Ethical School Leadership

Defining the Best Interests of Students

Jacqueline Stefkovich and Paul T. Begley

ABSTRACT

This article explores the alternate ways ethical school leadership in the best interests of students is conceptualized in the educational leadership literature from several foundational perspectives including philosophy, psychology, critical theory and case law. Perspectives which are grounded solely in theory are differentiated from those grounded in research and practical field applications. An argument is made for the merits of applying multiple ethical perspectives. The findings of existing research on the valuation processes of school principals and their ethical leadership practices are also discussed with a particular focus on their explicit or implicit interpretations of the meaning of ‘best interests of students’. A genuine regard for student best interests emerges as a major influence on principal leadership practices in two ways: principal valuation processes are heavily directed towards rational consequentialist orientations; the best interests of students figures prominently as a meta-organizer and ultimate influence on their decision making.

KEYWORDS authentic leadership, educational leadership, leadership, leadership development, best interests, values, ethics

Introduction

This article combines two discrete yet complementary strands of research to present an integrated view of various conceptualizations of school leaders’ ethical decision making in the best interests of the student. Beginning with a discussion of best interests, a term widely espoused but eluding clear definition in either theory or practice, the authors postulate that, at least in some forms, such as in the case of zero tolerance policies, ‘best interests of students’ is more organizational or policy-related rhetoric than a genuine regard for student well-being.

On the other hand, a genuine regard for student best interests does emerge as a major influence on principal leadership practices through a large body of research which shows that principal valuation processes are heavily directed towards rational consequentialist orientations grounded in a concern for the
well-being of students. In addition, research on how principals respond when confronted with ethical dilemmas suggests that the best interests of students figures prominently as a meta-organizer and ultimate influence on their decision making.

Alternate ways that ethical school leadership in the best interests of students is conceptualized in the educational leadership literature emerge from several foundational perspectives including philosophy, psychology, critical theory and case law. Moreover, the analysis level of such research varies, some focusing on individuals, groups, or organizations, with others addressing society, government, or cross-cultural questions. The challenge then is to present a model of best interests that may serve as a guide to practitioners while taking into consideration the complexity of research that under girds this concept. This article concludes with a conceptualization of such a model.

**Alternative Perspectives on the Study of Values and Ethics**

One of the challenges that emerges when a group of scholars from multiple countries engage in research together on subjects like moral literacy and best interests is understanding each other's perspectives on the subject. Even agreeing on vocabulary can be a challenge. Developing a shared syntax can require days or even years of scholarly deliberation before a consensus can be established. The relationship between 'values' and 'ethics' as concepts is one particular area where there can be lots of debate. For example, in 1999, Joan Shapiro of Temple University (USA) began a conversation with Paul Begley (then at OISE/University of Toronto, Canada) on this subject at the 5th Annual Values and Leadership Conference held in Charlottesville, Virginia. Eight years later the debate continues with only partial resolution.

This issue came up again in another context, at a symposium held at the November 2004 University Council for Educational Administration (UCEA) conference in Kansas City (USA), when a group of scholars, including Begley and Shapiro, articulated a rather distinctive range of perspectives on the subject of ethics and valuation processes. It became apparent that the research on ethical leadership processes being conducted by scholars in countries like Canada, Sweden and the USA is being carried out under circumstances reflecting quite distinct social contexts.

These scholars, despite the collegiality and frequency of interaction among them, approach the study of valuation processes and ethics from a variety of foundational perspectives. For example, Starratt's (1994) work is grounded in philosophy, whereas Stefkovich (2006) applies a legal perspective. Gross and Shapiro (2004) adopt a social justice orientation in their work, whereas Begley's (2004) orientations focus on the cognitive processing associated with
administrative problem-solving. Langlois’ (2004) approach is through applied ethics and moral theory.

This situation recently led Langlois and Begley to accept the challenge of mapping out existing theory and research on the subject of values and ethics of school leadership so that scholars working in this area could have some additional conceptual clarity in terms of alternate views on ethical concepts in education, what scholars already know and can agree upon, and where the gaps in the knowledge base are. This was deemed an important step that should precede any attempts at long-term collaborative work by a group of international scholars. Accordingly, Langlois and Begley worked together at Penn State University over several days during March 2005 to develop a conceptual framework for the work of the group. What emerged was the meta-ethical analysis of existing models and theories of leadership portrayed in Table 1.

