Teacher civil rights: analysis and comparison of administrator's, student's, and teacher's perceptions of teacher civil rights

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PERCEPTIONS OF TEACHER CIVIL RIGHTS.

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Teacher civil rights: Analysis and comparison of administrator's, student's, and teacher's perceptions of teacher civil rights

by

Bruce Edgar Hopkins

A Dissertation Submitted to the Graduate Faculty in Partial Fulfillment of The Requirements for the Degree of DOCTOR OF PHILOSOPHY

Department: Professional Studies Major: Education (Educational Administration)

Approved:

Signature was redacted for privacy.

In Charge of Major Work

Signature was redacted for privacy.

For the Major Department

Signature was redacted for privacy.

For the Graduate College

Iowa State University
Ames, Iowa

1975
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CHAPTER I. INTRODUCTION

Teacher rights are defined by the Constitution, federal statutes, court decisions, teaching contracts, state laws, and policies of state and local boards of education. This study is concerned with the most important source of teacher rights, the Constitution of the United States. Most teacher constitutional rights emanate from the First Amendment guarantees of freedom of expression and association and from Fourteenth Amendment guarantees of equal protection and due process. Although these rights cannot always be defined in precise, definitive terms for all teachers in all situations, it is possible in most instances to identify the rights in force within a given historical and judicial context. These teacher rights, if not well understood, not only fail to protect the teacher involved, but perpetuate a lack of respect for student rights and the existence of outmoded, undemocratic management processes.

Schools play an important role in the socialization process. The individual teacher, through his/her interpretation of civil rights and the concomitant effects this interpretation has on his/her behavior, provides an interpretation of the process through which students gain a perspective of their rights when balanced against the interest of a social institution. Fisher and Schimmel, in the introduction to The Civil Rights of Teachers (11, p. xi), postulated that "since many teachers see themselves as having few rights, they are often unsympathetic to demands that students' rights be respected." They further elaborated that "as a result of these attitudes, schools often teach a lack of concern for civil rights . . .
institutions, like parents, teach more by what they do than by what they say." Teachers comprise a myriad of backgrounds, political philosophies, and experiences. In this context, if teacher perceptions of their civil rights are not based on a background knowledge of teacher civil rights, it is conceivable that students may receive contradictory, confusing, and erroneous information about their civil rights.

Teacher participation in the educational setting and the larger community is influenced by teacher perception of their civil rights. Teachers who are unaware of their civil rights are more likely to abrogate certain kinds of social responsibilities, personal enjoyments, and interactions under the guise of acting out the appropriate teacher behavior, thus depriving themselves of the ability to realistically evaluate their own behavior and responsibilities and depriving society of the full measure of their social and political participation. The implications that teacher perceptions of expected teacher behavior have on teacher behavior have been defined in a paper by Don Willower, "The Teacher Subculture and Curriculum Change." Willower (38, p. 3) wrote, "There is no reason why school personnel should not critically examine their own subculture. . . . After all, adaptation to unquestioned norms only makes it less likely that such norms will change. Thus, on-stage behavior promotes 'pluralistic ignorance' in schools." Teachers who do not have a working knowledge of their civil rights pose a real threat to those who are attempting to make schools a viable source for social and legal responsibility.

clearly identifies the need for teacher perception of their civil rights.

It is clearly of personal benefit to teachers that they should be aware of their rights and that they should do so, for there is apparently a direct connection between the independence and freedom of teachers on the one hand and their effectiveness as exemplars and instructors on the other.

He goes on to point out,

Independence of mind and of judgment, integrity, maturity, and political awareness are desirable attributes for teachers, and they are the attributes of free men. Compare these with a modern writer's description of the cultural stereotype of the teacher as 'sexually impotent, obsequious, eternally patient, painstakingly demanding, and socially inept.' Egon G. Guba, Phillip W. Jackson, and Charles E. Bidwell, 'Occupational Choice and the Teaching Career,' Educational Research Bulletin, XXXVIII (January 14, 1959) p. 4. Teachers can escape from being stereotyped in such a damning fashion only by the responsible and reasonable exercise of the considerable freedom which the law allows them. The essential point is that by so doing they will become better teachers.

The significance of teacher understanding of their civil rights is well stated by Roland B. Bosma in a doctoral study: "Civil and Constitutional Rights of Public School Teachers as Citizens," (7, p. 5),

It may well be that future maintenance of civil liberties, as we now understand them, will to a great extent depend upon the response of those who affect and control the educational systems of our nation. It seems elementary to suggest that teachers who do not enjoy freedom in their personal lives will not understand the need for communicating concepts of freedom to their students; that openness and change in a modern industrial society depend greatly upon the self-renewing capabilities of the major institutions of the society, especially education; that democracy itself cannot survive in institutions which operate in undemocratic ways; and that the militant defense of the fundamental civil liberties of all the citizens of any society is a fundamental prerequisite for the protection of the civil liberties of any of its citizens. No person in our society can truly enjoy the fruits of freedom unless every one of us can.
The Problem

The purposes of this study are as follows: (1) to examine the knowledge that individual teachers have of their civil rights, (2) to examine principals' knowledge of teacher civil rights, (3) to examine student knowledge of teacher civil rights, and (4) to create an instrument for evaluating educator knowledge of teacher civil rights. This involves the identification of teacher civil rights and the classification of those rights into eight categories. The survey instrument contains three questions on each classification of teacher rights. Respondents were evaluated in terms of their knowledge in the following areas of teacher civil rights:

1. freedom of speech outside of the classroom
2. freedom of speech inside of the classroom
3. teacher's private life
4. personal appearance
5. loyalty oaths
6. membership in organizations
7. political activity
8. arbitrary action

The following postulates were formulated to provide direction for the study.

1. Teachers scoring high in the knowledge of one category of teacher rights will score high in the knowledge of all categories.
2. Area of academic preparation has no association with teacher awareness of teacher rights.
3. Teachers in high school will have a better understanding of teacher civil rights than will seniors in high school.

4. Administrators will exhibit a better understanding of teacher rights than will teachers.

Definition of Terms

The following definitions are provided as a guide to the use of these terms as they appear in the text of this study.

Teacher - Any citizen employed in the public schools of Iowa with specific contractual classroom responsibilities and duties in the instruction of children in the public schools.

Administrator - A person legally responsible for the administration of a public school.

Civil Rights - All those rights accruing to an individual by law.

Due Process - The exercise of the powers of government in such a way as to protect individual rights.

First Amendment - This Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the rights of the people to peaceably assemble, and to petition the government for a redress of grievances."

Fifth Amendment - The portion of this amendment relevant to teacher rights states in part: "... nor shall any person be ... compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."
Fourteenth Amendment - This Amendment states: "no State shall ... de­prive any person of ... liberty or property ... without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Majority Opinion - "The statement of reasons for the views of the majority members of the bench in a decision in which some of them disagree," Bolmeier (6, p. 334).

Dissenting Opinion - "The opinion in which a judge announces his dissent from the conclusion held by the majority of the court," Bolmeier (6, p. 334).

Precedent - "A decision considered as furnishing an example or authority for an identical or similar case afterward arising on a similar question of law," Bolmeier (6, p. 334).

Delimitations

The scope of this study will be delimited to teachers, students, and principals from selected high schools in Iowa. A random selection of 132 school districts was drawn. Each school was then randomly assigned one of six possible classifications (1) Physical Education - Humanities, (2) Social Sciences - Language Arts, (3) Math - Science, (4) Vocational Arts, (5) Guidance - Administration, and (6) Senior Adult Student.

The principal of each participating school was asked to identify one teacher from the classification enumerated to complete the instrument or, in cases where the classification was Guidance - Administration, to complete it himself/herself or have someone from guidance complete it.

Each classification was randomly assigned 22 possible respondents.
In the case of students, each principal selected was instructed to identify an outstanding adult student (18 years of age or older).

Simulated experiences used in this study will in most instances be based on actual court cases and will be reaffirmed by a panel of legal advisors. The eight categories of teacher civil rights used in this study was suggested by the outline of teacher rights presented by Chanin (9, pp. 1-41), Rubin (28, pp. 11-174), and Fisher and Schimmel (11, pp. 2-220).
CHAPTER II. REVIEW OF THE LITERATURE

In a democratic society there is perceived to be a symbiotic relationship between the freedoms accruing to a teacher and the best interest of society. Many times special interest groups or individuals in positions of authority attempt to place new parameters on the concept of teacher freedom as they perceive it. Howard K. Beale (4, p. 16), wrote in 1936, about this condition in words which still merit consideration:

... most people who believe in freedom for the teacher make mental reservations. In short, they believe in freedom within 'reasonable' limits. The real test is what the limits are. Therefore, assurances of freedom mean little until the limitations taken for granted are discovered and until it is determined who is to mark out the limits... The qualifications of freedom are likely to be common sense, a good behavior, professional conduct, sound judgment: all loopholes sufficiently large enough to give entry to any repression whatsoever. Another usual qualification of freedom is 'tact' too often a euphemism for 'hypocrisy,' or 'discretion' a sugar-coated synonym of 'fear.' 'Freedom with limits' may cover any conceivable degree of liberty or it may mean the worst sort of restraint or tyranny.

Beale (4, p. 17), had this to say about the justification for a society protecting a teacher's freedom,

Ground may easily be found for defending the teacher's right to freedom, but the larger social aspects are of more vital importance. The question of freedom and restraint of teachers vitally affects school children, the community, society itself, the future.

It cannot be often enough repeated that society has a greater interest in a proper solution of the question of freedom in teaching than does even the teacher immediately affected.

The purposes of this study are (1) to develop an instrument for evaluating teacher knowledge of their civil rights, and (2) to assess
teacher, administrator and senior adult student comprehension of teacher rights. In order to develop an instrument it has been necessary to categorize teacher rights as follows: (1) freedom of speech outside of the classroom, (2) freedom of speech inside of the classroom, (3) teacher's private life, (4) personal appearance, (5) loyalty oaths, (6) membership in organizations, (7) political action, and (8) arbitrary action. To facilitate the review of the literature relevant to these purposes, this chapter is organized in the following manner.

1. A cursory examination of a pivotal case within each classification and of the primary and secondary sources which clarify the court's position on that point of law.
   a. Freedom of speech outside of the classroom.
   b. Freedom of speech inside of the classroom.
   c. Teacher's private life.
   d. Personal appearance.
   e. Loyalty oaths.
   f. Membership in organizations.
   g. Political action.
   h. Arbitrary action.

2. An examination of studies related to teacher perceptions of their civil rights and those of others.

3. Related Studies.

This study is aimed at examining teacher constitutional rights. These rights transcend state boundaries, school board policies, community values, and the absence or presence of tenure. Teacher constitutional
rights emanate, for the most part, from the First, Fifth, and Fourteenth Amendments to the Constitution of the United States. These amendments or the portion relevant to this study state:

1. **First Amendment**: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the rights of the people to peaceably assemble, and to petition the government for a redress of grievances.

2. **Fifth Amendment**: [The portion relevant to this study states-] . . . nor shall any person be . . . compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

3. **Fourteenth Amendment**: This Amendment states: "no State shall . . . deprive any person of . . . liberty or property . . . without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

No attempt will be made in this review of the literature to fully examine teacher constitutional rights in any of the areas identified. Instead, an attempt will be made to examine one of the landmark cases in each category and to cite relevant cases and secondary sources, which clarify teacher rights as they exist in that category at this time. The investigator recognizes that teacher rights are not static, that social conditions, attitudes, and the composition of the court all influence the general posture that a court will take in examining teacher rights.

**Freedom of Speech Outside of the Classroom**

Teachers, because of their training and professional experiences, are one group of citizens uniquely qualified to upgrade the quality of community-made decisions bearing on public education. Teachers are, in the words of Fisher and Schimmel (11, p. xi), "generally unaware of their rights."
A recent survey in Massachusetts indicated that the law gives teachers a wider range of freedom of speech and action than most teachers realize."

Pickering v. Board of Education (26a, p. 563) is considered the landmark case pertaining to a teacher's freedom of speech outside of the classroom. Fisher and Schimmel (11, pp. 15-23) document the course that this case followed as it moved from the local court, to the state appeals courts, to the Supreme Court of the United States. Pickering, a high school teacher in Illinois, was critical of the superintendent and the board of education for their handling of the athletic budget and the manner in which they supported their arguments for the construction of new schools. His views were contained in a letter to a local newspaper. Pickering was granted a hearing before the board which culminated in the termination of his employment. The school board had charged that the Pickering letter was "detrimental to the efficient operation and administration of the schools of the district." Pickering supra at 564. The claim of the school board was upheld by the Illinois court.

The Supreme Court defined the problem in Pickering v. Board of Education (26a, p. 573) in the following terms:

The problem in any case is to arrive at a balance between the interests of the teacher, as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees.

Justice Marshall, writing for the court, made these comments about Pickering's First Amendment rights to comment on the manner in which the public schools in which he was an employee were administered, Pickering v. Board of Education (26a, p. 563).
To the extent that the Illinois Supreme Court's opinion may be read to suggest that teachers may constitutionally be compelled to relinquish the First Amendment rights they would otherwise enjoy as citizens to comment on matters of public interest in connection with the operation of the public schools in which they work it proceeds on a premise that has been unequivocally rejected in prior decisions of this court E.G., Wieman v. Updegraff, 344 U.S. 479 (1960); Shelton v. Tucker, 364 U.S. 479 (1960); Kevishan v. Board of Regents, 385 U.S. 589 (1967).

It was the opinion of the court in Pickering v. Board of Education (26a, p. 572), that teachers as a class were "the members of the community most likely to have informed" opinion on financial decisions facing the school district in which they were employed. The court thus felt that "it is essential that they be able to speak out freely on such questions without fear of retaliatory dismissal."

Justice Marshall placed aside the contention of the board of education that the statements made by Pickering would damage the personal reputation of his superiors or that they would create conflict among teachers and the community. Marshall stated that "absent proof of false statements knowingly or recklessly made by him, a teacher's exercise of his right to speak on issues of public importance may not furnish the basis for his dismissal from public employment," Pickering v. Board of Education (26a, p. 574).

