

Professional Development Activity on Power and Control

This activity helps team members practice utilizing the appropriate levels of power and control afforded a school board–superintendent team. It builds on the rationale that school board–superintendent teams function as a basic governmental unit and that, in the spirit of sovereignty, teams will often have to make difficult decisions that limit individual freedoms to advance the district’s educational purposes. Teams will practice making a difficult decision relating to a topic most board–superintendent teams will deal with: dress codes. They will also learn how to justify the reasoning behind that decision and the use of that power to external stakeholders.

Time Frame

The team should allow approximately sixty minutes for this activity.

Materials

This activity requires a facilitator, a computer with Internet access, and a projector.

Process

The facilitator should take the following steps.

1. Access a video clip on a dress code case involving a local school board. Consider “Washington School District May Change Dress Code” (WTAE-TV Pittsburgh, 2012; www.goo.gl/fEVioC) or “Some Schools Tighten Dress Codes” (KOAT New Mexico, 2012; www.goo.gl/h4N6bv). Please note that video links often change or are removed. If these are no longer available, the facilitator can search the key words *dress code* and *local school board* to reveal other options.
2. Consider what led to the controversy in the video and select a controversial aspect of the district’s dress code for discussion.
3. Ask each team member to prove that the aspect of the dress code being considered “materially disrupts classwork or involves substantial disorder or invasion of the rights of others” (Tinker v. Des Moines Independent Community School District, 1969). The following clarifying questions may help.
 - “Can you show discipline is greater at school in the absence of the dress code restriction or that the dress code restriction has reduced discipline?”
 - “Was the teacher disrupted, unable to teach or both?”
 - “Was student learning disrupted?”
 - “Was there so much discussion about the dress code topic among students that the teacher had difficulty starting or continuing class?”
 - “Did disruptions such as fighting, bullying, harrassment, or threats occur because of the dress code?”

4. Explain that dress restrictions put in place to prevent something such as gang activity need to show evidence of a connection. The school or district can also “take reasonable action to restrict student expression” (Schimmel et al., 2014, p. 164) before an actual disruption occurs if there is a “reasonable likelihood of substantial disorder” (Karp v. Becken, 1973). The facilitator should ask, “If applicable, are you able to evidence this?”
5. Regarding emblem and symbol restrictions, does it “convey a particularized message . . . [that] would be understood by those who viewed it” (Olesen v. Board of Education, 1987)? For example, would a particular type of jewelry or a symbol such as a unique image of a certain color communicate gang involvement and would others interpret it as gang involvement? If so, then the restriction would be appropriate. If the symbol or image does not communicate something disruptive or contrary to educational purposes and is not viewed as disruptive and contrary to educational purposes by others, then what is the reason for the restriction?
6. Point out that districts or schools must be careful of gender discrimination. Have the team consider, “Does the aspect selected for discussion differentiate between males and females? If so, why does one gender have a heavier dress code burden than the other?” In other words, can each team member prove a legitimate, nondiscriminatory reason for the dress code restriction that has a “reasonable relationship” to education in the school or district (Johnson v. Joint School District No. 60, 1973)?
7. Confer with the team whether the aspect of the dress code selected for discussion truly supports social norms in the district’s community. While many districts have dress code restrictions they believe support community norms, it may be that the team’s community supports tolerance and diversity, which would allow for dress code minimums, not restrictions.
8. Close by discussing next-step actions as a result of the activity. How could the team prevent the same controversy from happening in their own district? Should other dress code issues be discussed in a similar manner? Should current dress codes be delegated back to the school levels for review? Finally, how did this activity raise the team’s awareness of limiting individual rights to advance educational purposes?

Results

Participating in this activity supports the impact of a basic governmental unit (the board–superintendent team), highlighting that this particular team wields considerable power and control. Effectively using this power and control enhances team functioning.

This power can be intimidating and challenging for team members. The preceding considerations for dress code restrictions are only a representative example of the questions the board–superintendent team should be asking itself. Further, this is only one topic among many that may require a prudent legal lens to ensure educational appropriateness. Sound legal counsel can prove most helpful when considering such topics as dress codes.