The first step in mapping out existing work was identifying some parameters in order to set some limits on the range of literature and frameworks to be mapped out. Langlois and Begley settled on the following parameters:

- The focus of the inquiry is educational leadership.
- The unit of analysis is the administrator as a moral subject.

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The objective is to explore the tensions, contradictions and complexities of leadership. The work is grounded in an interdisciplinary and problem-based approach to inquiry.

Most graduate students and university faculty would readily agree that reviewing and trying to make sense of the values literature is challenging, especially when the literature review crosses foundational and national boundaries. Nevertheless, upon careful scrutiny some discernable patterns began to emerge. Some theories, particularly those grounded in philosophy (Hodgkinson, 1996; Starratt, 2004) tend to focus on motivations, basic intentions or the meanings associated with values. Other theories promote particular moral orders—that is, urging the adoption of the right values such as an ethic of care (Noddings, 2003) or an ethic of community (Furman, 2003). When it comes to research, for example on the values manifested by school administrators or teachers, the tendency is towards describing the values manifested. To illustrate the latter, consider how transformational leaders (Leithwood et al., 1999) might be said to manifest values of collaboration, or a commitment to democratic processes. We may not know for sure why these administrators hold these values, but we know they do because they tell us so, or we see those values reflected in their actions.

The model which emerged is essentially a two-sided matrix. One side of the matrix portrays three levels of grounding for the existing literature and research. These are theory and epistemology, descriptive research, and practice or social relevance. the second side of the matrix outlines four levels of analysis reflected in the literature ranging from the micro-ethical (focused on the individual) level through to the mega-ethical (cross-cultural, global, transcendental) level.

Using this matrix it is possible to place in context most of the existing models and research and literature related to valuation processes and ethics and moral literacy. A quick examination of the matrix will reveal that some scholars work predominantly within one domain, some in two and a few across three levels. Note that this figure includes representative examples of scholarly work to illustrate the utility of the framework. It is not a comprehensive mapping of all scholarly work on this subject. However, it is equally apparent that the ethical concepts which underlie the research models used by many of the scholars are increasingly becoming hybrids or integrated versions of more traditionally and foundationally bounded approaches—perhaps indicating that progress has been made in the field towards consensus on at least some fronts. Indeed, Langlois and Begley assert that this mapping framework is not intended to promote one particular approach to research and scholarship on moral literacy in educational administration in favour of another. The objective is to map out what there is in terms of theory and frameworks for inquiry in an integrative way.
Valuation Processes and Ethical Deliberation by School Leaders

In our view, valuation processes relate to leadership in three important ways. The first is as an influence on the cognitive processes of individuals and groups of individuals. It is important, perhaps essential, for persons in leadership roles to understand how values reflect underlying human motivations and shape the subsequent attitudes, speech and actions. Moreover, leaders should know their own values and ethical predispositions, as well as be sensitive to the value orientations of others. The second way in which valuation processes relate to leadership practices is as a guide to action, particularly as supports to resolving ethical dilemmas. Ethics are highly relevant to school leadership as rubrics, benchmarks, socially justified standards of practice, and templates for moral action. The third way in which valuation processes relate to leadership is as a strategic tool that leaders can employ to build consensus among the members of a group towards the achievement of shared organizational objectives. In this sense leaders literally use ethics as a leadership tool in support of actions taken. However, as will be argued, these actions may or may not be ethical.

As argued by Begley (2006), authentic leadership is therefore grounded in the understanding or interpretation of observed or experienced valuation processes as well in ethical decision-making processes. As a starting point, this implies the appropriateness of a focus on the perceptions of the individual in a school leadership role, or as a participant in the educational enterprise, and how the individual construes his or her role and environment. Although organizational theories, the policy arena, and other macro perspectives are relevant as elements of the context in which a school leader works, they are not a primary locus of concern. Furthermore, administrative valuation processes can involve more than ethics. A focus on ethics, as worthy as it is, will not necessarily accommodate the full range of human behavior. This is because ethics are culturally derived, not employed that frequently in day-to-day administrative decision making, and may not always be an appropriate basis for decision making in many administrative situations, particularly those occurring in culturally diverse contexts.

