of district officials, they placed the teacher on administrative leave, and in June school board members voted to terminate her employment. Hoover retained a lawyer, however, and in August 2006 she and the district reached a settlement in which she would be terminated but receive \$14,850. In a statement on the day the settlement

was announced, a district official stated that “the district believes strongly in an individual’s right of free expression, but as we all know, such rights are not absolute.” Hoover settled not because she agreed on the limits of free expression but because her lawyer told her that the district’s settlement offer was good, and “it’s always wise to walk away from a fight before it gets to be the lengthy fight this one was clearly going to be.”<sup>185</sup>

- *Tulia*—Seven-year-old Dallas Saenz stumbled into controversy when he decided to get a spiked hair cut to express his personality. But school officials sent Saenz home, claiming that his new hairdo was disruptive, and they told him not to return until his haircut was acceptable. Dallas’s parents fully supported their son, saying that they wanted to preserve his ability to express himself in school, even though they were fined \$600 for his disruption and administrators threatened to hold Dallas back a year if he continued to miss classes. “Everybody’s different. He’s not hurting anyone,” said the boy’s father. Officials at the school suggested there are limits to what self-expression is tolerable at school. “If it’s no distraction, it’s no problem,” said Tulia Superintendent Ken Millers. But, according to principal Johnny Lara, Dallas’s cut was a distraction: “All the students were commenting and going on about the hairstyle. It was very visible.”<sup>186</sup>
- *Fort Worth*—Seventeen-year-old Brian Mason inadvertently ignited racial tensions after his high school newspaper published his editorial cartoon depicting the school’s principal surrounding the school with a wall. Mason intended the cartoon to critique Principal Sharon Meng’s decision to ban students who participated in walkout demonstrations against proposed federal immigration laws from attending the prom. The cartoon, however, had the opposite of the desired effect, enraging many Hispanic students who found it offensive. “I

think it’s wrong, what he did,” said 15-year-old student Pedro Murguia. “The drawing of the walls around the school is offensive to me. I’m Hispanic, and my parents came here from Mexico.”

Despite the furor and fears about “getting jumped in the hall or mobbed or something,” Mason said he would not apologize for his cartoon “because it is not offensive.” School board member Juan Rangel saw the controversy as an inevitable result of letting students say what they want without supervision. “Those are not appropriate topics for them to be talking about without proper supervision and authority,” said Rangel. “The kids will say, ‘We have a right to express ourselves,’ and you have the other side saying this is inappropriate.”<sup>187</sup>

- *Round Rock*—When students all over the country were being disciplined for leaving school to demonstrate against proposed federal immigration laws last year, in the largely conservative, white, Austin suburb of Round Rock, the punishments seemed to be among the harshest. Indeed, on March 31 Round Rock police rounded up more than 200 students heading for a protest in Austin and charged them with violating a daytime curfew, disrupting class, or both. This despite the fact that the city has an ordinance allowing for free speech and assembly that, according to the Texas Civil Rights Project, trumps the curfew. Police, however, contended that many students weren’t actually going to the protests but were instead running roughshod in the town, and that diverting officers to controlling the students left other parts of the city unserved.

Josh Bernstein, a senior policy analyst at the National Immigration Law Center, was disgusted by the punishments. “What was being done by those students is in the highest traditions of this country and we would hope their idealism would be weighed against the rules that they’ve broken.” At least one



student went to court over the charges, and the jury did put his idealism above his rule-breaking. In November 2006 a jury found 15-year-old Irvin DeLuna not guilty of disrupting class, apparently accepting defense attorney Travis Williamson's argument that protests are "the only way a student can be heard. It's a protected activity. They can't vote. The only thing they can do is protest."<sup>188</sup>