A teacher's First Amendment right to free speech can not be nullified by the actions of any school board or any community. This right is constitutionally determined. It is important to note that there are conditions under which a school board could legally dismiss a teacher for public criticism which was erroneous although made in good faith. Fisher and Schimmel (11, p. 22) give this example:
A high school teacher, . . . might carelessly charge the guidance counselors were using obsolete and discredited tests as a central part of the college advising program. In such a case the school board might require that the teacher make substantial efforts to verify the accuracy of his statement before publishing them. If a teacher failed to make such efforts, he might be dismissed.

Freedom of speech of teachers outside the classroom has been documented by Fisher and Schimmel (11, pp. 26-27), Chanin (9, pp. 4-9), and Rubin (28, pp. 48-68). Important primary sources include Jones v. Battles (16, pp. 601, 608-609), which includes the generalization that a teacher need not couch his criticism of his superiors in innocuous terms qualified by the statement that "the standards of professional conduct expected of a public school teacher must never be lowered to the level of name-calling and abuse under the guise of protected free speech." Another key case is the New York Times Co. v. Sullivan (23, p. 254) which reaffirms that the First and Fourteenth Amendments embody our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attack on government and public officials." Garrison v. Louisiana (13a, p. 72) recognized that an intent to inflict harm is not enough to support a finding of malice against a teacher in court, "rather . . . an intent to inflict harm through falsehood" is necessary; otherwise "it becomes hazardous to speak out against a popular politician with the result that the dishonest and incompetent will be shielded."
Freedom of Speech Inside the Classroom

Academic freedom as it applies to the public schools is complex and defies precise definition. Two traditional forces militate against academic freedom in the public schools: (1) the teacher in the historical role as purveyor of community norms and (2) the idea that the school curriculum is comprised of well-defined subject matter independent of social problems, personal values, and matters of conscience. The courts have been firm in their defense of the First Amendment rights of teachers.

Indicative of the court's realization of the importance of academic freedom in the public schools is this statement taken from *Keyishan v. Board of Regents* (18, p. 603):

> Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom. 'The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.' *Shelton v. Tucker*, at 487. The classroom is peculiarly the 'marketplace of ideas.' The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues rather than through any kind of authoritative selection.'

In *Albaum v. Carey* (3, p. 10), the courts indicated that most of the concern with academic freedom has been aimed at the universities, but the court went on to point out,

... the effect of procedures which smother grade school teachers cannot be ignored. An environment of free inquiry is necessary for the majority of students who do not go on to college: even those who go on to higher education will have acquired most of their working and thinking habits in grade and high school. ... Much of what was formerly taught in many colleges in the first year or so of undergraduate studies is now covered in the upper grades of
high school.

One of the key cases dealing with academic freedom is *Keefe v. Geanakos*, (17, p. 359). Keefe was a high school English teacher in Ipswitch, Mass. Keefe assigned his senior English class the reading of an article in Atlantic Monthly in which the term deemed by the court in *Keefe v. Geanakos* (17, pp. 360-362) to be a "vulgar term for incestuous son" appeared. The teacher defined the term, explained the context in which it appeared, and why it was selected for use by the author. Students who found the term to be "distasteful" were allowed to select an alternative assignment. This case is examined in Chanin (9, pp. 11-12), Fisher and Schimmel (11, pp. 30-33), and Rubin (28, pp. 28-29). Keefe was given the opportunity to explain his selection of this offensive word in a hearing held by the school committee. He was asked to refrain from using the word ever again. In *Keefe v. Geanakos* (17, p. 361) the judge writing for the court stated that the "Plaintiff replied that he could not in good conscience agree." The teacher was then suspended.

The court in this case was not impressed by the concept that this offensive word by itself would serve as a ground for dismissal. In the court's observations, *Keefe v. Geanakos* (17, p. 361), possible guidelines for the classroom use of offensive material appear:

> It is in no sense pornographic. . . . The offending word although repeated a number of times, is not artificially introduced, but, on the contrary is important to the development of the thesis and the conclusions of the author.

> It becomes apparent in *Keefe v. Geanakos*, and similar cases, that if a school board is going to limit in some way the kinds of materials that
teachers use in the classroom these guidelines must apply to the library and other resources. This concept is strongly applied in Keefe v. Geanakos (17, p. 362), when the court noted,

In the present case, the circumstances . . . have disclosed that no less than five books, by as many authors, containing the word in question were to be found in the school library. It is hard to think that any student could walk into the library and receive a book, but that his teacher could not subject the content to serious discussion in class.

Such inconsistency on the part of the school has been regarded as fatal.

The Keefe case would indicate that the mere fact that some parents find the language used in an assigned article offensive would not by itself form an adequate basis to rule out the use of that article. Fisher and Schimmel (11, p. 32) note that each situation has to be weighed on its own merits, considering such factors as "the age of the students, the words used, and the purpose of their use." The court found in Keefe v. Geanakos (17, p. 361) that

We do not question the good faith of the defendants in believing that some parents have been offended. With the greatest of respect to such parents, their sensibilities are not the full measure of what is proper in education.

The topic, academic freedom in the classroom, has been examined in terms of its legal implications by Chanin (9, pp. 9-13), Fisher and Schimmel (11, pp. 29-44), and Rubin (28, pp. 45-48). In addition to courses already cited in this section, other cases providing insights into academic freedom include Mailloux v. Kiley (21, p. 1242), Nieman v. Updegraff (37, p. 195), and Parducci v. Rutland (25, p. 352).

One section of Mailloux supra at 1243 helps to clarify the nature
of materials which may be used in the classroom:

... free speech does not grant teachers a license to say or write in class whatever they may feel like and that the propriety of regulations or sanctions must depend on such circumstances as the age and sophistication of the students, the closeness of the relation between the specific technique used and some concededly valid educational objective, and the context and manner of presentation.

The chilling effect of harsh rules governing academic freedom was noted by the Supreme Court in *Wieman v. Updegraff* (37, p. 195). The courts have been equally concerned with the situation in which a teacher has no guidelines to aid him or her in deciding what course of action is permissible. In *Parducci v. Rutland* (25, p. 356), the court made the following observation:

> In the case before the court we are concerned not merely with vague standards, but with the total absence of standards. When a teacher is forced to speculate as to what conduct is permissible and what conduct is proscribed, he is apt to be overly cautious and reserved in the classroom. Such a reluctance on the part of the teacher to investigate and experiment with new and different ideas is anathema to the entire concept of academic freedom.

**Teacher's Private Life**

Historically individuals in the teaching profession have found themselves burdened with heavy restrictions on their private conduct. Rubin (28, p. 108) makes the following observation about the standards of personal conduct expected of a teacher:

> More so than other public employees, teachers traditionally have been held to a standard of personal conduct that might have suffocated Caesar's wife. For example until World War I, 'dancing, card-playing, and Sabbath-breaking were still regarded by multitudes as sinful. ... The teacher was expected in all these matters to be exemplary.' [Rubin quoting

The example cited here as best illustrating the legal stature of the rights protecting the private conduct of a teacher does not have the status of a decision emanating from the U.S. Supreme Court by the legal experts; however, it is one cited often by legal experts, e.g., Chanin (9, p. 17), Fisher and Schimmel (11, pp. 58-59), and Rubin (28, p. 110).

In Jarvella v. Willoughby (15, p. 145), Jarvella's problem resulted from two letters he wrote to a former student who had graduated. "The letters were sealed, addressed to Nichols (the student) and mailed to him personally, via regular, first class mail. Jarvella supra at 145. The boy's mother found the letters and turned them over to the police. The letters then reached school officials. Many stories appeared in the local papers. One story quoted the county prosecuting attorney to the effect that "he had read the letters, considered them hard core obscenity. . . ." Jarvella supra at 145. Jarvella was granted due process and was dismissed for "immorality." Jarvella supra at 145.

Judge Simmons, writing for the court in Jarvella v. Willoughby (15, p. 145), set down the following criteria which a teacher would have to meet in order for his/her behavior to fit the legal definition of "immorality":

It must be considered in the context in which the Legislature considered it, as a conduct which is hostile to the welfare of the general public, more specifically in this case, conduct which is hostile to the welfare of the community.

Judge Simmons found that the Legislature's objective in defining immorality was "the protection of students from corruption." Jarvella
He continues,

This is a proper exercise of the power of the state to abridge personal liberty and to protect larger interests. But reasonableness must be the governing criterion. The board can only be concerned with 'immoral conduct' to the extent that it is in some way inimical to the welfare of the community. The private speech or writing of a teacher, not in any way inimical to that welfare are absolutely immaterial in the application of such standard.

Where charges of immorality are involved, one criteria the court uses in determining the applicability of this concept to a particular case is whether the issue became public because of the indiscretion of the teacher involved, or someone else's indiscretion. In *Jarvella v. Willoughby* (15, p. 146), the court found,

There is no evidence of any kind, . . . that the writing of these letters adversely affected the welfare of the school community . . . such an effect did come in time, with public disclosures. But this was the result, not of any misconduct on his part but of misconduct on the part of others . . .

The case of *Jarvella v. Willoughby* (15, p. 145) is important because it defines the "balancing" concept, the crucial relationship between a "private right," and "public injury." In *Jarvella supra* at 146, Judge Simmons defined the balancing principle in the following terms:

The freedom of action of a public school teacher, . . . is partly hedged in by the terms of his contract. But there is no term which waives his right to privacy, his right to private communication, free from unwarranted intrusion. That is not to say there may be no intrusion. The limit of a private right is reached where public injury begins.

The court ruled that the Board had erred in *Jarvella supra* at 146, that in bringing these private letters, which had produced no public injury, between a teacher and his contract, the Board was guilty of
"unwarranted intrusion."

Chanin (9, p. 17) offers this observation based on Morrison v. State Board of Education (9, p. 229):

The evaluation of a teacher's conduct for employment purposes must be on the basis of evidence directly related to his fitness to perform his teaching obligation effectively, and the particular mores or viewpoints of the school authorities or the community are relevant only to the extent that they touch upon that question.

Personal Appearance

It has not been unusual to find boards of education attempting to control a teacher's appearance. In the past, dress length, sleeveless dresses, and bobbed hair have all been the subject of school board regulations according to Rubin (28, p. 117). Presently facial hair on men seems to be of much greater local concern. School board attempts to set standards for teacher appearance have been scrutinized by the courts, in the words of Chanin (9, p. 14), "as a form of constitutionally protected expression, an aspect of 'liberty' protected by the due process clause of the Fourteenth Amendment and/or an aspect of privacy which is entitled to constitutional protection."

Lucia v. Duean (20, p. 112) is a Massachusetts case which was concerned with the dismissal of a nontenure teacher for failure to comply with an unwritten school board policy which prohibited men teachers from wearing a beard. The reasons given for Lucia's dismissal according to "parties stipulation" Lucia supra at 112, were as follows:

(a) the raising of a beard, (b) insubordination in refusing to comply with the order of the school committee to shave
his beard, (c) bad attitude before the school committee on January 15, 1969, (d) improper dress before the school committee.

The court gave the following reasons for supporting Lucia's claims.

(a) In the words of District Judge Garlty in Lucia supra at 116, "The Monson public schools have no regulation or order prohibiting teachers from wearing beards."

(b) The absence of due process. Judge Garlty stated in Lucia supra at 117-118, that: "Whatever the derivation and scope of the plaintiff's alleged freedom to wear a beard, it is an interest of his, especially in combination with his professional reputation as a school teacher, which may not be taken from him without due process of law."

The court was concerned in this case with the philosophical inconsistencies between the mission of the public schools and the mode of operation of the local board of education. In Lucia supra at 118, the court stated,

The American public school system, which has a basic responsibility for instilling in students an appreciation of our democratic system, is a peculiarly appropriate place for the use of fundamentally fair procedures.

In Braxton v. Board of Public Instruction of Duval County, Florida (8, p. 959), District Judge William A. McRae ruled in favor of a black teacher's right to wear a goatee. Judge McRae stated that "the wearing of a beard by a teacher has been held to be a constitutionally protected liberty under the due process clause of the Fourteenth Amendment to the Constitution of the United States." Judge McRae ruled that a beard could be a symbol of racial pride, in Braxton supra at 959:

It (the goatee) is worn as an appropriate expression of his heritage, culture, and racial pride as a black man; its wearer also enjoys the protection of First Amendment rights, at least the peripheral protection referred to in
Loyalty Oaths

There are very few areas of teacher civil rights where the courts have spoken with such clarity as they have in the case of teacher loyalty oaths. Fisher and Schimmel (11, pp. 74-85) discuss the historical development of loyalty oaths and related court decisions. Chanin (9, pp. 24-26) presents a more abbreviated analysis of case law relevant to loyalty oaths.

Fisher and Schimmel (11, pp. 75-76) portray the forces motivating legislators to pass loyalty oaths as:

To insure 'the integrity of the educational process' against subversive teachers. . . . Require teachers to promote such values as 'respect for the flag,' 'reverence for law and order,' and 'individual allegiance' to the government.

The single most important case related to teacher loyalty oaths has to be Keyishan v. Board of Regents (18, p. 589). The importance of this case can be perceived through these comments made by Chanin in his introduction to Protecting Teacher Rights (9, p. 1):

In Keyishan supra at 605, the United States repudiated in its entirety the ancient distinction in constitutional status between public and private employees whereby 'public employment, including academic employment, may be conditioned upon the surrender of constitutional rights which could not be abridged by direct government action.'

Keyishan was an English instructor in a private university in Buffalo, New York. He placed himself in conflict with New York's Feinberg Law when he "refused to sign . . . a certificate that he was not a
Communist, and that if he had ever been a Communist, he had communicated that fact to the President of the State University of New York," Keyishan supra at 592. The Feinberg Law is described in Keyishan supra at 594, in the following terms:

The Board of Regents was directed to make a list ... of 'subversive' organizations, defined as organizations which advocate the doctrine of overthrow of government by force, violence or any unlawful means. ... The Board was directed to provide in its rules and regulations that membership in any listed organization should constitute prima facie evidence of disqualification for appointment to or retention in any office or position in public schools of the state.