Research on principal valuation processes (Begley and Johansson, 1998) and problem solving processes (Leithwood and Steinbach, 1995) demonstrates that administrators tend to employ ethics as a guide to action at certain times—in situations of high stakes urgency, when consensus is impossible, when responding to unprecedented situations, and for certain hot-button social issues which tend to quickly escalate debate to a point where people seek refuge within an ethical posture. This illustrates the first way in which values relate to leadership—as an influence on the cognitive processes of individuals and groups of individuals. Ethics may be consciously or unconsciously employed in such situations. A typical application for ethics is as a personal guide to action, particularly as supports to resolving ethical dilemmas. However, there are more
strategic and collective applications for ethics. One of the most common in a school or school district setting is using an ethic as a focus for building consensus around a shared social objective. These more collective and strategic applications of ethics may be the more common manifestation of this value type in the administration of schools and school districts, as well as in the corporate sector. This has been confirmed empirically by research conducted by Langlois (2004).

Accountability, Ethics and the Press for Rationality

Ethics represent a particular category of social/collective values of a trans-rational nature (Begley, 2004). Furthermore, the ubiquitous press for accountability in educational decision making characteristic of our times generates an effect on how and when principals will employ ethics as guides to their professional decision making. Because ethics are often interpreted in culturally exclusive ways, and do not require empirical evidence to justify their adoption, they can be a very troublesome category of values to employ as guides to action in our increasingly culturally diverse schools and communities where administrators increasingly sense the need to be accountable for their decisions.

As a practical consequence school administrators naturally gravitate towards values grounded in rational consequences and consensus as guides to action and decision making whenever that is possible. This process often takes the form of some conception of what is in the best interests of students. Even when a situation appropriately evokes, on the part of the principal, an ethical response, what gets articulated to the stakeholders more often then not will usually be grounded in the rhetoric of rational consequences or consensus. Similarly, personal preference or self-interest orientations can be masked by rationally justified processes.

Research conducted by Begley and Johansson (1998) confirms that the relevance of principles or ethics to a given administrative situation seems to be prompted in the minds of school administrators by particular circumstances. These circumstances include: where an ethical posture is socially appropriate (for example, the role of the arts); where consensus is perceived as difficult or impossible to achieve (for example, an issue involving ethnic bias); or when high stakes and urgency require decisive action (for example, student safety).

Although the empirical research on the use of ethics is scant beyond these findings, there is some evidence (Langlois, 2004) to suggest the school leaders also use ethics in strategic applications as ways to develop group consensus, and a basis for promoting compliance with minimum need for evidence on group or organizational norms. These are all examples of ethically sound—meaning good or socially justifiable applications of ethics to situations. However, one has only to survey the newspaper or work in an organization or live in a community for a few years to readily detect situations where
ethics-based postures can be unethical, bad, and socially unjustifiable. For example, in our view ethical postures can be bad when:

- A cultural ethic is imposed on others (banning the wearing of all hats indoors, including religious headgear).
- An ethic is used to justify reprehensible action (terrorist bombings).
- An ethical posture veils a less defensible value (justifying photo radar in the name of highway safety and law enforcement when lucrative profits is the real goal).
- An ethic is used to trump a basic human right (a religious ethical ban on blood transfusions that results in a child being denied life-saving medical care).

The implication is that using ethics is not always necessarily ethical. Such is the nature of ethics when they are adopted as guides to action. Trans-rational values (Hodgkinson, 1996) of any sort, and ethics and principles in particular, are rather vulnerable to multiple interpretations in application from one social context to another. When unexamined values are applied in arbitrary ways justified in the name of democratic process, they can be anything but democratic. The essential, and often absent, component that would make adherence to a value genuinely democratic is dialogue.

For these reasons unexamined ethics or values accepted at face value without deliberation of meaning represent a particular category of social or collective values of a trans-rational nature that may not be consistent with democratic leadership process. Getting back to the central premise of this article, it is apparent that in order to cultivate the ability to distinguish the difference between using ethics and being ethical, we need the capacity to discriminate actual intentions within ourselves and among others. This is not moral relativism, nor is it value absolutism; it is critical thinking and moral literacy. Accordingly, an essential component of critical moral literacy for educational leaders is an understanding of what a student's best interests are and how we as educational leaders can act in accord with this concept.

