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SECONDARY PRINCIPAL'S ATTITUDES TOWARD AND ANALYSIS
OF STUDENT RIGHTS IN OKLAHOMA HIGH SCHOOLS

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SECONDARY PRINCIPAL'S ATTITUDES TOWARD AND ANALYSIS
OF STUDENT RIGHTS IN OKLAHOMA HIGH SCHOOLS

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SECONDARY PRINCIPAL'S ATTITUDES TOWARD AND ANALYSIS OF STUDENT RIGHTS IN OKLAHOMA HIGH SCHOOLS

CHAPTER I

THE PROBLEM

Introduction

The teaching of freedom and democracy are established tenets in the public school curriculum of the United States of America. These values have been defined in patriotic aims and in purposes of education as citizenship responsibility. Stated in the 1918, "Cardinal Principles of Secondary Education,"¹ was the purpose classified as "citizenship." In 1938, the Educational Policies Commission issued the "Purposes of American Democracy,"² which identified the objectives of "civic responsibility" and "human relationships" as two of the four major purposes of American education. A more

¹NEA, Cardinal Principles of Secondary Education, U. S. Bureau of Education, Bulletin No. 35, Washington, D. C.: GPO, Commission of Reorganization of Secondary Education, 1918.

²NEA, The Purposes of Education in American Democracy, (Washington, D. C.: Educational Policies Commission, National Education Association, 1938), p. 47.

recent redefining of this goal was in the 1966 work, Imperatives in Education,¹ which restructured "citizenship" into "To Keep Democracy Working."

Apparently this aim of education was taken for granted by the secondary students from the 1920's to the 1960's without questioning as to the implementation of citizenship responsibility for them as students. In the quest of creating a more knowledgeable and responsible future citizen, the public school system apparently tried to teach the constitutional rights and limitations to all of its students. The public school system also attempted often to teach students to think, to respond, to debate, to communicate, and to question. Many students now appear to be using this strategy to demand that those rights expressed in the Constitution of the United States, be applied to them as students.

Challenged by problems never imagined a decade ago, the secondary principal is now threatened by a force that is conducting a relentless, somewhat dangerous, struggle for liberation. This was observed by Mallios who said, "There is no doubt that today's administrator is dealing with a new

¹American Association of School Administrators, Imperatives in Education, Report of the AASA Commission on Imperatives in Education, Washington, D. C.: The Association, 1966, p. 89.

kind of student who seems much more disposed to question, rather than accept in docile indifference, rules and regulations controlling his conduct."¹

High school activism is now visible in most areas of the United States. As the demands of college students who acted in the 1960's become more operational, secondary students have become more vocal and more demanding regarding their rights. Ackerly² indicated this attitude in The Reasonable Exercise of Authority in 1969. He also indicated that students have followed the productive gains made by public school teachers and university professors made largely possible by powerful organizations and lobbies.

Thus, in a sense, teachers and administrators by their own actions have contributed to the more vocal demands of public school students. Many public schools seem to have been successful in transmitting to the students the meanings of social awareness, civic responsibility and constitutional rights.

¹Harry C. Mallios, "Freedom of Expression in the Public Schools and the Law," Journal of Secondary Education, March, 1971, Vol. 46, No. 3, p. 109.

²Robert L. Ackerly, The Reasonable Exercise of Authority, (Washington, D. C.: The NASSP Association, 1969), p. 1.

Superintendent Homer O. Elsoroad, of Rockville, Maryland summarized this attitude:

We have succeeded in teaching students to think for themselves, to debate controversial issues, to challenge traditions, and to question authority. Now, however, many schools are threatened by the very things they have tried to instill in their students. Students are demanding a more relevant education, fairer discipline practices, and a greater opportunity to participate in the decision-making process of their school. A great deal of student unrest can be attributed to a lack of communication.¹

A three fold delimma now exists in secondary education with reference to students and to their rights.

1. The public schools have been given the responsibility for conveying American ideals of citizenship, patriotism and democratic rights to their students.

2. These students are now more keenly aware of the meanings of these basic freedoms and are demanding that they be given these rights while in the public schools.

3. Many administrators are either calculatedly ignoring these rights or are not aware of the potential danger in not communicating effectively with the student population regarding the reasonable implementation of these rights in the schools.

¹Homer O. Elsoroad, "Secondary School Student Activism: An Up-Tight Communication Problem," Montgomery County Schools, Rockville, Maryland, p. 1. (mimographed.)

Need for Study

Is the process of education in a democracy carried on in a democratic atmosphere? Because of recent court decisions related to student personnel in the secondary schools, it would appear that some think not. Obviously, to some, civil liberties are very much an issue. According to McManus, Director of the American Civil Liberties Union affiliate in Milwaukee, the schools have a different philosophy. He says, "The great majority of schools have a habitual, although not necessarily vicious, disregard for civil liberties. You see, they simply don't perceive them as an issue."¹

Frequent challenges, through the courts, of the right of school administrators to control students tend to debase the integrity of the public school. The rights of students should be so protected that the school and its administrators need not be dragged into a court of law. Action and counter-action cloud the purposes of public education. Strife and ill-will separate the vital components of the system, namely the students and professional educators. Accusation and assault diminish the efficiency and the effectiveness of the

¹Nat Hentoff, "Why Students Want Their Constitutional Rights Now," Saturday Review, May 22, 1971, pp. 60-61.

total school process. Must we have a revolution to bring about a relaxation of the conflict? Eurich,¹ in summarizing student unrest said:

Conflicts between student and staff have already brought about drastic changes in curriculum, in teaching methods, in relationship to community, in governance, and in other matters. In other words, we are going through a revolution not unlike other revolutions we have passed through in our history. In many ways, contemporary student rebellion in our schools and colleges is comparable to the early period of the labor unions in this country, when we had riots and violence. But out of that violence came a recognition of the rights of the laborers. Likewise, out of this present crisis will come a recognition of the rights of students, particularly in governance.

Reflection upon man's past record will give an insight as to the probable causes of anticipated problem areas. By incorporating the lessons of previous bad judgments into a format of positive action, man need not go through the negative reaction in order to facilitate a reward of worthwhile results. Must the public school, the school personnel, and the students plunge into a milieu of unstructured discussions and confrontations that undermine the primary purposes of education?

Therefore, there is a need for an analysis of the

¹Alvin C. Eurich, "Recommendations for Changing the Urban School," NASSP Bulletin, Vol. 55, No. 351 (May, 1971), pp. 187-188.

basic problem areas that face public education in regard to constitutional rights for students. Many of these problems have been deliberated upon by the judiciary. The decisions rendered have been far-reaching in some instances. Some decisions setting up guidelines for action are only binding for that state in which the judgment was made. Even some opinions by the U. S. Supreme Court are not always complied with. A particular reference is In re: Gault,¹ in which the Court upheld a juvenile's right to due process--which includes right of counsel in relation to expulsion from school. More suits are being pressed to make specific this judgment which stated, "Neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."

Recent articles list various problem areas. The most comprehensive list of issues was compiled by Ackerly.² He names these as being most prominent:

1. Freedom of Expression
2. Personal Appearance
3. Codes of Behavior
4. Student Property
5. Extracurricular activities
6. Discipline
7. Student Government

¹In Matter of Gault, 87 S. Ct. 1428 (1967)

²Ackerly, Reasonable Exercise of Authority, pp. 7-19.

8. The Student Press
9. The Right to Petition
10. Drugs

A recent student-written Bill of Rights¹ presented to the California Board of Education for consideration listed these broad areas of concern:

1. Freedom of Speech
2. Freedom of Assembly
3. Freedom of the Press and the Right to Petition
4. Freedom from Unreasonable Search and Seizure
5. Freedom from Self-Incrimination
6. Freedom of Appearance

Orloff² in his study of the legal analysis of selected rights of pupils concentrated upon these particular rights of public elementary and secondary pupils:

1. Freedom of Expression
2. Free choice of clothing and grooming
3. Freedom of association, both on and off school property
4. Rights, procedures, and safeguards for students in connection with suspension and expulsion for offenses allegedly committed both while under and while not under the actual control of the school

Another study examining civil liberties and student rights in regard to curriculum development by Schwartz listed these specific problem areas:

¹Hentoff, "Constitutional Rights," p. 61.

²Leonard M. Orloff, "A Legal Analysis of Selected Rights of Pupils in the Public Schools" (unpublished Ed. D. dissertation, The George Washington University, 1968). Dissertation Abstracts, Xix (No. 10, 1969), 3391.

1. The school newspaper
2. Dress and grooming
3. Discipline procedure and rights of assembly
4. Privacy and petition
5. Due process and equal protection¹

Studies by Quinton², Lekander³, Monson⁴, and Glover⁵ related to student control, suspension, civil liberties and school government.

¹Seymour E. Schwartz, "The Civil Liberties of the American Public School Student--An Examination of the Legal Aspects of Students' Rights and the Philosophical Implications for Curriculum Development" (unpublished Ed. D. dissertation, Wayne State University, 1968). Dissertation Abstracts, XXX (No. 3-4, 1969), 969.

²Harold W. Quinton, "A Summary and Analysis of North Carolina Court Decisions Relating to Professional School Personnel and Public School Pupils" (an unpublished Ed. D. dissertation, Duke University, 1968) Dissertation Abstracts, XIX (No. 9-10, 1969), 2901.

³Lawrence M. Lekander, "Student Participation in Secondary School Government: An Analysis of Purposes, Values, and Practices" (an unpublished Ed. D. dissertation, University of Southern California, 1967) Dissertation Abstracts, XXVIII (No. 1, 1967), 53.

⁴Harry A. Monson, J., "An Analysis of Current Practices Regarding the Suspension of High School Students in California" (an unpublished Ed. D. dissertation, University of Southern California, 1969) Dissertation Abstracts, XXX (No. 3-4, 1969), 951.

⁵Wendell J. Glover, "An Analysis of the Litigation Pertaining to Certain Specific Aspects of Pupil Control in the Public Schools" (an unpublished Ed. D. dissertation, Oklahoma State University, 1968) Dissertation Abstracts, XXX (No. 3-4, 1969), 951.

A study limited specifically to the dress code and personal appearance was conducted by Ellertson.¹

It was indicated in these studies that specific statutory provisions dealing with student control, behavior, and rights were very scarce. As a result, the local administrators have been given broad plenary powers to create those rules and regulations deemed necessary for the continuance of the educational process. Up to the past decade these powers have not been seriously challenged. The building principal was given the responsibility of maintaining an orderly school environment. Recently, these prerogative powers have been questioned and abrogated in some court decisions. It now seems that the major confrontation concerning student rights and constitutional due process exists between the student and the individual secondary school principal. Ackerly indicated this when he said,

"Recent court decisions have tended in the direction of restraining the school from exercising many of the forms of control over school conduct

¹Roland V. Ellertson, "A Legal Evaluation of Dress Codes in a Selected Sample of Public School Districts in the Twin Cities Metropolitan Area" (an unpublished Ed. D. dissertation, University of Minnesota, 1969) Dissertation Abstracts, XXX (No. 9-10, 1970), 4178.

which it and the community formerly accepted as normal and proper. But whatever their outcomes are, the impact of court decisions relating to the control of student behavior is felt more immediately and heavily by the building principal than by anyone else in the administration of teaching hierarchy."¹

Related to the listing of conflicts, issues, and demands now existing in the public schools is a series of basic human rights identified recently by the Phi Delta Kappa Commission on Education and Human Rights.² Focused upon education in a democratic society, the Commission indicated that prevailing practices of many school administrators often violate these rights. The identified rights were:

1. To Equal Opportunity for All in: education, housing, employment, the exercise of the franchise, and representation in government;
2. Of Due Process and Equal Protection Under the Law;
3. Of Freedom of Speech and of the Press;
4. To Dissent;
5. To Freedom of or From Religion;
6. To Privacy;
7. To be Different;

¹Ackerly, Reasonable Exercise of Authority, p. 2.

²Phi Delta Kappa, "The Human Rights Creed in Education," Phi Delta Kappa Commission on Education and Human Rights. (mimographed)

8. Of Freedom from Self-Incrimination;
9. To a Trial by a Jury of Actual Peers;
10. To Security of Person and Property;
11. To Petition and Redress of Grievances;
12. To Freedom of Assembly.

If a building principal assumes the dynamic leadership role now necessary to deal effectively with the various activist groups affecting secondary education, he must be aware of their aims. The principal should be cognizant of the vital constitutional human-civil rights, recent court decisions and their meanings related to them. He must be aware of the now-demanding youth population and their increased awareness in order to avoid any disruption in the educational process. This places an extra burden upon the already heavy demands of the often harassed secondary school principal. Yet, there may be ways of avoiding confrontation and of creating an atmosphere of democracy and learning.

Fish¹ implied that there is a solution when he said:

The best insurance against disruptive student activism is an activist principal. The problems and needs of a large, mixed comprehensive high school are numerous. Few of them will be solved by time alone. The man responsible for leadership in the school must plan and initiate the needed changes working closely with his staff associates, the faculty, and students.

¹Kenneth L. Fish, Conflict and Dissent in the High Schools, (New York: The Bruce Publishing Co., 1970), p. 171.

The effective principal must be an activist, free to adapt new programs and procedures if they respond to a need, even though they may depart from tradition.

There should be no need for continued litigation in the development of principal-student-school relationships. Activism for student rights has only recently become apparent in the secondary schools of Oklahoma. Primary concern is centered around dress codes and freedom of expression. No substantial investigations have been made to determine what other rights seem to be of vital importance to the secondary administrators. A survey of principal's attitudes and actions toward students rights has not been done.

There is a need for a study that will clarify the present attitudes and practices of Oklahoma secondary school principals toward human rights as applied to their student population.

Purpose of the Study

The purpose of this study was to determine and interpret the current status of selected human rights for students in the secondary schools of Oklahoma and to analyze the attitudes and practices of principals toward student exercise of those rights.

Statement of the Problem

The problem of this investigation was to determine and to analyze the attitudes of Oklahoma secondary school principals toward selected student human rights and the practices and policies within schools which relate to the exercise of those rights. More specifically it is intended to investigate the following:

1. To discover principals' attitudes toward a selected group of human rights.
2. To determine if written policies affecting student behavior and participation in the schools' affairs are present in the school.
3. To discover if students were involved in developing these policies.
4. To determine the areas of student rights least restricted by administrative practices.
5. To determine the areas of student rights most restricted by administrative practices.

Limitation of the Study

This investigation was limited to the principals of high schools in the State of Oklahoma which belong to the North Central Association of Secondary Schools and Colleges.

Definition of Terms

1. Right--That which an individual may properly claim due him.

2. Human Right--The concept of human rights is based on the belief that human beings live together in ways which accord each person full dignity, respect and value, simply because he is human. It requires that no person is denied opportunity to engage in any kind of activity or behavior values by his society.¹

3. Civil Rights--Civil liberties which become civil rights when they are claimed and enforced through judicial or administrative action.²

4. High School--Used synomously with the term secondary school to mean a division of the public school consisting of grades nine, ten, eleven, and twelve, or nine and ten, or eleven and twelve, or ten, eleven and twelve.

Procedure

The method of investigation for this study was the

¹Phi Delta Kappa Teacher Education Project on Human Rights, A Guide for Improving Teacher Education in Human Rights (Norman, Oklahoma, 1971), p. 7.

²Ibid., p. 8.

descriptive-survey. Wiersma¹ stated that this method is used to determine the "status quo." He maintained that this method is often not concerned with the manipulation of variables.

Mouly² indicated that the descriptive-survey method could provide, as by-products, an indication of trends, and even an hypothesis as to the antecedents of the extant condition in the public schools. He also said its flexibility makes it particularly suited to the early exploration of phenomena.

The procedure used in this investigation is outlined below:

Current professional literature related to student rights were reviewed in order to select certain human rights for investigation.

A questionnaire was constructed and submitted to a jury of specialists in human relations and human rights for critical analysis.

A current mailing list of all Oklahoma high school principals belonging to the North Central Association of Sec-

¹William Wiersma, Research Methods in Education, (Philadelphia: J. P. Lippincott Company, 1969), p. 271.

²George J. Mouly, The Science of Educational Research, (New York: Van Nostrand Reinhold Co., 1970), p. 273.

ondary Schools and Colleges, was then compiled and to each a questionnaire was mailed.

The responses to the survey instrument were then compiled in descriptive form in tables listing raw frequencies and percentages after which this data was analyzed and interpreted.

Construction of the Questionnaire

In order to fulfill the purpose of this study a questionnaire was constructed which would indicate the attitudes and responses necessary to make an interpretation and analysis of current practices by selected Oklahoma secondary principals.

One of the primary uses of a questionnaire as a method of investigation is to determine the status of current practices. Because of the large number of the population that was surveyed, the questionnaire was selected rather than the personal interview.

Questionnaire items were constructed in relationship to five selected student human rights. Those rights were:

1. The Right to be Different
2. The Right of Assembly and Petition
3. The Freedom of or From Religion
4. The Freedom of Dissent, Speech,
and of the Press
5. The Right of Privacy

The questionnaire was divided into three sections. Section one sought information about the principal and the school in which he worked. Section two sought information about current policies and practices in relation to the selected issues. Section three identified the attitudes of principals toward hypothetical situations and statements reflecting court decisions and professional opinions toward the five selected student civil rights. Principals were asked to respond by indicating "agree", "disagree", or "no opinion".

The completed instrument was submitted to a jury of professionals thoroughly acquainted with student civil rights for criticism.

Sources for the Study

The completion of the study hinged upon a complete examination of current attitudes, practices, court decisions and professional opinions. The following sources were reviewed and analyzed for this study:

1. Reviews of pertinent court cases found in U. S. Supreme Court Reports, Supreme Court Reporter, Shepard's Citations, Federal Supplement, Oklahoma Reports, Oklahoma Digest, Oklahoma Statutes, Oklahoma Decisions, and the Hamilton School Law Services.

2. Statements in the Yearbook of School Law related to secondary pupils.

3. Resumes of Court decisions found in the National Education Association publication, The Pupils Day in Court.

4. Yearbooks and the publications of the National Organization of Legal Problems in Education.

5. Textbooks in the area of school law, pupil control, civil rights and student unrest in general.

6. Articles written in professional journals concerning opinions and practices of secondary principals toward student rights, student problems, student human rights, and student unrest in secondary schools.

7. Articles written in non-professional journals by non-school administrators concerning student rights, student problems, student human rights and student unrest in secondary schools.

8. Doctoral dissertations concerning secondary student rights, student control, and student unrest in general.

Organization of the Study

The report of the study was organized into four chapters. The first chapter contains a description of the study, including the introduction and need, purposes, and the state-

ment of the problem. Also included is the limitation of the study and the procedure used in the investigation.

A review of current literature and research related to constitutional student rights is presented in Chapter II. A presentation of the responses gathered from the questionnaire and an interpretation and analysis of the data is outlined in Chapter III. A summary of the study, conclusions, and recommendations is presented in Chapter IV.