The court was immediately concerned with the stifling effect that this legislation would have on teachers. The court pointed out in Keyishan v. Board of Regents (18, p. 589), "the crucial consideration is that no teacher can know just where the line is drawn between 'seditious' and nonseditious utterances and acts." The court further elaborated in Keyishan supra at 601:

The very intricacy of the plan and the uncertainty as to the scope of its proscription make it a highly in terrorem mechanism. It would be a bold teacher who would not stay as far as possible from utterances or acts which might jeopardize his living by enmeshing him in the intricate machinery.

The court did not question the interest of the state of New York in attempting to keep subversives out of the public schools, but, in the words of the court in Keyishan supra at 602,

Even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved. Shelton v. Tucker 364 U.S. 479, 488.

The court in Keyishan v. Board of Regents (18, p. 606) rejected the
notion that membership in any organization could serve as prima facie evidence of a complicity of involvement in carrying out all the objections of said organization. The court concluded,

Mere membership without a specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from such positions as those held by the appellants.

The court further repudiated the concept of "guilt by association" as it was implied in Keyishan v. Board of Regents (18, p. 607) as being inconsistent with the lawful aims of a democratic society.

Fisher and Schimmel (11, p. 85) indicate that the courts have consistently held two types of oaths to be acceptable "(1) loyalty oaths drawn with precision prohibiting clearly unlawful conduct, (2) simple employment oaths affirming support for the Constitution or pledging to uphold professional standards." An example of a loyalty oath which meets this criteria and which has been affirmed by a U.S. District Court is Ohlson v. Phillips (24, p. 1153); it states,

I solemnly (swear) (affirm) that I will uphold the Constitution of the United States and the Constitution of the State of Colorado, and I will faithfully perform the duties of the position upon which I am about to enter.

In Ohlson v. Phillips (24, p. 1155) the court also rejected the contention of teachers that for an oath to be legal it need be applied to all employees. Judge Doyle wrote,

There is no constitutional requirement that a regulation must reach every class applied. Hughes v. Superior Court of California 339 U.S. 460, 705 S.Ct. 718, 94 L.Ed. 985 (1950). As long as the oath is reasonable as applied to teachers, there is no requirement that it be applied to all other groups to which its application would be equally reasonable.
The court struck down an Arkansas statute which required a teacher to list every organization to which he/she belonged or contributed in the preceding five year period. The court found in *Shelton v. Tucker* (30a, pp. 457-458) that

To compel a teacher to disclose his every associational tie is to impair his right of free association, a right closely allied to freedom of speech and a right which, like free speech, lies at the foundation of a free society.

In the case of *Stewart v. Washington* (32, p. 610), the court ruled on the rewriting of a statute which was receiving attention from the courts in order to meet constitutional limitations:

It is settled doctrine that a statute trenching on freedom of association or other First Amendment freedoms cannot be rescued from taint of unconstitutionality by administrative patchwork in order to arrive at a new statute.

The flag salute carried on in many schools every morning is a form of loyalty oath, complicated in 1954 by the addition of the words "under God." Donald Boles (5, pp. 168-170) in a summary section of his book *The Two Swords*, examines the history and evolution of the flag salute question.

Membership In Organizations

The preceding section on loyalty oaths documents one way in which a community can attempt to protect itself from those it considers disloyal. This section is concerned with the disqualification of teachers who belong to subversive or otherwise unacceptable organizations (e.g., those advocating unionism and collective bargaining).

Fisher and Schimmel (11, p. 93) point out that during "the early
1950's many states passed laws to disqualify teachers who were members of the Communist Party and other subversive or revolutionary organizations." The Feinberg Law discussed in the preceding section was such a law. The Feinberg Law had the effect of creating a list of organizations which advocated the "overthrow of the Government by force, violence or any unlawful means.... Membership in any organization so listed [was considered] prima facie evidence of disqualification for employment in the public schools" Adler v. Board of Education (2, p. 484).

Adler is one example of a case which provides meaningful insights when examined in a historical and legal perspective. Justice Minton, writing for the court in Adler supra at 490, defined the objectives of the Feinberg Law in the following manner,

It is the purpose of the Feinberg Law to provide for disqualification and removal of superintendents of schools, teachers, and employees in the public schools in any city or school district of the State who advocate the overthrow of the Government by unlawful means or who are members of organizations which have a like purpose.

The New York teachers seeking relief from the Feinberg Law found the tenor of the times unreceptive to their claims under the First and Fourteenth Amendments. Justice Minton (writing in 1952), defined the rights of these teachers as they interacted with the legal rights of the State in Adler supra at 492 in the following terms:

It is clear that such persons have the right under our law to assemble, speak, and think and behave as they will. Communications Assn. v. Durst, 339 U.S. 382. It is equally clear that they have no right to work for the State in the school system on their own terms. United Public Workers v. Mitchell, 330 U.S. 75. They may work for the school system upon the reasonable terms laid down by the proper authorities of New York. If they do not choose to work on such terms,
they are at liberty to retain their beliefs and associations and go elsewhere.

The court in Adler supra at 494-495 had little trouble justifying the idea that membership in a listed organization was "prima facie" evidence of disqualification from their teaching position. Justice Minton wrote,

Membership in a listed organization found to be within the statute and known by the member to be within is a legislative finding that the member by his membership supports the thing the organization stands for, namely, the overthrow of government by unlawful means.

Justices Frankfurter, Black, and Douglas dissented from the opinion of the court in Adler. Their opinions contained in Adler v. Board of Education (2, pp. 496-511), set the stage for the decision handed down by the court in Keyishan v. Board of Regents (18, p. 589) in 1967, which was to spell the death knell for the Feinberg Law. Justice Douglas, writing from a historical perspective of the defeat of Hitler in Germany and the rise of the Communist state in Russia wrote in Adler supra at 509:

The law (Feinberg) inevitably turns the school system into a spying project. Regular loyalty reports on teachers must be made out. The principals become detectives; the students, the parents, the community become informers. Ears are cocked for tell tale signs of disloyalty. The prejudices of the community come into play searching out the disloyal. This is not the usual type of supervision which checks a teacher's competency; it is a system which searches for hidden meanings in a teacher's utterances.

The dangers perceived by Douglas were the kinds of dangers which the Feinberg Law had been created to prevent. Douglas elaborated his concerns in Adler supra at 510:
A 'party line' . . . lays hold. It is the 'party line' of the orthodox view, of the conventional thought, of the accepted approach. . . . A deadening dogma takes the place of free inquiry. Instruction tends to become sterile, pursuit of knowledge is discouraged; discussion leaves off where it should begin.

*Keyishian supra* at 589 handed down in 1967, overturned the *Adler* ruling and disestablished the *Feinberg Law*. *Keyishian* is documented in the preceding section. Justice Brennan, writing for the court in *Keyishian supra* at 606, documented the demise of the guilt by association assumptions contained in the *Adler* decision in the following terms:

Mere knowing membership without a specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from such positions as those held by appellants.

In *Elfrandt v. Russell*, 384 U.S. 11, we said, 'those who join an organization but do not share its unlawful purposes and who do not participate in its unlawful activities surely pose no threat, either as citizens or as public employees.'

Justice Brennan went on to point out in *Keyishan v. Board of Regents* (18, p. 607):

As we said in *Schneiderman v. United States*, 320 U.S. 118, 136, 'Under our traditions beliefs are personal and not a matter of mere association, and . . . men in adhering to a political party . . . do not subscribe unqualifiedly to all of its platform or asserted principles. A law which applies to membership without the 'specific intent' to further the illegal aims of the organization infringes unnecessarily on protected freedoms. It rests on the doctrine of 'guilt by association' which has no place here.

Government restraints on the organizational membership of teachers as it relates both to subversive organizations and unionism is discussed by Chanin (9, pp. 21-24). Fisher and Schimmel (11, pp. 86-93) analyze teacher membership in controversial organizations.
Political Activity

Regulations which have prohibited public employees from involvement in political campaigns have been common in our history. Change in this area has been rapid, and the trend would seem to be toward greater teacher involvement in the political process.

A case which contains many of the generalizations important to the question of permissible teacher involvement in politics is *James v. Board of Education of Central District No. 1*, (14, p. 566). James, the teacher involved, was employed as an 11th grade English teacher in Addison High School near Elmira, New York. James was a Quaker who undertook to illustrate his opposition to the Viet Nam War by wearing a black arm band on moratorium days, *James supra* at 568.

This case, like many teacher rights cases, hinged on the balance between the rights of the individual teacher as opposed to the interest of a social institution. In this case Judge Irving Kaufman, in *James supra* at 568, defined the "balancing principle" in the following terms:

For several decades, the courts have struggled with principles and concepts necessary to strike a functional balance between protected speech and the government's legitimate interest in protecting our democracy.

The school officials, in *James supra* at 572 contended that this teacher's conduct was politically partial and that the "wearing (of) the armband would tend to be disruptive and possibly encourage pupils to engage in disruptive demonstrations." The court's reaction to these allegations was to cite the position taken by the court in *Tinker v. Des Moines Independent Community School District* (34, p. 514), in which the
court warned "in our system undifferentiated fear or apprehension is not enough to overcome the right to freedom of expression." The guidelines for limiting a teacher's constitutional rights was then defined in *James supra* at 571:

Any limitation on the exercise of constitutional rights can be justified only by a conclusion, based upon reasonable inferences based on concrete facts and not abstractions, that the interests of discipline or sound education are materially and substantially jeopardized, whether the danger stems initially from the conduct of students or teachers.

The court was concerned with the censoring of a teacher's right to free speech. Judge Kaufman in *James supra* at 571, affirmed "that neither students nor teachers 'shed their constitutional right to freedom of speech or expression at the schoolhouse gate.'" Judge Kaufman further elaborated on the courts concern with censorship in *James v. Board of Education* (14, p. 573):

More than a decade of Supreme Court precedent leaves no doubt that we cannot countenance school authorities arbitrarily censoring a teacher's speech merely because they do not agree with the teacher's political philosophies or leanings. This is particularly so when that speech does not interfere in any way with the teacher's obligations to teach, is not coercive and does not arbitrarily inculcate doctrinaire views in the minds of students.

Again, as with the academic freedom cases discussed earlier, the court examined the school program to find out if the regulation against political activity in the classroom was being arbitrarily applied. The court found,

The Board's action under such circumstances [another teacher was alleged to have displayed the slogan 'Peace With Honor' on the bulletin board, students wore campaign buttons] would indicate that its regulations against political activity in the classroom may be no more than the fulcrum to censor only that expression
with which it disagrees, *James* supra at 575.

The courts expect the public schools to aid in preparing students for active involvement in a democratic state. Judge Kaufman wrote in *James* supra at 574:

Recently this country enfranchised 18 year olds . . . . Schools must play a central role in preparing their students to think and analyze and to recognize the demagogue. Under the circumstances present here, there was a greater danger that the school by power of example, would appear to the students to be sanctioning the very 'pall of orthodoxy,' condemned in *Keyishan* which chokes freedom of dissent.

In the eyes of the court some high school students have attained adult status; many others are on the threshold. As the court stated in *James* supra at 574, "James was teaching 11th grade (high school) English. His students were approximately 16 or 17 years of age, thus more mature than those junior high school students in *Tinker*. The granting of adult status is bound to have a profound effect on teacher civil rights as the courts move away from the position of viewing high school students as young impressionable people to be protected from worldly teachers.

Another example of a teacher involvement in helping to foster social reform while receiving protection from the courts is *Rackly v. Orangeburg Co.*, S.C. (27, p. 676). Rackly was a teacher who served actively in the National Association for the Advancement of Colored People; her activities, as defined in *Rackly* supra at 676, were as follows:

She engaged in peaceful picketing and demonstrations designed to end segregated practices in public accommodations. . . . As a consequence of her participation in these demonstrations plaintiff was arrested on several occasions and charged with various offenses including breach of peace, trespass, and distributing handbills.
The fact that Rackly had been arrested on various charges (and in at least one instance convicted) stemming from her involvement in civil rights demonstrations did not deter the court from finding constitutional protection for her actions. The court noted,

''... attention is invited to Edwards v. South Carolina, 372 U.S. 229, 83 S. Ct. 680, 9 L.Ed. 697 (1963), in which the Court was dealing with First Amendment freedoms when it stated: 'The Fourteenth Amendment does not permit a State to make criminal the peaceful expression of unpopular views.' The facts supporting the State conviction in Edwards were much stronger than in plaintiff's 'breach of peace' conviction. . . .

The topic of teacher involvement in political activities as it has legally evolved is discussed in Chanin (9, pp. 18-20) and Fisher and Schimmel (11, pp. 96-111).

Arbitrary Action

The concept of due process was involved in many of the cases discussed in preceding sections. Both the Fifth and Fourteenth Amendments, in the words of Abraham (1, p. 89),

''... issue clarion calls to national and state governments alike for presence and maintenance of 'due process of law.' In the words of Article Five, ratified on December 15, 1791: 'No person shall . . . be deprived of life, liberty, or property, without due process of law ...'; and in the words of Article Fourteen, ratified on July 23, 1858: 'No State shall . . . deprive any person of life, liberty, or property, without due process of law.'

The concept of "due process of law" has never been defined in definitive terms by the courts. Abraham (1, p. 90) indicates that "one basic requirement of the concept 'due process of law' is that government may not act in an 'arbitrary,' 'capricious,' or 'unreasonable' manner in
performing its task vis-à-vis the body politic." The application of this concept to education was determined by the Supreme Court in *Wieman v. Updegraff* (37, p. 192), where the court stated,

We need not pause to consider whether an abstract right to public employment exists. It is sufficient to say that constitutional protection does extend to the public servant whose exclusion pursuant to a statute is patently arbitrary or discriminatory.

Abraham (1, p. 92) wrote of due process,

... due process of law and its application to our federal and state governments is based on an extensive reservoir of constitutionally expressed and implied limitations upon governmental authority, ultimately determined by the judicial process, and upon those basic notions of fairness and decency which govern, or ought to govern, the relationship between ruler and ruled.