**Best Interests of the Student**

The term 'best interests' is frequently used by educators when discussing professional practice. Policymakers are similarly inclined to apply this term as a justification for their decisions. However, there is a lack of clarity in the literature as to what constitutes a student's best interests. School leaders tend to interpret this phrase in a variety of ways, often times disagreeing on the best course of action, and what is truly in the best interests of the student. Thus, the time has come for developing a more robust model to determine the best interests of the student when making ethical decisions. Just as judges render their opinions on a case-by-case basis, carefully weighing the facts of the case...
in the context of prevailing laws, so must educational leaders work within the confines of their school communities, calling upon their own discretion and professional judgment within the context of each particular situation to determine what is truly in the best interests of the student.

The ‘best interests of the student’ is at the heart of the ethic of the educational profession. As Shapiro and Stefkovich (2005: 23) point out:

Not all those who write about the importance of the study of ethics in educational administration discuss the needs of children; however, this focus on students is clearly consistent with the backbone of our profession. Other professions often have one basic principle driving the profession. In medicine, it is ‘First, do not harm.’ In law, it is the assertion that all clients deserve ‘zealous representation.’ In educational administration, we believe that if there is a moral imperative for the profession, it is to serve the ‘best interests of the student.’ Consequently, this ideal must lie at the heart of any professional paradigm for educational leaders.

This conceptualization of best interests intentionally refers to the student as an individual, as opposed to students in a group. The underlying assumption here is that if the individual student is treated with fairness, justice, and caring, then a strong message is sent to all students that they will also be treated with similar justice and caring and that they should treat others similarly. Thus, rights carry with them responsibilities, so much so that the rights of one individual should not bring harm to the group.

Beck (1994: 55) eloquently lends support to the caring aspect of this concept of best interests in relation to the individual. Here, she focuses on the benefits of caring:

For those who hold a caring ethic, the value of lives, their own and others’, has a very different basis. They believe that persons possess inherent worth and dignity. A caring, community-oriented ethic frees persons from pressuring others and themselves to constantly strive to earn or maintain value [through achievement].

If a clash between individual and group needs emerges, an ethic of justice requires that the educational leader must first decide if the individual is acting responsibly in asserting his or her rights. If not, then what better opportunity is there to take advantage of the situation as a teachable moment for the student? Take for example the case where a student takes a weapon from another student who is about to commit suicide and is then caught with the weapon in his or her possession. Rather than expelling the student in rigid conformity as some zero tolerance policies dictate, would it not make more sense to have the option of praising the student for being a Good Samaritan and explain to him/her the importance of reporting such matters? Granted, this task of teaching responsibility is challenging at the best of times and requires vigilance. However, by focusing on the formation of personal responsibility as a priority, there is great potential here for educators to grow both personally and professionally and for students to share responsibility for their own development.
What Are Best Interests?

The concept of best interests is well represented in legal jurisprudence. In such cases, usually involving custody, child labor and compulsory education, courts often refer to the ‘best interests of the child’ (Goldstein et al., 1979a, 1979b, 1996). It is the legal standard used by courts in determining issues of child custody, child support and visitation (or access, as it is called in some jurisdictions) in regard to the child or children's parents or legal guardians (Wikipedia Dictionary, 2004).

In determining the best interests of the child, courts generally order various investigations to be undertaken by social workers, psychologists and other experts to determine living conditions of the child and his/her custodial and non-custodial parents. While parents may often request visitation or custody to fit their own interests, the overriding consideration is how the child will benefit from interacting with these parents. Historically, courts have allowed children some capability to make decisions in regard to their own welfare. However, in the absence of the maturity to make decisions, adults who care for these children have been ultimately responsible.

