



Morgan Hill Preparatory Academy

GOVERNANCE TRAINING EXERCISE— DECEMBER 2016



Why an “interactive” session?

- ❖ Requested via feedback from last year.
- ❖ Practice makes perfect!
- ❖ Consideration of different perspectives strengthens decision-making.
- ❖ Thoughtful navigation of “hard” questions.

Play Your Role!

Each group member will be assigned a role that will influence how they approach each issue.



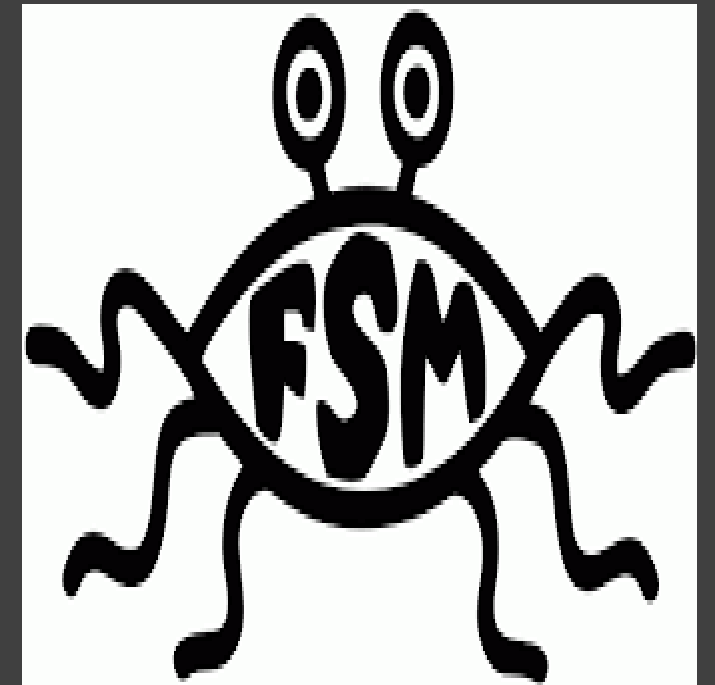
School Leader –
primary
concern is
maintaining
order and a
positive school
culture

Governing
Board member
– accountable
to numerous
groups,
including the
authorizer,
parents and the
community

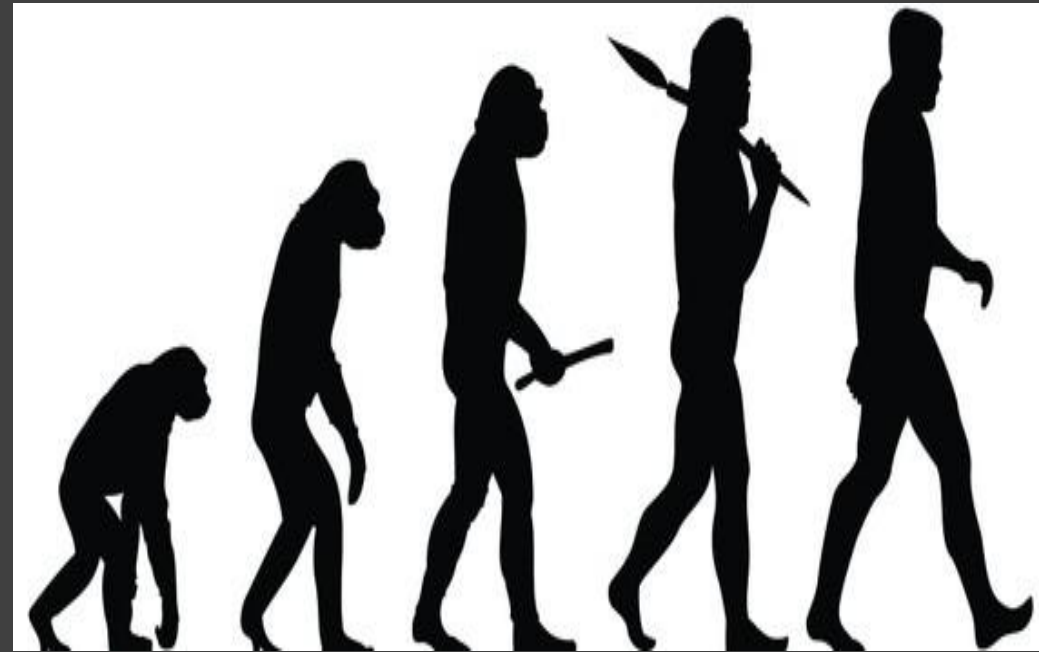
Authorizer –
responsible for
ensuring that
schools act in
accordance
with their
charter contract
and established
law

Parent –
primary
concern is
his/her student

Morgan Hill Preparatory Academy requires all Seniors to take a Comparative Religious Studies class which examines all the major religions of the world. A small group of Seniors find the mandatory class objectionable and decide to protest wearing embroidered armbands.