CHAPTER II

A SURVEY OF SELECTED RELATED LITERATURE

Introduction

In order to fulfill the purpose of this study, which was to determine and interpret the current status of selected student rights and the attitudes of secondary principals toward the exercise of those rights in Oklahoma high schools, it was necessary to establish certain criteria for the survey of related literature and research.

To be able to objectively interpret the practices and attitudes of secondary principals, it was imperative to determine what was being said, done and practiced by others. First, it was decided to research literature related only to five selected student rights which are:

1. The Right to Be Different,
2. The Right of Assembly,
3. Freedom of or from Religion,
4. Freedom of Dissent, of Speech, and of the Press,
5. The Right of Privacy.

Secondly, in order to develop a basis of comparison or analysis, it was decided that within each separate research area the following information would be sought:

1. What are the current practices in secondary schools toward each selected right.
2. What are the attitudes of writers and experts toward each selected right as express in current literature.
3. What were the opinions of various courts in disposing of litigation related to these rights.
4. What circumstances led to the judicial review of certain selected court cases related to each right.
5. What were the results of explicit surveys related to certain student rights.

Because of the recency of the research subject, most material surveyed was in the form of current magazine, journals, and professional documents.

The third step was the summarization of attitudes, practices, and court decisions in relationship to each selected student civil right. This was necessary in order to determine what might be accepted as the proper administrative procedure toward each selected right. In addition, research was made to establish evidence of trends in secondary schools toward the limitation or practices of student rights.

Student Rights and Responsibilities and Secondary Principals

The role of the secondary principal as the facilitator of a students progress from adolescence to adulthood has been increasingly complicated during the last decade. The variety of problems loom as a deterrent to intellectual progress for

the school system. The primary problems facing the secondary principal were those dealing directly with pupil personnel. Norton,¹ in summarizing a survey of high school principals related:

"Problems of pupil personnel led the rating indices for all problem classifications with an index of 1,1741. The kinds of problems listed by principals in this classification were varied and numerous. Such problems as student activism (underground activities, student rights, militancy, and involvement), discipline, teacher-student relationships, drug abuse, dress code, student government, and vandalism were among those problems listed. While the problems vary as to intent and solution the fact is clear that pupil personnel is without question a dominating concern of the school principal."

It is evident that an excessive amount of time is spent by secondary principals dealing with problems directly connected with individual student rights. Much has been written about the constitutionality and implications of student rights in the public school. Unrest has caused great concern as to how to maintain an educational environment conducive to learning and yet guarantee the rights of the individual. The public school is thus the focal point for the teaching of democracy and the actual participation of its members in that process. Only accepted in recent years is the attitude that students are citizens and are entitled to civil rights that

¹M. Scott Norton, "Current Problems of the High School Principal," The Clearing House, XLVI (April, 1972), 456.

most adults take for granted. There has been overt opposition as expressed in various court cases, but there seems to be a decided change in attitudes. An idea that democracy must be discussed and practiced in the classroom is expressed by Weimer,¹ who said:

"Our democratic way of life is fighting for its very existence. The actual practice of democracy must begin in childhood. The preservation of democratic functions will depend for the most part upon how successfully the classroom teachers of this country can inculcate in our children a love for and an adherence to our democratic ideals through the practice of the three R's of democratic citizenship--rights, responsiveness, and responsibility."

Punke² describes how most youth believe that they are second-class citizens. They emphasize that they are required to accept and support a social structure which they did not help create, and which they think handicaps their rise to power and influence. He relates how the youth are the "outs" and that they are always trying to enter or "break the crust." Each generation seeks ways to get in.

Making an unusual comparison is Glasser,³ who says

¹Karl J. Weimer, "Citizenship Education," The Clearing House, XLIII (February, 1969), 357.

²Harold H. Punke, "Second-Class Citizenship," The Social Studies, LXIII (March, 1962), 129.

³Ira Glasser, "Schools for Scandal--The Bill of Rights and Public Education," Phi Delta Kappan, LI (December, 1969), 190.

that there are only two public institutions in the United States which steadfastly deny that the Bill of Rights apply to them. One he says, is the military and the other is the public schools, and both are compulsory. He makes further reference to student rights by saying, "everyone goes through our schools. What they learn--not from the way the institution is organized to treat them--is that authority is more precious than liberty, and discipline a higher value than individual expression. That is a lesson which is inappropriate to a free society--and certainly inappropriate to its schools."

An editorial in Today's Education,¹ recognized that students are citizens and have two different kinds of rights. First, as citizens they have a right to fair treatment, in the school as in the society. The educational institutions must not discriminate against them because of their age, their race, or any other reason, but must grant them the same legal rights accorded other citizens. Some of these rights guaranteed by the Bill of Rights are the right to privacy, the right to form groups to pursue their interests, and the right to express themselves through such activities as distributing their writings and other communications.

¹"Student Rights and Responsibilities," Today's Education, LXI (January, 1972), pp. 50-51.

The second type of rights students have is derived from their status as clients of an institution. Like other clients, they have the right to influence the effects the institution has on them. Some of these matters which can influence the educational program include the goals they pursue, the topics they study, the learning materials and learning processes they use, and the criteria for evaluating accomplishment. This viewpoint concludes with what the author says is a universally accepted concept: that rights imply corresponding responsibilities.¹ This implies that the student must accept the consequences for his actions imposed by the operation of man-made law. He must also be responsible for accepting the boundaries of his rights, and must demonstrate respect for the rights of others.

The attitude that youth are not responsible for their own decisions is refuted by Rasmusson,² who said,

"The argument that it is dangerous to allow children too much freedom is superficial nonsense. Actually, it's much easier for children if others decide for them. But in that case they don't learn very much, and certainly don't develop their personalities."

¹Ibid., p. 50.

²Victor Rasmussen, "Towards a Freer School," Danish Journal, LXIX (1970), pp. 2-9.

At this point the following observations can be made:

(1) secondary principals have had serious problems dealing with pupils and their desire for student rights, (2) more citizens are recognizing that pupils do have the same rights as adults, (3) there seems to be an agreement that the school is the proper place for the demonstration of democracy in action, (4) no adequate device has been worked out so that principals need not be in conflict with students, and (5) with demonstration of student rights must come the acceptance of responsibility for actions.

When everyone--pupils, teachers, and administrators have fully recognized the role and rights of each concerned group the following foreseen results as described by Brown¹ may in fact be a reality.

(1). The principal and teachers, through ordered restraint, can bolster the respect of the student for the school by fostering a sense of fairness which should overcome frustration and irresponsibility.

(2). The events of the 1960's have exemplified that law and social justice are not synonymous; and that social order cannot be maintained by legal declaration alone. Because this situation exists, the only sensible alternative is to inculcate concepts of justice and social order, the foundations of our legal system, into education.

¹Joan Brown, "Law and Punishment: Status of State Statues," The Clearing House, XLVI (October, 1970), 108.

(3). Since the primary purpose of education is to develop the full potential of each student and prepare him as an individual for adulthood, school authority will be exercised through procedures with more regularity and less discretion.

(4). The concept of Parens Patriae, long resented by high school students, will cease. The principal will behave as a school supervisor--not as a substitute parent or personnel counselor to adolescents with problems.

(5). The new secondary school relationship based upon equal protection and due process of law will stress student acceptance of equal responsibility. This will build a mutual respect between the student and faculty and should provide the foundation for adult citizenship long after graduation.

The Right To Be Different

One of the most obvious concerns to a secondary principal is the physical appearance of his students. There is vivid evidence of confrontations between administrators and students over school dress codes and the personal clothing and grooming habits of secondary students. The Fourteenth Amendment to the U. S. Constitution relates to this problem:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."¹

¹U. S., Constitution, Art. XIV, sec. 1.

Court Decisions

As early as 1962, the courts have been faced with litigation concerning hair and dress codes. In less than ten years there seems to be a reversal of decisions in relation to them. In Massachusetts¹, a Court of Appeals held that the regulation barring a student with an extreme hair style from attending class solely because of the length or appearance of hair was not unreasonable or arbitrary and had a reasonable connection to the successful operation of a public school. In particular the court stated that, "...domain of family privacy must give way in so far as a regulation reasonably calculated to maintain school discipline may affect it. The rights of other students, and the interest of teachers, administrators and the community at large in a well run and efficient school system are paramount."

Later in 1966, a U. S. District Court in Texas² also was faced with a case dealing with boys having "Beatle" type haircuts. The Court stated, "Since confusion and anarchy have no place in the classroom, school authorities must control the behavior of their students. If a student's dress is

¹Mitchell v. McCall, et al., 143 So (ed) 629 (1962).

²Ferrell v. Dallas Independent School District, 261 Fed. Supp. 545 (1966).

lewd or his appearance is a studied effort to draw attention to himself; his presence is disruptive--such behavior is no different than verbal rudeness."

However, a Wisconsin case in which the plaintiffs relied primarily on the Fourteenth Amendment was decided in favor of pupil's rights.¹ The court held that a rule regulating hair constituted an unreasonable invasion of a pupil's rights. Commenting further, the court also noted that there was no direct testimony that the wearing of long hair resulted in any disruption of the school. This court decision was later upheld by a higher court.²

This case stands as a landmark decision in relation to grooming and dress regulations and codes as applied to secondary school students. The higher court further commented on hair styles by stating, "The right to wear one's hair at any length or in any desired manner is an ingredient of personal freedom protected by the United States Constitution."³

The court established another basis for its decision by declaring that, "Although schools need to stand as a

¹Breen v. Kahl, 296 F. Supp. 7102 (W. D. Wis. 1969).

²Breen v. Kahl, 419 F. 2d 1034 (1970).

³Ibid., p. 1036.

parent in regard to certain matters during school hours, the power must be shared with parents, especially over intimately personal matters such as dress and grooming. ...In the absence of any showing of disruption, the doctrine of "in loco parentis" has no applicability."¹

It must be added that not all of the judicial officials feel that hair and dress codes should be decided in the courts. In 1971, the late Justice Hugo Black² refused to reorder the readmission of a secondary student pending a hearing on the length of his hair. Mr. Justice Black stated:

"I refuse to hold for myself that the federal courts have constitutional powers to interfere in this way with the public school system operated by the States. And I furthermore refuse to predict that our court will hold they have such power... There is no such direct, positive command about local school rules with reference to the length of hair state school students must have. And I cannot now predict this court will hold the more or less vague terms of either the due process or equal protection clauses have robbed the states of their traditionally recognized power to run their school systems in accordance with their own best judgment as to the appropriate length of hair for students."

Another federal court also refused to take a position on hair length and implied that the court had far more import-

¹Ibid., p. 1037.

²H. D. Hudgins, Jr., "Action Not As Heavey On Student Rights," Nations School, LXXXIX (march 1972), 46.

ant cases to consider.¹ A federal court in New Mexico upheld the suspension of students for having long hair and indicated that "pupil management" is not a fit topic for the federal courts, but is one that should be decided by the states.²

School Dress Codes and Student Rights

Since the Breen v. Kahl decision the literature has expressed a remarkable change in attitudes and practices. Glatthorn³ expressed the opinion that he wasn't worried about the restless youngster with long hair. He is concerned about the nice, quiet, conforming student, who does everything we expect, works hard, gets top grades, never says, "Boo! " and then takes an overdose of sleeping pills at age 35.

Sapone,⁴ said that most secondary school principals believe that the primary purpose of the school is to provide a healthy and stable climate that will enhance learning on the part of every individual in it. He then said that if this is

¹Hammonds v. Shannon, 323 F. Supp. 681 (1971).

²Freeman v. Flake, 448 F. (2nd) 258 (1971).

³Allan A. Glatthorn, "Don't Panic--Applaud!", School Management, XII (November, 1968), 55.

⁴Carmel V. Sapone, "Education or Revolution," Bulletin of the NASSP, LII (December, 1969), 77.

true, than many members of the staff need to restructure their attitudes so as to take more personal interest in what their students were actually saying--not in what the staff perceived the student to be saying.

In this regard, Squires¹ stated that students have the right not to be standardized or coerced into uniformity of dress, hairdo, or opinion without the compelling reason of their own or the welfare of others. He further stated,

"Students do have civil rights and liberties. They also have responsibilities for civility, for the maintenance of a school community that advances the business of a school--which is teaching and learning. Students have minds. They can reason. The majority have civil conscience. Let us give them as much opportunity as adult responsibility permits to exercise mind and conscience in resolving conflicts of rights and differences of opinion. And to do so cooperatively and reasonably."

Evidence of change is reflected in statements by Metropolitan Oklahoma City secondary principals² who said in 1971 that student's mode of dress is a matter of parent responsibility. These officials tended to be liberal, but agreed that distracting dress is bad for education. They further

¹Raymond Squire, "Do Students Have Civil Rights," The PTA Magazine, LXIII (September, 1963), p. 3.

²Ivy Coffey, "School Dress Codes Ride Fashion Tide," Oklahoma's Orbit, August 8, 1971, p. 10.

stated that dress is not too much a factor in student behavior and learning and that it is more important to spend time on education than on disciplining students for breaking dress codes. They also concluded that in many cases the standards, such as the length of skirts and the length of hair, are of more concern to adults than to young people. Jim Johnson, Director of Secondary Education of the Oklahoma City Public Schools, predicted that: "because the right of the individual is recognized, the guidelines will be a thing of the past in a few years, and clothing will be judged on the questions of health, safety, and morality."¹

The defense given by many schools for adoption of dress codes is that the manner of dress may interfere with the learning process. That the student's mode of dress affects his values and attitudes which in turn influences his behavior is an erroneous assumption according to Scriven and Harrison.² They stated, rather, that the mode of dress and behavior are affected by an individual's values and attitudes.

¹Ibid., p. 11.

²Eldon G. Scriven and Alton Harrison, Jr., "Student Dress Codes: Repressive Regulations of Questionable Legality," Journal of Secondary Education, XLV (November, 1970), 291.

An apparent contradiction in applying personal grooming codes was indicated by Mohler,¹ who said,

"Female athletes, many of whom have long hair, do not have to trim their hair. Is an athletic event in which the participants are all female, some of whom have long hair any less safe than an athletic event in which the participants are all male, some of whom have long hair? Since the purpose of school activities is to contribute to the maximum development of all students, certain students should not be excluded without sufficient purpose."

He further stated that if the prevalent objective of an activities program is to foster the maximum educational development of all students, then it is the ethical responsibility of the school to reach as many students as possible.²

Apparently the restriction of the hair styles of male athletes is a wide-spread practice. In some instances, the regulation merely offers an alternative: either forego an athletic event or trim the hair according to the rules for a few months. These rules seemingly do not apply to most members of student bodies at large.³

¹J. David Mohler, "The Law and School Activities," The Bulletin of the NASSP, LV (September, 1971), 17.

²Ibid., p. 19.

³"Coaches and the Courts," Journal of Health Physical Education and Recreation, XLI (January, 1970), 10.

A recognized change in attitudes toward student rights with particular attention to the right to be different was expressed in the new 1970 code of behavior for the secondary students of New York City.¹ It stated that dress is to be the choice of the individual student except where such dress is clearly dangerous, or clearly interferes with the learning and teaching process.

A formal study of Ellertson² suggested that the use of dress codes in schools to control dress and appearance is questionable in several respects. He found over-whelming condemnation of dress codes from a sociological and psychological standpoint.

A recent study conducted in California by Six,³ specifically dealt with dress codes as applied to secondary students. He found among many things that the most frequent violations were those of boys having long or unkempt hair, and

¹"New Code Defines Freedoms," The Times Educational Supplement, August 21, 1970, p. 8.

²Ellertson, "A Legal Evaluation of Dress Codes in A Selected Sample of Public School Districts in the Twin Cities Metropolitan Area," p. 4178-A.

³Gene David Six, "Dress and Grooming Standards in California Secondary Schools," (unpublished Ed. D. dissertation, University of Southern California, 1969), 3401-A. Dissertation Abstracts, XXIX (No. 9-10, 1969).

girls having short skirts. He also found that most teachers and administrators believed unacceptable pupil dress and grooming adversely affected behavior, that parents and teachers largely supported standards but many failed to enforce them, and that recent court decisions have upheld school districts in enforcing standards related to the successful operation of schools.

A final observation concerning the turmoil and concern related to the student's right to be different is expressed by Weinberger¹ who said,

"It is obvious that this issue (high school dress codes) is but another variation of the age-old conflict between the needs of and the rights of the individual as compared to those of a larger society. It is complicated by the age of the students involved, the schools traditions of in loco parentis, and the persuasive attitude that direct control of thoughts and desires is somehow possible."

Limitations, Restrictions and Recommendations

The courts have recognized that students have the same rights as adults. However, the courts have also ruled that schools may limit the activities of students under certain conditions. This set of conditions is unclear and varies from area to area.

¹Morris J. Weinberger, "Dress Codes: We Forget Our Own Advice," The Clearing House, XLIV (April, 1970), 471.

An early test case in Massachusetts,¹ in 1964, recognized that hair styles may affect a student's private life. However, the court ruled that the school had the right to regulate appearance which the school felt might be disruptive or distracting. In this instance, the court felt it was "reasonable" for the school to assume that "unusual" hair styles would result in disruption of school discipline.

In 1966, a California case² was ruled by the court in favor of the school district because it was proved that a student's extreme hair style and the resultant behavior had caused disruption of the school program. This same school district subsequently changed its school code to a favorable one after the court case and an exhaustive survey conducted by the students.³

From these court cases that have been accepted and disposed of, there seems to be a foundation for administrative guidelines dealing with limitations and restrictions concerning dress codes and the right to be different.

¹Leonard v. The School Committee of Attleboro, 212 NE 2d 468 (1964).

²Beamesderfer v. Board of Trustees, Escondido Union High School District, S. Ct of California, County of San Diego, No. 316415, (1970).

³Donald L. Pucher, "A Secondary School District Looks At Its Dress Code," Journal of Secondary Education, XLV (November, 1970), 297.

Hanson¹ indicated this when he reported, "What may be emerging is a legal doctrine that will scrutinize carefully the basis of rules that cover fundamental freedoms. That is the state will bear a heavy burden of justifying regulations which affect personal freedoms. "Health" and "Safety" will not support rules against long hair for boys when no such regulation is imposed for girls."

Conspicuously absent from the literature are the opinions by secondary principals and other administrators concerning recommended guidelines for dress codes that would be acceptable by the courts. A limited number of reports in the literature do involve principles by which dress codes may be accepted or rejected.

Nolte² offered five areas which most principals and administrators give as reasons for having regulatory dress codes. They are:

1. Health and Safety--Schools defend dress codes on grounds that long hair is detrimental to health and safety in school.

¹David J. Sanson, "Student Rights and the Institution Response," Journal of the National Associations of Women Deans and Counselors, XXXV (Fall, 1971), 43.

