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Forum examines students' rights, invites diversity

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EAST STROUDSBURG — One thing is undeniable: racial and cultural diversity has come to the Poconos.

Making the area truly welcoming and representative of all people, regardless of race, national origin or other differences, requires a united effort from everyone in the community. If residents want to make this a goal for future generations, the first step is recognizing that all children, no matter who they are, what they look like or where they come from, have rights protected under the U.S. Constitution.

About 30 black, Latino and white residents, ranging from teenagers to senior citizens, got this message at Saturday's "Students' Rights And Responsibilities" symposium, sponsored at East Stroudsburg University by We The People and the American Civil Liberties Union's Pennsylvania office.

We The People is a community group formed earlier this year out of a concern that children of color were being targeted and treated unfairly in local public schools and by police and the criminal justice system.

The symposium focused on students' constitutional rights in and out of public schools, as well as police getting to know and work more closely with people in racially and culturally diverse communities.

"Public school students don't shed their constitutional rights when entering school gates, as opposed to private school students who must give up some of their rights to follow private school rules," said ACLU attorney Paula Knudsen, citing various court cases and rulings.

For example, a student has the right to wear a T-shirt with a message or image as long as that message or image "does not materially or substantially interfere with curricular activities," meaning it doesn't cause a disturbance in school or in the classroom, Knudsen said.

"Let's say there's a white student wearing a T-shirt with the Confederate flag on it, since some see the Confederate flag as a symbol of Southern white racism and find it offensive," she said. "Let's say the school tells that student he can't wear that T-shirt and he decides to challenge the school's authority in court.

"For the court to uphold the school's decision, the court has to be convinced there's a history of violence at that school tied to students wearing T-shirts or other articles of clothing bearing the Confederate flag," she said.

What's not protected under the Constitution includes articles of clothing displaying messages or images that are lewd, profane or promote drugs or alcohol.

"A student has the right to express his or her religion in school by wearing a crucifix, Star of David or other icon,"

Knudsen said. "A student can bring the Bible, Torah or Quran to school, as long as he or she doesn't read it during a class when they're supposed to be paying attention or doing work."

Individual students can pray, but the school can't force an entire class or the entire student body to pray.

When it comes to searches, in the world outside of school, the law requires police to establish probable cause to obtain a search warrant for someone's property. But in school, officials need only reasonable suspicion, a threshold lower than probable cause, to search a student's locker or bag, Knudsen said.

WIDENER UNIVERSITY SCHOOL of Law professor Monica Clyatt discussed juvenile justice system procedures. A juvenile can be charged with a crime as young as age 10 and be incarcerated in the juvenile system until age 21.

One point Clyatt raised is that if police charge a child with a crime in school, the officer must notify that child's parent, guardian or an adult sympathetic to the child, according to the law. That parent, guardian or sympathetic adult must be present before the officer can interview the child. If not, any confession the child makes can be deemed invalid by the court.

"A school official is not viewed as an adult sympathetic to the child because that official is protecting the school's interests," Clyatt said.

Another point raised is that children, if arrested, should comply with police officers' orders and not risk getting hurt by trying to resist.

"If you feel you were treated unfairly, get the officer's name, badge number and physical description," immigration attorney Ysabel Williams advised. "Let a judge handle it."

WILLIAMS, A LATINO mother, discussed the rights of immigrant and bilingual students.

"Just because you're a bilingual child does not automatically mean you need speech therapy," she said. "That seems to be a common misconception in the public school system. As a parent of a bilingual child, you have the right to demand your child not be placed in a speech therapy class if they don't need it."

If a bilingual child has a learning challenge, that child is supposed to be placed in the least restrictive learning environment with an individualized education plan, to which the parent has a right to object if he or she disagrees with any part of the plan, Williams said.

"Your child isn't dumb," she said. "He or she just learns differently. I don't think grouping children based on test scores is putting them in the least restrictive learning environment, when children with learning disabilities shouldn't be taking those kinds of tests in the first place."

Williams spoke against criminalizing undocumented immigrants, saying immigration law violations are civil, not criminal. She also spoke against stigmatizing children who don't live in traditional families, such as those raised by grandparents rather than parents.

SATURDAY'S EVENT ALSO included a pledge by Stroud Area Regional Police Chief John Baujan to have his department be more sensitive in serving a racially and culturally diverse community. The department has 53 officers, including three white females and one Latino male, Baujan said.

The chief said the department so far has not been successful in recruiting officers of color, but pledged to see what he can do to help diversify the force. He also agreed to step up efforts to have police get to know and work more closely with residents and children of color.

The event concluded with a SPIRIT Student Problem Identification and Resolution of Issues Together workshop led by Robert Hillman of the Pennsylvania Human Relations Commission's Monroe County Advisory Council.

The U.S. Justice Department's Community Relations Service created the SPIRIT program 15 years ago as a way for students in diverse school systems to work together in identifying and solving problems that divide communities.

Going around the room, Hillman asked each audience member to identify things they like and dislike about the Poconos, compared to the communities from which they moved.

Common likes included the area's scenery and serenity. Common dislikes included a lack of afterschool activities for children and a view of the area being unrepresentative of all people, such as in elected offices and appointed public positions.

"Identifying these issues is just the beginning," Hillman said. "Much of the process involves dialogue, but it's a necessary first step toward working together to address these issues."