### **Book Banning**

- *Judson*—In March, the Judson school board reversed the district superintendent's removal of the science fiction work *The Handmaid's Tale* from an advanced placement English curriculum. Superintendent Ed Lyman had banned the book after receiving complaints from parents about sexually explicit scenes and content offensive to Christians. The board overturned Lyman's ban after Lyman had himself overruled a recommendation to keep the novel by a committee of teachers, students, and a parent.<sup>189</sup>
- *Austin*—A 1995 law stripped the Texas Board of Education of most of its power to approve or reject textbooks for the state. In January 2006, the State Board requested an opinion from Attorney General Greg Abbott to see if they could get that power back. At the heart of debate was who should be able to decide what Texas students learn about such hot-button issues as evolution, birth control, and interpretations of history. "Every year, some board members demonstrate that given the opportunity, they would edit and change textbooks based not on the facts, but on their personal beliefs," said Dan Quinn of the Texas Freedom Network. "That is a road you don't want to go down if you want a good education system." In contrast, Director of Americans for Prosperity Peggy Venable said that "textbooks are purchased with money out of the state's Permanent School Fund, and the state board has a constitutional responsibility to oversee how those funds are spent." In

September 2006, Attorney General Abbott issued an opinion finding that the state board has "significant statutory authority" over the content of textbooks and supplemental items.<sup>190</sup>

### **Religion**

- *Plano*—In March, tensions over a middle school student's religious club landed the Plano school district in a legal battle. Michael Shell, a 13-year-old student, filed a suit against the district after his organization, Students Witnessing Absolute Truth, was denied support by the school equivalent to that provided to other student organizations. One of those inequities—that information for his organization wasn't posted on Haggard Middle School's website—was rectified quickly by the school. The other major point of contention—that unlike other clubs, SWAT had only a "custodial staff representative" rather than a faculty adviser, which among other things kept the club from opening a school bank account—was much stickier.

The problem for the district was that it cannot promote religion, and officials believed that putting a staff member in charge of the group would be illegally sponsoring religion. Attorneys for SWAT, however, argued that it was discrimination against religion not to give Shell's group the same resources and privileges afforded to other clubs. In the end, Shell won: In April the district agreed to give SWAT the same benefits and privileges as secular groups, as well as to pay legal fees and damages of \$100.<sup>191</sup>

- *Colleyville*—The 2005–06 yearbook at Liberty Elementary School came with a controversial feature: A cover with a picture of a 2005 liberty nickel that was missing the words "In God We Trust," and a sticker with the missing words inside the book that students could affix to their covers if they chose to. "I think it was the principal making every effort to make sure that all faiths are respected," explained school district spokesman

Jason Meyer. Parent Debbi Ackerman had a much different response. “We are just shocked and saddened that it’s come to this and it hit right in our back yard.”<sup>192</sup>

- *Plano*—When Fox News personality Bill O’Reilly erroneously reported in December that students at Plano schools were not allowed to wear red or green clothing during the holiday season, it enraged Plano school officials. In an e-mail to O’Reilly, school district attorney Richard Abernathy said that O’Reilly’s reporting “smacks of McCarthyism and represents yellow journalism at its best.” It turns out, though, that while O’Reilly’s accusations might not have been completely accurate, they had some grounding in fact: At the time of O’Reilly’s broadcast the district was involved in a suit brought by a student who said that in 2003 he had been barred from handing out candy cane pens with religious messages. O’Reilly contended that one of the issues in the suit surrounded colors students could wear during the holidays. Parent Jim Sperry asserted that misunderstandings should not be surprising because the district simply doesn’t have coherent policies when it comes to the holidays. “Clearly, people are confused when it comes to Christmas.”<sup>193</sup>
- *Carrollton*—In March, a couple filed a complaint in federal court after a teacher supposedly told one of their children to keep quiet during the daily minute of silence because the minute was a “time of prayer.” Though officially the minute of silence instituted in 2003 is supposed to allow students to engage in any “silent activities,” David and Shannon Croft argue that there is no secular reason for the minute, which makes it unconstitutional. Kathy Walt, spokeswoman for Governor Rick Perry, disagreed, saying that “the law does not set it up specifically as a moment for prayer.”<sup>194</sup>
- *New Braunfels*—District trustees approved \$60,000 in January to create an elective course on the Bible for New Braunfels