In a manifesto citing their grievances, the students also protest MHPA's refusal to teach evolution as part of its science curriculum.



Citing a dress code violation, the school leader of MHPA requires the students to remove the armbands.



In addition to the armband, one of the protestors (Student B.H.) wears a T-shirt with the phrase “God Loves Fags” emblazoned across the front. Although B.H. is openly gay, the school leader deems the shirt to be lewd and offensive and suspends the student for 3 days. B.H. is properly notified of the reason for suspension and provided an opportunity to respond. The student maintains that the shirt is neither lewd nor offensive and is instead protected free speech.

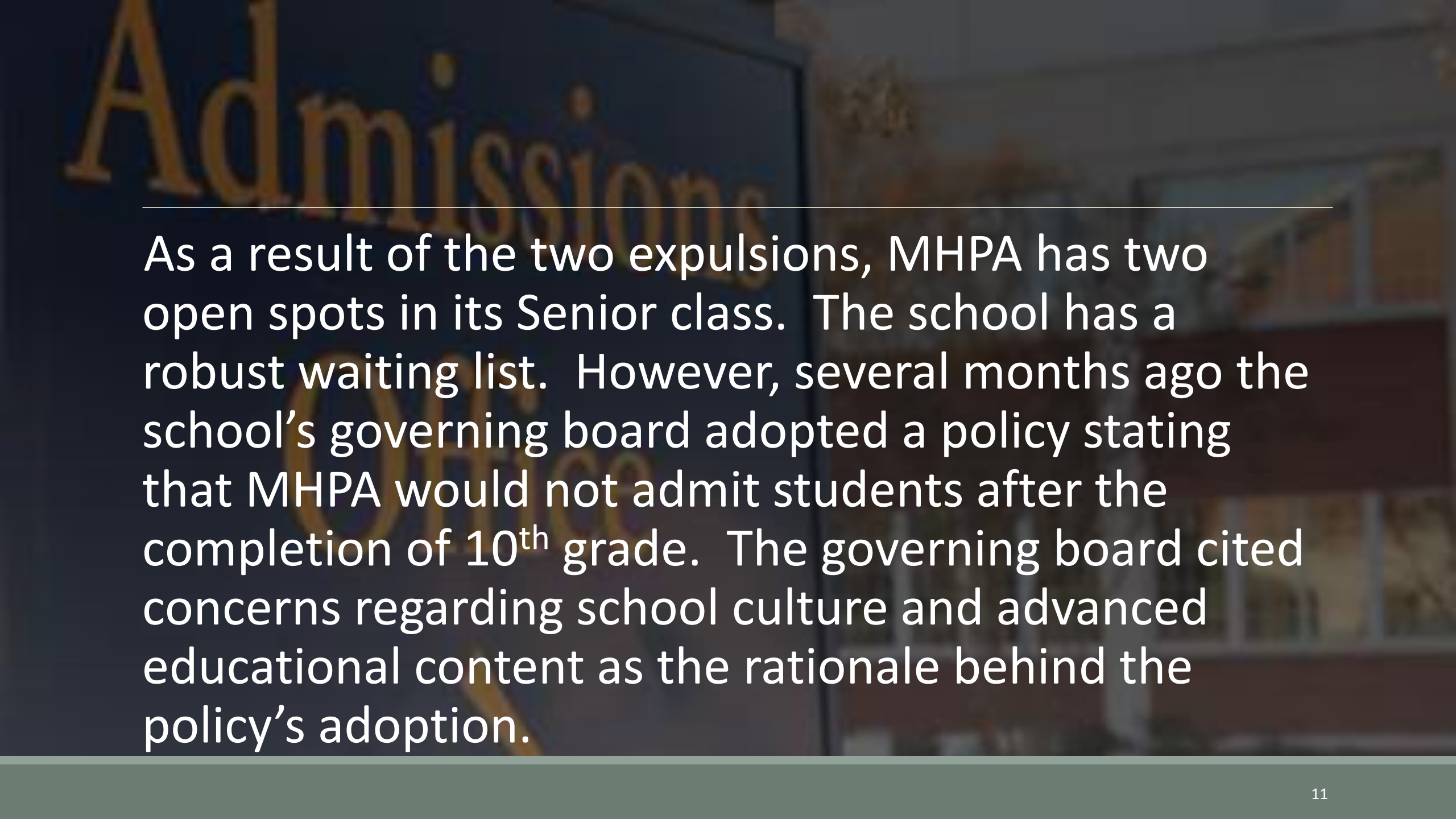


As a result of this infraction, the school leader searches B.H.'s person and belongings, including a small mints tin. A small amount of marijuana is discovered. Because B.H. committed two serious infractions in close proximity, the school leader determines that (s)he should be expelled. The school leader drafts a letter to the parents of B.H. explaining the expulsion and provides the names of several nearby private schools.



Meanwhile, students G.S. and T.W. engage in a verbal altercation regarding the protest. The altercation escalates and G.S. pulls a pocket knife on T.W. A school resource officer quickly disarms the situation and neither student is physically harmed. MHPA has a zero-tolerance weapons policy. As a result, the school leader recommends to the governing board that G.S. be permanently expelled. The governing board convenes a hearing where each party is allowed to present their case. G.S. is not allowed to retain counsel or call witnesses. The governing board upholds the school leaders' recommendation of permanent expulsion.





As a result of the two expulsions, MHPA has two open spots in its Senior class. The school has a robust waiting list. However, several months ago the school's governing board adopted a policy stating that MHPA would not admit students after the completion of 10th grade. The governing board cited concerns regarding school culture and advanced educational content as the rationale behind the policy's adoption.

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- ❖ Identify and explain the potential issues.
 - ❖ What should MHPA have done differently?
 - ❖ Looking forward, what actions should MHPA take?
 - ❖ Don't forget to keep your role in mind! A parent will likely have a very different perspective than a school leader!



