

Encyclopedia of
**CURRICULUM
STUDIES**

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ACADEMIC FREEDOM

The modern concept of curriculum predates by about two centuries the principle of intellectual freedom to teach, or *lehrfreiheit*, derived from Humboldt's model (ca. 1810) for the new German universities, but this principle was not defined and defended within the U.S. university system until the early 20th century. Today, academic freedom seems more contentious than ever with conference titles such as *Free Inquiry at Risk: Universities in Dangerous Times*. The following questions are now common: Is academic freedom a constitutional and legal right? Who has academic freedom? Is the classroom a closed or open forum? To what degree is curriculum severed from instruction in academic freedom protections? These derive from one question: Who or what has authority over curriculum? Following a brief historical analysis of definitions, this entry focuses on the K-12 level and this overarching question.

Definitions of academic freedom reflect the American Association of University Professors' (AAUP) 1915 Declaration of Principles on Academic Freedom and Academic Tenure, which identified three key elements: freedom of inquiry and research, freedom of teaching within the institution, and freedom of extramural utterance and action. Following the AAUP's lead in the United States, the National Education Association (NEA) passed a "Freedom of the Teacher" resolution in 1928 to protect the public schools from corporate and private interests. The NEA expanded this in 1935 to

include the principle that administrators and teachers should have an opportunity to present various points of view on controversial issues to help students understand changing social conditions. Authority over the curriculum was particularly troubling through the 1920s and 1930s, and questions of academic freedom were part and parcel with reform of the schools. John Dewey reasoned in 1936 that academic freedom was a key aspect of political freedom and a necessary condition for democratic citizenry.

Thirty years later, U.S. Supreme Court Justice William Brennan underscored the importance of safeguarding academic freedom as a special concern of the First Amendment in the 1967 *Keyishian v. Board of Regents* decision. Yet at this time, only 55 of 2,225 public school district contracts protected academic freedom with provisions stating that educational and democratic values were best upheld in an atmosphere free from censorship and artificial restraints on free inquiry and learning. Current definitions reiterate this freedom of expression for teachers and students, but the courts have been imprecise in legal definitions of academic freedom. *Keyishian* aside, the Supreme Court's support of academic freedom is predominantly found in dissenting opinions, and it remains unclear whether academic freedom is a constitutional right. Signaling a clear message to K-12 teachers, the Supreme Court has refused to hear their academic freedom cases since January 1988. Twenty years after *Keyishian*, Justice Brennan wrote in the 1987 *Edwards v. Aguillard* decision that public education curricula are prescribed by

state boards of education and, thus, academic freedom as commonly conceived is not a relevant concept in the public school setting. Nevertheless, since 1988 the precedent case for K–12 teachers and students has been *Hazelwood School District v. Kuhlmeier*. In April 1983, Hazelwood East High School (St. Louis, Missouri) Principal Robert E. Reynolds censored the journalism class's student newspaper by pulling two articles on teen pregnancy and divorce. Three students (Cathy Kuhlmeier, Leslie Smart, and Leann Tippett) contacted the American Civil Liberties Union and filed suit. On January 13, 1988, the Supreme Court reversed the lower court's decision with a 5–3 majority opinion that established a precedent for K–12 teachers' cases: School officials were given permission to impose reasonable restrictions—related to legitimate pedagogical concerns—on the speech of students, teachers, and other members of the school. In dissent, Justice Brennan wrote that the case illustrates how schools camouflage viewpoint discrimination under a pretense of protecting students from controversial issues.

Although *Hazelwood* dealt with academic freedom for students, subsequent lower court cases involving academic freedom, such as *Boring v. Buncombe Board of Education* (1998) and *Board of Education v. Wilder* (1998), have tested this standard of legitimate pedagogical concerns against teachers' authority over curriculum. *Boring* makes it clear that authority over curriculum depends on how it is defined. Using *Webster's Third New International Dictionary*, the judges concluded that curriculum means all *planned* school activities (including extracurricular), and administrators are authorized to ensure that it bears the imprimatur of the school, providing confidence for parents. The voices (e.g., textbook authors) that enter the classroom are sanctioned to speak through the curriculum for the state or school board. In this way, classrooms are closed forums for teaching the adopted or planned curriculum, which administrators can actively safeguard on grounds of legitimate pedagogical concerns. The use of non-prescribed or *unplanned* materials requires a judgment by the teacher that something is sufficiently controversial to warrant a formal review for approval, and even when granted, as in *Boring's* case, approval may not translate into protection. *Boring* suggests that when in classrooms, teachers speak through the curriculum, meaning that

constitutional free speech protections stop at the classroom door. Hence, there are no distinctions between in-class curricular and in-class noncurricular teacher speech. For now, in the United States, if not in Canada, power in the conception of curriculum is legally invested in administrators and a few appointed or elected officials, and execution rests in teachers.

Stephen Petrina

See also Commercialization of Schooling; Creationism in Curriculum: Case Law; Critical Pedagogy; Indoctrination; Teacher-Proof Curriculum

Further Readings

- Aby, S. H. (Ed.). (2007). *The academic bill of rights debate: A handbook*. Westport, CT: Praeger.
- Cossett Lent, R., & Pipkin, G. (Eds.). (2003). *Silent no more: Voices of courage in American schools*. Portsmouth, NH: Heinemann.
- Petrina, S. (2008). Academic freedom for K–12 teachers. In S. Mathison & W. Ross (Eds.), *Battleground: Schools: An encyclopedia of conflict and controversy* (Vol. 1, pp. 1–11). Westport, CT: Greenwood Press.
- Pipkin, G., & Cossett Lent, R. (2002). *At the schoolhouse gate: Lessons in intellectual freedom*. Portsmouth, NH: Heinemann.

ACADEMIC RATIONALISM

Academic rationalism is an orientation to the curriculum that honors the role of traditional content in the development of the rational human mind. Along with many adherents to other orientations, academic rationalists understand that, because of time constraints, not all available curriculum content can be taught in schools. To avoid an overstuffed curriculum, academic rationalists recommend a distinct criterion for answering the classic curriculum question regarding what knowledge is of most worth. For them, the most worthwhile learning centers on those enduring ideas and artifacts that have stood the test of time. The works that contain the greatest products of the human mind thus become the canon of the school curriculum.

Academic rationalists believe that human nature is unchanging and that there are eternal truths to