Stability of the child’s life, links with the community, and a stable home environment by the proposed custodial parents are some of the issues courts consider in deciding the outcome of custody and visitation proceedings. More specifically, in determining best interests, courts often consider: the age and gender of the child; the mental and physical health of the child; mental and physical health of the parents; lifestyle and other social factors of the parents; emotional ties between the parents and the child; ability of the parents to provide the child with food, shelter, clothing and medical care; established living pattern for the child concerning school, home, community and religious institutions; the quality of schooling; and the child’s preference (Wikipedia Dictionary, 2004).

Walker (1998: 288) cites Canadian Supreme Court cases that use ‘the best interests of children test’ as applied to child custody cases where the child's safety and well being are balanced with the value of the family unit. However, Walker found that even within the court system, ‘best interests’ was determined by a variety of factors beyond age, physical and emotional constitution, and the relationship that the child has with parents with little agreement as to what constitutes the ‘best interests of children’.

Stefkovich et al. (2002) in an analysis of court cases and articles in law reviews and education journals revealed no specific definitions of best interests beyond those mentioned above. In addition, the context in which the term was used varied greatly. For example, Nettleton School District v. Owens (1997), a case involving the influence of alcohol on a teacher's professional conduct, based its decision on the ‘best interests of students’. In Jergeson v. Board of Trustees (1970), the President of the Board of Education based a teacher's dismissal on a ‘philosophy and practice of education’ that ‘is detrimental to the best interests
of the high school students'. Other court decisions referred to the best interests of students, but did not define the term. Instead, it was generally used as part of a larger argument and not the focus of the case itself.

A content analysis of over 60 law review articles using this term (best interests of the student) or a variation of it (for example, best interests of students, best interests of children) revealed no common theme and no shared use. Instead, these articles focused on a wide variety of educational issues at both the primary and secondary levels including, among others, students with disabilities, bilingual education, students' constitutional rights, student athletes, school choice, children's rights, local control and student services. In each of these articles when 'best interests' was used, no explanation of the term was provided (Stefkovich et al., 2002).

Indeed, the term 'best interest' is often used to support a point being made by an author with no clear definition of what specifically is in the best interests of the student and no specific guidance as to what action/decisions are consonant with a student's best interests. Use of the phase, however, generally implies great discretion on the part of school officials. For example, Dupre (1996: x), in her comprehensive analysis of students' constitutional rights writes: '... once a society that generally respected the authority of teachers, deferred to their judgment, and trusted them to act in the best interest of school children . . .'.

Finally, the Stefkovich et al. (2002) research revealed that neither educators nor the popular press either defined or commonly used the term 'best interests'. In a review of 71 news articles, the term 'best interest(s) of students' covered over 21 topic areas and was used to justify a wide variety of K-12 administrative decisions ranging from special education placement to disciplinary sanctions to school consolidation. Similar results were found in analyzing doctoral dissertations, trade journals and professional academic journals in education and related social sciences.

Keith Walker (1998), a Canadian scholar, seems to offer the best advice on this topic. A former school administrator, Walker wrote his doctoral dissertation on the nature of educational leaders' ethical decision making and has published several articles on this topic. His research, which involved extensive interviews with school principals and superintendents, revealed a number of trends, many of which support and extend Stefkovich et al's (2002) findings.

Walker (1995: 4) identified a widespread but varied commitment to what he termed as 'kids' best interests'. In other words, school leaders see children as primary stakeholders in schools but use the term 'best interests' in a variety of ways. Indeed, these leaders' ethical decision making was based on a variety of factors in addition to students' best interests, including the overall well-being of stakeholders, 'the preeminence of educational goals,' and the 'maximization of long-term benefits' (1995: 4). Begley (2004) found similar results in his study of USA and Canadian principals.
The Best Interests Model

Understanding that adults possess a great deal of power in determining students' best interests and realizing how easy it is to ignore the voices of those who literally have the most to lose, it is incumbent upon school leaders to make ethical decisions that truly reflect the needs of students and not their own adult self-interest. This is not always easy. It requires a great deal of self-reflection, open-mindedness, and an understanding that making ethically sound decisions profoundly influences others' lives.

