

Waterford-Halfmoon HS Students Discuss Schools & the First Amendment



Dress codes. Internet filters. Limitations on speech and language. These are just some of the restrictions young people face everyday in public schools, all in the name of preserving order, protection and control. But are these and more intrusive regulations contributing to a “safe learning environment” or violating students’ civil liberties?

Students from **Waterford-Halfmoon High School** discussed this issue, and what, if any, First Amendment rights apply to them on **Tuesday, November 29th 2005** at the WAMC Performing Arts Studio/Linda Norris Auditorium. The program - entitled **“Is maintaining a ‘safe learning environment’ in our public schools protection or censorship?”** - was **moderated by**

WAMC’s Alan Chartock. On the panel were attorney **Kathy Wolverton** of Girvin & Ferlazzo, an Albany-based law firm specializing in education issues; **Colin Donnaruma**, an associate with the firm O’Connell & Aronowitz and a member of NY Civil Liberties Union; and students from the school’s Participation in Government course. Waterford’s principal **John Polnak** joined the panel as the discussion got underway. Approximately 120 students were in the audience for the taping. The program aired on *The Speakers’ Corner* on December 22nd.

The students selected the topic in light of ever-increasing regulations placed on young people while they are in schools. Public school districts and boards of education have implemented many policies and procedures that restrict, in varying degrees, the First Amendment rights of students, in order to create and preserve a “safe learning environment”. Many of these restrictions are supported by the courts and are developed at the urging of federal, state and local governments, and the State Education Department.

The discussion began with a comment by Katelyn, one of the students, who declared that her physical safety at school was paramount to her ability to learn. Colin Donnaruma was quick to point out that the First Amendment and a school’s restrictions were not mutually exclusive, that in fact they reinforce each other. Everyone on the panel recognized the existence of restrictions in all school districts, particularly related to articles of clothing that may be considered profane or supportive of substance abuse. Some student panelists supported the distribution of flyers at school for a “peace rally” recently organized by a faculty member and several students, citing a Supreme Court decision, *Tinker v. Des Moines* (1969). However, Kathy Wolverton, whose law firm serves as Waterford’s counsel, clarified that school districts can indeed have regulations regarding the time, place and manner in which flyers can be posted.

The students focused on the inconsistent enforcement of regulations by various faculty members, and questioned how policies and procedures were created. The attorneys responded that students could easily get “mixed messages” since so frequently the various courts have rendered conflicting decisions regarding school issues. Principal John Polnak encouraged the students to get involved and use “the system” to bring about any changes they believed to be necessary by attending and participating in school board meetings and student governance committees. He reminded them that their current social studies course – Participation in Government – gives them yet another vehicle through which to voice their concerns in a constructive, informed manner.

Waterford-Halfmoon High School PIG teacher Paul Ferrara and Principal John Polnak worked with WAMC Education Director Maryanne Malecki to prepare the students involved. “As a classroom teacher, I was able to involve my students in an exciting real-world experience that directly connects with what we’re doing in the classroom,” said Ferrara. The project closely supports the course curriculum and helps young people learn critical thinking, writing, research and communication skills.

According to Polnak, “The students are actually participating in a democratic process rather than passively learning about it from a textbook, gaining confidence and pride along the way. Participating in WAMC’s Youth Media Project has shown them that adults do take them seriously and respect their opinions. These students are maturing into young adults right before our eyes.”