The National Education Association (22, pp. 1-2) defined the two aspects of due process as they are of concern to educators in the following terms:

1. **Substantive due process** means that the reasons for an adverse action must not be arbitrary or capricious; that they must be relevant to the competence of the individual to adequately perform the responsibilities and functions of his position; that they must not either directly or by their effect deny the individual the right to exercise any rights under the Constitution or laws of the United States nor be a retaliation for such exercise. Furthermore, the reasons given must be genuine reasons, not a subterfuge disguising other, unconstitutional intentions; and finally, they must be sufficient to warrant the action taken.

2. **Procedural due process** means that there must be available procedural safeguards to insure that any adverse action can be dealt with fairly and equitably so that the individual affected has every opportunity to face his accusers, respond to the charges and refute the evidence against him. Included in these procedures must be the following:
a. That appropriate reasons and timely notice will be given before any adverse action is taken.

b. That it will be the burden of the institution to substantiate its charges and justify its actions through the presentation of proper, relevant and sufficient evidence.

c. That the individual adversely affected will have an opportunity for a hearing in which he and his representatives will be enabled to hear and see all the evidence, cross-examine any person giving evidence against him, and present his own evidence to refute the charges against him.

d. That this hearing will be open or closed at the discretion of the individual.

e. That the individual will have the right to be represented by counsel of his own choosing.

f. That the hearing agency will render a decision based solely on the unrefuted evidence produced at the hearing.

g. That the individual will have the right to appeal the decision to binding arbitration by a neutral third party.

What differentiates an action which is arbitrary, capricious, or unreasonable, from an action which is acceptable in the mind of the court?

Fisher and Schimmel (11, p. 125) offer the general observation that "the state may classify people for certain purposes, but the classification must be reasonable and must be related to a legitimate governmental aim."

In the case of Keyishan v. Board of Regents, discussed earlier, the fact that an individual was a member of an organization which advocated the overthrow of the government, could not serve as "prima facie" evidence of ignoble intentions. This action taken to protect the schools from subversion was found wanton because as the court stated in Keyishan (18,
p. 602) quoting an earlier decision in *Shelton v. Tucker*, 364 U.S. 479, 488, "... even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle liberties when the end can be more narrowly achieved." In other words, the governmental objective of protecting public school children from subversives may have been legitimate; but the means chosen to achieve that objective were, however, unreasonable. What type of classification might be deemed to be consistent with governmental aims? Fisher and Schimmel (11, p. 126) provide these examples of legitimate and illegitimate classification:

One obvious example of legitimate classification would be to separate shower facilities for males and females in schools. An illegitimate and therefore arbitrary classification would be to allow only males to vote in school elections or to provide that school administrators will be selected from among the male members of the faculty.

The final determination of what school board and administrative policies are "arbitrary," "capricious," or "unreasonable," and in violation of a teacher's constitutional rights rests with the courts. Bolmeier (6, p. 209), in discussing the discretionary power of a school board over a teacher, notes,

... when ... restrictions and regulations imposed upon a teacher appear to be unnecessary, unreasonable or in conflict with constitutional guarantees and statutory provisions, a teacher possesses a legal right to seek relief.

Frequently there is a lack of agreement among teachers and school boards as to what is reasonable and legal. When the disagreement develops into litigation, the courts determine the reasonableness and legality of the school board restrictions and requirements placed upon the teacher. Ultimately, the courts determine the legal scope of teachers' freedoms.
Related Research Studies

A review of the literature pertinent to the civil rights of teachers reveals that although specific areas such as the civil rights of pregnant teachers are receiving a great deal of investigative time, the broad question of the constitutional rights of teachers has received less attention. There have been some studies which address themselves to identifying teacher rights, but very few attempts have been made to ascertain the extent of teacher knowledge of these rights.

Roland Boyd Bosma in a doctoral study *Civil and Constitutional Rights of Public School Teachers as Citizens* (7, p. 15), reviewed the following teacher rights:

1. The right to due process.

2. Freedom of religious thought and belief.

3. Political freedom, freedom of expression, and freedom of association.
   a. The right to dissent.
   b. The right to criticize the schools.
   c. Membership in organizations.
   d. Political participation.
   e. Loyalty oaths.
   f. Dues and grooming.
   g. The right to private personal behavior.

4. The right to equal protection under the laws.
   a. Discrimination on the basis of race.
b. Discrimination on the basis of sex.

c. Other dimensions of equal protection.

Bosma (7, p. 7) created the following questions to serve as a frame of reference for his research:

1. How are the citizen's constitutional rights affected by his employment as a classroom teacher in a public school?

2. What is present practice in the public schools of the United States with regard to observance or violation of teacher's constitutional rights?

Bosma (7, p. 10), in order to authoritatively define teacher rights in the categories previously outlined, used the following methodology:

... since the higher the court from which a ruling emanates the more authoritative it is, and since this paper is intended to review rights of educators under the Constitution of the United States, the writer has concentrated on the rulings of courts of the rank of Federal District Court or higher. State Supreme Court decisions, legislative acts and attorneys general opinions are often of interest but were mentioned for illustrative purposes.

The legal search as defined by Bosma (7, pp. 10-12) included the use of the "West Key Number System" which allowed the "researcher to identify his topic and its identifying number (key number) and thereby trace all related case opinion of all appellate courts in the U.S." The author also used other "bound digests" and "advance sheets" issued by West Publishing Company of St. Paul, Minnesota. Bosma (7, pp. 10-11) described the use of the two widely recognized legal encyclopedias, *Corpus Juris Secundum* and *West's Modern Practice Digest*, in the following terms:

*Corpus Juris Secundum* is a complete authoritative encyclopedic restatement of the entire body of American law based on all reported cases from 1658 to date. It is the most exhaustive and comprehensive legal encyclopedia ever written.
The Federal Digest covers case law prior to 1939. Bosma noted that the last two decades have so dictated today's federal practices.

That lawyers and judges have increasingly urged the need for a special and complete digest covering the decisions of this new era.

West's Modern Federal Practice Digest is responsive to this need. It continues the research and time-saving features of the Key Number System which is universally accepted as the standard for case law research.

Bosma (7, p. 12) also cited the use of Shepard's Federal Reporter Citation, which in part cites "all United States District Courts, Circuit Courts, and Circuit Courts of Appeals cases": American Law Reports which includes "annotations of leading cases and reviews of the authorities on particular points of law," and Teacher's Day in Court, which is an annual report of all legal decisions affecting teachers published by the National Education Association. Also cited were the use of "college of law and legal periodicals," as well as the N.O.L.P.E. School Law Reporter, a quarterly summarization of court, attorney general, and commissioner of education actions.

A most useful section of the Bosma study (7, pp. 1-150) summarizes the prevailing legal perspective of each teacher right presented in the topic outline quoted earlier in this section. The author concluded in Bosma (7, p. 124) that teacher "civil and human rights" are undergoing rapid expansion, more rapidly than in any other period "in the history of the United States." He further elaborated (7, p. 124),

There is, on the other hand, no question that such rights will continue to be violated by school administrators and boards of education. Teachers are still being fired for speaking 'out of turn,' for getting 'in bad' with the principal or superintendent,
for offending school board members or citizens in the communities where they teach because of private behavior or political advocacy, and far too often, for being 'different,' especially with respect to skin color, than those who are dominant in the schools.

Another doctoral study directly concerned with teacher civil rights is The Rights and Status of the Teacher as a Citizen: A Legal Review, completed by Godrey Deane Sullivan at Miami University, Oxford, Ohio, in 1971. Sullivan (33, p. 3) states that "in general this study examines the extent to which the rights of the teacher as an individual and as a citizen are, or have been, abridged by virtue of his occupation." Sullivan (33, pp. 5, 6) characterizes his methodology as being "the historical legal method" of research, which utilizes "case law as the principle source."

Sections of the Sullivan thesis which directly relate to this study are concerned with the status of the teacher as examined through a historical legal perspective. This includes the right to teach, private conduct, political activities, and professional organizations. Sullivan (33, p. 161) defines his methodology for examining the changing status of the American public school teacher through a historical perspective in the following terms:

The changing attitude of society towards the teacher and the status of the teacher in society from colonial times to the end of the nineteenth century was traced in an historical outline, general in character and largely based upon secondary sources, specifically reputable histories of American education.

The four broad legal areas of concern were reviewed in a "historical legal" approach which Sullivan (33, p. 161) summarized in his "Review of Methodology" in the following terms:
... a descriptive analysis of case law in four major areas of concern was made. The method may be described as an historical-legal one. Implicit in the concept of case law is the reliance on precedents—the doctrine of stare decisis—and this means that a chronological review of case law is a history not only of the emergence of legal principles but also, to some degree, of public attitudes which are reflected in judicial decisions in any given period.

The method of reviewing the court cases in the Sullivan study (33, p. 162), parallels the process outlined earlier in this paper in the Bosma study (7, p. 12).

Sullivan (33, p. 179) established that the citizenship rights of teachers had grown in the past twenty years more than in any comparable period. He further elaborated:

This development was not brought about by the profession except to a small degree, but was an effect of a changed emphasis in judicial philosophy. From the mid-nineteenth to the mid-twentieth century, the courts tended to reflect in their judgments what was perceived to be the established mores and expectations of the community. Largely through the influence of the Supreme Court under Chief Justice Warren, this changed during the 1950's and 1960's. Increasingly, courts emphasized those factors which are intrinsic to the Constitution, for example, the concept of equality.

Sullivan (33, p. 181), writing in a section entitled "Teacher Freedom and Teacher Quality," had this to say about the importance of teachers being informed of their rights:

It is clearly of personal benefit to teachers that they should be aware of their rights... for there is apparently a direct connection between the independence and freedom of teachers on the one hand and their effectiveness as exemplars and instructors on the other.

Independence of mind and judgment, integrity, maturity, and political awareness are desirable attributes for teachers, and they are the attributes of free men.
The Sullivan study is an important one because it places the civil rights of teachers in a historical and social context. It is obvious that the formal and informal restraints that society places on public school teachers vis-à-vis the courts are in some way affected by the status of teaching as a profession.

Terrance K. Weed (36, pp. 1-217), in a doctoral study entitled "Civil Case Law Related to the Personal Conduct of Teachers," examined areas where a local school board could, and could not, discipline teachers. Areas examined included speech, dress and appearance, and constitutional as well as other areas. The procedure involved was to research questions through the American Digest System, U.S. Law Week, and Shepard's Citations. Weed (36, p. 179) cited, among others, the following areas where local school authorities could legally discipline a teacher (a) "lack of citizenship," (b) "being guilty of a misdemeanor involving intoxicants if the teacher was given procedural due process" and (c) an action which resulted in damage to a teacher's reputation and which impaired his/her classroom effectiveness.

Weed (36, p. 178) cited these areas and others as providing protection for the teacher behavior described, (a) professional statements critical of the teacher's superiors and the school board policy which are not deleterious to the school's welfare, (b) private remarks which do not adversely effect the school's welfare, (c) "nonpartisan political activities," (d) hair or beard style, and (e) private sexual conduct which does not have a negative impact on a teacher's "fitness to teach."

Weed (36, p. 180) found that many factors other than classroom
conduct may be used by a school board in the hiring or discharging of a public school teacher. This discretionary power must not be applied in an "arbitrary, capricious, or discriminatory" manner resulting in the "violation of liberties secured by the United States Constitution" or guaranteed to all citizens by the Constitution.

John Worzbyt (39, p. 1), in the study "A Survey of the Knowledge of New York State Certified Public School Guidance Counselors of Their Legal Rights, and Duties, and Liabilities Concerning the Counseling Function," followed a research design which combined elements of historical, legal, and statistical research.

The main purpose as Worzbyt (39, p. 5) perceived it was to examine the extent to which New York State "counselors are knowledgeable of their legal rights, duties, and liabilities as they relate to the counseling function." Because Worzbyt (39, p. 46) wanted to assess the knowledge of counselors across the state of New York, "an instrument designed to collect data from a widely scattered population was needed," and this led the investigator to decide on a survey approach.

The instrument designed by Worzbyt (39, p. 50) was a 24-item, multiple choice questionnaire. Each item contained four possible response options. There was one legally correct response for each item. Each test item described a hypothetical situation having legal implications for counseling.

To differentiate between final scores which the author would deem as illustrating "knowledge of the 'Law and Counseling,'" Worzbyt (39, p. 53) made the following decision:

For a 24-item, multiple choice (four choices) instrument, the probability of receiving 15 or more correct responses
by random guessing is .001 (Table of the Binomial Probability Distribution, National Bureau of Standards, 1950). A critical score of 15 (62.5 percent) correct responses, therefore, provided considerable assurance that respondents had some knowledge of the legal principles being tested, and that their scores were not due to chance alone.

In order for counselors as a class to be found "knowledgeable of their legal rights, duties, and liabilities, Worzbyt (39, p. 53) decided they would have to receive "passing scores of 15 or higher on the 24-item instrument."

Worzbyt (39, p. 53) sought to enhance the validity on his survey instrument by having "four attorneys" react "individually to the questionnaire items." Due to the descriptive nature of the study, Worzbyt (39, p. 57) stated that he

... made use of only descriptive statistics. Frequency distributions are used to reduce and organize the data. Summary statistics are reported in terms of score ranges, mean scores, standard deviations, and percent of respondents receiving passing and failing grades.

Conclusions verified by this study (39, p. 101) included the following:

... respondents were not knowledgeable of their legal rights, duties, or liabilities, as related to the counseling function. Nor were the respondents knowledgeable of the three subtest content areas of privileged communication, pupil records, or court rights as examined by the questionnaire.

Worzbyt (39, p. 88) did find some evidence to indicate that "previous legal training may have a substantial positive effect on counselor knowledge of the law as measured by the questionnaire." This conclusion was based on the evidence that

as a group respondents having received legal training were
not considered knowledgeable, they had a higher percentage and a higher mean score than the nontrained subgroup.

Other Related Studies

In an article "On the Cutting Edge of the Law," Schimmel and Fisher (29, pp. 261-279) examine case law as it "reflects changes in the social and judicial thinking in America..." The author's intentions were to "suggest the directions in which teachers' rights are being expanded and the possibility of judicial protection when a teacher does know and assert them." After a short historical exposition Schimmel and Fisher (29, pp. 261-279) examined the following areas of "current conflict":

- Freedom of Speech in the Classroom
- Freedom of Speech Outside the Classroom
- The Teacher's Personal Life
- Personal Appearance
- Membership in Controversial Organizations
- Sexism and Equal Protection

Schimmel and Fisher (29, p. 261) voiced the concern that "schools are teaching legal hypocrisy." This concern was expressed in the following manner:

Administrators talk about the importance of obeying school rules and simultaneously violate the rights of teachers and students, they are actually teaching cynical disrespect for the law. Perhaps most administrators and teachers violate the law because of ignorance, and increasing their legal awareness might help change the situation.