²M. Chester Nolte, "Your District's Dress Code and Why It Probably Hasn't A Hair of A Chance in Court," American School Board Journal, CLI (August, 1971), 24.

2. Disruptive force--The school system insists that its dress code regulation is necessary because long hair is a disruptive force in the school.

3. Discipline and Morale--Boards and administrators argue that failure to respect any rule adopted by the board of education can lead to disruption.

4. Effeminacy--The claim is that long hair must be banned because its wearer tends to be effeminate and "unmanly."

5. Performance--The argument is that there is a need to keep hair short so that students will perform better--at their studies or in athletics.

He indicated that the school system has the burden of proof in each instance. So far, most cases have been decided in favor of the plaintiff if the dress and appearance code is less authoritarian and arbitrary.

Nolte¹ also gives two rules designed to eliminate legal intervention concerning dress codes. They are:

1. If you must have a dress code, let it be cooperatively developed with students (making sure the students are representative of the entire student body), faculty and parents. Let it be as simple as it reasonably can be without being too vague to count. Let it be subject to revision as needed, and above all, let there be exceptions to where evidence shows you would be out gunned if you landed in court.

2. Should your code be tested in court, you have a chance of winning if you can produce evidence (not opinion) that there is a very real need for the code and that a public purpose of some substantive importance can be served only by applying such limitation (of the code) to the personal liberties of your students.

¹Ibid., p. 56.

After a survey of litigation and legislation, Garber¹ gave the following legal generalizations about school regulations curtailing the wearing of long hair by male students:

1. In the absence of any question of constitutionality, it appears that such a rule will be held to be reasonable.

2. Such a rule probably does not violate rights under the Fourth, Fifth, Eighth and Ninth Amendments to the Constitution of the United States.

3. It is not clear whether such a rule is violative of First Amendment rights, but the weight of opinion seems to indicate that it is not.

4. The application of such a rule will be held to violate a pupil's Fourteenth Amendment rights if there is no evidence of the fact that the wearing of long hair is disruptive of the school and its activities.

5. Such a rule will not be held to violate a pupil's Fourteenth Amendment rights if it is applied to protect the health and welfare of pupils, or if it is necessary to quell disturbance--but, fear of disruption is not enough to warrant its application.

6. While courts appear to be in agreement that such a rule violates the Fourteenth Amendment unless properly applied, their reasons for so doing differ. Some hold it violates the equal protection clause, while others hold it violates the due process clause.

From a study by Mallios² the following recommendat-

¹Lee O. Garber, "Courts Cite Constitution to Uphold 'Long-Hair' Rights," Nations School, LXXXV (February, 1970), 85.

²Harry Carl Mallios, "A Study of Legal Opinion Pertaining to Control of Pupil Dress and Appearance in Public Schools, 1960-1969" (an unpublished Ed. D. dissertation, University of Miami, 1970) Dissertation Abstracts, XXXI (No. 11-12, 1971), 5715-A.

ions were made in reference to dress codes if they are to be enforceable,

"Limits Upon Discriminatory Standards. For a regulation to meet the requirements of the Fourteenth Amendment equal protection clause, it must qualify as having been founded on a reasonable basis and arbitrarily. In cases where school officials found alleged disturbances or disruptions were caused by the personal appearance of students, the actions of school authorities have been upheld. In light of this, it is recommended school officials should not make regulations or classifications which are (a) arbitrary or unreasonable, (b) an infringement upon personal liberty, or (c) an abuse of constitutionally protected guarantees."

A specific reference to principals and dress codes is made by Vacca¹ in his study of legal tenets and student appearance. They were stated as suggested guidelines and are:

1. That it is within the prerogative of school principals to determine the appropriateness of student attire and hair styles.
2. That action taken by the school principal to control student appearances is not unreasonable or arbitrary provided said actions have a reasonable connection to be successful operation of a public school.
3. That the domain of family privacy must give way to school regulations calculated to maintain school discipline.
4. That individual school principals have the

¹Richard S. Vacca, "The Principal: Responsibility in Relation to Court Decisions Involving Public Education," The High School Journal, LIII (February, 1970), 331.

prerogative to censure students whose dress is lewd or whose appearance is a studied effort to draw attention to themselves-where such appearance is considered disruptive and generates confusion in the school.

5. That principals might consider disruptive student appearance as being no different than verbal rudeness and thus act accordingly.

A possible emerging new trend in attitudes toward the student's right of privacy is that some writers are beginning to relate rights with responsibility. Cisco¹ said turning the responsibility for their dress back to the students where it rightfully belongs will not result in utter chaos and willful disregard for the feelings of others. He also said, "The majority of students will continue to dress as appropriately as they always have. The others, with practice, will learn to dress in a way that they feel is appropriate for them."

A final recommendation concerning the right to be different and in specific relationship to personal appearance is the statement by Ackerly,² who stated,

"The courts have clearly warned that freedom of speech or expression is essential to the preservation of democracy and that this right can be exercised in

¹Gene Cisco, "Unnessary Stress and Duress Due To Dress," School and Community, LVI (April, 1970, 26.

²Ackerly, The Reasonable Exercise of Authority, p. 9.

ways other than talking or writing. From this generalization, it follows that there should be no restriction on a student's hair style or his manner of dressing unless these present a "clear and present" danger to the student's health and safety, cause an interference with work, or create classroom or school disorder."

The Right of Assembly

One of the most noticeable areas of a principal's concerns is his dealings with vocal and non-vocal student demonstrations. In an era of discontent and distrust, any gathering of students rings an alarm for dispersal by many administrators. Apparently, secondary students have been copying the activities of members of college protest groups. Thus, it seems that administrators have not accepted the statement by Abbott¹ that "demonstrations are a symbol of our times."

The Schools, Courts, and Demonstrations

As long as the majority of students exercised the same attitudes, there was no need for active demonstrations against school policy. In those cases, the attitude of the

¹C. Michael Abbott, "Demonstrations, Dismissals, Due Process, and the High Schools: An Overview," The School Review, LXXVII (June, 1969), 129.

student was merely a reflection of the administration and faculty. But when the stimulus for change became evident and the focal point of disagreement was directed toward administrative policies, the school was hopelessly unprepared. The cause and subsequent behavior as illustrated in most demonstrations could not be conceived of by most high school principals. Abbott,¹ again related to this when he said,

"The recentness of such events has no doubt caught many administrators unaware of how to react to demonstrators or how to handle school dismissals. Yet it is important that they do so in a way that comports with 'fundamental fairness' that has long been a part of our constitutional scheme."

The right of assembly is closely associated with the right of expression. Expression of opinion can be silent or vocal, active or inactive, militant or non-militant. The area of concern here is with the vocal, active, militant demonstration conducted by secondary students. The silent, inactive, and non-militant type of expression is best described in the Tinker² and Burnside³ cases and will be discussed subsequently.

¹Ibid., p. 129.

²Tinker v. Des Moines Independent Community School Districts, 89 S. Ct. 733 (1969).

³Burnside v. Byars, 363 F. 2d 744 (5th Civ. 1966).

The causes for most student demonstrations have been linked to the demand for more student participation in policy making, making rules, deciding curriculum, etc..¹ In his survey on attitudes of citizens toward public schools, Harris², found that,

"the key to what is going on among high school students today is that a majority clearly want to participate more in deciding their future. They are willing to be taught, but not to be told. They are willing to abide by rules, but they will not abide by rules which put them down. They are aware of the need for authority, but not impressed by it for its own sake."

Kudela³ says that schools (teachers and administrators) have inadvertently generated this alienation by urging our students to develop and refine an inquiring, open mind. However, he says, that when they try to approach a controversial subject, a lid is slammed down by the school officials.

Thus it seems that students most actively demonstrate or assemble when they desire a change in the existing routine of a school program or policy. Confrontation begins when the administration is unwilling to forgo conformity and has

¹Louis Harris, "What People Think About Their High Schools," Life, LXVI (May 16, 1969), p. 24.

²Ibid., p. 24.

³Raphael M. Kudael, "Facing Student Unrest," The Clearing House, XLIV (May, 1970), 547.

not preceded the event by formulating guidelines for handling such disruptions. The case in point seems to be two-fold: (1) do students have the right to assemble for the purpose of expressing a disagreement; and (2) if so, when are such demonstrations illegal or disruptive to the learning process.

A secondary principal in Illinois¹ stated that students can congregate for the discussion of public questions and organize for the purpose of influencing policy. Reflecting the opinion of recent court decisions, he went on to say, "The right of assembly does not embrace gatherings designed to accomplish an illegal purpose or those that lead to a breach of the peace or a challenge to legitimate authority."

Court cases directly related to secondary school demonstrations have been almost negligible.² This has occurred even though there appears to be more restrictions upon high school demonstrations than similar ones for students of higher education. The possible reason is that these demon-

¹C. A. Hollister, "What A Board Should Do About Due Process," American School Board Journal, CLIX (December, 1970), 35.

²"Developments in the Law: Academic Freedom," Harvard Law Review, LXXXI (March, 1968), p. 1154.

strations occur during school time and thus the school has a responsibility to use its limited time more efficiently.

An early case in lower federal court had declared that the wearing of 'freedom buttons', "... is certainly not in the class of those activities which inherently distract students and break down discipline of the classroom such as carrying banners, scattering leaflets, and speech making."¹

The concept of "reasonableness" is shown in a reversed decision by this same court. In the Blackwell v. Issaquenah,² the decision clearly stated the reasonableness doctrine in these words:

"The Court has repeatedly emphasized the need for firm and comprehensive doctrine... of school authorities consistent with the fundamental constitutional safeguards to prescribe and control conduct in the schools."

Judgments in favor of free assembly and expression were not without dissent. Mr. Justice Black in his dissent in Tinker v. Des Moines,³ wrote that students are not sent to school to inform the public on political or other issues

¹Burnside v. Byars, p. 744.

²Blackwell v. Issaquenah County Board of Education, 363 F. 2d 749 (5th Cir. 1966).

³Tinker v. Des Moines, p. 735.

and he places a low priority on the 'right' of students to demonstrate if it may impinge in any way on school programs.

Guidelines and Recommendations

After the initial confrontation of students versus the schools, many writers offered specific guidelines as to how to handle demonstrations. Most of these dealt with current disorders at that time, such as racial desegregation and integration. However, in recent years some references have been made to dissent and student demonstrations in general.

The following guidelines were offered by Edwin Schneider,¹ a high school principal:

1. Student demonstrations or information campaigns on school premises may not impede the operation of the school or the functioning of its program.
2. Student demonstrations or information campaigns may not be such as to incite the disruption of school programs or to other illegal activity.
3. Student demonstrations or information campaigns may not infringe on the rights of others.
4. Student demonstrations may not embody language or conduct which conflicts with the prevailing standards of decency in the community (obscenity, lewd behavior, etc.), or which demean racial or ethnic groups.
5. Since school premises are dedicated by the public for specified educational goals and purposes, student demonstrations or information campaigns on school grounds

¹Edwin Schneider, "What is the Law Concerning Student Demonstrations?" School Management, XIV (November, 1970), 21.

may not expouse causes (e.g. legalized prostitution, promotion of partisan political or sectarian religious causes, overthrow of democratic government, the use of harmful drugs, etc.) which are inimical to the purposes for which the schools are established.

6. Students wishing to conduct information campaigns or demonstrations on school premises may be required to obtain prior approval from school officials; regulations governing approval should be sufficiently specific as to factors of time, place and nature of the demonstrations to permit consistent and equitable administration.

No effort was made to compile guidelines on how to handle demonstrations once they are in progress and are causing a disruption in the learning process.

A final observation on how to avoid violent confrontation and disruption in high schools were offered in these steps by Gorton:¹

1. High priority should be given by the school to ensure that its rules and regulations, curriculum and teaching methods are based on an educational rationale which is tenable and can be endoresed by other members of the educational community and by the public at large.

2. Schools should initiate their own programs of student activism or student involvement.

3. Keep channels of communication open and well-publized.

4. Evaluate proposals, recommendations, or demands in light of a larger educational philosophy or framework.

¹Richard A. Gorton, "Militant Student Activism in the High Schools: Analysis and Recommendations," Phi Delta Kappan, LI (June, 1970), p. 548.

5. Establish a district-wide policy on student dissent which includes a grievance procedure.

6. Schools should provide specific courses on the changing institutions, assistance in evaluating different methods of achieving reform, and reinforcement for examples of constructive and disruption--free student approaches to change.

This writer concluded by saying, "Perhaps the greatest challenge to education today is to demonstrate to young people that non-disruptive methods for improving the schools can be viable and effective. It is obvious that there will be change. The only question is whether it will be accomplished through force and violence or through cooperative problem solving."¹

Freedom Of Or From Religion

Any infringement upon that part of the First Amendment¹ which reads, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .," normally creates great concern among American citizens, especially if it is related to the public school. Most of the concerned activity centers around the concept of freedom of religion. It is usually directed by adult populations against those who would abridge their phi-

¹Ibid.

²U. S. Constitution, First Amendment.

losophy. Only recently has there been much active demonstration for or against the separation of church and state, or in particular that extension of the state which we call the school.

In the last decade, there seems to have been an increased amount of legal controversy surrounding three aspects of the school and religion. These areas are: (1) public tax support of private or non-secular educational institutions, (2) specific participation of students in the daily exercise of reading from the Bible and open prayer in the classrooms, and (3) the teaching and discussion of non-secular subjects including the inclusion of religiously-oriented activities into the schedule of the public schools.

The first of these issues will not be discussed, but the last two will be explored in terms of recent court decisions and current philosophy toward them.

The Court and Religion

Probably the most controversial court decision in relationship to religion and the schools was School District of Abington Township v. Schempp.¹ This case is normally referred to as the "no-prayer" decision of the U. S. Supreme

¹School District of Abington Township v. Schempp, 83 S. Ct. 1560 (1963).

Court. That decision by the court declared unconstitutional a Pennsylvania law that provided that "at least ten verses from the Holy Bible shall be read without comment, at the opening of each public school on each school day."

From this case has come the so-called "purpose and effect test" which has been normally applied to subsequent, related cases. It is two-fold in purpose: First, does it have a secular legislative purpose, such as constitutionally approved government aid to religion? Secondly, what is the primary effect? In this instance, does that action either advance or inhibit religion.

A sampling of decisions reflect various opinions toward freedom of or from religion. In Chamberlain v. Dade County,¹ the court forbade daily prayer, devotionals, and Bible reading during normal school activities. It did, however, give permission to continue religious and sectarian programs such as baccalaureate exercises.

In Reed v. Van Hoven,² the court did allow a prayer and devotional period only if participation was before or

¹Chamberlain v. Dade County Board of Public Instruction, 171 So. (2d) 535 (1965) Florida.

²Freed v. Van Hoven, 327 F. Supp. 48 W. D. (1965) Michigan.

after school and was voluntary. Teachers were allowed to be present only in an order-keeping duty.

A more involved case was Holden v. Board of Education of the City of Elizabeth.¹ The State of New Jersey had required that public school pupils salute and pledge allegiance to the American flag each day. Some were exempted who stated that they had certain conscientious scruples against such pledge or salute, but they would have to stand in respect. One local school suspended several Negro students who were members of the Black Muslim sect. Parents of these children had said that any pledge or salute was a recognition of religious teaching and their religion prohibited saluting any flag. These did stand in respect. The court said they were justified in their action and the students were reinstated.

Certain California² parents objected to the phrase "under God" used in the pledge of allegiance. They said this was unconstitutional according to the First Amendment. The state court declared that this was no deprivation of the free exercise of religion or the establishment of religion within the meaning of the First Amendment.

¹Holden v. Board of Education of the City of Elizabeth, 216 A (3d) 387 (1966) New Jersey.

²Smith v. Denny, 280 F. Supp. 651 E. D. (1968) California.

An obvious situation in which a school district had not complied with an earlier decision was indicated in American Civil Liberties Union v. Albert Gallatin Area School District.¹ A local school board had passed a motion installing Bible readings and prayer recitation. Even though this was a school board motion rather than a state law, the court ruled that the motion of the board of education was unconstitutional and an injunction was granted against the school district restraining it from allowing any Bible reading or prayer recitation programs in school premises.² The court said this order did not prohibit pupils in the free exercise of religion, or prohibit the use of any books, sources or reference material in the ordinary, personal observance by a pupil at an prescribed time that did not interfere with the school schedule.

One of the most recent cases found a state board of education opposing a local school board.³ The local board

¹American Civil Liberties Union v. Albert Gallatin Area School District, 307 F. Supp. 637 W. D. (1969) Penn.

²National Education Association, The Student's Day in Court: Review of 1970 (Washington D. C.: NEA Research Division, 1971), p. 85.

³State Board of Education v. Board of Education of Netcong, 270 A. 2d 412 (1970) New Jersey.

allowed exercises to be held in the school gymnasium during which time a student would read selections from the Congressional Record. These readings would be the Chaplain's comments and other additional remarks. When this was finished, a time was allowed for discussion and mediation. The court prohibited the local board from allowing such practices.

Specific Practices and Opinions

A recent study by Graves¹ reflected the attitudes of selected principals toward a particular element of religion in the public schools--daily Bible reading. His findings, reflecting seventy-five percent positive agreement among the elementary and secondary principals surveyed, were:

1. The Supreme Court erred in its interpretation of the First and Fourteenth Amendments to the Constitution.
2. Some type of religious instruction acknowledgment is necessary in public school education.
3. The practice of reading the Bible by teachers or students does not violate the Supreme Court rulings.
4. Reciting the Lord's Prayer or any other prayer that is not a prescribed prayer does not violate the Supreme Court rulings.
5. Practices in various schools do not violate the Supreme Court rulings.

¹Donald W. Graves, "An Investigation of Attitudes and Practices Regarding Bible Readings and Prayer in the Public Schools of Oklahoma," (an unpublished Ed. D. dissertation, University of Oklahoma, 1970) p. 113.

In an analysis of the Supreme Court decision of 1963, (Abington Township v. Schempp) Hunt¹ said, "Note the clear authorization for study of the Bible in the public schools, so long as such study is for the purpose of general education rather than to persuade and indoctrinate." He further comments that the public schools can neither bring religion to America nor take it away.

Further consideration of this problem was indicated by a study commission of the American Association of School Administrators.² From this report the following statement was made:

"The desirable policy in the schools is to deal directly and objectively with religion whenever and wherever it is intrinsic to learning experience in the various fields of study. This requires topic-by-topic analysis of the separate courses and co-operative effort by the teachers."

Hollister,³ indicated that students should have the full and free right to entertain any religious beliefs, to practice any religious principle, and to teach any religious

¹Rolfe Lanier Hunt, "Teaching About Religion in the Public Schools," Today's Education, LVIII (December, 1969), p. 25.

²American Association of School Administrators, "Report of the Commission on Religion in the Public Schools," (Washington: AASA, 1964).