This concept of a student's best interests is at the center of the ethic of the profession espoused by Shapiro and Stefkovich (2005), which encompasses the ethics of justice, care, and critique and is strongly influenced by community. This conceptualization is not ideological in the sense that it follows any one theory or particular strand of reasoning. Instead, it is far-reaching, emerging from the ethic of the profession and borrowing concepts from the remaining ethical paradigms. This eclectic approach is one that, as Starratt points out, enriches educational leaders' repertoire of skills in dealing with ethical issues. Starratt (1994: 55) describes these interconnections in this way:

> Each ethic needs the very strong connections embedded in the other: the ethic of justice needs the profound commitment to the dignity of the individual person; the ethic of caring needs the larger attention to social order and fairness if it is to avoid an entirely idiosyncratic involvement in social policy; the ethic of critique requires an ethic of caring if it is to avoid the cynical and depressing ravings of the habitual malcontent; the ethic of justice requires the profound social analysis of the ethic of critique in order to move beyond the naive fine-tuning of social arrangements in a social system with inequities built into the very structures by which justice is supposed to be measured.

This model for guiding educational leaders to make decisions in the student's best interests, consists of three broadly-conceived elements: rights, responsibility, and respect. What follows is a discussion of these components as depicted in Figure 1 below.

**Rights**

Rights are essential to determining a student's best interests. These include: rights granted to all human beings as articulated by philosophers past and present; universal rights recognized by the United Nations, particularly those acknowledged under its Convention on the Rights of the Child; and rights guaranteed by law, specifically those enumerated under the US Constitution's Bill of Rights. In addition, this model recognizes the existence of certain fundamental rights as universal despite the fact that some countries such as the U.S. have not recognized them (Bitensky, 1992; Levesque, 1996).

The United Nations has, on several occasions, acknowledged the human rights of children. While they do not expressly define the term, 'in the best
interests of students’, they do refer to the ‘rights of a child’. The Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948, refers to children. Article 26 and Article 29 of the Universal Declaration are particularly helpful in more clearly articulating how to serve the ‘best interests of students’ (Universal Declaration, p. 5).

Furthermore, the Convention on the Rights of the Child identifies the basic human rights of children who without discrimination, ‘have the right to survival, to develop to the fullest, be protected from harmful influences, abuse and exploitation, and to participate fully in family, cultural and social life’ (Convention on the Rights of the Child, p. 1). Standards set by healthcare, education, and legal, civil and social services protect these rights.

Rights characterized as fundamental under the US Constitution include freedom of religion, free speech, privacy, due process and freedom from unlawful discrimination. On numerous occasions, the US Supreme Court has recognized that students are entitled to these basic rights but that such rights are limited in the school context (Rossow and Stefkovich, 2005, 2006). In addition to these rights, the ‘best interests’ model includes a right to dignity and protection from humiliation. It also includes two rights that are not recognized
as fundamental for students under the US Constitution. These are the right to an education and the right to be free from bodily harm, which includes corporal punishment.

Concerning the first, the US Supreme Court has stated that education is an important governmental interest but not a fundamental right (Plyler v. Doe, 1982). Although state constitutional language differs regarding the provision of education, the constitution of every US state grants citizens some rights to an education (Bitensky, 1992; Lynch, 1998; Ozar, 1986; Thro, 1988, 1998) but only a handful see this right as fundamental (Heise, 1995; Walsh, 1993).

As to the second, the Supreme Court has maintained that the US Constitution does not protect students from corporal punishment. While the constitution's Eighth Amendment protects inmates in prisons, it does not apply to students in schools (Ingraham, 1977). As with education, the US The Supreme Court has left this issue up to the states to decide. More than half the US states (29 out of 50) have passed laws prohibiting corporal punishment. And, even without the intervention of lawmakers, many school districts have passed policies protecting and affirming these rights (Rossow and Stefkovich, 2005).

Despite the fact the these rights are not uniformly viewed as fundamental in the USA, they have been recognized by other groups such as the United Nations Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child. The best interests model maintains, therefore, that all the rights mentioned above are universal and fundamental to the conception of a student's best interests.

Responsibility

Individuals have rights, but these rights are not unfettered. Indeed, theorists past and present from many differing perspectives consider rights to be incomplete if viewed without consideration of accompanying responsibilities. Attention to moral responsibility is both implied in early Greek texts and later in Aristotle, who many have recognized as the first to explicitly articulate a theory of moral responsibility (Eshelman, 2004). In Book Seven of his Nicomachean Ethics (1989), Aristotle explains that persons who are capable of making decisions are moral agents and therefore are responsible and worthy of being praised or blamed.