L. O. Garber, in a short article in the December 20, 1970 issue of Nations Schools, comments on a case that would seem to support this
observation by Schimmel and Fisher. As in Garber (12, p. 28) the case involved a teacher who had been dismissed "by her principal under authority granted him by two members of a five man board." He further indicated that

Testimony in this case shows there had been a general understanding or agreement between the directors of this school district that two of them could act in the absence of a third.

The points of law violated were of such a general nature that they might be considered as common knowledge to many educators and school board members.

As Garber (12, p. 28) observed,

The entire matter would never have reached a court of law if any of the board members had understood two principles of law (1) A school board can take legal action only at a legal meeting of that body (2) A board of education cannot delegate discretionary authority that is vested in it.

Although this article was not concerned with the violation of a teacher's civil rights per se, it does illustrate the kinds of outcomes that can be produced when anyone in the system does not understand the basic legal tenets on which it functions.

John C. Walden, in an article entitled "A Right to Privacy" appearing in the July/August 1974 issue of the National Elementary Principal (35, pp. 86-88), illustrates through the analysis of a case concerned with a teacher's private conduct the disparity that can sometimes exist between the mores of a community and the constitutionally protected rights of an educator. The case involved an unmarried teacher who was alleged to be "pregnant and in a local hospital." Testimony to this effect was made to the superintendent, according to Walden (35, p. 86), by a member of the
clerical staff.

As discussed in Walden (35, p. 87), "the superintendent took steps that led to the dismissal of the teacher under the provisions of the state's tenure law, which cited 'immorality' as one of the causes for dismissal." One of the steps taken by the superintendent was to contact the teacher's doctor, who assured him that the teacher was pregnant. The impact of this action on the court was defined by Walden (35, p. 87) thusly:

The court pointed out that Drake had not granted her doctor permission to release any information about her. The doctor, therefore, had breached his confidential relationship when he made information available to the school board. . . .

Thus, Drake's allegation that the board had no legally competent evidence on which to support her dismissal was upheld by the court.

Walden (35, p. 87) made these comments on using "immorality" as the basis for procuring the dismissal of a teacher:

Immorality is hard to define at best. In addition, gathering substantive evidence to support a charge of immorality is often difficult because such cases usually involve conduct that is private in nature, and therefore constitutionally protected. Public conduct is one matter; private behavior or behavior that is protected by one's right to privacy is another.

Walden (35, p. 87) noted that in this case as in many teacher dismissal cases the authorities failed to establish any relationship between the alleged misconduct on the part of a teacher and the teacher's effectiveness in the classroom. Walden (35, p. 87) analyzed this incongruity as follows:

In its ruling the court also stated that no evidence had been presented at Drake's hearing that demonstrated any relationship between her alleged immorality, or knowledge of it by the community and her effectiveness as a classroom teacher.
Walden (35, p. 88) found this case instructive for the following reasons,

1. Termination of a tenured teacher for ineffective teaching will not be sustained unless the administration provides the board of education with hard data to support the case.

2. Any evidence that is used against an employee must be gathered in a manner that does not compromise fundamental rights guaranteed by the Constitution.

3. A teacher's private behavior, so long as it remains private, is not subject to an employer's scrutiny.

Betty E. Sinowitz (31, p. 89), special assistant with N.E.A. Du Shane Emergency Fund for protecting teacher rights, offered these observations about the dismissal of a teacher for carrying out a constitutionally protected right:

The Supreme Court has insisted that a teacher may not lose a certificate or nonrenewal (sic) for exercising rights guaranteed by the Constitution, unless exercising these rights significantly impedes teaching effectiveness or school operation.

Sinowitz (31, p. 92) defined the following teacher behavior as providing positive grounds for dismissal:

...行为 on the part of a teacher that is patently injurious to the student/teacher relationship or violative of the student's welfare is probable cause for dismissal.

The review of the literature pertinent to this topic has led this researcher to concur with Schimmel and Fisher (29, p. 278) in these conclusions.

As we enter a judicial era that may be dominated by a conservative Supreme Court, many educators are concerned that the Court may not continue to expand teachers' rights as it did during the 1960's. We do not share this concern because we do not believe that further expansion of teachers' rights is the major problem today. Most teachers now have more
rights than they realize. Therefore, the more urgent problem is to make teachers aware of their rights and of how these rights can be legally asserted and protected. This, we suggest, should be the task of the next decade.

Summary

The notion that public school teachers lose certain constitutional rights because of their public employment is no longer legally valid. A teacher may speak out critically in opposition to administrators and the school board without fear of retaliation unless these statements were "knowingly" made in a reckless manner. Factors considered important by the courts in determining the legitimacy of materials brought into the classroom might include: (1) the kind of materials generally found in the school library, (2) the fact that the material introduced was consistent with the teacher's objectives, (3) the age of the students involved, and (4) the manner in which the material was introduced.

The question of teacher involvement in the political process is no longer volatile as it once was. As with the academic freedom question, school officials may not apply rules governing political behavior which are capricious or arbitrary. Teachers must be cautious to observe that the political activities which do take place in the classroom are consistent with the objectives of the academic discipline with which they are involved.

The private conduct of a teacher is not a matter of public concern unless it in some way results in a public injury. The courts seem to reserve their harshest judgments for teachers who become involved in an indiscreet manner with minor students. Although courts have not gone so
far as to say that the right to wear beards and goatees is a constitution-
ally protected right, they have stated that they are an interest of a
teacher which cannot be denied him without due process. The court does
seem to differentiate between clothes (which can be changed after leaving
school) and personal appearance (which cannot be so easily altered).

Courts look with disfavor on loyalty oaths which are vaguely worded,
or which require an individual to assert that he or she has never been
a member of some specified subversive organization (this has been called
a negative oath). An oath to support the Constitution of the United
States, the Constitution of the state in which a teacher is employed, and
to carry out assigned professional responsibilities could be expected to
receive legal support. Freedom of association is a constitutional right
which belongs to all teachers. As long as teachers, in belonging to an
organization, do not become involved in furthering unlawful aims of that
organization, their conduct will receive legal protection.

Generally actions of any governmental agency which are arbitrary
and capricious, and which impinge upon an individual's constitutional
rights, have been found unconstitutional by the courts. Any constitu-
tional right or "protected right," e.g., growing a beard, cannot be
endangered without due process of law.
CHAPTER III. METHODS AND PROCEDURE

The purpose of this study is to develop an instrument for evaluating teacher, administrator, and senior adult student knowledge of teacher civil rights. The teacher rights under consideration are: (1) freedom of speech outside of the classroom, (2) freedom of speech inside the classroom, (3) teacher's private life, (4) personal appearance, (5) loyalty oaths, (6) membership in organizations, (7) political action, and (8) arbitrary action. The procedure followed in this research endeavor may be characterized as "legal-historical-statistical." Included in the procedure were the following steps: (1) legal search--primary and secondary sources, (2) preliminary writing of the instrument, (3) verification of the survey instrument by a panel of experts and rewriting of the instrument, (4) preliminary survey, (5) selection of the sample, (6) collection of the data, (7) treatment of the data and rewriting of the instrument.

Legal Search

The organization of teacher civil rights in accordance with the outline presented above was gleaned from the structuring of teacher rights presented by Chanin (9, pp. 1-41), Rubin (28, pp. 11-174), and Fisher and Schimmel (11, pp. 2-220). Legal questions were first examined in American Jurisprudence 2nd. The Living Law: A Guide to Legal Research (19, p. 9) defines the function of American Jurisprudence in these terms,

It is the "quick answer" set that gives the lawyer, in
precise summary statements, a complete legal perspective. In addition to stating the rules and principles it also outlines their origin, history, qualification, limitation, exceptions, scope, and varying views as applied by the courts.

The examination of pertinent case law was facilitated through the use of The Descriptive Word Index, which aided the researcher in finding in the words of Dowling, Petersen, Powell, and Jones (10, p. 266), "the bridge between the case in the lawyer's office, and the judicial precedent in a Key Number Digest for which he is searching." Cases under consideration in any legal research should be "Shepardized." Dowling, Patterson, Powell, and Jones (10, p. 278) note that:

The pursuit of the routes already considered will commonly place on the researcher's notebook a long list of cases, supposedly helpful on his problem. These must be read; not their headnotes, but the opinions themselves. Then these cases must be tested to determine the ones on which reliance can be safely placed. This is the part of your task where Shepard's Citators come into use.

The function of Shepard's Citations is defined in a small pamphlet entitled How to Use Shepard's Citations from which the following statement of function is taken, (30b, p. 4),

The Citators provide a compilation of citing references, to the publisher texts of judicial and legislative documents, derived from sources in general use if research, ..., shows the present status of a document as it has been affected by later documents.

The National Reporter System and advance sheets published by the West Publishing Co. of St. Paul, Minnesota, provided an examination of case law. Other helpful legal research tools were the American Law Reports which provide "a series of annotations on specific legal and factual questions"; U.S. Law Week; the N.O.L.P.E. School Law Reporter;
Writing of the Instrument

The initial rough draft of the instrument was written following the legal search. Three questions were written relative to each of the eight areas of teacher civil rights identified for analysis. Each question was comprised of a four answer, multiple-choice question. Insofar as it was possible, each of the four possible answers was patterned after an actual court case.

Verification by Expert Opinion

Legal experts and experts in school law from Iowa's three major universities (Drake University, Iowa University, and Iowa State University) and the Department of Public Instruction comprised the panel of experts who were involved in evaluation of the survey instrument. They were asked to "examine each question for legal interpretation, clarity, and structure." Each question was then reviewed in light of the comments of the panel of experts and rewritten where the evidence seemed to merit it.

Preliminary Survey

A preliminary survey was conducted to establish the workability of the instrument when applied to high school teachers, principals, and senior adult students. The preliminary survey was conducted using evening graduate education classes made up of practicing educators, and a class
of senior students in "rhetoric" at Des Moines East High School. The results were evaluated with the aid of the Iowa State University Counseling Service.

Selection of the Sample

After consultation with the researcher's graduate committee and other interested faculty members at Iowa State University, the decision was made to send one survey instrument to each of 132 randomly selected Iowa high schools. The instrument was sent to the building principal with instructions that it be filled out by an individual selected by him from an area designated by the researcher. The six areas designated were: (1) Physical Education - Humanities, (2) Social Sciences - Language Arts, (3) Math - Science, (4) Vocational Arts, (5) Guidance - Administration, and (6) Senior Adult Students. The 132 schools were randomly assigned to the six designated areas.

Collection of Data

The survey instrument containing twenty-four, four choice, multiple choice questions (three on each of the eight areas of teacher civil rights), was mailed with a cover letter to the high school principal of each of the 132 schools selected. The instruments were all mailed on the same day, with the request that they be returned on an established date two weeks hence. In consideration for the length and arduous nature of the instrument each potential respondent was given twenty cents with which to buy a cup of coffee while completing the task of filling out the
answer sheet and forms.

The initial mailing followed by a three-week waiting period produced a return of over 69 percent. A telephone follow-up with a two-week waiting period brought the return up to 79 percent. The final mailing produced a final total of over 89 percent.

**Final Revision of the Instrument**

Following the completion of the survey, an item analysis was again computed on the survey instrument. This analysis provided the basis for the final revision. An analysis of the criteria on which the revision was based is presented in the next chapter of this study, under the section headed "The Survey Instrument." All items were retained, although portions of several items were revised where the analysis seemed to warrant it.

**Treatment of the Data**

Each participant in this survey received an I.B.M. 505 answer sheet on which to record answers to the questionnaire relating to teacher rights. In addition each educator received a personal information sheet which was later coded on to the answer sheet. The data were organized by respondents who had at least one course in school law, as opposed to those who had none. Educators were placed in the following categories: Humanities - Physical Education, Social Science - Language Arts, Math - Science, and Vocational. Teachers were also categorized by level of education.
The computer analysis indicated that the interitem correlation ranged from -0.08 to 0.31. The mean differences between each group compared was then analyzed using a t test. The t model selected was the "separate variance t model" for data with unequal n's.
CHAPTER IV. FINDINGS

The primary objective of this study was to develop a survey instrument for evaluating teacher knowledge of teacher civil rights. These rights were delimited to include the following: (1) freedom of speech outside of the classroom, (2) freedom of speech inside the classroom, (3) teacher's private life, (4) personal appearance, (5) loyalty oaths, (6) membership in organizations, (7) political action, and (8) arbitrary action.

The Instrument

The process through which this instrument was developed includes five phases: (1) writing of the instrument, (2) verification by expert opinion, (3) preliminary survey (a pilot test using the prototype instrument), (4) selection of the sample, and (5) collection of the data. The final draft of this instrument resulted from an examination of the initial instrument and subsequent evaluation via an item analysis provided by the Iowa State University Testing Service.1

The reliability of an instrument of less than fifty items is often low. The prototype instrument produced a "reliability estimate" of 0.45 with a "standard error of measurement in raw scores" of 2.33. Reliability is based on a 0.0 to +1.0 continuum, with a higher reliability estimate indicating a better test. The "standard error of measurement" indicates the number of points which, when added to or subtracted from a person's calculated score, results in the true score.

1Items were compiled by Jack and Joy Menne.
The reliability of this test could have been improved by creating more test items. Increasing the number of items was not feasible because of two problems: (1) the difficulty in writing a large number of meaningful "distractors" (the distractors in this case being the three false responses in each four-choice multiple choice question), and (2) this instrument is complex and quite time consuming with only twenty-four questions. In the pilot test it was found that time to complete the instrument approached, and in many instances surpassed, an hour for each respondent. This factor along with the length and difficulty of each individual question seemed to preclude the inclusion of additional items.

