

Opting out vs. opting in: there's a world of difference

The policy approved recently by the Board of Education which gives parents the right to keep their children under the age of 18 from being handed condoms in high school, while it may have been driven by a recent court decision, was a major step in the right direction. However, we must ponder whether or not such an "opt-out" policy is truly in the best interest of our children in dealing with this most serious issue.

The controversy over condoms in the schools began when former Chancellor Fernandez put forward a foolhardy plan to distribute prophylactics to high school students without limitation or parental involvement as part of the City's response to AIDS. Surely we cannot discuss and work toward implementing an all-inclusive school based management plan for all our schools and, on the other hand, unidirectionally force a condom distribution program on the educational system with no parental input. Our school system would look hypocritical! In this regard, three years ago, Chancellor Fernandez was able to muster enough votes to defeat an "opt-out" provision that would have recognized the right of parents to be involved in the process and refuse the distribution of condoms to their kids.

Following that "no" vote, two Staten Island parents, along with the brave convictions of our Island Board of Education representative, Michael Petrides, brought suit to challenge the policy of distribution without parental consent. They lost the case when Supreme Court Justice Peter P. Cusick ruled against them, but a state appellate court then reversed Judge Cusick's decision and ruled that the consent of parents, is, indeed, required for a condom distribution program, which is why the "opt-out" provision was introduced.

But it is my position, we must have a higher calling of fairness which will give parents and children an honest level of equality in dealing with this issue. An "opt-out" program establishes condom use as the norm of behavior and makes those youngsters who don't participate in the program into exceptions, and I believe that is the wrong message to send out. Furthermore, it clearly makes partici-

pation in the controversial program a passive, rather than an active event for parents; whatever our feelings are about condom use and AIDS, we all have to agree it is important for any policy of the Board of Education to foster the highest level of parent dialogue in the decision making process.

Therefore, far superior is the concept of a strictly "opt-in" program by which those parents who wish their youngsters to be among those receiving condoms would have to make an active decision to do so and sign their children up for it, thereby taking away the mandatory nature of the program and requiring parents to make a conscious choice.

The proposal made by the Board of Ed's HIV/AIDS Advisory Council, which would have required that every student's parents sign and return a form indicating whether or not they want their child to participate in the condom program, a kind of combined "opt-out, opt-in" process, would have been a much better approach than that adopted

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by the Board. But even that proposal, in my opinion, was not as good as a straight, pro-active "opt-in" approach.

There should be no thought of conspiracy or lack of sensitivity in coming to the conclusion that a strict "opt-in" program be implemented. If you carefully examine the historical nature of how most other optional school programs are structured, you'll find that the overwhelming majority are "opt-in."

Programs for intellectually gifted children, for example, like IGC and ALEC, require an application by parents, as do remedial programs. So does entry into specialized high schools and various high school programs both within and out of a student's district. School trips, athletic team participation and a wide variety of both in-school and after-school programs like the volunteer service program at IS 7 and the performing band program at IS 61 all require that a parent give active consent, in other words, "opt-in."

It would make no sense for a child to be mandatorily enrolled in any of those kinds of programs until his or her

parents sign a letter of denial, would it? UNLESS WE GET A NOTE FROM YOUR PARENTS, YOU WILL BE RE-QUIRED TO JOIN THE SCHOOL BAND!" Yet that's the kind of thinking those who support an "opt-out" program for condom distribution are defending.

The same criterion would also logically apply to the AIDS curriculum currently being debated. As controversy swirls around how explicit such a program must and should be in its discussions of sexual activity and what information is age-appropriate for various grades, once again, parental rights seem to have been given a back seat.

Because of religious, philosophical, cultural and familial values and principles, there are great differences among students and their families regarding the moral and ethical issues surrounding AIDS education. These differences of attitudes must be protected and, in a public education arena, all must be allowed options without infringing on the rights of others. Therefore, parents not only should, but must be given options regarding what, when and how much about this subject is taught to their children in the schools. And, once again, an "opt-out" provision from a mandatory AIDS education program is insufficient. The choice to participate, rather than the choice not to participate, ought to be given to the parents of our school children.

We sometimes lose sight of what the nature and purpose of public schools in our city are. The school system is not in existence to indoctrinate youngsters with governmental propaganda or that of special interest groups, nor is it there to conduct social programs or experiments. The purpose of the schools is to assist parents in carrying out their responsibility to educate their own youngsters. Therefore, parental rights over the content and administration of school programs are paramount, and the manner in which those rights are best protected in planning and carrying out programs like condom distribution and AIDS education is through a parental "opt-in" system. This process will in no way disturb the brilliant diversity of the people of the City of New York which represents the pulse and breath of our public school system. Rather, "opt-in" will give all voices an opportunity to equally share in special programs of instruction.

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