³C. A. Hollister, "What A Board Should Do About Due Process?" American School Board Journal, CLIX (December, 1971), 35.

doctrine which does not violate the law of morality, and above all, does not infringe upon personal rights.

In his discussion of religion and the public schools, Bennett¹ found both a need for separation and a need for inclusion. He said:

"It [the public school] is tax supported and therefore clearly bound by the constitutional provision against the establishment of religion. It has the characteristic of requiring compulsory attendance, and in terms of relations with religion, it must be legally neutral. At the same time it serves a function in society which religion also serves in some overlapping aspects. The two have had to make some adjustments to each other because both should have a deep obligation to the service of the growing children in our society who move back and forth between the religious and school atmospheres."

A possible change in the relationship of religion and the school is indicated in a study made in Canada.² This nation (which is heavily oriented toward one specific religion) has adopted some possible guidelines for inclusion in the school program. First, it was recommended that in the secondary schools of each province that an opening exercise

¹Wallace F. Bennett, "Religion and the Public Schools," Religious Education, LXV (July-August, 1970), 340.

²John R. Meyer, "Religion in Ontario's Public School: A Critique of the Mackay Report," Religious Education, LXV (January-February, 1970), 48-50.

consisting of the National Anthem and either a prayer of universal character or the Lord's Prayer, be held at the beginning of any student assembly, but not daily in the classroom. It further recommended that a formal course of study dealing with the principal religions of the world be offered as an optional course in the 11th or 12th grade. This course should be taught by members of the history department.

A recent study of trends concerning religion and the schools by Hollister and Leigh¹ reported what was being allowed or forbidden by the courts. They stated that the provision of religious instruction by professional clergyman on school premises will be stricken down by the federal courts. Other trends and observations were these:

"In general, school districts may not directly sponsor devotional exercises, such as the recitation of prayers or the reading of scriptures, during the school day: for such practices have been interpreted as constituting a violation of the Establishment Clause. Even literary recitations that are not overtly religious have been found to be violative. Whether school districts can condone voluntarily conducted religious services on the part of the student has not been determined but it seems that the sanctioning of such a practice would be at odds with the spirit of the Establishment Clause. Finally, on only one controversy did school authorities ban a voluntary religious exercise

¹C. A. Hollister and Peter R. Leigh, "The Student's Freedom of Religion," NASSP BULLETIN, LV (February, 1971), 37-45.

during school hours; in that instance it was concluded that neither the free speech nor the freedom of religion guarantees compelled the school to allow student-initiated prayer."¹

In the Phi Delta Kappa² project on teacher education and human rights, the following selected examples were given as infringements upon the religious freedom of others:

(1) A school refuses to permit any activity whatever in the school building on Wednesday night, because that is "church night" for the largest church in the community.

(2) A school conducts a baccalaureate ceremony for the graduating seniors and makes attendance a requirement for graduation.

(3) The Lord's Prayer is repeated at the beginning of classes each day.

This same project also declares certain behaviors by the public school which reflect commitment to the freedom of or from religion. They are:

1. The Board of Education has a clearcut policy which states that the schools will hold no religious exercises or activities.

2. So-called voluntary participation in religious exercises is not attempted since it is likely to lead to serious violations of the basic human rights of the pupil.

¹Ibid., p. 45.

²Phi Delta Kappa Teacher Education Project on Human Rights, "A Guide For Analyzing Human Civil Rights," (Norman, Oklahoma: The University of Oklahoma, N. D.) mimeographed, p. 18.

3. The public school assumes neutrality regarding religion; but it encourages the child or youth to understand and appreciate religious faith as taught by his family and church. As necessary corollary, the pupil without what is generally termed religious faith must be protected from embarrassment. In short, the sanctity of private belief-or disbelief-is scrupulously respected.

4. Religion is recognized as an area of intellectual inquiry and human knowledge and deserves treatment as a part of the regular academic portions of the curriculum.

5. School rules and the attitudes of teachers and administrators provide freedom for non-belief as well as "strange" beliefs. For example, if a student does not wish to take part in any school activity for moral or religious reasons, then he is excused from doing so without being made to feel different or "wrong."¹

The Freedom of Dissent, Speech and Press

Among the basic rights guaranteed in the First Amendment is the "freedom of speech--or of the press." Inherent in this right of democracy is that the individual should have the opportunity to know the truth and to express either acceptance or rejection of it. This has been accepted for the adult population and for college students. But there seems to be considerable discussion and concern when this concept has been enlarged to include the secondary student.

This section will deal primarily with 1) court decisions related to this right, 2) opinions and activities deal-

¹Ibid., p. 39.

ing directly with the problem in secondary schools, and 3) recommended guidelines and procedures for affording this right to secondary students with minimum confrontation and difficulties.

Decisions of the Courts

From the literature, it seems that many of the cases relating to freedom of speech, of dissent, and of the press have centered around the secondary student. A reason for this is offered by Emerson, who said that, "Infringement of freedom of expression is more likely to occur the lower the level of officials involved, and local institutions are less capable of maintaining individual rights than the more remote and often better-staffed institutions at the higher levels."¹

This was further qualified by Mallios,² who referred to the fact that today's administrator is dealing with a new kind of student who seems more disposed to question, rather than to accept in docile indifference, rules and regulations controlling their conduct. From these situations have come

¹Thomas I. Emerson, Toward A General Theory of the First Amendment (New York: Random House, Inc., 1967, p. 45.

²Harry C. Mallios, "Freedom of Expression in the Public School and the Law," Journal of Secondary Education, LXVI (March, 1971), 109.

confrontations between students and principals which ultimately have been decided by the courts.

The decision most often referred to in this area is Tinker v. Des Moines.¹ This case was important in what was specifically declared and what was indirectly discussed. The court characterized the wearing of armbands a clearly protected activity and held that a high school student is entitled to engage in protected activity without punishment. In this issue, the U. S. Supreme Court held that certain school officials had acted illegally in prohibiting the wearing of black armbands in a Vietnam protest. It was this decision in which Mr. Justice Fortas,² declared, "it can hardly be argued that either students or teachers shed their constitutional rights to freedom and speech or expression at the school house gate." Further opinion by the majority stated:

"... in order for school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than the mere desire to avoid discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly when there is no finding and no showing that the exercise of the forbidden right would materially and substantially interfere with the re-

¹Tinker v. Des Moines Independent Community School District, 393 U. S. 503 (1969).

²37 U. S. Law Week 4122 (February 25, 1969).

quirements of appropriate discipline and the operation of the school, the prohibition cannot be sustained."¹

The court was convinced that the wearing of armbands did not cause a disruption in the classroom; therefore, this was an infringement upon their civil rights.

However, the court did disclose certain restrictions upon such action. It said that a student may dissent

"... if he does not without materially and substantially interfere with appropriate discipline in the operation of the school and without colliding with the rights of others. But the conduct of the student, in class or out of it, which for any reason--whether it stems from the time, place, or type of behavior--materially disrupts classwork or involves substantial disorder or invasion of rights of others is, of course, not immunized by constitutional guarantee of freedom of speech."¹

The court further commented that the wearing of armbands was closely akin to "pure speech" which the court held is entitled to comprehensive protection under the First Amendment.

In a final analysis of Tinker v. Des Moines, the key point is that an activity covered by the First Amendment must be substantially disruptive before it can be suppressed. The burden of proof that actions are disruptive rests with the

¹Tinker v. Des Moines, p. 737.

²Ibid., p. 507.

school officials. The court admonished school officials that in order to justify prohibition of a particular expression of opinion, they must be able to show that their action was caused by more than a mere desire to avoid discomfort and unpleasantness that always accompany an unpopular viewpoint. Thus, the court concluded that any student wishing to express his opinions must do so in such a way as not to infringe on the rights of others.

Mallios¹ raised the question in his study when he asked, "Is behavior exhibited as a symbolic expression of belief?" He inferred that the First and Fourteenth Amendment are limitations upon the power of an administrator to control dress and appearance of students who, by their dress or appearance, intend to articulate a belief. He stated:

"It is recommended that freedom of expression, whether it is exemplified by personal dress and appearance or behavior, should not be prohibited unless the behavior (a) disrupts the orderly atmosphere and decorum of the educational process, (b) abuses the protected rights of others, or (c) involves danger to the individual expressing or those affected by the expression."

¹Mallios, "A Study of Legal Opinion Pertaining to Control of Pupil Dress and Appearance in Public Schools, 1960-1969," p. 5715-A.

This opinion was also expressed in Davis v. Firment,¹ in which the court said a student had no constitutional right to keep his hair long in direct defiance of reasonable rules and regulations of the school board. The court felt that long hair is considered to be a form of expression which is manifested through conduct and therefore subject to reasonable state regulation in pursuit of a legitimate state interest.

Several decisions in the past few years have brought forth certain conclusions concerning the freedom of speech and press. In writing about Burnside v. Byars,² a question of wearing buttons, Griffiths³ said,

"The Court of Appeals stated that the Constitution protects the free speech of school children against unreasonable rules and regulations imposed by school authorities. The liberty of expression so guaranteed, however, can be abridged if legitimate state interests necessitates an invasion of free speech. The test of school rules is one of reasonableness."

A recent problem area to high school principals is that of underground newspapers. An early decision was that

¹Davis v. Firment, 269 F. Supp. 524 (1967).

²Burnside v. Byars, 363 F. (2d) 744 (1966).

³William E. Griffiths, "Student Constitutional Rights: The Role of the Principal," NASSP Bulletin, LII (September, 1968), 35.

of Schwartz v. Schuker,¹ in which a school had suspended certain students for the distribution of such a paper. The court held that the school must balance the First Amendment rights of students against its duty and obligations to educate students in an orderly manner and to protect the rights of students. Here again, is concern by the court to uphold the rights of individuals if there is no disruption in the learning process.

In Scoville v. Board of Education of Joliet,² a federal court of appeals said that any publication prepared away from school was not entitled to First Amendment protection.

In a situation where there were no specific regulations concerning distribution of underground newspapers, the court³ enjoined the suspension of two high school seniors. In its decision the court issued

"a permanent injunction prohibiting school officials from imposing serious disciplinary action in the absence of precise and narrowly drawn regulations, on students who write, print, distribute, or otherwise engage in the publication of newspapers either on or

¹Schwartz v. Schuker, 298 F. Supp. 238 (1969).

²Scoville v. Board of Education of Joliet Township High School District, 204, 425 F. 2d 10 (1970).

³Sullivan v. Houston Independent School District, 307 F. Supp. 1328 (1969) Texas.

off school premises during school hours or nonschool hours unless such activities materially and substantially disrupt the normal operation of the school."¹

In a final court decision in regard to freedom of the press and speech is Eisner v. Stanford.² In this situation, an underground newspaper had been distributed several times before it was prohibited by school officials. Furthermore students were warned that they would be suspended if further issues were forthcoming. A school policy was enacted saying that there would be no distribution of written material unless the written matter had prior approval by the school administration. Thus, the matter before the court was the validity of the requirement that the content of the material be submitted to school authorities for approval prior to distribution. In its decision the court said,

"that if the school officials had sustained their burden of proof and demonstrated a necessity for the regulations, none of the procedural safeguards designed to obviate the dangers of censorship were present. The regulations did not specify the manner and to whom material must be submitted, the time in which a decision must be reached, nor did they provide any hearing or right of appeal."³

¹NEA, The Student's Day in Court: Review of 1970, p. 67.

²Eisner v. Stanford, 314 F. Supp. 832 (1970) Conn.

³Ibid., p. 62.

The court further declared that reasonable regulations could be developed to protect both the school from having disruptions and the student from suspension of the right of expression. Judgment in favor of the students was granted.

From an analysis of court decisions, Kane¹ has compiled a list of rights under the freedom of speech clause of the First Amendment. He stated that these are apparently assured, but, it is doubtful that they are all in force in any school situation. However, various courts throughout the nation have upheld these rights:

1. Students may not be required to participate in the flag salute or other similar exercises.

2. Students may wear armbands, buttons, or other paraphernalia to express a point of view unless the school can demonstrate that such behavior is in fact disruptive.

3. Students may wear their hair as they see fit unless the school can demonstrate that such hair style, including beards, is in fact disruptive.

4. Students may not be punished for petitioning, leafletting, or distributing underground newspapers outside of school. These activities should be permitted inside the school as well if they are not demonstrably disruptive.

¹Peter E. Kane, "Freedom of Speech for Public School Students," The Speech Teacher, XX (January, 1971), p. 24.

5. Control over the content of school newspapers can be safely vested in student editorial boards. It is both unnecessary and educationally unsound to vest powers of review and censorship with the school authorities.

6. Students may dress as they see fit except in cases where the school can demonstrate that a particular dress is damaging, dangerous, or disruptive.

7. The educational material made available to students by the school should represent the breadth of American opinion and not some standard of orthodoxy.

8. All students and student groups should be treated alike in regard to the use of school facilities including the schools' media of communication.

9. The procedure for extending invitations to guest speakers should be the same for all and applied in the same manner regardless of the specific speaker invited.

Opinions and Practices

Even though the courts have rules in favor of students in many cases and published guidelines have been issued, many schools have not initiated safeguards for basic First Amendment freedoms for their students. This section will deal with various problem areas and will also relate certain current practices.

The problem area of dissent, says Brodbelt¹, is not necessarily a dilemma of values only for high school students,

¹Samuel S. Brodbelt, "The Problem of Growing Dissent in the High Schools," The High School Journal, LIII (March, 1970), 363.

it is also a problem facing the entire nation. He stated that there is a gap between theory and practice, between ideal and reality, between what is and what ought to be. Therefore, the confrontation in the school is largely over policies made for youth without consideration of desires expressed by youth. He comments that much of the cause for dissent can be altered by having an improved student council. His comment on this follows:

"The school as a functioning bureaucracy has developed some lamentable practices. Often only honor students can become student council members. Even the main function of the student council is not to develop democratic political acumen, but is limited in many schools to planning dances, supervising the yearbook, keeping the halls clean and other minor services. The student council needs to be upgraded as a functioning body so that it truly represents various student concerns. As a student policy-making group, it needs to be given far greater voice in developing positive programs about hall rules, cafeterial regulations, offering curriculum changes, and the power of enforcement of student developed rules."¹

He further emphasized that student freedom, involvement, and responsibility are simply prerequisites for adult participation in society.²

¹Ibid., p. 369.

²Ibid., p. 370.

Ackerly¹ offered an opinion in relation to dissent, speech and press which he calls the freedom of expression.

He said:

"The basic position is: Freedom of expression cannot legally be restricted unless its exercise interferes with the orderly conduct of classes and school work. Students may freely express their points of view provided they do not seek to coerce others to join in their mode of expression and provided also that they do not otherwise intrude upon the rights of others during school hours. There can be no restriction on the wearing of buttons or other insignia expressing a point of view, but the rights of those not sharing that opinion must be equally protected. Wearing provocative buttons or distributing controversial literature during regular school hours cannot be permitted to disrupt the work of the school."

Another argument for the right of dissent and for an involved student council was advanced by Glatthorn,² a high school principal from Pennsylvania who said, "We've got to stress the importance of this /dissent/ right very strongly. The school must be a bastion for liberty. It should be tolerant of, and even encourage, dissent."

In allowing school dissent, he encouraged underground newspapers and even allowed them to use school supplies. This is, in effect, a creative safety valve for student discon-

¹Ackerly, The Reasonable Exercise of Authority, p. 7.

²Glatthorn, "Don't Panic--Applaud," p. 56.

tent. A further solution stated by Glatthorn is to involve the student council in meaningful decision-making about curriculum and instruction and to make sure that the school knows that the principal believes in student government.

Kane¹ offered a growing reason for dissent among high school students when he said,

"It is no comfort that students must go to court to secure relief from the illegal oppression of school officials. Certainly the hypocrisy of teaching one thing in the civics class and doing the opposite outside of class is a major factor in the alienation of our young people and does teach youth to discount important principles of our government as mere platitudes."

A phenomenon in recent years has been the growing number of underground newspapers created and distributed in the high school community. This has raised many questions among high school administrators and has challenged the right of free speech and press. Many principals have considered this type of press as a challenge to school authority and discipline. Yet there are those who differ as to its content and purpose. Jay² says that this type of newspaper "reflects the rebelliousness, the riots and conflicts

¹Kane, "Freedom of Speech for Public School Students," p. 28.

²Neva Jay, "School Paper-Gossip Sheet or Education?" School and Community, LVIII (April, 1972), p. 44.

between authority and discipline, and students who are a part of the protesting generation."

Another reason for the rise of underground newspapers is given by Hughes¹ who said that the papers are initially started because the school does not allow controversial issues to be explored or discussed within the school's regular paper. He further elaborated on the student's attitude in these remarks,

"Students generally perceive the administrator as being fearful of the underground press as it may cause dissent. It has been suggested that the principal's response to such publication is a barometer of the academic climate he is trying to establish. In addition, the principal's response may be a measure of the confidence he has in his own administrative ability. The more secure he is, the more likely he will be able to accept criticism of the school within the school sponsored paper.

Administrators must thus be willing to admit that existing policies in respect to legal school publications may in fact, bring about the appearance of an underground newspaper."²

In examining the reasons why the underground press should flourish, Pearson³ stated that the adult community depended heavily upon mass media of all kinds in the life long

¹Clarence Hughes, "Underground Newspaper, What's It All About," The Clearing House, LVI (November, 1971), 155.

²Ibid., p. 157.

³George Pearson, "How Free Should Student Publications Be?" NASSP Bulletin, LV (September, 1971), 58.

process of education; therefore, it was reasonable to expect the same influences to operate within the school.

Sullivan¹ stated that it was, "unreasonable of administrators to believe that students should be taught to think and express themselves articulately, but they should be punished if they think and express themselves without the blessing of the hierarchy."

He also described the conditions under which an underground newspaper should not be allowed. He says, "It becomes wrong only if the paper is a vehicle for spreading the editor's prejudices, if it tends toward libel, or if it is blatantly obscene. In such instances, it is clear that the administrator has a duty to act."² Finally, Sullivan offered the sage advice that a banned paper is far more interesting than one that flourishes unnoticed.

Einsiedler³ in her review of an underground newspaper stated that any school is never completely safe from the threat that one might spring up at any time. She gave the

¹Robert J. Sullivan, "The Overrated Threat," NASSP Bulletin, LIII (September, 1969), 38.

²Ibid., p. 42.

³Elizabeth Einsiedler, "Opinions Differ: How Free Should the High School Press Be?" Today's Education, LVII (September, 1969), pp. 52-54, 85.

example of the Silver Springs, Maryland, "Silver Chip" newspaper in which the editor accepted full responsibility for its content and was highly critical of various school policies. However, the philosophy of the principal was that he "must respect the student and share a commitment to the philosophy that young men and women develop into responsible adults when they are given the freedom to grow."¹

A final example of an underground newspaper and the reaction of administrators was given by Gorton.² He said,

"In most cases the underground newspaper can be incorporated into the regular school newspaper if the teacher or administrator is willing to permit criticism of the school and of himself, and if he is willing to work with the student editors to guide their writing into more constructive channels.