Most of the items in the instrument met the general criterion of having between 30 and 70 percent correct responses. The analysis rationale used by the Iowa State University Testing Service is that the most "important statistic" for determining the discriminating characteristics of an item is the "item score covariance," or "correlation." A range of .20 to .40 was identified as acceptable by the Iowa State University Testing Service, and was accepted as providing guidelines for this study. Only two questions fell below the .20 level. No item scored below .15. An examination of these two items indicated that one was quite rigorous. The other question contained a flaw, in that one of the "distractors" was found too close to being true, resulting in its selection by a disproportionate number of respondents. This second item was rewritten.

A final criterion applied to the test was that all items should contain three distractors which were considered plausible enough to have been selected by at least one respondent. Four items were found to have
one distractor which was not selected by any respondent. In all cases these distractors were rewritten with the objective of making them more plausible. Portions of four questions were rewritten.

**Postulates**

The data analyzed in this chapter were generated through the application of the prototype instrument written in conjunction with this study and examined in the preceding section of this chapter. Two types of data were collected: (1) one part of the instrument was concerned with personal attributes of the respondent: age, level of education, background in school law, and (2) the instrument itself, which was designed to measure respondent knowledge of teacher civil rights.

Schools selected for participation in this study were selected through the use of a table of random numbers. The instrument was mailed to the high school principal (also selected at random in districts with more than two high schools) with the instructions to forward it to a designated classification of teacher, an adult senior student, or, if the classification was Guidance-Administration, to fill out the instrument personally or forward it to someone in the Guidance Department. Twenty-two instruments were mailed in each of the four teacher classifications, Guidance-Administration, and Senior Adult Students. The total number of instruments distributed was 132.
Table 1. Questionnaire returns by classification of respondent

<table>
<thead>
<tr>
<th>Type of respondent</th>
<th>Instruments mailed</th>
<th>Instruments returned</th>
<th>Percentage of returns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Education-Humanities</td>
<td>22</td>
<td>20</td>
<td>91</td>
</tr>
<tr>
<td>Social Sciences-Language Arts</td>
<td>22</td>
<td>19</td>
<td>86</td>
</tr>
<tr>
<td>Math-Science</td>
<td>22</td>
<td>20</td>
<td>91</td>
</tr>
<tr>
<td>Vocational Arts</td>
<td>22</td>
<td>20</td>
<td>91</td>
</tr>
<tr>
<td>Guidance Administration</td>
<td>22</td>
<td>20</td>
<td>91</td>
</tr>
<tr>
<td>Senior Adult Student</td>
<td>22</td>
<td>19</td>
<td>86</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>118</td>
<td></td>
</tr>
</tbody>
</table>

Subtest correlations

The first postulate to be examined held that teachers scoring high in knowledge of one category of teacher rights will score high in the knowledge of all categories. When correlations between categories of responses were computed (Table 2), there was no significant association between any of the eight areas of teacher civil rights. An examination of Table 2 will also show that there was no relationship between teacher knowledge in any of the areas tested and years of teaching experience.

The formula used to compute this interitem relationship was:

\[ r_{xy} = \frac{n\sum x_i y_i - (\sum x_i)(\sum y_i)}{\sqrt{(n\sum x_i^2 - (\sum x_i)^2)(n\sum y_i^2 - (\sum y_i)^2)}} \]

(Pearson Product Correlation, Glass and Stanley, 13b, p. 113.)
<table>
<thead>
<tr>
<th>Variables</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
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</thead>
<tbody>
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<td>1. Teaching experience</td>
<td>1.00</td>
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<td></td>
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<td>2. Freedom of speech outside classroom</td>
<td>.08</td>
<td>1.00</td>
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<td></td>
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<td>3. Freedom of speech inside classroom</td>
<td>.04</td>
<td>.13</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
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<td>4. Teacher's private life</td>
<td>.16</td>
<td>.13</td>
<td>.16</td>
<td>1.00</td>
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<td></td>
<td></td>
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<td>5. Personal appearance</td>
<td>.05</td>
<td>.00</td>
<td>.24</td>
<td>.10</td>
<td>1.00</td>
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<td>6. Loyalty oaths</td>
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<td>1.00</td>
<td></td>
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<td>7. Membership in organizations</td>
<td>.04</td>
<td>.07</td>
<td>.16</td>
<td>.12</td>
<td>.12</td>
<td>.14</td>
<td>1.00</td>
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<td>8. Political activity</td>
<td>.02</td>
<td>.07</td>
<td>.04</td>
<td>.15</td>
<td>.16</td>
<td>.31</td>
<td>.16</td>
<td>1.00</td>
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<td>9. Arbitrary action</td>
<td>.10</td>
<td>.14</td>
<td>.11</td>
<td>.07</td>
<td>.21</td>
<td>.02</td>
<td>.03</td>
<td>.08</td>
<td>1.00</td>
<td></td>
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<td>10. All categories</td>
<td>.04</td>
<td>.46</td>
<td>.49</td>
<td>.49</td>
<td>.44</td>
<td>.63</td>
<td>.42</td>
<td>.51</td>
<td>.22</td>
<td>1.00</td>
</tr>
</tbody>
</table>
Another postulate examined was that area of academic preparation would have no association with teacher awareness of teacher rights. Because of the large number of possible comparisons, a decision was made to attempt to combine some of the areas of academic preparation. Vocational education presented one logical grouping for teachers from several areas. History and Language Arts were grouped together because of their similar function in the curriculum. Math and Science were grouped together because of the precise nature of related disciplines in this area. Physical Education and Humanities were not as logical a grouping as the others, although it may be argued that these two areas shared the rather recent stress being placed in the curriculum regarding the quality of human life through diverse nonvocational interests. The mean scores obtained by teachers in these four groupings were quite similar, ranging from 11.80 (Vocational) to a high of 13.0 (Social Science - Language Arts). As is indicated in Table 3, the differences between the variances were not significant (p < .05) among any of the four classifications of teachers. The t formula used here and referred to in the remainder of this chapter is

\[ t = \frac{\bar{X}_1 - \bar{X}_2}{\sqrt{s_1^2 + s_2^2}} \]  
(Separate Variance t Model, Popham, 26b, p. 145)
Table 3. Analysis of the characteristics of teacher scores by area of academic preparation (separate variance t model with significance at .05)

<table>
<thead>
<tr>
<th>Group</th>
<th>Mean</th>
<th>Variance</th>
<th>N</th>
<th>Comparison groups</th>
<th>t</th>
</tr>
</thead>
<tbody>
<tr>
<td>Humanities - Physical Education</td>
<td>12.90</td>
<td>8.83</td>
<td>20</td>
<td>Vo.</td>
<td>1.16</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M-Sci.</td>
<td>.53</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>S.S.-L.A.</td>
<td>.10</td>
</tr>
<tr>
<td>Social Science - Language Arts</td>
<td>13.00</td>
<td>12.22</td>
<td>19</td>
<td>Vo.</td>
<td>1.14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M.-Sci.</td>
<td>.58</td>
</tr>
<tr>
<td>Math - Science</td>
<td>12.40</td>
<td>8.88</td>
<td>20</td>
<td>Vo.</td>
<td>.63</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational</td>
<td>11.80</td>
<td>9.22</td>
<td>20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Level of preparation and knowledge of civil rights

If academic training is related to knowledge of teacher civil rights, an analysis of mean scores obtained classified by levels of professional preparation should indicate such a relationship. None of the educators (administrators and teachers) who responded to this study held a Ph.D., so the two categories examined were for educators holding a B.A. and those with at least an M.S. A perusal of Table 4 will show that the t score between these two groups did not indicate a significant difference. Both groups scored approximately the same—roughly twelve correct answers out of twenty-four.
Table 4. Analysis of mean scores by level of education

<table>
<thead>
<tr>
<th>Level of education</th>
<th>Mean</th>
<th>Variance</th>
<th>N</th>
<th>t</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educators with B.A.</td>
<td>12.37</td>
<td>8.06</td>
<td>46</td>
<td>.61</td>
</tr>
<tr>
<td>Educators with M.A.</td>
<td>12.75</td>
<td>11.19</td>
<td>53</td>
<td></td>
</tr>
</tbody>
</table>

Knowledge of teacher civil rights: Teacher, administrator, and student

Teachers were postulated to have superior knowledge of teachers' civil rights when compared to students; while administrators were expected to score higher than either teachers or students. Such was not the case. The correct number of responses of administrators, teachers, and students to the twenty-four question survey instrument are illustrated in Table 5. The range of teacher scores was greater than that for students or administrators, ranging from five correct responses to a high of twenty-one correct responses. The mode for administrators was 13, for teachers 11, and for students 12. The mean scores for administrators, teachers, and students were similar, 12.80, 12.52, and 12.37, respectively (Table 6). As a result the t test produced no significant difference between the teacher scores when compared with those of administrators and students.

Table 7 provides a comparison of administrator, teacher, and student subscale scores as they relate to each of the eight areas of teacher civil rights. Analysis through the application of a t test revealed no significant differences.
Table 5. Comparison of administrator, teacher, and student correct responses on 24-item survey instrument

<table>
<thead>
<tr>
<th>Correct responses (out of 24)</th>
<th>Administrator (N) (%)</th>
<th>Teacher (N) (%)</th>
<th>Student (N) (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>-- --</td>
<td>1 1</td>
<td>-- --</td>
</tr>
<tr>
<td>6</td>
<td>-- --</td>
<td>1 1</td>
<td>-- --</td>
</tr>
<tr>
<td>7</td>
<td>-- --</td>
<td>2 3</td>
<td>-- --</td>
</tr>
<tr>
<td>8</td>
<td>2 10</td>
<td>1 1</td>
<td>2 11</td>
</tr>
<tr>
<td>9</td>
<td>2 10</td>
<td>7 9</td>
<td>1 5</td>
</tr>
<tr>
<td>10</td>
<td>2 10</td>
<td>8 10</td>
<td>1 5</td>
</tr>
<tr>
<td>11</td>
<td>1 5</td>
<td>14 18</td>
<td>2 11</td>
</tr>
<tr>
<td>12</td>
<td>1 5</td>
<td>5 6</td>
<td>5 26</td>
</tr>
<tr>
<td>13</td>
<td>4 20</td>
<td>12 15</td>
<td>3 16</td>
</tr>
<tr>
<td>14</td>
<td>2 10</td>
<td>7 9</td>
<td>1 5</td>
</tr>
<tr>
<td>15</td>
<td>2 10</td>
<td>8 10</td>
<td>1 5</td>
</tr>
<tr>
<td>16</td>
<td>2 10</td>
<td>6 8</td>
<td>1 5</td>
</tr>
<tr>
<td>17</td>
<td>1 5</td>
<td>2 3</td>
<td>2 11</td>
</tr>
<tr>
<td>18</td>
<td>-- --</td>
<td>3 4</td>
<td>-- --</td>
</tr>
<tr>
<td>19</td>
<td>-- --</td>
<td>-- --</td>
<td>-- --</td>
</tr>
<tr>
<td>20</td>
<td>1 5</td>
<td>1 1</td>
<td>-- --</td>
</tr>
<tr>
<td>21</td>
<td>-- --</td>
<td>1 1</td>
<td>-- --</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
<td>79</td>
<td>19</td>
</tr>
</tbody>
</table>

Table 6. Administrator, teacher, and student scores, grand totals (separate variance t model with significance at .05)

<table>
<thead>
<tr>
<th>Respondents</th>
<th>Mean</th>
<th>Variance</th>
<th>N</th>
<th>t</th>
<th>t comp.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrators</td>
<td>12.80</td>
<td>10.38</td>
<td>20</td>
<td>.35</td>
<td>AD-T^a</td>
</tr>
<tr>
<td>Teachers</td>
<td>12.52</td>
<td>9.61</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>12.37</td>
<td>7.02</td>
<td>19</td>
<td>.21</td>
<td>ST-T^b</td>
</tr>
</tbody>
</table>

^aAD-T represents administrator scores when compared with teacher scores.

^bS-T represents student scores when compared with teacher scores.
Table 7. Administrator, teacher, and student scores on each classification of teacher civil rights (separate variance t model with significance at .05)

<table>
<thead>
<tr>
<th>Classification</th>
<th>Mean</th>
<th>Variance</th>
<th>N</th>
<th>t</th>
<th>t comp.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom of speech outside class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>1.95</td>
<td>.61</td>
<td>20</td>
<td>.10</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>1.93</td>
<td>.49</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.67</td>
<td>.35</td>
<td>19</td>
<td>1.66</td>
<td>S-T</td>
</tr>
<tr>
<td>Freedom of speech inside class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>1.67</td>
<td>.47</td>
<td>20</td>
<td>.23</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>1.71</td>
<td>.48</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.89</td>
<td>.54</td>
<td>19</td>
<td>.97</td>
<td>S-T</td>
</tr>
<tr>
<td>Teacher's private life</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>1.42</td>
<td>.27</td>
<td>20</td>
<td>.08</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>1.43</td>
<td>.32</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.43</td>
<td>.26</td>
<td>19</td>
<td>.00</td>
<td>S-T</td>
</tr>
<tr>
<td>Personal appearance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>1.78</td>
<td>.54</td>
<td>20</td>
<td>.33</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>1.72</td>
<td>.56</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.50</td>
<td>.38</td>
<td>19</td>
<td>1.34</td>
<td>S-T</td>
</tr>
<tr>
<td>Loyalty oaths</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>2.11</td>
<td>.69</td>
<td>20</td>
<td>1.07</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>1.89</td>
<td>.60</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.60</td>
<td>.40</td>
<td>19</td>
<td>1.72</td>
<td>S-T</td>
</tr>
<tr>
<td>Membership in organizations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>1.67</td>
<td>.52</td>
<td>20</td>
<td>.51</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>1.58</td>
<td>.39</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.83</td>
<td>.50</td>
<td>19</td>
<td>1.42</td>
<td>S-T</td>
</tr>
<tr>
<td>Political activity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>2.35</td>
<td>.24</td>
<td>20</td>
<td>.71</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>2.25</td>
<td>.62</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.95</td>
<td>.61</td>
<td>19</td>
<td>1.50</td>
<td>S-T</td>
</tr>
<tr>
<td>Arbitrary action</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators</td>
<td>1.67</td>
<td>.35</td>
<td>20</td>
<td>.72</td>
<td>AD-T</td>
</tr>
<tr>
<td>Teachers</td>
<td>1.56</td>
<td>.47</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>1.56</td>
<td>.38</td>
<td>19</td>
<td>.00</td>
<td>S-T</td>
</tr>
</tbody>
</table>
Knowledge of teacher civil rights and formal training in school law