High School. The idea had divided district residents, and brought a very large crowd to the school board meeting where the class was finally approved. Trustee Jorge Maldonado attempted to assuage the fears of many residents that the course would be an unconstitutional endorsement of religion: “The intent and purpose of the course is clearly defined and already established to be in compliance with the First Amendment. The goal of the course is to teach religion in a way that is purely academic and not devotional.”<sup>195</sup>

## Utah

### *Intelligent Design*

- *Salt Lake City*—After saying that he was “not willing to continue to get e-mails and faxes from parents saying, ‘Why are they teaching my kid we evolved from apes in school as a fact,’” state senator Chris Buttars (R-West Jordan) promised to do something about it. What he did was push for legislation that would have prohibited teachers from telling students that they evolved from apes, and would have required that students be told that while there was some evidence for the ape-to-man inference, it was not an indisputable fact. Opponents feared that the bill would open the door to teaching intelligent design and religion in the schools. “We always (try to) separate in this state very carefully our religious beliefs (from state operations). That general philosophy, it seems to me, needs to continue,” said state board of education chairman Kim Burningham. In February, a House version of the bill went down in defeat.<sup>196</sup>

### *Homosexuality*

- *Salt Lake City*—In December, state senator Chris Buttars (R-West Jordan) said that he would introduce legislation to prohibit gay-straight alliance clubs in state public schools, which he did soon after. The legislation created a clash of values. Utah

Eagle Forum president Gayle Ruzicka spoke in favor of the ban, arguing that the debate is about “having a safe place to send our children to school where they don’t have to worry about the environment, where the parents can trust the teachers and advisers to uphold high moral standards.” What proper “moral standards” are, however, is a heavily disputed notion. For many in the gay community, what is important about gay-straight alliances is that they foster tolerance. “They give youth—both gay and straight kids—a place to come together and talk about issues that affect them . . . and how to improve the school environment by talking to teachers and others in the schools, educating them about diversity and acceptance,” said Valerie Larabee, executive director of the GLBT center.<sup>197</sup>

## Vermont

### Homosexuality

- *Williston*—In March, when the Chittenden South Supervisory Union school district attempted to schedule a gay speaker to talk to seventh- and eighth-grade students about harassment of homosexual students, it raised the ire of several parents, whose disapproval prompted the district to cancel the presentation. Kate Jerman, co-executive director of Outright Vermont, the group scheduled to make the presentation, thought the cancellation sent a terrible message. “The message they (students) got was clearly this isn’t an OK thing to talk about. That’s a lot of damage to the school climate from one very small action.” A least one parent, though, thought that a speech by Outright Vermont would have been an affront to his religion. “They are promoting a lifestyle that is against our belief system and our faith,” said Chris Geffken.<sup>198</sup>
- *Burlington*—Unlike in Williston, in April an anti-bullying talk by an Outright Vermont speaker was delivered to sixth-graders at Lyman Hunt Middle School. This time, many parents were angered

that the event took place without the district notifying them, and religious objections were raised once again. “We’re Catholic. So as far as I’m concerned, parents should be teaching their children,” said parent Mary Rouille. “If we can’t bring our religion into the school, they shouldn’t bring their beliefs in.”<sup>199</sup>

## Virginia

### Religion

- *Prince William County*—A hellish furor erupted in Virginia when it was discovered that the C. D. Hylton High School marching band was planning to play “The Devil Went Down to Georgia” by the Charlie Daniels Band at the Peach Bowl in Atlanta. The spark was provided by Robert McLean, who after he heard the band play the tune wrote a letter to a local newspaper asking why a public school band playing a song about the devil did not violate the separation of church and state. After reading the letter, fearing a bad public response to the song, band director Dennis Brown pulled “Devil” from the playlist. That made matters much worse.