While the best interests model does not subscribe to a utilitarian approach to ethics, it does recognize merit in Mill's (1978: 73) declaration that 'Everyone who receives the protection of society owes a return for the benefit, and the fact of living in society renders it indispensable that each should be bound to observe a certain line of conduct toward the rest.' For our purposes, Rousseau (1967: 34) conveys a more appropriate portrayal of responsibility from this observation:

From this we must understand that what generalizes the will is not so much the number of voices as the common interest which unites them; for, under this system,
each necessarily submits to the conditions which he imposes on others—as admirable union of interest and justice, which gives to the deliberations of the community a spirit of equity . . . the social compact establishes among the citizens such an equality that they all pledge themselves under the same conditions and ought all to enjoy the same rights.

Kant's moral imperative implies a sense of responsibility when it refers to an individual's duty (Kant, 1966). Influenced by Locke, Rousseau and Kant, contemporary scholars have connected ethical decision making with the responsibility one has in making moral choices. For example, Rawls (1999) believes that one should make moral decisions based on issues of fairness and equality. For him, a moral decision is one that rational persons would make not knowing where they stand in a hypothetical dilemma. Herein, the just decision is one that is fair regardless of the person's social status. Kohlberg (1987) speaks of conscience as principled responsibility, one of the highest levels on his hierarchy of moral stages. Concepts of rationality and choice also underlie the basis behind Kohlberg’s (1981) theory of democratic schools and Thomas Lickona’s (1991) concept of students as moral philosophers.

Thus, while students may have the right to free speech, they also have the duty to exercise this right responsibly (Bethel v. Fraser, 1986; Diamond, 1981; Yudof, 1998, 1995). Herein lies the legal distinction of never shouting fire in crowded movie theater (when, of course, there is no fire). Therefore, while non-violent protests are clearly a student's right (given the appropriate time, place and manner), under the First Amendment guaranteeing free speech, bullying and harassing other students is not. Recognizing that conflicts can, and do, exist between individual rights and group rights, this tension greatly diminishes when viewed through such a rights/responsibilities lens.

The ethic of justice provides an excellent foundation for discussions of responsibility. However, it does not exclusively control this topic. Responsibility is also an important component of the ethic of care and adds a critical dimension to this discussion. In this sense, the best interests model comports with that of Gilligan (1982) who notes the complementary nature of rights and responsibilities. For her, rights center on issues of equality and fairness, while responsibility emphasizes equity. ‘While the ethic of rights is a manifestation of equal respect, balancing the claims of other and self, the ethic of responsibility rests on an understanding that gives rise to compassion and care’ (1982: 164–5).

Noddings (2002: 149) gives us some insight into this issue in her discussion of the Golden Rule: ‘Do unto others as you would have others do unto you’. A number of philosophers steeped in the ethic of justice see this rule as moral responsibility. On the other hand, Noddings questions this statement as a universal principle in the context of the ethic of care. ‘Does it mean that we should treat others exactly as we would like to be treated . . . we believe that people want different outcomes, treasure different values, and express different needs’. Thus, for Noddings, context is critical as is 'receptive attention' and 'engrossment'.
Another approach to this same situation comes from the counseling profession's concept of empathy. Unlike sympathy, feeling sorry for another's plight, empathy means the ability to put oneself in another's shoes. This concept nicely complements and overlaps with our third 'R', that of respect.

**Respect**

Philosophers have long been fascinated by the concept of respect. Discussion of both respect and self-respect arise in a variety of philosophical contexts. These concepts have been applied to ethics across many disciplines. There is no agreement as to a central definition and philosophers conceptualize respect in many ways. To some, it is taught, like responsibility, through the Golden Rule. Others have constructed complicated hierarchies to elucidate the nuances between different kinds of respect (Dillon, 1992).

The concept of respect, however, is most often equated with the work of Immanuel Kant. Although respect is implied throughout philosophical traditions, Kant was the first Western philosopher to place respect for persons as central to moral theory. Kant set forth that: 'it is morally obligatory to respect every person as a rational agent' (Davis, 1993: 211). Central to Kant's work is the importance of treating others never simply as a means, but always at the same time as an end (Kant, 1966).