Summary

Religion in School

- Study *about* religion is constitutional. The curriculum cannot be devotional or doctrinal. The curriculum cannot be tailored to the principles or prohibitions of any particular religious sect or doctrine.
- Relevant Cases:
 - Doe v. Paul Dee Human, 725 F. Supp. 1503 (W.D. Ark. 1989), affirmed without opinion, 923 F.2d 857 (8th Cir. 1990), cert. denied, 499 U.S. 922 (1991);
 - Johnson v. Poway Unified School District, 658 F.3d 954 (9th Cir. 2011), cert. denied, 132 S. Ct. 1807 (2012)
 - Florey vs. Sioux Falls School District, 619 F. 2d 1311, 1314 (8th Cir., 1980), cert. denied, 449 U.S. 987 (1980)
 - Epperson v. Arkansas, 393 U.S. 97 (1968)
 - Edwards v. Aguillard, 482 U.S. 578 (1987)

Dress Code Violations and Free Speech Rights

- Students do not lose their First Amendment rights to freedom of speech once they are on school property. Schools can only limit a student's freedom of speech when the conduct in question would "materially and substantially interfere" with the operation of the school. Students wearing t-shirts with slogans can only be censored when the words are invasive of the rights of others.
- Relevant Cases:
 - Tinker v. Des Moines Independent Community School Dist., 89 S. Ct. 733 (1969)
 - Blau v. Fort Thomas Public School District, 401 F.3d 381, 391 (6th Cir. 2005)
 - U.S. v. O'Brien, 391 U.S. 367, 377 (1968)
 - Edwards v. Aguillard, 482 U.S. 578 (1987)
 - Harper v. Poway Unified School District, 445 F.3d 1166 (9th Cir. 2006)

Summary

Due Process and Search and Seizure Rights of Students

- A school official or law enforcement officer must have a “reasonable suspicion” to search a student without his/her consent. Students who are expelled or suspended for greater than ten days must receive more formalized due process proceedings, and the school must inform the student and parent of their due process rights.
- Relevant Cases and Georgia Law:
 - New Jersey v. T.L.O., 469 U.S. 325 (1985)
 - Goss v. Lopez, 419 U.S. 565 (1975)
 - O.C.G.A. § 20-2-753

Enrollment Policies

- A charter school, except for dual language immersion charter schools, may not adopt any policy which expressly restricts enrollment to specific grade levels within the grade span served by the school. A charter school must offer at least one annual enrollment opportunity for each grade served for which space is available.
- Relevant State Board of Education Rule:
 - SBOE Rule 160-4-9-.05