The experience at the author's school during the first two years was that the underground newspaper was banned and it thrived. This last year we encouraged its staff to write for the regular newspaper; they responded favorably, and we didn't have an underground paper. However, our official newspaper was much more critical of the administration and of the school, perhaps unjustifiably so. But the school did have the option of responding to the criticisms in the same issue of the newspaper with fact and argument of its own and, to this extent at least, the students had the opportunity to see both sides of the issues presented at the same time."

¹Ibid., p. 53.

²Richard A. Gorton, "Student Activism in the High School: The Underground Newspaper and Student Dress and Appearance," The High School Journal, LIII (April, 1970), 43.

Guidelines and Recommendations

Acceptable procedural guidelines and recommendations for handling the inherent problems dealing with the freedom of dissent, of speech and of the press are now being formulated. The need for published and publicized rules is extended by Hudgins¹ in his discussion of Eisner v. Stanford. This case, previously discussed, gave the rules for publication and distribution of underground newspapers. The court admonished school administrators to set procedural guidelines to cover all possible situations; and, if it can be shown that these guidelines are reasonable and necessary, then the court would look favorably on them.

From the PDK Teacher Education Project on Human Rights² are a series of school behaviors which exemplify commitment to the freedom of speech and the press. They are:

1. The school and the faculty provide opportunities for students to publicly express or hear opinions or views on any subject which they believe is important even if the subject is one of a controversial nature. There is no restriction to this right except when clear indication is present that the safety or

¹Charles A. Hollister, "Why More Boards Are Landing In Court--And Losing," School Board Journal, CLVI (June, 1969), 8.

²PDK, A Guide For Improving Teacher Education in Human Rights, p. 34.

health of the School community is threatened or the educational process likely to be disrupted.

2. Machinery is established by which students participate in the planning of school assemblies, forums, and other gatherings under school auspices. This planning includes the identification of subjects or topics, the selection of speakers and/or establishing objectives for the meetings.

3. School policy protects faculty members as they provide opportunities for the study and discussion of controversial issues and problems within the framework of courses or other experiences which are a part of the school curriculum.

4. Machinery is established by which faculty participates meaningfully in the processes of decision making in the school regarding faculty welfare, problems relating to the operation of the school, the curriculum and any other important matters relating to students or faculty.

5. The student newspaper or other publications are considered learning opportunities for students but the freedom to express opinions there, as elsewhere, carries with it responsibility for the statements which are published. This includes publications receiving school assistance as well as those providing their own resources.

The ultimate responsibility for approving guidelines rests with boards of education. Hollister¹ lists the following admonitions to school boards in order that they afford its patrons the freedoms guaranteed by the constitution and upheld by the courts:

¹H. C. Hudgins, Jr., "Action Not As Heavy On Student Rights," Nations Schools, LXXXIX (March, 1972), 46-47.

1. School boards should remember what they are.
2. School boards should recognize that the Bill of Rights applies regardless of a citizen's age and that it means precisely what it says.
3. School boards should not try to act as deities in establishing rules for personal behavior.
4. School boards should recognize that censorship should be approached with extreme caution and avoided where possible.
5. School boards should realize that to run away from the new and different is to run away from reality, and possibly, into litigation.

Hudgins¹ identified the following trends illustrating the current thinking of courts in solving the disputes between high school students and school authorities. They are offered as guidelines to help create school policy. They are:

1. Freedom of the student press extends to giving pupils the right to take a stand on major contemporary issues.
2. Freedom of the student press does not extend to making abusive remarks about the school administrators to encouraging disobedience to school authority.
3. Freedom of the student press may not necessarily extend carte blanche to allowing distribution of all underground newspapers on campus.

Hudgins further stated that administrators can have the positive knowledge that the courts adhere to the policy

¹H. C. Hudgins, Jr., "Boardmen Wonder and Wince, But Student Freedoms Don't Fold or Fade," American School Board Journal, CLVII (February, 1970), 35.

that students in the secondary schools may be treated differently from those on college campuses.¹ This distinction is grounded upon the recognition of a difference in age and maturity; yet, at the same time, the courts allowed secondary students to print material that is controversial or unpopular with administrators.

Some formal guidelines have been enacted that give the position of the school toward the freedoms of dissent, of the press and of speech. They spell out, in some cases, in detail what is to be allowed by the school system regarding this right.

In 1971, the California legislature enacted a bill which gave students the right to exercise free expression.² This bill directed all school districts to adopt rules and regulations relating to this right. The guidelines recommended by the state department of education covered the following areas in detail: Circulation of petitions, circulars, newspapers and other printed material, buttons, badges, and insignia of symbolic expression, bulletin boards, prohibited material, and disciplinary action.

¹Ibid., p. 36.

²"Coming to Grips With the Underground Press," Nations Schools, LXXXIX (April, 1972), 59.

The State of New Jersey Department of Education recently issued a similar statewide guideline for the controlling of the distribution of newspapers and leaflets.¹ The general areas are: Places, time, approval, littering, unacceptable items, acceptable material, and appeal.

The Seattle Public School system has created a series of guidelines entitled, "Rights and Responsibilities for the Seattle Public Schools."² In it is a policy statement toward unofficial student publications. The policy states:

"Students are entitled to express in writing their personal opinions. The distribution of such material may not interfere with or disrupt the educational process. Such written expressions must be signed by the authors.

Students who edit, publish or distribute handwritten, printed or duplicated matter among their fellow students within the schools must assume responsibility for content of such publications. Libel, obscenity and personal attacks are prohibited in all publications.

Unauthorized commercial solicitation will not be allowed on school property at any time. An exception to this rule will be the sale of non-school-sponsored student newspapers published by students of the school district at times and in places as designated by the school authorities.

The distribution by students in school buildings or on school grounds of unlawful or political material, whose content reflects the special interests of a political candidate or political organization, is prohibited.

¹Ibid., p. 60.

²Ibid., p. 61.

Recently the American Bar Association¹ published a "Model Code for Student Rights, Responsibilities and Control." In it are certain guidelines in regard to student publication and broadcast media. They are:

A student, group or organization may distribute written material on campus without prior approval, providing such distribution does not disrupt the operations of the institution.

The student press is to be free of censorship. The editors and managers shall not be arbitrarily suspended because of student, faculty, administration, alumni or community disapproval of editorial policy or content. Similar freedom is assured oral statements of views on an institution-controlled and student-operated radio or television station.

This editorial freedom entails corollary obligations under the canons of responsible journalism and regulations of the Federal Communications Commission.

All student communications shall explicitly state on the editorial page, or in broadcast, that the opinions expressed are not necessarily those of the institution or its student body.

The Evanston, Illinois, school district's policy on student expression states that, "Students. . . may express opinions and ideas, take stands and support policies, pub-

¹Ibid., p. 61.

²"One School Board's Policy On Student Dissent," School Management, XIII (August, 1969), 43.

licly and privately, orally, and in writing. Such activities shall be . . . 'protected activities!' There will be no interference with these protected activities solely because the viewpoint expressed may be unpopular."¹

Included in this document are the methods of expression that are not "protected activities." These include: the use of obscenities, disruptive activities, issuing false statements about persons or organizations, and advocating violations of the law or official school regulations. Students are free to distribute handbills, leaflets, or underground newspaper, provided that they meet the criteria for protected activities. They may also collect signatures on petitions concerning school and non-school matters.

The clearest recommendation indicated by the literature is that of the state or the local school district regulates the expression of a student's views on speech, it must show constitutionally valid reasons for doing so. Previously these rights had been interpreted by school officials as they saw fit, or else completely ignored. As Browder² points out,

¹"One School Board's Policy On Student Dissent," School Management, XIII (August, 1969), 43.

²Lesley H. Browder, Jr., "The New American Success Story is Called Student Confrontation," American School Board Journal, CLVII (June, 1970), 25.

"where a local school district interferes with the free exercise of an individual student's rights for reasons not constitutionally sound, the officials may be subject to personal suit."

This viewpoint was further clarified by Nolte,¹ who said, "In order for a school board to justify prohibition of a particular expression of opinion, it must show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."

In a series of recommendations by Ladd,² the following was related to free expression:

"If underground newspapers appear in your schools, read them and try to understand them. They will give you good feedback from an important minority of kids. See that someone on the staff has the job of keeping in touch with what they are doing and saying."

Deal³ listed several recommendations for freedoms and restrictions of the official school newspaper. They are:

¹M. Chester Nolte, "What Boards Must Tolerate--And Protect--Young Protesters," American School Board Journal, CL (July, 1969), 14.

²Edward T. Ladd, "For Administrators Caught Between Kids and Community," School Management, XIV (November, 1970), p. 21.

³Elizabeth M. Deal, "Responsible Freedom for the Secondary School Press: A Cooperative Effort," English Journal, LX (October, 1971), p. 62.

1. The paper should have the freedom to cover all areas of news pertinent to the school and within the bounds of good taste by direct reporting, or editorial comment. This includes school, local, state, and international news.

2. Censorship of the paper should be restricted to the staff and the advisors. Only when compromise cannot be reached should a third party be consulted. This party should be a member of a faculty or administration.

3. All completed editorials must be substantiated by fact.

4. The newspaper should have the freedom to aim constructive criticism at organizations, procedures, and policies, but the staff should refrain from criticizing individuals.

5. The advisor should have the responsibility for reviewing articles to be printed.

Ackerly¹ in his recommendations to secondary principals offered the following principles regarding freedom of expression. They are:

1. Buttons and other insignia may be worn to express a point of view unless doing so results in a direct interference with the school program.

2. Buttons or other insignia may not be worn or displayed if the message is intended to mock, ridicule, or otherwise deliberately demean or provoke others because of race, religion, national origin, or individual views.

3. No Student may pass out buttons or other literature during regular school hours either in class or in the halls between classes.

¹Ackerly, The Reasonable Exercise of Authority, p. 8.

4. Students distributing buttons or other literature before or after regular school hours will be responsible for removing litter which may result from their activities.

5. Failure to observe these rules can result in confiscation of the material, curtailment of the privilege, or when necessary, disciplinary action, including suspension.

A NEA Task Force on Student Involvement¹ made several recommendations in regard to student rights and responsibilities with special relationship to the right or freedom of inquiry and expression. It was stated that,

"Students and student organizations must be free to examine all questions of interest to them; to express opinions publicly and privately, both verbally and by such visual means as buttons or insignia or other forms of symbolic speech; to circulate petition; to assemble; and to support causes. This right must not be abridged unless the activity involved causes legally recognizable injury to persons or property or demonstrably prevents the learning process from continuing. Any rule made regarding any aspect of freedom of speech, petition, association, or assembly must be stated with clarity and precision."

From a study sponsored by Phi Delta Kappa² certain school behaviors or practices are indicative of school commitment to freedom of expression. They include:

¹NEA, Code of Student Rights and Responsibilities, (Washington, D. C.: NEA Publications, 1971), p. 21.

²PDK, "A Guide for Analyzing Human Civil Rights," p. 16.

1. The atmosphere of all classes should encourage free discussion, inquiry, and expression.
2. Student representatives are encouraged to participate freely and express dissent in the committees and student government bodies in the school.
3. The school officially provides students with the opportunity to explore and freely discuss important controversial problems and issues in their classes.
4. The student newspaper is viewed as a learning opportunity and students are encouraged to express their views in that medium within a framework of responsibility for what is published.
5. Teachers are encouraged to freely express opinions on school matters and policies without fear of hierarchical recrimination.

The Right Of Privacy

The Fourth Amendment of the U. S. Constitution and the Fourteenth Amendment which makes it applicable to the states invokes the freedom of the right "of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable causes, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."¹

¹U. S. Constitution, Fourth Amendment.

Only in the last decade has this Amendment been dealt with in association with student rights and the public schools. Virtually no challenge was made in the past to the school's searching both the body and the property of a student. This practice has often, however, come under question in recent years. It has created a dilemma for many secondary principals. They are faced with possible charges of violation of constitutional rights if they search a locker. Moreover, they may be faced with possible civil and criminal negligence charges if they do not make certain searches and seizures.

This section on the right of privacy, or the right to be left alone, will include discussion of many recent decisions and important court cases in addition to opinions and guidelines on the formulation of reasonable policy with which to approach this right.

Court Decisions and Results

Most of the court decisions have centered around the right of school authorities to openly search a student's school locker. Thus, a major concern is whether or not a school has the right to invade the property of a student while the student is under the supervision of the school. This

hinges upon the in loco parentis¹ doctrine which is currently being challenged.

During a search of a locker by a principal acting upon the suspicion of finding illegal narcotics, an amount of marijuana was found.² The search was carried out without a warrant and without the student's consent. The decision of the court declared first, that the lockers are not owned by the student, but are merely state property held in trust by the local boards of education. In addition, the court declared that the control of the locker is not exclusive of the school and its officials; therefore, school officials may inspect lockers for the purpose of ensuring school safety and the pupil's welfare. This opinion was directly stated as:

"an obligation to maintain discipline in the interest of a proper and orderly school operation, and the primary purpose of the school official's search was not to obtain convictions, but to secure evidence of student misconduct. That evidence of crime is uncovered and prosecution results therefrom should not of itself make the search and seizure illegal."³

¹A teacher or administrator is charged, factitiously, with a parent's rights, duties and responsibilities. Thus he acts in place of a parent.

²In Re Donaldson, 75 Cal. Rptr. 220 (1969).

³Ibid., p. 222.

It is the opinion of Hudgins¹ that this decision did not strengthen the authority of a high school principal; the court merely reaffirmed his authority.

In Stein v. Kansas,² a high school principal opened a student's locker upon the request of local police in the presence of the student. Found therein was material later put into evidence which resulted in a conviction against the student. Accordingly, the case was appealed to the Kansas Supreme Court.³ The court reaffirmed the lower court's decision and developed two main theses:

1. The defendant had consented voluntarily to the locker search;
2. School authorities had plenary authority to inspect lockers under their control and to prevent their use in illicit ways or for illegal purposes.

The court further commented upon the privacy of a locker by stating⁴:

"Although a student may have control of his school locker as against fellow students, his possession is not exclusive as against the school and its officials.

¹H. C. Hudgins, Jr., "Are Student Lockers Off Limits to Principals?" NASSP Bulletin, LIV (September, 1970), 104.

²Stein v. Kansas, 203 Kan. 638 (1969).

³"Locker Searches Move Into Legal Spotlight," Nation's School, LXXXV (January, 1970), 72.

⁴Stein v. Kansas, 456 P. 2d 3 (1969).

A school does not supply its students with lockers for illicit use in harboring pilfered property or harmful substances. We deem it a proper function of school authorities to inspect the lockers under their control and to prevent their use in illicit ways or for illegal purposes."

A previous decision had made this position clear.¹ The court stated that the student had exclusive use of the locker, but that this exclusivity did not prohibit the exercise of responsibility by the school officials. This opinion was substantiated by the U. S. Supreme Court when it refused to hear an appeal to this decision.²

The authority of a school administrator to search for material dangerous to school safety is not necessarily limited once a student goes beyond the school boundary. In a recent case, an administrator chased a student three blocks from school, stopped him, and found an array of narcotic goods.³

In subsequent action, an appellate court⁴ ruled that the evidence gathered should not be suppressed and that the

¹People v. Overton, 20 N. Y. 2d 360 (1970).

²Overton v. Rieger, 311 F. Supp. 1035 (1970) New York.

³Lawrence W. Knowles, "Frisking Students for Drugs: How Far Can You Go?" Nation's Schools, LXXXIX (January, 1972), 84.

⁴People v. Jackson, 319 N. Y. S. (2d) 731 (1971).

act of the administrator was justified. The opinion of the court held that,

"While the student has the right to be free of unreasonable search and seizure, school authorities--in view of the distinct relationship between them and their students and the right of parents to expect that certain safeguards will be taken--have the affirmative obligation to investigate any charge that a student is using or possessing narcotics."

From the court decisions and opinions, it seems that the Fourth Amendment does not forbid all searches and seizures: just the unreasonable ones. It appears that a school administrator may search a student's desk (but not his car) under two conditions: (1) contraband poses a serious school disciplinary problem; (2) students are informed in advance, that, under school board regulations, desks and lockers may be inspected if the administration has reason to suspect that prohibited material is kept on school property.¹

Student Records

Closely akin to the right from unreasonable search and seizure is the right to know that student school records are permanently kept under very limited access. The question of invasion of privacy has not been challenged in the courts in regard to school records to any extent. With the intro-

¹"Student Unrest," School Management, XII (November, 1968), 62.

duction of computers as record keepers, it appears that a child's record can be made available for inspection instantly and for decades to come.

The consequence of this action is indicated by McMahon,¹ who said:

"The record may contain unverified accusations and hearsay. A considerable amount of the data is highly personal--the sort of information a person ordinarily had the right to keep to himself if he chooses. Yet, such records--which in most cases are not made available to either parents or students--can be passed on to other schools, and to potential employers and others, without the consent of the parents of the children. They may unfairly damage the reputation, the school standing, and the future of the children concerned."

The Russell Sage Foundation Conference on Confidentiality of Pupil Records,² in which the ethical and legal aspects of school record keeping was discussed, suggested three levels of record keeping according to extent of confidentiality and accessibility. This conference, furthermore, recommended that no information should be collected from students without the consent of the child and his parent. Moreover, parents should have full access to pupil data on their children; and permission should not be granted

¹Ian McMahan, "School Records: Invasion of Privacy?" Parents' Magazine, LV (September, 1970), p. 64.

²Ibid., p. 65.

to others without either subpoena power or parental and pupil permission.

From a study conducted by Vanderpool,¹ the following recommendations were offered to protect the privacy of the individual student and to allow the administrator to follow the school law. They are:

1. Each school board should establish specific regulations governing the management of pupil personnel records.
2. Not all records gathered by the school should be considered part of the child's cumulative folder.
3. A record should be made and kept of all releases of pupil information.
4. No information concerning pupil personnel records of a restricted nature should be released by telephone.
5. The authorized school records custodian or his representative should be present during any inspection of records.
6. School districts should not release information not originated by them.
7. Each request for inspection of information should be handled separately unless it is for the purpose of research studies.
8. Inspection of pupil personnel records by anyone--including teachers and other members of the professional staff should be allowed only when these persons are working with the child.

¹Floyd A. Vanderpool, Jr., "A Guide For Keeping Student Records--And Getting Rid of Them," American School Board Journal, CLVIII (April, 1971), 26.

Guidelines and Recommendations

Due to the lack of legal involvement, proposed guidelines and recommendations pertaining to the principal's role in the freedom of privacy for secondary students are limited. From the available material, certain school policies are suggested which if adopted and followed would protect the rights of individuals and also protect the school administrators from violation of those rights.