The scores of administrators and guidance counselors who have had at least one formal course in school law as opposed to administrators or counselors who have had no formal academic background in school law are displayed in Table 8. Those Administrator-Guidance personnel with a

Table 8. Comparison of scores of administrators and guidance counselors who have had at least one course in school law with those who have had none (separate variance t model with significance at .05)

<table>
<thead>
<tr>
<th>Correct responses</th>
<th>Administrators-Guidance School law (N) (%)</th>
<th>Administrators-Guidance No school law (N) (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>1 8</td>
<td>1 13</td>
</tr>
<tr>
<td>9</td>
<td>1 8</td>
<td>1 13</td>
</tr>
<tr>
<td>10</td>
<td>1 8</td>
<td>1 13</td>
</tr>
<tr>
<td>11</td>
<td>1 8</td>
<td>--  --</td>
</tr>
<tr>
<td>12</td>
<td>1 8</td>
<td>--  --</td>
</tr>
<tr>
<td>13</td>
<td>2 17</td>
<td>2 25</td>
</tr>
<tr>
<td>14</td>
<td>1 8</td>
<td>1 13</td>
</tr>
<tr>
<td>15</td>
<td>1 8</td>
<td>1 13</td>
</tr>
<tr>
<td>16</td>
<td>2 17</td>
<td>1 13</td>
</tr>
<tr>
<td>17</td>
<td>--  --</td>
<td>--  --</td>
</tr>
<tr>
<td>20</td>
<td>1 8</td>
<td>--  --</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>8</strong></td>
</tr>
<tr>
<td><strong>Mean</strong></td>
<td><strong>13.08</strong></td>
<td><strong>12.38</strong></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>11.54</strong></td>
<td><strong>9.70</strong></td>
</tr>
<tr>
<td><strong>t</strong></td>
<td><strong>.48</strong></td>
<td></td>
</tr>
</tbody>
</table>
school law background produced bi-model scores of 13 and 16. The mode for those administrators and guidance respondents with no background in school law was 13. Although the mean score for the Administrator-Guidance respondents with a school law background was slightly higher (13.08 as opposed to 12.88), the variance for this group was also higher (11.54 as opposed to 9.70). The t value of .48 was found to be not significant.
CHAPTER V. SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The purposes of this study were (1) to develop a survey instrument for evaluating teacher knowledge of teacher civil rights, and (2) to examine administrator, teacher, and senior adult student knowledge of teacher rights. Several studies cited in this study have been concerned with different aspects of educator civil rights. Very little has been done with the problem of assessing educator knowledge of teacher civil rights. This instrument could provide the first step in a program for working with educators on developing an understanding of teacher rights.

This instrument culminated from a review of the literature and the feedback received from a panel of experts from The University of Iowa, The Department of Public Instruction, Iowa State University, and Drake University. The panel examined each question for "legal interpretation, clarity and structure." The instrument was revised in accordance with the recommendations of the panel of experts and results of the pilot testing. The prototype instrument was first used in evening education classes at Iowa State University comprised of school administrators, teachers, and students; in a class of prospective student teachers; and in a class of seniors at Des Moines East High School. A computer-assisted item analysis, along with recommendations of the panel of experts, provided the basis for the major revisions.

The schools involved in the survey were randomly selected from a 1974 list of Iowa public high schools. The principal in each of 132 high schools selected received one survey instrument. The instrument was then
forwarded to an individual from a classification designated by the re-
searcher. Classifications used were (1) Physical Education-Humanities,
(2) Social Science-Language Arts, (3) Math-Science, (4) Vocational Arts,
(5) Guidance-Administration, and (6) Senior Adult Students.

The instrument was designed to measure teacher knowledge in the
areas of (1) freedom of speech outside of the classroom, (2) academic
freedom, (3) teacher's private life, (4) personal appearance, (5) loyalty
oaths, (6) memberships in organizations, (7) political action, and
(8) arbitrary action. There were three questions designed for each of
the eight designated areas of teacher civil rights. The final revision
was based on improvements suggested by an item analysis provided by the
Iowa State University Testing Service.

Limitations

Interpretation and use of the conclusions and the instrument pro-
duced by this investigation should be guided by the following caveats:
The sampling technique used--
1) was limited to randomly selected high schools of only one
   state (Iowa).
2) selected the schools at random, but the only category of re-
   spondent randomly selected were high school principals. All
   other individual respondents were selected by the high school
   principal.
3) produced only a small number of administrators to be tested.
   This small response has to be considered when examining the
scores for Administrator-Guidance with school law and opposed to those who have had no course in school law.

4) only adult senior students and secondary school educators.

The instrument in its prototype form--

1) had a low estimate of reliability and must be subjected to further testing in its final form before its discriminating power can be established.

2) had low correlations between subscales (areas of teacher rights); nonetheless, some of these areas tend to overlap and should not be considered discrete.

3) reflected teacher rights as they existed in 1974-75. Teachers' rights are undergoing constant change. Consequently, the instrument should be considered contemporary and relatively perishable.

Conclusions

Two general types of conclusions are warranted: conclusions about teacher civil rights derived from the law search, and conclusions derived from the application of the instrument.

Teacher civil rights

The constitutional rights of a teacher are not compromised when a teacher enters into public employment.

1. The private conduct of a teacher is protected in most cases unless the conduct is brought into disrepute by some indiscretion on the part of the teacher, where minor students are
involved, or some violation of law has occurred.

2. School board regulations which are arbitrary, capricious and/or impinge on teacher rights will probably not find support in the courts.

3. As the voting age and citizen rights have been extended to eighteen-year-olds such teacher rights as academic freedom and political activity within the school have undergone expansion.

4. Unwritten or assumed school board policies may simply, by their omission from stated policy, violate teacher rights.

5. Inconsistency in the application of a school policy might result in the courts negation of that policy.

6. Teacher comments about their superiors, school board members, policies, and other controversial school related issues are protected unless they are knowingly made in a false and reckless manner.

7. Teacher behavior in the classroom to be protected must be appropriate for the objectives of the course, the age of the students involved, consistent with good educational objectives, and (in the case of the introduction of controversial material) introduced in a logical manner.

Conclusions related to knowledge of teacher rights

1. Correlation between categories of teacher rights -

It was postulated that teachers scoring high in knowledge of one category of teacher rights will score high in the knowledge of all categories. The correlation scores, when positive, were
relatively low. In a few instances they were negative, but very close to zero. No associations were established. Knowledge of teacher civil rights was scant in each subscale as well as for the total instrument. Scores were lowest on civil rights vis-à-vis the teacher's private life.

2. Areas of teacher academic preparation -

A second operational hypothesis held that area of academic preparation would have no association with teacher awareness of teacher rights. When teacher responses were placed in four groupings: Vocational, History-Language Arts, Science-Math and Physical Education-Humanities, mean scores were not significantly different.

3. Comparative scores -

No significant difference was found between the mean scores of senior adult students and teachers. There were also no significant differences between teachers' and administrator-counselors' scores on the instrument as a whole, or for any subscale.

4. School law -

It was anticipated that educators who had completed formal training in school law would be more knowledgeable regarding teacher civil rights. No significant difference was found between those administrator counselors with a formal course in school law and those who had none. It should be noted that a relatively small number of subjects fell into either classification.
Discussion

Teacher civil rights provide a frame of reference from which many aspects of the human relations within a school may be judged. If administrators are ill-prepared to make policy decisions relevant to the civil rights of teachers, it is probable that school board members who are dependent on administrative advice for the formulation of policies, will in some instances create policies destructive of, and in, violation of teacher rights. Teachers who do not have a working knowledge of teacher civil rights cannot fully carry out their responsibilities to their profession or protect themselves effectively.

The finding that senior adult students are not significantly less informed on teacher rights than teachers is profoundly disturbing but not surprising. Responsibility for teaching about teacher civil rights in the undergraduate programs of colleges and universities involved in teacher education is delegated to everyone and no one. Teachers are not well-informed of their rights because in many instances they are passive participants in the professional bargaining process (not actively involved in the painful process of confronting the educational establishment with either their needs or rights) and because no program (because of priorities) exists for training teachers to work in the general area of civil rights. Teachers will become aware of their rights only when they become concerned enough to want to act on their concerns.

Administrators are in an especially precarious position in the operation of any social institution in an era of change, confrontation, and crisis. In this research educational administrators did not score
significantly higher on their knowledge of teacher rights than teachers. The highest mean score was for those in the classification "administration-counselor", yet even this group missed almost half of the questions! The school law course that educational administrators are required to take in many institutions is only partially geared to teacher rights. However, many of the concepts taught are applicable to the areas of teacher and student rights. The problem here may be that student administrators do not make the transfer because of the way school law is taught.

Another possible explanation of the relatively poor showing of administrators is that the administrators (high school principals) were randomly selected. It is quite possible that principals in selecting teachers to respond attempted to find the best (or most knowledgeable) person in the classification assigned.

Student scores are difficult to explain. The surprise was that, relatively speaking, student scores were competitive with teacher scores. Possibly students are more involved in the process of defending what rights they have against institutional encroachment. Also in selecting only senior adult students and allowing the principal to choose, it is quite probable that most of the student respondents were academically talented students.

Additional use of the final instrument (presented in the Appendix) both as a diagnostic tool for professors of education to use and as a basic research instrument, should afford more definitive answers to the age-old research question "Why did we find what we found?"
Recommendations for further research

The legal review, the findings produced through the testing of the prototype instrument, and the limitations discussed earlier, suggest several areas related to teacher civil rights for further study.

The instrument could be enlarged, further validated, and applied to a national population. A larger number of individuals could be included in each cell, and the number of cells could be expanded to insure that categories being examined were, in fact, different. A test of randomization could be applied to each category of respondent.

This research indicated that a great majority of teachers were not informed of their civil rights. Further research is needed on how teacher civil rights are treated in undergraduate programs. This study could serve as a foundation on which to construct a program for providing in-service training for teachers on their civil rights. Further testing is needed to identify what teachers already know about their civil rights, to ascertain what they need to know, and to produce a program for helping teachers become better informed of their civil rights.

Administrators fared no better than teachers when tested on their knowledge of teacher civil rights. In addition, administrators with at least one course in school law scored no higher than those who had none. This would seem to substantiate a need for a study of formal school policies and procedures to determine the degree of consistency with teacher civil rights. Such a study would verify or reject the notion that administrator knowledge of teacher civil rights has an impact on
the day to day operation of a school.

Teacher civil rights are the concern of a number of people: state legislators, school board members, community persons not directly involved in education, and students. The knowledge that all of these individuals have of teacher civil rights forms a legitimate area for further study. A broad study is needed to determine the interactive effect of these concerned others on the operation of the school, and the resultant impact on teacher and student civil rights.

The final instrument emanating from this study should prove useful to many practitioners concerned with educator knowledge of teacher civil rights. Because of the low level of reliability of this instrument in its present form, it should not be used as a high level discriminator. Its intended use is as an instrument to aid in facilitating a process through which educators may examine the area of teacher civil rights (via teacher in-service training: school law courses, seminars on teacher rights, etc.).
BIBLIOGRAPHY


ACKNOWLEDGMENTS

I would like to express my sincere appreciation to Dr. Richard P. Manatt for his friendship, guidance, and support throughout my doctoral program.

Special appreciation is offered to my wife, Pat, and my children Andrea, and Heidi for their faith, love, and endurance.
APPENDIX A: INSTRUCTIONS, PROTOTYPE INSTRUMENT AND FINAL INSTRUMENT
Instructions to the Evaluator

This instrument is designed to be used by practitioners concerned with teaching educators about teacher civil rights. Because of its low level of reliability, it should not be used as an evaluation instrument to discriminate between levels of respondent performance.

Instructions to be Given to Respondents

This instrument is designed to measure respondent knowledge of teacher civil rights. It is important that you answer every question. Each question will contain all the information you need to answer it, so please make no additional assumptions.

Be sure to select one answer for each question. If you are unsure of an answer, select the one which most closely fits your knowledge of the legal point under discussion.

Bruce E. Hopkins
Richard P. Hanatt
College of Education
Iowa State University
Ames, Iowa
1. Academic freedom in the public high school,
   (a) has no constitutional basis.
   (b) is solely determined by what parents and the community define as acceptable.
   (c) is interpreted in the same terms for secondary school teachers as it is for university professors.
   (d) is determined in light of the circumstances surrounding a particular case.

2. As you understand a teacher's constitutional rights, a school board could dismiss a teacher because:
   (a) The teacher circulated a controversial petition on the school grounds.
   (b) The teacher wrote an essay highly critical of capitalism for a Communist newspaper.
   (c) 87% of the parents in the community disapproved of the teacher's viewpoint on premarital sex.
   (d) None of the above.

3. Whether a teacher can be dismissed for conduct that is generally considered immoral or illegal depends on the circumstances present in the case. Which one, if any, of the following circumstances would not be considered important?
   (a) Whether the conduct was personal and private.
   (b) Whether the conduct became public through the indiscretion of the teacher involved.
   (c) Whether the illegal or immoral activity involved students.
   (d) All of the above are important circumstances.

(Continued)
4. When a teacher is dismissed because his/her personal appearance and constitutional freedoms are involved, a school board would need to respect all of the following criteria except:

(a) The school board could not dismiss a teacher on these kinds of charges without assuming a substantial burden of justification.

(b) As a minimum the school board would have to have a published school policy in effect.

(c) The teacher in question would have to receive adequate notice that he/she was in violation of school policy.

(d) All of the above.

5. Identify the political organization listed below in which membership could legally result in a teacher's dismissal:

(a) Ku Klux Klan

(b) John Birch Society

(c) Communist Party

(d) None of the above

6. Which one of the following statements best defines a teacher's right to protest governmental policies through the wearing of an armband during the school day?

