

# The role of the courts in education



The Role of Courts in Education When there is any conflict between how education is being dispensed and the protection of the rights and freedom of American citizens under the Constitution, the judiciary and the courts had historically stepped in and should continually to do so. The interpretation of what the law and how it should be applied is the primary duty of the court system that helps steer education towards the right direction. This is especially crucial in a country with an ever diverse population -- culturally, racially and socially. Fortunately, the United States Constitution as the framework from which the rule of law emanates from has built-in mechanisms to deal with potential conflicts in interpretation. Three of the issues where the courts have successfully resolved the problems in the education arena are the teaching of religion in public schools, the racial integration issue and the issue regarding the education of handicapped or disabled persons.

The first amendment under the Bill of Rights states that " Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." This is the basis when the Supreme Court ruled in 1962 that prayer as sanctioned by the public school system has no place education (Prayer and the Public Schools n. d., par. 3). It simply meant that the state must stay out of what is basically a matter of private belief and at the same time, it protects the rights of all students who have different religious beliefs. The group called Americans United for the Separation of Church and State states that the 1962 ruling has been misinterpreted by some sectors that it forbids religious activities inside schools (Prayer and the

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Public Schools n. d. par. 4). The essence of the ruling and those that followed was that authorities must not use school time and resources to perform religious activities, unless the purpose is the objective study of religion, of which students are given choice if they want to study any subject matter pertaining to it. In the meantime, students are not forbidden to pray, discuss on their own or have other religious activities within school grounds - as guaranteed by the First Amendment - as long as official school hours are not used for these.

Racial integration and affirmative action in schools as policies arose as an extension of the civil rights movement with an intent for minorities to have an equal opportunity in an American society numerically dominated by whites. However, with recent challenges to its efficacy of achieving racial equality in education where integration has the unintended effect of denying the rights of both the white majority and of minorities in their choice of schools, the already integrated nature of American society in some cities or states may be taken into consideration. For example, a constitutional challenge by Seattle parents observed that the city is already becoming diverse, and racial integration or balancing in schools is no longer needed (Savage, 2006, " Court to revisit race in schools".). The subsequent ruling of the Supreme Court striking out the racial balancing policies in schools not only in Seattle, but in Louisville, Kentucky in June 2007 may be indications that the Supreme Court are looking into conservative interpretation of the law (Teachers College, Columbia University, 2007).

Under the Individuals with Disabilities Education Act, handicapped students and special students whose learning abilities are not in sync with the majority of students are guaranteed the same rights and opportunities with

regards to education, which is just right under the equality guaranteed to every citizen under the Constitution. The Supreme Court in a recent decision sided with the parent of a student with reading disability regarding reimbursement for his son's education in a private school when the New York City Education Board failed to provide an educational program or facility that would suit best the needs of the child (Sullivan, 2007). This is an indication that the Supreme Court wants to play an active role in making sure that the government does its job in providing learning opportunities for the disabled equal to that of the normal majority.

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