Ackerly,¹ in his recommended defensible position on controversial issues, offers these comments about student property:

"The general rule is that a student's locker and desk should not be opened for inspection except when approved by the principal because he has reasonable cause to believe that prohibited articles are stored therein. If inspection takes place the student should be present."

He further cautioned principals against searching lockers or desks except under extreme circumstances unless permission is given freely by the student, the student is present, and other competent witnesses are present.

In the case of suspected possession of drugs or weapons, Ackerly² recommends that police be contacted, that

¹Ackerly, The Reasonable Exercise of Authority, p. 11.

²Ibid., p. 12.

the search be carried out under accepted procedures, that a thorough report be completed of the action.

A continuation of this philosophy was suggested by Wetterer,¹ who was both a high school principal and a licensed attorney. He said, "It is safe to assume on the basis of recent court cases that administrators have the right and again perhaps the duty to search a student's locker if there is reason to believe that something prohibited, illegal, or dangerous is in the locker."

He added that if the school has published and publicized a policy to the effect that the school reserves the right to inspect lockers or desks for any purpose it deems advisable, then a student cannot refuse to allow his locker or desk to be searched.²

From the Phi Delta Kappa Teacher Education Project on Human Rights comes a series of public school behaviors which exemplify commitment to the right to privacy.³ They were:

¹Charles M. Wetterer, "Search and Seizure in Public Schools," NOLPE School Law Journal, I (Spring, 1971), 26.

²Ibid., p. 26.

³PDK, A Guide for Improving Teacher Education in Human Rights, p. 41.

1. Regulations and rules regarding student behavior in the school are developed by a process which meaningfully involves both students and faculty.
2. No regulations exist pertaining to the dress and appearance of faculty members.
3. Student records are kept confidential.
4. Student-counselor communications are privileged.
5. Both teachers and students have the right of privacy concerning out-of-school activities.
6. Physical punishment, assault or attempted or threatened assault upon the person of another is not permitted.
7. Athletic coaches value the safety and well-being of student athletes more than winning games.
8. Athletic coaches establish rules for participation in athletics which do not infringe on the privacy of individual athletes.

A final list of conditions under which a school administrator may lawfully search a student's locker are recommended by Olsen¹:

1. The search is based on reasonable grounds for believing that something contrary to school rules or significantly detrimental to the school and its students will be found in that locker.
2. The information leading to the search and the seizure are independent of the police.
3. The primary purpose of the search is to secure evidence of student misconduct for school disciplinary

¹Eric Olson, "Student Rights--Locker Searches," NASSP Bulletin, LV (February, 1971), 49.

purposes. Although it may be contemplated that in appropriate circumstances the evidence would also be made available to the police. If evidence of a crime or grounds for a juvenile proceeding is lawfully obtained by school personnel, it may be turned over to the police and used by them.

4. The school has keys or combinations to the lockers and the students are on some form of prior notice that the school reserves the right to search the lockers.

Summary of The Research

A clear cut formula has yet to be created that will guide administrators to protect the civil rights of students, and yet maintain an uninterrupted learning environment in all the areas previously reviewed. From the appropriate literature and related research, the following conclusions become apparent:

1. The court has held that rules and regulations which are not unreasonable are constitutional if they maintain normal school operation. Particular restrictions upon personal grooming habits vary from court to court, from state to state, and from school district to school district. School dress codes have been developed to the point that they are very liberal in some areas; in other areas, they are very conservative. The general attitude toward rules and codes is based upon the premise of whether or not a student's mode of dress and grooming affects, or interferes with, the learn-

ing process. A school need not have a dress or grooming code; if it does, then, that code must be developed without unreasonable or arbitrary action. Moreover, it must protect individual rights.

2. Students may congregate if the purpose is not illegal, if they do not breach legitimate authority, if they do not infringe upon the rights of others, and if there is no disruption in the school environment. Most vocal or non-vocal demonstrations can be avoided if school principals maintain an open, inquiring attitude toward student participation in the formulation of various school policies. It appears that students most actively demonstrate or assemble when they desire a change in the existing routine of a school program or policy.

3. The various court opinions and specific authorities hold that the public school may not advance the cause of any religion or sect. This includes prohibiting Bible reading, daily prayer reading, and compulsory attendance at semi-religious activities. However, this opinion does advance the consideration that a student may entertain any religious thought or belief, or no recognized religious thought, belief or sect.

4. Research indicates that expression in any form

should not be prohibited unless that action disrupts the learning situation. Students should be given the opportunity and responsibility for establishing guidelines through cooperative efforts of the Student Council. Censorship should be handled under published guidelines for authorized or unauthorized newspapers. The courts have held that reasonable regulations could be developed to protect both the school from having disruptions, and the student from suspension of the right of expression. From the research it is indicated that many principals consider underground newspapers a challenge to school authority and discipline. The atmosphere of the school should be conducive to free discussion, inquiry, and expression.

5. A locker assigned to a student may be searched if there are reasonable grounds for such action. It is felt that lockers are state property held in trust and that school officials have authority to inspect lockers under their control in order to prevent their use in illicit ways or for illegal purposes. Rules and regulations for reasonable search and seizure should be published by the local board of education. When a principal does search a locker, he should have the consent and presence of the student plus witnesses.

6. The safekeeping of student personnel records poses a difficult problem. Clear-cut guidelines have yet to be clearly defined. Court decisions are lacking. It is felt, however, that students should give consent before certain information is collected. Continuous screening and elimination of information is highly recommended. Before any personal information is released, student and parental permission should be documented.

CHAPTER III

ANALYSIS OF THE DATA

Introduction

This study was designed to determine the attitudes and practices of Oklahoma Secondary Principals toward the following selected human rights as exercised by students:

1. The Right to be Different
2. The Right of Assembly and Petition
3. The Freedom of or From Religion
4. The Freedom of Dissent, of Speech,
and of the Press
5. The Right of Privacy

The primary purpose of Chapter III is to report the results of the questionnaire survey, to interpret the current status of selected student human rights in the secondary schools of Oklahoma, and finally to analyze the attitudes and practices of principals toward student exercise of those rights.

For the purpose of the study, a sample group of Oklahoma secondary principals was selected. The primary characteristic of this group was that each was a principal of a secondary school accredited by the North Central Association of Secondary schools and Colleges. The total sample group consisted of 156 principals.

The Survey Instrument

This study was dependent upon the construction of a suitable instrument and its subsequent submission to the survey group. From a review of research in Chapter II, statements were formed designed to discover practices in schools and attitudes of high school principals in the area of human rights for students. The majority of items were written in such a way as to evoke a positive, a negative, or a "no opinion" response. A larger than necessary number of items was constructed. This group of items was critically analyzed by a jury of selected professional educators who were experienced in human rights and human relations. A final elimination left a total of 67 items for determining the attitudes and practices of the principals.

The instrument consisted of three sections developed in order to determine: (1) certain selected characteristics of principals and secondary schools in the survey group, (2) the practices of Oklahoma Secondary Schools toward the implementation of certain student rights, and (3) the attitudes of Oklahoma Secondary Principals toward certain selected student human rights and school practices. The completed survey instrument is identified as Appendix A.

The instrument was mailed to 156 Oklahoma secondary

principals in high schools belonging to the North Central Association of Secondary Schools and Colleges. A total of 114 were returned for a percentage of 73.

For the purpose of analysis, related items were placed in tables concerning a specific right. Certain items which refer to more than one right were arbitrarily placed with items most closely relating to that specific subject.

Characteristics of the Survey Group

The purpose of Section One of the instrument was to identify selected characteristics of the secondary principals and the secondary schools.

Table 1 shows that 39 percent of the principals were from 41-50 years of age; although, approximately two-thirds were either older or younger. All of the surveyed principals were Caucasian except two who were black and one who was Indian. The years of experience as a secondary principal ranged from 38 or 36 percent with 11 or more years to 19 or 18 percent with two or fewer years. All principals had at least a master's degree with 89 percent of them having a standard certificate. Seven respondents held the doctorate.

Current Practices

Table 2 shows the responses of selected Oklahoma

TABLE 1

SELECTED CHARACTERISTICS OF OKLAHOMA SECONDARY
SCHOOL PRINCIPALS, SPRING 1973

Item	Number	Percentage *N=114
Age		
21-30	2	1.9
31-40	33	31.1
41-50	41	38.7
51-and over	30	28.3
Race		
Caucasian	105	97.2
Afro-American	2	1.8
Indian	1	.9
Size of School		
50-100	1	.1
101-250	8	7.4
251-500	41	37.4
501-1000	24	22.4
1001-and over	33	30.8
Number of Years as Principal		
0-2	19	18.1
3-5	28	26.7
6-10	20	19.0
11-or more	38	36.2
Present Level of Academic Preparation		
Bachelor's Degree	0	.0
Master's Degree	97	93.3
Doctorate	7	6.7
Provisional Certificate	11	10.6
Standard Certificate	93	89.4

*All items were not checked in each questionnaire returned

secondary principals to the establishment of policies which reflect a concern for the selected student rights. The principals were asked to indicate whether the policy was or was not in existence and whether the establishment of the policy was a joint effort of students and faculty.

A student rights and responsibility handbook was present in 27 percent or 29 of the schools. However, over 70 percent of the schools had not provided such a guide for their secondary students.

Nearly 72 percent of the schools had a written hair or dress code. Of the 73 schools in which a written code existed, only 39 were developed with the involvement of students and faculty. Obviously the policies in the remaining schools were developed by the administration and/or teachers without student participation.

A vast majority, some 83 percent, of the schools had established a policy toward holding the traditional baccalaureate program. Yet, some 69 percent of those schools which retained the program did not require attendance. Those schools located in the larger metropolitan areas had eliminated the baccalaureate program or were planning to do so. There was an apparent conflict in interest in that the board

of education did not wish to eliminate the program; yet, the trend was toward eliminating mandatory attendance.

Almost 80 percent of the schools had established a policy concerning the furnishing of pupil personnel records. Apparently the principals did not consider this policy one in which the faculty and students should be involved. Only five schools had a jointly developed policy.

Eighty-eight percent of the schools had a policy which provided the opportunity for the teaching of moral values by the teachers. Only nine of these schools had a policy which was jointly developed. The question might well be asked: why were teachers and students not involved in developing policies in this area.

In almost 81 percent of the schools, there was no policy regarding the right of assembly. This implied that: (1) the principal may not have considered this an important problem, (2) the students in the various schools had been able to achieve needed changes without the use of assembly or demonstration, or (3) students in many schools were not aware that they should have the right of assembly.

Seventy percent of the schools did not have a policy which protected teachers from possible repercussions that might result from a discussion of controverisal issues in

TABLE 2

CURRENT PRACTICES OF OKLAHOMA SECONDARY HIGH SCHOOLS
IN RELATIONSHIP TO CERTAIN STATED STUDENT RIGHTS

Policy	In Existence		Not In Existence		Joint Development
	Number	%	Number	%	Number
Development of Student Rights and Responsibility Handbook	29	26.6	80	73.4	15
Written Hair or Dress Code	73	71.6	29	28.4	39
Rules for Right of Assembly	20	19.0	85	80.9	7
Pupil's Records	82	78.8	22	21.1	5
Controversial Issue Protection	29	30.8	65	69.1	6
Student Publication and Distribution of Printed Materials	40	36.4	70	63.6	5
Search of Lockers and Desks	41	37.6	68	62.4	2
Opportunity for Teaching Moral Values	95	88.0	13	12.0	9
Prior Examination of Speaker	54	49.5	55	50.4	2
Baccalaureate Policy	86	83.5	17	16.5	8
Mandatory Baccalaureate Attendance	36	40.4	53	59.5	4
Prayers and Bible Readings	81	47.7	34	31.2	8

the classroom. This meant that either the principals feared that such discussions could have been damaging to the administration or operation of the school or that they felt that the teachers who conducted such classes had no need for a protection policy or that the students should not be taught these issues.

In 64 percent of the schools rules or policies for the student publications and distribution of printed materials were non-existent. This suggested that newspapers and other printed materials were not of primary concern to the principals. However, 36 percent of the schools, chiefly in larger communities, did have such a policy, indicating that printing and distribution of these materials did pose a problem in many large schools.

Sixty percent of the schools did not have a policy outlining procedures for the search of student lockers and those schools having policies only two schools had involved teachers and students in their development.

The existence of a policy requiring a prior examination of outside speakers for assembly or classroom appearance was present in only 49 percent of the schools. Fifty percent of the schools did not have policies covering this matter. Of those policies in existence only two were jointly developed.

In 81 of the schools or 48 percent there existed the current practice of prayers and Bible readings. This procedure was obviously allowed in spite of court rulings to the contrary. This indicated that the majority of the principals either did not know of such decisions or that they disagreed with them and continued a practice that the community approved.

The general practice of not involving teachers and students in developing these policies in these areas indicated that the principals in general saw no value in this process of democratic involvement. It is also possible that the absence of policies or guidelines regarding these issues by so many schools demonstrates clearly that principals and other administrators did not regard these matters as of any great importance in the life of their schools.

Comments by Respondents to Current Practices

No request was made for written statements or comments by principals, however, some 43 percent of the respondents included such statements. Typical of the comments was: "If the student is more developed and mature than the teachers and administrators, why are they paying us to teach? Why must we be trained to teach?" No statement in the survey instrument referred to the advanced maturity of the students

in relationship to their participation in the affairs of the school.

Most of the comments directed toward current practices were related to the written hair and dress codes. Some stated that it was a "very liberal policy." One principal said that "parents helped develop it" and that "students were only asked to be decent."

Comments related to the baccalaureate program policy generally indicated that students were encouraged to attend, but punitives for the lack of attendance were absent. Some principals of schools in which the baccalaureate program had been abolished stated that "this was a school board policy."

The Right to be Different

It is shown in Table 3 that 70 percent of the principals felt that school rules restricting hair length were proper and not an unreasonable invasion of the student's right of privacy or the right to be different. Yet, it should also be noted that almost two-thirds of the principals felt that students should not and could not be judged as to their behavior or attitudes simply by the way they dressed or wore their hair. This variance in attitudes may mean that the principals want rules which safeguard potent-

TABLE 3

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS ON
ITEMS RELATED TO THE RIGHT TO BE DIFFERENT

Item No.	Item Topic	Agree or Yes		Disagree or No		No Opinion	
			%		%		%
1.	Length of Hair an Invasion of Privacy	29	27.3	75	70.7	3	2.8
8	Judging of Students by Dress and Hair Styles	33	30.5	66	61.1	9	8.3
16	Parental Res- ponsibility for Student Dress	56	51.4	44	40.4	9	8.2
23	Court Decisions, Disruption by Personal Appear- ance	64	59.8	36	33.6	7	6.5
28	Negative Atti- tude by Long- Haired Students	26	32.4	62	55.8	13	11.7

ial problem areas, but do not necessarily think that the personal appearance of students really serves as a disruptive influence.

Over 50 percent of the principals believed that the parents of secondary students should not have the final responsibility for the grooming habits of their children. This opinion conflicted with the right of parents to make

the final judgment as to the dress and appearance of their children.

Nearly 60 percent of the principals agreed with court decisions stating that personal appearance, unless bizarre, had little effect upon the learning environment in the school; however, 70 percent felt that such rules were not an invasion of student privacy.

Almost one-third of the principals believed that adults think that long-haired students have a negative attitude toward the school. But a majority of the principals thought otherwise. Without doubt many schools did have hair and dress codes because they felt that adults in the community expect this practice.

Table 4 represents a comparison of the attitudes of secondary principals, by size of schools, toward the issue of judging students by dress and hair styles. This table showed that the majority of the principals believed that students should not be judged in this way. However, 43 percent of the principals from the smallest schools felt that students could be judged as a person by their hair and grooming habits.

TABLE 4

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS TOWARD
THE ISSUE OF JUDGING OF STUDENTS BY DRESS
AND HAIR STYLES BY SIZE OF SCHOOLS

Size of School	Yes		No		No Opinion	
		%		%		%
101-250	6	42.8	8	57.2	-	-
251-500	8	21.0	27	71.0	3	8.0
501-1000	7	29.1	16	66.6	1	4.3
1001-and over	6	21.4	18	64.2	3	10.7

This information tended to substantiate the view that a higher degree of student conformity exists in small schools than in large schools. Even in the large schools the principals think that they could judge a person by the way he looks. Persons should not be judged this way. The educational environment is seriously threatened if the leader of that school judges in such a manner.

Comments by Respondents Regarding the Right to be Different

In response to the question of whether a student should be judged by dress and hair appearance, one principal said, "No, but it is a good indicator in many cases." In spite of the attitudes expressed elsewhere, principals did look upon students who do not conform to the majority dress style as being different in their behavior.

Many principals wrote responses to the question dealing with parental responsibility for a student's grooming. One principal said, "In some cases the school must get involved." Another said, "most [adults] will not accept the responsibility. "No, only if they keep him away from school," said one principal. However, some principals said that "the school has some responsibilities," and the duty of the school is "somewhere between the student and his parents." One very critical statement was that "some parents do not care what their children look or dress like." These comments reflect differences regarding the role of the school and that of the parents toward the responsibility for student grooming. This conflict, which appears to be minimal, could grow into a greater division. A better understanding and communication of attitudes between all concerned could reduce much of this difference.

The Right of Assembly

Table 5 shows that 53 percent of the principals thought that students were not necessarily reflecting parental attitudes when they participated in a demonstration. However, over 40 percent thought that this was a reflection of parental beliefs. This provided evidence that a need exists for more collaboration between parent and the school.

Apparently reflecting long standing community practices, 60 percent of the principals stated that they would not approve the use of school facilities on a "Wednesday" night. A possible trend in this practice was shown by the 35 percent of the principals who said such a practice would be allowed. This may be due to competition with established athletic events which preempt so many other nights during the school week rather than a change in attitudes toward religious practices in the community.

TABLE 5

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS ON
ITEMS RELATED TO THE RIGHT OF ASSEMBLY

Item No.	Item Topic	Yes	%	No	%	No Opinion	%
2	Reflection of Parental Attitudes During Demonstrations	44	40.7	57	52.8	7	6.5
9	Distraction from Learning Environment	39	36.1	61	56.5	8	7.4
29	Use of School During "Wednesday" Night	38	34.9	65	59.6	6	5.5
33	Use of School Buildings by Student Groups	81	75.0	13	12.0	14	13.0

The use of school facilities for student groups to assemble under a general guideline of responsibility would be allowed by over 75 percent of the principals. However, 14 principals--or 13 percent--had no opinion about this statement and almost as many opposed this practice. The question might well be asked: For what group of persons does the school and its program actually exist?