After learning that Brown had cancelled “Devil” people all over the country weighed in on the decision, including Charlie Daniels himself, who said that “I am a Christian and I don’t write pro-Devil songs. . . . I think it’s a shame that the [marching band director] would yield to one piece of mail.” It turned out, even the letter-writer wasn’t especially mad about the piece. McLean told the *Washington Post* that he only wrote the letter to provoke a philosophical debate, not get the song cancelled. “Devil” was even “one of the first 45s I had as a kid,” he said.<sup>200</sup>

## Washington

### Multiculturalism

- *Seattle*—A Seattle Public Schools website that presented planning for the future, individualism, and standard English as examples of cultural racism—all attribut-

es associated with “whiteness,” according to the site—had to be taken offline after people complained for weeks about its offensive assertions. Caprice Hollins, the district’s director of equity and race relations, eventually apologized for the controversial content, which she said was not intended to “develop an ‘us against them’ mind-set.”<sup>201</sup>

### **Religion**

- *Mill Creek*—The Henry M. Jackson High School wind ensemble was all set to play an instrumental version of “Ave Maria” when Superintendent Carol Whitehead vetoed their selection because it was “religious in nature.” In June, one member of the ensemble—graduate Kathryn Nurre—sued Whitehead, claiming the superintendent had trampled on her First Amendment rights. Nurre’s mother, Vicki, said that none of the ensemble members were trying to make a religious statement. “The kids had no agenda when they picked the piece,” she said. “It was a piece they loved, it was a piece they played well.” Whitehead had no comment at the time the suit was reported.<sup>202</sup>

### **West Virginia**

#### **Religion**

- *Charleston*—For 30 years a picture of Jesus hung in Bridgeport High School. In June, its place in the school was challenged by a couple who had one child graduate from the school and who have two more who will soon attend it. “I frankly cannot understand why this school insists that it is doing nothing wrong,” said Reverend Barry Lynn, executive director of Americans United for Separation of Church and State. Despite the suit, the Harrison County school board did not see fit to remove the picture, with a June vote on the matter ending in a tie.<sup>203</sup>

### **Wisconsin**

#### **Intelligent Design**

- *Madison*—With polls showing increasing

support for teaching alternatives to evolution, state representative Terese Berceau decided to introduce a bill in February requiring anything taught in a Wisconsin public school science class to be “testable,” describe “only natural processes,” and be considered “science” as defined by the National Academy of Sciences. Intelligent design, importantly, did not fit the bill, but Berceau noted that her measure would not ban discussion of the disputed theory in the schools, only in science classes. At least one representative—Debi Towns (R-Janesville), who chairs the Assembly Education Committee, said right away that she would not support the bill.<sup>204</sup>

#### **Integration vs. Self-Determination**

- *Germantown*—For two classes each day at Kennedy Middle School, some boys only learn with other boys as part of a voluntary all-boys program. The problem is that there is no corresponding program for girls. It was the boys, though, whom Germantown officials and parents found accounting for the majority of office referrals, questioning their sense of belonging, and getting poor test scores. “We thought, ‘Wow, we’ve got to do something about the boys,’” said teacher Kelly Glaser. But while Germantown hasn’t yet run into trouble for not offering single-sex classes for girls, one Wisconsin district looking to implement an all-boys program has, and Germantown could be in trouble, too: In the spring of 2006 the state passed a law allowing schools to offer single-sex courses for boys or girls only as long as “comparable” classes were made available for the other gender.<sup>205</sup>

#### **Sex Education**

- *Madison*—A bill signed by governor Jim Doyle in May requires that sex education teachers tell students that abstinence is the preferred behavior for unmarried people, though it does not prohibit the discussion of birth control. Kelda Helen Roys, executive director of NARAL Pro-

Choice Wisconsin, was less than satisfied with the bill. “They ignored the overwhelming public testimony, support and expert information about the importance of comprehensive sex education that talks about abstinence as well as contraceptive use,” she said. “Abstinence is an important part but it is not the only part.”<sup>206</sup>

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