Dillon (1992: 1) offers respect as 'most generally, a relation between a subject and an object, in which the subject responds to the object from a certain perspective in some appropriate way'. Lickona (1991), who follows Lawrence Kohlberg's theory of moral development, views respect as negative obligations that we owe each other such as those delineated in the ‘Thou shalt nots' of the Ten Commandments, while responsibility, in contrast, emphasizes positive mandates such as loving thy neighbor. For Lickona, these are two important moral values that must be practiced in the classroom.

The best interests model supports Lickona's view of respect as the cornerstone of ethical behavior, but unlike Lickona it conceptualizes respect as a more positive, mutual interaction, focusing on the individual. This view of respect is more akin to Martin Buber's (1958) concept of the 'I–thou' relationship and theories of other existentialist philosophers such as Romano Guardini (1965) who emphasize the importance of self as well as mutuality. In this respect, Guardini (1965: 119) tells us that:

> ... it is enigmatic and inexhaustible that I am I, that I cannot be forced out of myself not even by the most powerful enemy, but only by myself, and even that not entirely; that I cannot be replaced even by the noblest person; that I am the center of existence, for I am that, and you are also that, and you yonder . . .

Sara Lawrence-Lightfoot (1999: 9), in her book, *Respect*, notes that this term has been portrayed as hierarchical, often associated with expressions of 'esteem, approbation or submission'. For example, someone may be due respect
because of his or her age, position, or accomplishments or we respect institutions such as the government or symbols such as the flag. In contrast, Lightfoot’s (1999: 9–10) approach to respect emphasizes ways in which it creates ‘symmetry, empathy, and connection in all kinds of relationships, even those, such as teacher and student, doctor and patient, commonly seen as unequal’.

Like Lightfoot, this best interests model envisions respect as mutuality. It involves treating all students with respect but also expecting students to treat others in the same manner. Here, the emphasis is upon equity as well as equality, tolerance, self-respect (which includes an acceptance of one’s own as well as others’ frailties), an appreciation and celebration of diversity, and a commitment to finding common ground in an increasingly multicultural, pluralistic society.

Conclusion

Educational leaders frequently justify their actions as in the best interests of the student (Shapiro and Stefkovich, 2005, Stefkovich, 2006). However, in some forms, ‘best interests of students’ is more organizational or policy-related rhetoric than a genuine regard for student well-being, for example, as in the case of zero tolerance policies. A genuine regard for a student’s best interests emerges as a major influence on principal leadership practices in two ways. First, a large body of research shows that principal valuation processes are heavily oriented towards rational consequentialist orientations grounded in a concern for the well-being of students. Second, research on how principals respond when confronted with ethical dilemmas suggests that the best interests of students figures prominently as a meta-organizer and ultimate influence on these administrators’ decision making.

Thus, recognizing that the term best interests is not clear and may be used as a ‘good ethic’ at times and, at other times, as a justification for adult behavior that is not so ethical, this article explored alternate ways ethical school leadership in the best interests of students is conceptualized. The educational leadership literature on this topic emerges from several foundational perspectives including philosophy, psychology, critical theory, and case law. We differentiated perspectives grounded solely in theory from those based on research and practical field applications. We also presented the findings of extant research on the valuation processes of school principals and their ethical leadership practices with a particular focus on their explicit or implicit interpretations of the meaning of ‘best interests of students’.

Finally, this article proposed a model that may serve as a guide for making ethical decisions in the best interests of the student. The model consists of three elements: rights, responsibility, and respect. Relying on context, this conceptualization takes into account students’ voices, and begins with the assumption that school officials will engage in active inquiry and self-reflection in order to make decisions that are truly in the best interests of the student rather than
self-serving or merely expedient. It is our hope that the research we presented and the model proposed provides a basis for both scholars and practitioners to better understand the concept of best interests and to use this approach in ways that truly serve the best interests of the student.

Note

1. This discussion of students’ best interests as well as the best interests model are taken from the book, Best Interests of the Student: Applying Ethical Constructs to Legal Cases in Education (Stefkovich, 2006).

References


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