Comments by Respondents to the Right of Assembly

The principals' attitudes toward decorated tee-shirts, labels, etc., ranged from "not allowed" to "yes, but only if not vulgar, immoral, or revealing." One said, "Yes, as long as it is of sound wording." What constituted vulgar, immoral, revealing, or sound wording was not revealed among the remarks.

Comments concerning the use of school facilities on "Wednesday" night brought statements that it was a school board policy and it was not under the principal's authority or jurisdiction. Others said that this was a "church night," but some would allow the use of the building "only on rare occasions" and "if no other time could be worked out and if it is voluntary for sponsor and students." The provincial attitude of keeping "Wednesday" night free for church activities apparently is not as sacred as in former years.

There were general comments that students were free to assembly on school grounds if there is "faculty or adult sponsorship." One principal stated students could assemble "after or before school hours."

The Freedom of or From Religion

As shown in Table 6 the attitudes of secondary principals appeared to be highly opinionated toward issues related to freedom of or from religion. Fifty-five percent of the principals indicated that if they were asked to allow a "youth-oriented evangelist" to appear in an assembly they would.

TABLE 6

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS ON ITEMS RELATED TO THE FREEDOM OF OR FROM RELIGION

Item No.	Item Topic	Yes	%	No	%	No Opinion	%
3	Religious Oriented Assembly	59	55.1	34	31.8	14	13.1
11	Abolishment of Baccalaureate	16	14.8	84	77.8	8	7.4
18	"Open Prayer" in School	35	32.1	58	53.2	16	14.7
30	Devotional During Opening Exercises	52	47.7	34	31.2	23	21.1

There was no indication that local pressure may have influenced the attitudes of principals although it is highly unlikely that the principals have or would allow such a program if there had not been apparent approval by the community.

Over three-fourths of the principals were opposed to abolishing the traditional baccalaureate program. As previously indicated, compulsory attendance was no longer prevalent in the schools, however 36 schools still required attendance by the students. Fifteen percent of the principals, however, would do away with the program--which may indicate a growing trend.

It was significant to note that if "open-prayer" were permitted in the school, 53 percent of the principals said it would not have any effect upon the attitudes and behaviors of the students and 15 percent had no opinion. Thus, over two-thirds of the total group felt that "open-prayer" did not serve the purposes for which it was probably intended in the first place. However, 35 percent of the principals did feel that student attitude and behavior would be influenced by this practice.

The principals were divided when asked if the "opening exercise" of the school should include a "devotional" or Bible reading. Forty-seven percent of the principals approved such a procedure within the school, while 52 percent

either disapproved or had no opinion. It should be noted, however, that 76 percent of the principals reported that prayers and Bible readings were permitted in their schools. The question might be posed: Why have this practice if two-thirds of the principals feel that it makes no desirable change in student attitude and behavior? This again reflected a general disregard for prior court decisions or a serious indication that a lack of knowledge about current issues does exist among the principals.

Table 7 shows that schools with less than 1000 students enrolled generally favored an "opening devotional" or Bible reading within the school. The larger schools were almost evenly divided on this issue indicating a greater

TABLE 7

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS TOWARD
THE ISSUE OF HAVING DEVOTIONALS, PRAYERS OR
BIBLE READINGS DURING OPENING EXERCISES
BY SIZE OF SCHOOLS

Size of School	Yes	%	No	%	No	
					Opinion	%
101-250	7	50.0	4	28.5	3	21.5
251-500	20	54.0	13	35.1	4	10.8
501-1000	15	62.5	5	20.8	4	16.6
1001-and over	10	37.0	11	40.7	6	22.2

awareness was probably present regarding court decisions and also that there was less pressure to continue this practice in the larger communities. Should schools uphold what appears to be the highest law of the land? Is this not what students should be taught?

Comments of Respondents to Freedom of or From Religion

Many principals made comments concerning the "evangelist" appearing before the student body. One principal said, "I have done so realizing that it was not a sound policy." Most felt that it would be permitted "with restrictions" and if there was no attempt to "indoctrinate" and that it be kept "un-denominational." Other reservations included "with screening;" "if schedule permits;" and "on a voluntary attendance basis." One school had a regularly scheduled devotional assembly put on by the local ministerial alliance and this would be the time an evangelist to appear. One school was forbidden to use building facilities for any religious use.

"Open-prayer" is in effect now in some Oklahoma High Schools as indicated by one principal who said, "we have them," and another said, "we have a prayer or a devotional for the day every day and I feel it does effect the atmosph-

ere of the school." Prayers at athletic events are considered by some as being outside the classroom.

Freedom of Speech, the Press, and the Right to Dissent

Table 8 shows that 68 percent of the principals would not be averse to the publication of critical letters opposing administrative policy in the school newspaper. Over 90 percent agreed that guidelines, cooperatively developed, regarding publication of school newspapers should be in effect. However, 71 percent of the principals thought it necessary that administrative review and censorship over the school newspaper ought to be in the hands of the principal. From the results it appeared that principals would allow critical letters to be published in the school newspaper realizing in fact that few letters would actually be submitted for publication. It was quite evident that secondary principals intended to retain ultimate control over student publications even though cooperatively constructed guidelines may have been issued. This inferred that principals really maintain control by retaining a veiled threat of censorship.

Almost 60 percent of the principals stated that they did not think it was proper for students to circulate petitions for the retention of school personnel, but one-third thought that this was a proper procedure for students.

Fifty-two percent of the principals stated that they would examine a speaker's remarks prior to his appearance even if that speaker was recommended by a local civic organization. Some 38 percent said they would pre-examine the remarks of speakers regardless of recommendations. It should be noted, however that 64 percent of the principals wanted the authority to approve or disapprove invitations to speakers given by school clubs. It was apparent from the responses to this question that a number of principals wished to exercise censorship not only over who could speak at school to students but over what they might say to students. This is significant because most speakers do not speak from a prepared text. Why so much concern by principals for exercising censorship?

Seventy-two percent of the principals said that they would not prohibit the discussion of controversial issues within the classroom even though certain community leaders might be antagonistic toward such action. This indicated that many principals realize that students have the right to examine, discuss and reflect upon these issues. On this issue, however, 16 percent of the principals had no opinion and 12 percent would oppose providing students with this opportunity. Thus, over one-fourth of all principals presumably would abridge this basic right.

TABLE 8

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS
ON ITEMS RELATED TO THE FREEDOMS OF
DISSENT, SPEECH, AND THE PRESS

Item No.	Item Topic	Yes	%	No	%	No Opinion	%
5	Guidelines for Newspaper Pub- lication	97	90.6	7	6.5	3	2.8
10	Stopping Publi- cation of Critical Letters	24	22.2	74	67.9	10	9.2
13	Circulation of Petitions	37	33.9	64	58.7	8	7.3
17	Prior Examinat- ion of Speakers	40	38.5	54	51.9	10	9.6
19	Editorial Review of School News- paper	77	70.6	26	23.8	6	5.5
20	Discussion of Controversial Issues	79	72.5	13	11.9	17	15.6
24	Administrative Approval of Guest Speakers	31	28.2	71	64.5	8	7.3
26	Salute to the Flag	55	50.4	47	43.1	7	6.4
31	Distribution of "Underground" Newspaper	60	55.0	43	39.4	6	5.5

When confronted with the court decision that students should not be forced to salute the flag, one-half of the principals disagreed. The right of the principal to have any opinion is granted, but the principals failure to recognize that students have the right to dissent is an obvious flaw in their behavior. Pressure for student conformity may originate in the minds of the principal and the teachers in what they regard as force of community pressure.

Table 9 reflects the attitudes of principals, by size of schools, toward saluting the flag. Those principals within the 101-250 population range were by a four to one margin in disagreement with the Supreme Court's decision. The principals in the medium and larger schools were divided evenly over this issue. The wide difference of opinion between the

TABLE 9

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS TOWARD THE
ISSUE OF THE RIGHT TO SALUTE OR NOT TO
SALUTE THE FLAG BY SIZE OF SCHOOL

Size of School	Yes	%	No	%	No	
					Opinion	%
101-250	3	20.0	12	80.0	-	-
251-500	21	52.5	18	45.0	1	2.5
501-1000	11	45.8	11	45.8	2	7.4
1001-and over	19	50.0	17	44.7	2	5.3

principals of the smaller and largest schools revealed a serious problem. This variance may be that the principals of the smaller schools are largely reflecting community attitudes or that the principals of the largest schools are cognizant of recent court decisions and societal changes and recognize the current meaning and status of student human rights. It would seem that any principal is responsible for leadership in his school which reflects a commitment to the rights of both students and teachers.

Again the principals were closely divided as to whether or not they would prohibit an uncensored "underground newspaper" to be distributed if a regular school newspaper did not exist. Some 55 percent said they would prohibit distribution of such a paper; while almost 40 percent said that they would allow an uncensored "underground newspaper." The likelihood of such a paper being distributed in most schools is probably unlikely.

Comments by Respondents Concerning the Rights of Speech, Dissent, and of the Press

Upon the issue of publishing critical letters about a principal in a school newspaper, some thought it would "depend on the nature of the letters;" some thought "it would depend upon why this was done." One said that he was

"not sure--we don't allow a practice in which letters to the editors mention names." But one principal stated, "How else would I know the true feeling of the student body. There is a possibility that I would need to clarify and explain administrative policies."

The principals had little to say about prior approval of a speaker. A few principals would give prior approval of a speaker if the speaker were provided by a certain civic group.

Some principals were critical toward student circulation of petitions for the retention of faculty members. When asked if they should have this right, one said, "no--nor should anybody else," and another said it was "no concern of students." Other principals said it would "depend upon the individual case" and "if due process had not been given the teachers." Some statements indicated that certain principals were unwilling to accept dissent on the part of their students and would fail to act upon petitions given them.

The principals stated that some administrative review of newspaper content is necessary in order "to take out poor taste and libelous items." They felt that this should be done by the "sponsor" or as one related, "I am stating that principals not do this--not that some reviews are not

called for." The fear that adverse articles would reflect badly upon the principal is most evident in these remarks.

In reference to the discussion of controversial issues, one principal stated that it should be "within the school with no outside help." With this attitude probably no information from the "outside" world would be welcomed.

Finally, one principal in relation to "underground newspapers" stated, "If libelous and if it caused disturbances I would say yes" to the prohibition of distribution. Another said, "anyone would have to be stupid or crazy not to."

The Right of Privacy

Table 10 indicates that over 90 percent of the principals agreed that if there are published guidelines, student lockers and desks may be searched if suspicion of prohibited material is within the lockers and desks. This attitude tends to correspond with the decisions of the courts and published guidelines of authority which support such searches when school disruption and the safety and health of students are threatened.

It should be noted that over 62 percent of the principals believed that there should not be any restrictions

placed upon the administrators in searching student's desks and lockers. Evidently the principals felt that this is a domain that is theirs alone and that this is not an invasion of student's human rights. This attitude of principals seems to imply that they view the student as a person with virtually no rights of privacy despite persistent court rulings to the contrary.

TABLE 10

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS ON
ITEMS RELATED TO THE RIGHT OF PRIVACY

Item No.	Item Topic	Yes	%	No	%	No Opinion	%
6	Search of Student's Lockers	101	92.7	5	4.6	3	2.7
12	Clothing Depicting Political Philosophy	63	58.3	26	24.1	19	17.6
14	Access to Cumulative Records	72	66.7	35	32.4	1	.9
21	Restriction to Search And Seizure	68	62.4	37	34.0	4	3.7

Almost 60 percent of the principals stated that they would allow students to wear clothing on which material or symbols depicting a certain political philosophy might appear.

This may be due to the fact that there are a multitude of decorated garments worn almost as a uniform by secondary students. Many of the statements or symbols may not be recognized by principals as having any political connection. However, it is important to note the almost 25 percent of the principals would restrict students from wearing such clothing thus invading their right of privacy. Nearly 18 percent of the principals had no opinion on this issue.

Over 66 percent of the principals said that the parents should have free access to a student's cumulative records. However, one-third of the principals disagreed with this practice holding that the records should be withheld from parents. This view of principals was drastically inconsistent with court decisions and published guidelines on this matter and with established best practice.

As indicated in Table 11, approximately two-thirds of all principals in schools of 1000 population or smaller believed that there should be no restrictions placed upon search and seizure of student's desks and lockers. On the other hand the principals of the large schools were almost evenly divided over this issue. The principals of smaller schools, thus, either have less comprehension of the seriousness of this practice or their students have not openly re-

acted against it. Possibly, most principals of the larger schools have been informed of the specific implications of this practice and do not feel that their authority is eroded by accepting some reasonable restrictions.

TABLE 11

COMPARISON BY SIZE OF SCHOOLS OF ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS TOWARD THE ISSUE OF RESTRICTION TO SEARCH AND SEIZURE OF STUDENT'S DESKS AND LOCKERS

Size of School	Yes	%	No	%	No	
					Opinion	%
101-250	10	66.0	5	33.0	-	-
251-500	29	76.3	8	21.0	1	2.0
501-1000	17	70.8	7	29.1	-	-
1001-and over	13	46.5	15	53.5	-	-

Comments by Respondents Regarding the Right of Privacy

Many principals made comments concerning the searching of student's lockers and desks. One stated, "I search whenever I need to," and another said, "Yes, even without advance warning." One said that searching of lockers should be done "when the principal or school officials exercise good judgment." Another said, "However, it was accepted here that the lockers are school property, not personal property." Most of these attitudes toward the privacy of students reflected a basic lack of concern for the privacy of students.

Several principals commented that free access to student's records by parents should be "controlled" and "with a counselor to explain." One stated, "no" to free access, but indicated that court decisions probably would not agree. Why the parents should be denied any record of their child is difficult to understand. To believe that records are beyond the comprehension of parents is to assume that school personnel maintain a special esoteric knowledge.

Interpretation of Items Related to All Stated Rights

Table 12 shows that Oklahoma secondary principals by a 62 percent majority felt that students have the same basic rights as adults. It should be noted, however, that one out of every three principals believed that secondary students should not be accorded these same rights in the school. For one-third of the principals to feel this way appears to be a serious indictment indeed.

Almost one-third of the principals did not believe that the school should play a greater role in developing understandings of moral and political values. They did not believe that the school should accept this responsibility. The question must be asked as to what is the real purpose of the school if it does not fulfill this obligation. Why over

30 percent of the principals do not accept this as a duty of the school is indeed strange. It should be pointed out that over 60 percent of the principals believed that this was a proper role of the school.

TABLE 12

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS ON
ITEMS COVERING GENERAL SCHOOL PRACTICES

Item No.	Item Topic	Yes	%	No	%	No Opinion	%
7	Students Having Basic Human Rights	67	62.0	36	33.3	5	4.6
15	Students Being Responsible for Their Actions	44	40.4	59	54.1	6	5.5
22	Value Develop- ment in Schools	70	64.2	33	30.3	6	5.5
27	Informing Parents of School Develop- mental Programs	46	43.0	29	27.1	32	29.9
32	Student Council Responsibility	39	35.8	56	51.4	14	12.8

It was also stated by 54 percent of the principals that students are not capable of setting up guidelines for their actions. This attitude is shown in Table 13 which shows the principals in smaller schools evenly divided over this issue;

the principals of the two middle range schools were against students being given more responsibility; the principals of the larger schools by a two to one margin were in favor of students setting up their own guidelines for behavior. It appears that the latter group generally look upon their students as more mature and are willing for them to make mistakes in order to learn.

TABLE 13

COMPARISON BY SIZE OF SCHOOLS OF ATTITUDES OF OKLAHOMA
SECONDARY PRINCIPALS TOWARD THE ISSUE OF STUDENTS
BEING RESPONSIBLE FOR THEIR ACTIONS

Size of Schools	Yes	%	No	%	No	
					Opinion	%
101-250	17	50.0	17	50.0	-	-
251-500	10	25.6	28	71.7	1	2.5
501-1000	10	41.6	14	58.3	-	-
1001-and over	17	62.9	9	33.3	1	3.0

Principals appeared to be divided as to their attitudes toward the school providing an opportunity for students to exercise their rights and responsibilities and then informing parents of the program. Some 43 percent said "yes" to the program; 27 percent said "no"; while 30 percent had "no opinion." Why so many principals were unwilling to state an opinion is indeed strange. In relationship to this issue,

over one-half of the principals said that the student council should not be given more responsibilities free from administrative limitations. Why almost 52 percent said "no" is difficult to understand. It does reflect the same attitude toward the previous issue of not allowing students to be responsible for setting up guidelines for their behavior.

Table 14 shows the attitudes of principals toward the degree to which rights and privileges were then in existence within their respective secondary schools. Over 70

TABLE 14

ATTITUDES OF OKLAHOMA SECONDARY PRINCIPALS TOWARD
THE STATUS OF PRESENT STUDENT RIGHTS, SPRING-1973

Item No.	Too Many		Not Enough		Just Right		No Opinion	
	No.	%	No.	%	No.	%	No.	%
34 Rights and Privileges of High School Students	16	14.7	13	11.9	77	70.6	3	2.7

percent of the principals felt that the status of student rights in their schools was "just right." Almost 15 percent of the principals felt that the students in their schools had "too many" rights. And one out of every ten Oklahoma secondary principals stated that there were "not enough"

student rights in existence within their schools. To have so many principals satisfied with the degree of student rights indicated that they either do not understand the complexity of the problem and the issues or that their students have not demanded that their rights be made available.

Attitudes of principals, by size of schools, toward the status of student rights within their schools is shown in Table 15. It revealed that the principals of the 251-500 population range were most in favor of the present status of student rights and possibly most important was that 22 percent indicated that their students have "too many" rights. Twenty-four percent of the principals of the larger schools believed that students did not have "enough" rights. Again the difference in attitudes between the principals of the largest schools and other principals is evident.

TABLE 15

COMPARISON BY SIZE OF SCHOOLS OF ATTITUDES OF OKLAHOMA
SECONDARY PRINCIPALS TOWARD THE STATUS OF
PRESENT STUDENT RIGHTS, SPRING-1973

Size of Schools	Too Many		Not Enough		Just Right		No Opinion	
	No.	%	No.	%	No.	%	No.	%
101-250	2	13.3	3	20.0	10	66.7	-	-
251-500	9	22.5	1	2.5	28	70.0	2	5.0
501-1000	4	16.6	2	8.3	16	66.6	2	8.3
1001-and over	3	10.3	7	24.1	16	55.1	3	10.3

Comments by Respondents to Certain Stated Student Human Rights

Only those respondents who felt that students did not have the same basic rights as adults made comments. They said that, "they are still boys and girls" and "unable to cope with responsibility." One principal responded by saying, "but they are not adults and many times lack experience." It may well be true that secondary students lack experience and are still young, but they do deserve the opportunity to learn by being responsible for their own actions.

Having the school accept a greater role in developing understandings of values was commented upon by one principal who said, "Yes, but all value systems must be included." However, one thought that "home should play the dominate role," and another said, "the family is not doing it at all, neither is the school." These attitudes indicate that possibly the principals do not understand the meaning of values or the role of the school in perpetuating the established values of society.

The final question about the present degree of student rights in the school brought the comment that, "not enough--we are moving in the right direction." One principal said, "just right, by student consent." And finally a principal remarked, "I don't know, I would like to think "just

right," but I am probably prejudiced." These comments reflect a partial attempt by principals to relate to the student rights of secondary students in Oklahoma.

Summary

The 73 percent of the principals who responded to the mailed questionnaire revealed that in a majority of the secondary schools there was an absence of written guidelines and handbooks concerning the major issues and practices relating to student human rights. This appears to be an active problem in many schools. Yet school districts and state department of education throughout the nation have published guidelines and general policies designed to help schools develop general practices in the area of student rights and responsibilities. A high percentage of principals felt that the school did not have any obligation to develop in the students any responsibility for their actions.

Specific violations of student civil rights were found in each particular area of investigation. Within the right to be different area the principals were in major agreement that limiting the length of a student's hair was not an invasion of privacy. Also, many principals of smaller schools believed that a student could be judged by dress and hair styles.

By allowing devotionals and prayers during daily opening exercises, a majority of the principals were in violation of the freedom of or from religion principle.

Almost three-fourths of the principals believed that they should maintain some administrative review and censorship over the school newspaper. A surprisingly large number would pre-examine the remarks made by guest speakers within the school. Over one-half of the principals felt that all students should be forced to salute the flag.

A clear majority of the principals believed that no restrictions should be placed upon the principals in relationship to the issue of searching student's desks and lockers. This attitude was in violation of the student right of privacy.

Over fifty percent of the principals felt that secondary students are not capable of setting up guidelines for their behavior. This denial of citizenship training is further shown by the high percentage of principals of the three smaller classifications of schools who reflected this attitude.

A vast majority of the principals stated that the present status of student rights in Oklahoma secondary schools were "just right." Thus, it appears that there is not a trend to increase the level of student rights. This seems to re-

flect a naive attitude on the part of a great many principals regarding the degree that students are interested in student rights and responsibilities.

CHAPTER IV

MAJOR FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

Introduction

The primary purpose of this study was to determine and to analyze the attitudes and current practices of Oklahoma Secondary Principals toward certain selected student human rights.

More specifically, the problem was to discover and analyze the current attitudes of secondary principals toward (a) the degree to which students should exercise those civil rights; and (b) to ascertain the present practices and policies in the secondary schools which relate to these rights.

The sample for the study was composed of 156 Oklahoma secondary principals belonging to the North Central Association of Secondary Schools and Colleges, 114 or 73 percent of whom responded to a mailed questionnaire. The purpose of Chapter IV is to identify major findings, to develop conclusions, and to make recommendations related to the responses indicated by the survey group.

Major Findings

Current Policies

It was found that most of the schools did not have either written or unwritten policies covering practices related to selected student human rights. A policy most in effect was that dealing with a written code for dress and hair styles. Almost three-fourths of the schools had such a policy, although only 39 of these codes had been jointly developed by students and faculty.

The unwritten policies most generally in existence were those dealing with the traditional baccalaureate programs, with control of pupil records, and with the providing of an opportunity for teaching and developing moral and political values. Written policies dealing with the following issues were not in existence in a majority of the secondary schools of Oklahoma: the rights of assembly; the teaching of controversial issues; the publication and distribution of student printed materials; and the search of lockers and desks.

The development of a written student rights and responsibility handbook had not been undertaken by 80 percent of the secondary schools surveyed.

The Right to be Different

It was apparent that almost three-fourths of the principals believed that rules governing the length of a pupil's hair were not an invasion of privacy or the right to be different. Two-thirds of the principals also stated that the manner of dress and of hair styles was a fair basis for the judging of students' educational growth which placed these principals in the untenable position of judging the over-all quality and value of a student by aspects of personal grooming and dress. It was also found that almost a third of the principals believed that students who have long hair do reflect a negative attitude toward the school.

The principals were divided as to the schools's responsibility for the final grooming of the students. Most principals also thought that hair and dress styles had no effect upon the learning environment within the school; nor did it adversely affect the student's academic achievement, but many schools, nevertheless, enacted written codes regulating their dress and appearance at school. It was found that the principals of the larger schools were more tolerant of the student's right to be different than principals in smaller schools.

The Right of Assembly and Petition

Holding to local traditional community attitudes, most principals did not approve the use of school facilities on "Wednesday" night. The principals generally agreed that student groups could assemble in the school building under approved adult sponsorship.

Most principals felt that students should not circulate petitions calling for the retention of a principal or teacher although one-third thought students had this right.

Freedom of or From Religion

Over one-half of the principals stated that they would permit a "youth oriented" evangelist to hold an assembly in their school. The principals seemed to reflect community's attitudes toward religious beliefs and practices in such activities as: permission for religious-oriented assemblies; continuation of the baccalaureate program; permission for prayer and Bible readings and having Bible readings and devotionals during school opening exercises. However, in most of the schools, mandatory attendance to the baccalaureate program was not in effect. The principals generally prohibited the use of school premises for student meetings on "Wednesday" night.

It was also shown that the practices of the principals toward religiously oriented activities were in contradiction with their opinion that such activities would not create any noticeable change in the attitudes of students. Even though they did not expect student attitudes to be changed, the vast majority, however, permitted daily Bible readings and prayers in assemblies and classrooms thus disregarding court decisions.

Freedom of Dissent, of Speech, and of the Press

The principals were overwhelmingly in favor of courses in which controversial issues are introduced and discussed. Yet, evidence indicated that over two-thirds of the schools did not have a policy which protects a teacher in whose classes these issues might be discussed. It was concluded that if there were problems in such a class then it would be the teacher's problem. Therefore, when the principals stated that the opportunity was present in their schools for discussion of these issues, it appeared naive to assume that such issues would be discussed.

Many principals disagreed with the Supreme Court's decision not requiring students to salute the flag, although a majority agreed with the court. The general disagreement

with the implementation of court decisions depicted a questionable attitude on the part of principals towards an institution which is a very vital part of the American system of democracy.

Two-thirds of the principals favored written guidelines formulated cooperatively regarding publication of school newspapers. They stated, however, that some administrative review and censorship was necessary. More than one-half of the principals stated that they would prohibit the distribution of an uncensored "underground newspaper" within the school or on school property.

Most principals did not wish to examine a speaker's remarks prior to his appearance, but they did want some form of control over those speakers invited to speak.

The Right of Privacy

Most of the principals agreed that the student's right of privacy would not be violated if written guidelines were available prior to the searching of a student's locker and desk. But, almost two-thirds of the principals thought that there should be no restrictions placed upon them concerning the right of search and seizure of lockers. The unawareness of legal restrictions and court decisions by the principals was extensive.

The parents of a student should be free to examine cumulative records and would be permitted to do so by the majority of the principals. They stated, however, that this should be done under supervision.

Items Related to All Stated Student Rights

Almost one-third of the principals thought that students did not have the same basic human rights as adults and a small majority felt that students are not capable of setting up guidelines for their own behavior.

Almost two-thirds of the principals thought that the school should play a greater role in developing understanding of moral and political values, but thirty percent felt that the school had no responsibility for educating the young in this regard.

Conclusions

1. An alarming number of Oklahoma secondary principals have a general disregard for court decisions regarding issues concerning student rights.

2. Oklahoma secondary principals are generally uninformed about rights guaranteed by the Bill of Rights and which in recent years have been made legally applicable to students.

3. Community pressure probably contributes to the presence in many schools of religious practices which are questionable in terms of recent court decisions.

4. A majority of principals in this study felt students were not capable of establishing guidelines for their behavior. This, perhaps, explains the small number of Oklahoma schools which have effective student government organizations.

5. A vast majority of those principals surveyed stated that the present status of student rights in their schools was "just right." Many principals, therefore, felt that the status quo in this area was acceptable to them.

6. There is a noticeable absence of handbooks, guidelines, written policies, and even unwritten policies dealing with student rights and responsibilities within the secondary schools of Oklahoma.

7. Many principals appear unaware of the important court decisions made in recent years which have generally accorded to students the same basic human rights held by adults.

Recommendations

The Following recommendations were developed from the findings and conclusions of the study:

1. Teacher education and administrative pre-certification programs should include significant attention to the study of human relations and human rights.

2. The State Department of Education should sponsor workshops and other educational activities to provide in-service education for both school administrators and teachers in the area of human rights, human relations, and intercultural education.

3. The Oklahoma Association of Secondary Principals should produce a brief, simple, model handbook on student rights and responsibilities in the secondary school.

4. A similar study should be made to ascertain the attitudes and practices of Oklahoma secondary school principals toward those student rights not covered in this study.

5. A study should be conducted to reveal the attitudes and practices of Oklahoma secondary principals whose schools are not members of the North Central Association of Secondary Schools and Colleges.

6. A similar study should be conducted to reveal the attitudes of Oklahoma secondary classroom teachers toward the area of student rights and responsibilities.

7. The State Department of Education should produce and disseminate instructional materials and special publicat-

ions relating to student rights, human relations, and the teaching of moral and ethical values for use in the public schools.

8. An effort should be made by the Oklahoma Association of Secondary Principals to increase the number of written policies, jointly created by staff and students, governing student and teacher rights within the secondary schools of Oklahoma.

9. The North Central Association of Secondary Schools and Colleges should consider the development of criteria concerning student rights and responsibility as a part of the Evaluative Criteria used in conducting institutional self-study.

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APPENDIX A

COVERING LETTER

Dear Principal,

The daily problems confronting secondary principals are often difficult indeed. No one but a principal is likely to properly judge the difficulty of this most important position. Expecially perplexing is the secondary student who is demanding guarantees of civil rights and a greater personal involvement in the total school environment.

From the position paper of the Oklahoma Association of Secondary Principals on Leadership is the following excerpt that outlines a duty of the secondary administrator relating to this problem: "The principal has the responsibility of creating the conditions which encourage effective participation, not only of the faculty but also of students, in decision making and in the development of policies and regulations affecting the school. He must recognize the changing nature of the societal climate for children and youth and make adequate provision for deeper involvement of faculty and students in the life of the school and in this decision-making process."

To implement the preceding statement is most difficult under the best of conditions. Guidelines for handling the many situations are often lacking or inadequate. Therefore, you must often rely chiefly upon yourself.

The primary purpose of the attached questionnaire is to ascertain what are the present attitudes of secondary principals toward various stated civil rights as applied to students. Information from the survey is needed in order to complete my dissertation in secondary administration at the University of Oklahoma. Naturally, identity of participants and schools will remain anonymous. Your cooperation in the completion of the questionnaire will be greatly appreciated. Results of the study will be available to you if you desire.

Hopefully, from this survey will come results as to what is being done, what can be done, and what should be done to cope with this ever present problem.

Respectfully,

Robert J. Barnard
Shawnee Mid-High School

APPENDIX B

QUESTIONNAIRE

SECTION I. GENERAL INFORMATION

DIRECTIONS: PLEASE CHECK THE APPROPRIATE BOX

AGE

21-30	☐
31-40	☐
41-50	☐
51-and over	☐

RACE

Caucasian	☐
Afro-American	☐
Indian	☐

SIZE OF SCHOOL

50-100	☐
101-250	☐
251-500	☐
501-1000	☐
1001-and over	☐

NUMBER OF YEARS AS A HIGH SCHOOL PRINCIPAL

0-2	☐
3-5	☐
6-10	☐
11-or more	☐

ACADEMIC PREPARATION OF PRINCIPAL

Bachelor's Degree	☐
Master's Degree	☐
Provisional Certificate	☐
Standard Certificate	☐
Doctorate	☐

NUMBER OF YEARS IN PRESENT POSITION _____

SECTION II. SURVEY OF PRESENT PRACTICES

DIRECTIONS: PLEASE CHECK THE APPROPRIATE COLUMN

WAS POLICY
JOINTLY DE-
VELOPED BY
STUDENTS
AND STAFF

	Yes	No	
1. Has your school yet undertaken the task of producing a Student Rights and Responsibility Handbook?			
2. Does your high school have a written code setting limits to student dress, grooming and hair styles?			
3. Does your high school have a written policy regarding the right of assembly for students?			
4. Does your high school have a traditional baccalaureate program?			
If yes, is attendance mandatory?			
5. Does your high school have a policy concerning who may or may not see a pupil's records?			
6. Does your high school have a policy which protects teachers as they provide students the opportunity to study controversial issues?			
7. Does your high school have a written policy concerning the publication and distribution of printed material by students?			
8. Does your high school have a policy which relates to the searching of a student's locker, desk, or possessions?			
9. Does your high school provide the opportunity for teaching and developing moral values such as worth of the individual, truth, etc.?			
10. Does your high school have a policy which requires examination of the background of a speaker prior to his addressing a school assembly or class?			

(PLEASE ATTACH ANY POLICY NOW IN EFFECT WHICH RELATES TO ANY OF THE QUESTIONS ASKED)

SECTION III. SURVEY OF ATTITUDES

DIRECTIONS: PLEASE CIRCLE OR CHECK THE RESPONSE WHICH MOST
NEARLY REFLECTS YOUR ATTITUDE

1. Do you agree or disagree with the statement: "School rules regarding length of hair and other grooming restrictions are an invasion of the students right of privacy."

Agree

Disagree

No Opinion

2. Students carry parental attitudes with them to school. Therefore, do you think that when a student openly demonstrates verbally and physically against a school practice that he is probably reflecting parental attitudes?

Yes

No

No Opinion

3. A nationally known youth oriented evangelist is holding services in your community. There is a demand that he speak before a high school assembly. Would you allow him to do so?

Yes

No

No Opinion

4. Should your school have courses in which differences of opinion are encouraged, openly discussed, and in which issues and problems that cause conflict in our society are introduced and discussed?

Yes

No

No Opinion

5. Would you agree that guidelines regarding publication of school newspapers should be formulated by a committee consisting of students, faculty and administration representatives?

Yes

No

No Opinion

6. The federal courts have declared that if a student is warned in advance, under published school board regulation, desks and lockers may be searched if there is reason to suspect that prohibited material is kept on school property. Do you agree with this practice?

Yes

No

No Opinion

7. Do you believe that students have the same basic human rights as adults?

Yes No No Opinion

8. Some people believe that one's personality and attitudes are expressed by his manner of dress style and hair length. Is this a fair basis for judging a student?

Yes No No Opinion

9. Various buttons, decorated t-shirts and labels are often worn by students. From your experience, has such action tended to interfere with the learning environment?

Yes No No Opinion

10. A student submitted a letter to the school newspaper criticizing administrative policy. It was neither libelous, obscene, or vindictive, but it mentioned your name. Would you stop its publication?

Yes No No Opinion

11. Would you be in favor of abolishing the baccalaureate ceremony because it is religiously oriented and is conducted by one predominate sect in the community?

Yes No No Opinion

12. Should students be permitted to wear clothing and symbols connected with a particular political philosophy or party?

Yes No No Opinion

13. A group of students circulated a petition objecting to the dismissal of a principal or a teacher after he had been summarily dismissed. Do you think that this is a proper procedure for students to follow?

Yes No No Opinion

14. A secondary school student's record is of particular concern to his parents. Do you think that they should have free access to all his cumulative records?

Yes No No Opinion

15. Some students believe that if they accept the responsibility for their actions, they should have the opportunity to set up guidelines for their behavior. Do you think that secondary students are capable of doing this?

Yes No No Opinion

16. Many people believe that parents should have the final responsibility for a student's grooming. Do you agree?

Yes No No Opinion

17. When a local civic club provides a speaker or resource person to be brought into a school for a special assembly, should the speech and remarks be examined by the administration beforehand?

Yes No No Opinion

18. Do you think there would be much desirable change in students attitudes and behavior if "open-prayer" were permitted in the school?

Yes No No Opinion

19. Because of the danger of unacceptable content and criticism, many school administrators exercise editorial review and censorship over the school newspaper. Do you agree with this procedure?

Yes No No Opinion

20. Should a school provide the opportunity for free discussion of important controversial problems and issues even though certain community leaders are antagonistic toward such action?

Yes No No Opinion

21. There is controversy over whether or not a school official has the right to search a pupil's locker. Do you think that there should be no restrictions placed upon a building principal concerning the right of search of seizure of lockers?

Yes

No

No Opinion

22. Some have suggested that the school should play a greater role in developing understandings of moral and political values. Do you think that the school should accept greater responsibility in this area?

Yes

No

No Opinion

23. Certain court decisions have stated that as long as dress or hair styles cause no disruption in the school, personal appearance, unless bizarre, is of little importance to the learning environment. Do you agree?

Yes

No

No Opinion

24. Would you approve or disapprove of school clubs inviting a guest speaker for their meetings without administrative clearance?

Yes

No

No Opinion

25. Has your high school in the last year permitted prayers or Bible readings during a school sponsored assembly or in classrooms?

Yes

No

No Opinion

26. The courts have decreed that students may not be forced to participate in the salute to the flag. Do you agree or disagree with this practice?

Agree

Disagree

No Opinion

27. Some believe that the school should provide the opportunity for students to exercise their rights and responsibilities and that parents should be informed of this program. Do you think that this should be done in the secondary schools?

Yes

No

No Opinion

28. Many adults feel that youth with long hair have a negative attitude toward school and society. Do you agree?

Yes

No

No Opinion

29. You are asked to allow a particular faculty sponsored extra-curricular club to meet on school premises on a "Wednesday" night. Would you grant permission?

Yes

No

No Opinion

30. Do you think that an "opening exercise" conducted over the school inter-com should include a devotional, prayer, or Bible reading?

Yes

No

No Opinion

31. If there did not exist a regular sponsored school newspaper, would you prohibit the distribution of an uncensored, "underground newspaper"?

Yes

No

No Opinion

32. In many schools, the student council handles mostly house-keeping chores. Should it be given more meaningful responsibility mostly free from administrative limitations?

Yes

No

No Opinion

33. Should student groups be permitted to assemble and have meetings in the school building under a general guideline of responsibility for observing rules regarding the care of the building?

Yes

No

No Opinion

34. Generally speaking, do the students in your high school have too many rights and privileges or not enough?

Too Many

Just Right

Not Enough

No Opinion

APPENDIX C

FOLLOW-UP LETTER TO PRINCIPALS

May 20, 1973

Dear Principal

My apology for sending you my previous questionnaire at a time when I know you were thinking mainly about the closing of school. I was mjust anxious to finish my survey.

May I again ask for a few minutes of response to the enclosed questionnaire. This study is being done under the direction of Dr. Glenn R. Snider, University of Oklahoma. It is my opinion that the results will give a clearer picture of what Oklahoma Secondary Principals believe to be the right pattern of behavior toward the critical problem of student activism.

Sincerely

Robert J. Barnard
Shawnee Mid-High School