(a) The teacher has no such constitutionally protected right - a teacher wearing an armband would be presenting only one point of view on an important issue in which a wide range of deeply held opinions and convictions exist.

(b) If the teacher wore the armband and it did not interfere with his classroom performance, was not coercive, and there was no attempt to proselytize or indoctrinate, his/her actions would receive constitutional protection.

(c) The teacher's right to symbolic speech (wearing an armband) is absolute since the courts have ruled that neither students nor teachers shed their constitutional rights to freedom of speech or expression at the school house gate.

(d) If the board of education and the administration approved of the issues which the teacher was supporting, his/her action would receive the protection of the courts.

(Continued)
7. Which one of the following teacher actions would not receive constitutional protection?

(a) A teacher who refuses to lead his/her class in repeating the pledge to the flag because of religious convictions.

(b) A teacher who refuses to sign a pledge card stating that they are not now nor have ever been a member of the Communist Party because of personal conviction.

(c) A teacher who refuses to lead the class in repeating the Lord's Prayer.

(d) All of the above actions would receive constitutional protection.

8. A school district may require a teacher who accepts a position to comply with which one of the following behaviors?

(a) To swear to uphold the Constitution of the United States and of the state in which they are employed.

(b) To refrain from making speeches criticizing school policies.

(c) To refrain from growing a beard or mustache.

(d) To refrain from joining any subversive organization.

9. All of the following factors are used by the court to determine whether the language used in a controversial article is protected by academic freedom except,

(a) the mores and the values of the community.

(b) the relevance and quality of the article.

(c) the opinions of educators in the field.

(d) the age and maturity of the students.

10. A teacher has been highly critical of the operation of the school in which he/she teaches. The criticism has been substantially true. Identify the situation in which a school board could place limitations on a teacher's right to publicize his/her views.

(a) The teacher's statements were highly critical of the way in which the board of education operated the school. The board of education as the teacher's superiors have the power to force him or her to cease from criticizing the board's official position.

(Continued)

(b) The school board has been able to illustrate a compelling need for confidentiality, or that the relationship with his/her superiors is of such a personal and intimate nature that public criticism would destroy it.

(c) The statements were of such a flamboyant nature that they damaged the professional reputations of the members of the school board and the administrative staff.

(d) The teacher's actions would lead students to question school board and administrative policies, creating a great deal of debate which could spill over into the classroom.

11. One way for charges to be substantiated that would result in the revocation of a teacher's certificate, would be for the school board to prove that

(a) the teacher's behavior could be characterized as immoral.

(b) the teacher's attitude was unprofessional and demeaning to teaching as a profession.

(c) the teacher's presence in the profession presented a danger to the teaching as a profession.

(d) the teacher refused to join the local teachers' association.

12. Which of the following actions by a board of education, although not necessarily reasonable, would not clearly be in violation of a teacher's civil rights?

(a) A teacher was dismissed because his hair style violated board policy, without receiving the benefits of due process.

(b) A teacher was dismissed for violating a board policy requiring all men teachers to wear a necktie.

(c) A black teacher was dismissed for wearing a goatee; the teacher claimed that the goatee was a symbol of racial pride.

(d) A teacher was dismissed for violating a board policy requiring all men teachers to wear dress suits with cuffs on their pants.

13. The right of teachers to associate for the purpose of collective bargaining receives protection from the First and Fourteenth Amendments. Which one of the following statements is inconsistent with teacher rights as they relate to membership in teacher unions or professional associations?

(a) Nontenured teachers may be legally dismissed for their involvement in legal teacher association or union activities.

(Continued)
13. Continued.

(b) It is not permissible for government to preclude a specific category of educators from membership in an employee organization, i.e., supervisors.

(c) Courts have upheld state laws prohibiting teachers from striking.

(d) Teachers belonging to a union involved in illegal activities may not be disciplined by the school board if they were not personally involved in the illegal activities.

14. Which one of the following statements most accurately identifies a constitutionally acceptable position for a board of education to take pertinent to teacher involvement in the political process?

(a) No officer or employee of the state or Federal government shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they shall choose and to express their opinion on all political subjects and candidates.

(b) Teacher involvement in the political arena should be carefully controlled because any right of an individual to work for the government or to seek public office must be subject to reasonable government regulation in the public interest.

(c) The courts will carefully examine any regulation which restricts an individual's First Amendment rights; to be constitutional the regulation has to be justified by a clear public interest that is directly threatened.

(d) An educator has the same rights in the political arena as any other citizen; there is no possible situation in which a school board can delineate teacher participation in the field of politics.

15. All of the following ideas have been presented in teacher loyalty oaths. Select the one idea to which teachers can constitutionally be expected to attest.

(a) To swear that he/she has never lent aid, advice, counsel, or influence to the Communist Party.

(b) To swear that he/she is not now or has not within the recent past been a member of or indirectly affiliated with a Communist front or subversive organization.

(c) To swear to uphold the Constitution of the United States, the Constitution of the state in which they are teaching, and to perform the duties for which they have contracted. 

(Continued)
15. Continued.

(d) To refrain from directly or indirectly subscribing to or teaching any theory of government or economics or of social relations which is inconsistent with the fundamental principles of patriotism.

16. A state law reads that a nontenured teacher can be dismissed "for any cause or no cause at all." A nontenured teacher's contract was allowed to expire. What constitutional defense would best fit this teacher's needs?

(a) That there is a constitutionally protected right to public employment, and that no public employee may be dismissed from any position without procedural due process.

(b) That even though the teacher's contract had expired the teacher in question had the constitutional right to assume that he/she would continue to be employed until he/she received a list of reasons for termination of his/her employment.

(c) A teacher in a public secondary school is protected by the due process clause of the Fourteenth Amendment against a nonrenewal decision which is wholly without basis in fact or wholly unreasoned.

(d) All of the above could be employed.

17. Teacher X has been openly critical of the manner in which the school administration and the school board allocate public funds. Some of his statements, although made in good faith, appear after further examination to be false. Using your knowledge of the civil rights of teachers, select the following statement which most closely approximates the constitutional rights of teacher X in the situation defined above.

(a) By virtue of his public employment the teacher has a duty to support his superiors; if he feels compelled to speak out against his superiors, he must do so accurately.

(b) Teachers have the same rights as other citizens. Public officials cannot take action against a teacher for statements that he or she has made unless the teacher knew they were false.

(c) The teacher has no rights as a public employee to criticize his superiors.

(d) Because he/she is a public citizen as well as a teacher, the teacher may say whatever he/she wishes about matters of public concern even if he/she knows they are false. (Continued)
18. One justification for a school board's right to limit a teacher's in-class speech might be,

(a) the ability of the board to prove that the teacher's speech was offensive to parents.

(b) the material being taught was in no way related to the objectives of the course.

(c) the teacher, as a public employee, relinquishes certain First Amendment rights upon entering the classroom.

(d) the school board, as a result of the power delegated to it by the Department of Public Instruction, has the authority to limit a teacher's in-class speech.

19. Examine the four cases described below and identify the one case in which the courts would be least willing to find a basis for dismissal and/or revocation of someone's teaching certificate.

(a) Teacher A had a homosexual relationship with another member of the teaching staff. The relationship became public knowledge through the admissions of the second party involved. The school board called for the revocation of the teacher's teaching certificate.

(b) Teacher B was a community college instructor who was discovered by a local police officer to be sexually involved with one of his female students. He swore at the officer and involved himself in a high speed chase which culminated in his arrest. The teacher involved felt that no action should be taken against him professionally because his actions were private actions and did not affect his teaching.

(c) Teacher C was arrested and convicted of drunken driving several times over a ten-year period of time. The teacher felt that his drinking problem was a private one and did not impair his ability to teach. He thus felt that the state had no legal grounds for not granting him a teaching certificate.

(d) Teacher D pleaded guilty to a criminal charge of disorderly conduct following an attempt to make homosexual advances towards an undercover police officer at a public beach.

20. In which one, if any, of the following examples is the local board of education not in violation of the teacher's personal rights?

(a) A school board dismissed a nontenure teacher for violation of the school's unwritten policy that a teacher should be clean shaven. 

(Continued)
20. Continued.

(b) A school board refused to reappoint a Negro teacher for persistent refusal to shave off his goatee. The teacher contended that the goatee was a symbol of racial pride.

c) A teacher appeared at school sporting a beard; he was informed that the school had a written policy against a teacher's wearing a beard. The teacher was transferred to a less meaningful job.

d) None of the cases listed above would be adjudicated in favor of the school board.

21. Identify one of the following statements as defining a position that a governmental authority could legally take relative to a teacher's membership in a controversial organization that purports to support the overthrow of constitutional government.

(a) Teachers do not have the right to work for the state in a local school system on their own terms. They may work for the school system upon the reasonable terms laid down by the state. If they do not choose to work on such terms, they are at liberty to retain their beliefs and associations and go elsewhere.

(b) Membership in certain organizations which support the overt destruction of our constitutional government forms an adequate basis for prohibiting members of such groups from obtaining or retaining employment in public schools.

(c) Membership in a controversial organization that purports to support the destruction of our constitutional system of government does not form an adequate basis for dismissal. Governmental authorities would have to further prove that the teacher has the specific intent of furthering the unlawful aims of that organization.

(d) Teachers are entrusted with the responsibility of shaping the attitudes of young minds toward the society in which they live. It would be suicidal for any society to support through continued employment the efforts of those people who illustrate a wanton lack of respect for the system in which they live and prosper.

22. Teachers have often found themselves in a difficult position because of their involvement in civil rights demonstrations. Which one of the following statements would best serve as a guide for school board action?

(a) The state may not force a teacher to choose between exercising his/her legitimate constitutional rights and his/her right to equality of opportunity to hold public office. (Continued)
22. Continued.

(b) The only factors which a school board may consider when determining whether to terminate a teacher are those related to the teacher's performance in the classroom.

(c) A teacher's participation in a civil rights demonstration cannot be used as a basis for dismissing the teacher since the Constitution does not permit a state to make criminal the peaceful expression of unpopular views.

(d) There are no conditions under which a school board may limit a teacher's freedom of expression.

23. A fifth grade teacher begins every morning by reciting the Lord's Prayer with his/her students. He/she has been very careful to inform them that anyone who does not wish to participate does not have to. How would the Federal Courts view this teacher's action?

(a) The teacher's actions would be constitutional if the school board had a policy which allowed for the opening of class with a prayer.

(b) The teacher's actions are constitutional because none of the students were forced to participate.

(c) The teacher's actions would be constitutional if no one in the community objected to the recitation of the prayer.

(d) The teacher's actions violate the principle of separation of church and state.

24. Actions of school officials are considered arbitrary under the Constitution when there is no rational relationship between the means used and some legitimate educational goal or when less damaging means are available to attain the same goal. Identify one of the following school board actions as not being arbitrary.

(a) Dismissal of a teacher for belonging to a radical, politically subversive organization.

(b) Dismissal of a teacher who has been arrested and convicted of contributing to the delinquency of a minor.

(c) Advertising a position in elementary education as being open to male applicants with a M.A. degree in elementary education.

(d) Dismissal of a teacher for involvement in a legal but disruptive and embarrassing civil rights demonstration.
Teacher Civil Rights: Analysis and Comparison of Administrator's, Student's, and Teacher's Perceptions of Teacher Civil Rights

1. Academic freedom in the public high school,
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3. Whether a teacher can be dismissed for conduct that is generally considered immoral or illegal depends on the circumstances present in the case. Which one, if any, of the following circumstances would not be considered important?
   (a) Whether the conduct was personal and private.
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(b) As a minimum the school board would have to have a published school policy in effect.

(c) The teacher in question would have to receive adequate notice that he/she was in violation of school policy.

(d) All of the above.

5. Identify the political organization listed below in which membership could legally result in a teacher's dismissal:

(a) Ku Klux Klan

(b) Black Panthers

(c) Communist Party

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(Continued)

(b) The school board has been able to illustrate a compelling need for confidentiality, or that the relationship with his/her superiors is of such a personal and intimate nature that public criticism would destroy it.

(c) The statements were of such a inflammatory nature that they damaged the professional reputations of the members of the school board and the administrative staff.

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(c) The courts will carefully examine any regulation which restricts an individual's First Amendment rights; to be constitutional the regulation has to be justified by a clear public interest that is directly threatened.

(d) A teacher may not wear an arm band or in any overt way illustrate their personal opposition to legitimate government policies.

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15. Continued.

(c) To swear to uphold the Constitution of the United States, the Constitution of the state in which they are teaching, and to perform the duties for which they have contracted.

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(b) That even though the teacher's contract had expired the teacher in question had the constitutional right to assume that he/she would continue to be employed until he/she received a list of reasons for termination of his/her employment.

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(d) Because he/she is a public citizen as well as a teacher, the teacher may say whatever he/she wishes about matters of public concern even if he/she knows they are false.

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(d) Teacher D pleaded guilty to a criminal charge of disorderly conduct following an attempt to make homosexual advances towards an undercover police officer at a public beach.

20. In which one, if any, of the following examples is the local board of education not in violation of the teacher's personal rights?

(Continued)
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21. Identify one of the following statements as defining a position that a governmental authority could legally take relative to a teacher's membership in a controversial organization that purports to support the overthrow of constitutional government.

(a) Teachers do not have the right to work for the state in a local school system on their own terms. They may work for the school system upon the reasonable terms laid down by the state. If they do not choose to work on such terms, they are at liberty to retain their beliefs and associations and go elsewhere.

(b) Membership in certain organizations which support the overt destruction of our constitutional government forms an adequate basis for prohibiting members of such groups from obtaining or retaining employment in public schools.

(c) Membership in a controversial organization that purports to support the destruction of our constitutional system of government does not form an adequate basis for dismissal. Governmental authorities would have to further prove that the teacher has the specific intent of furthering the unlawful aims of that organization.

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22. Teachers have often found themselves in a difficult position because of their involvement in civil rights demonstrations. Which one of the following statements would best serve as a guide for school board action? (Continued)
22. Continued.

(a) The state may not force a teacher to choose between exercising his/her legitimate constitutional rights and his/her right to equality of opportunity to hold public office.

(b) The only factors which a school board may consider when determining whether to terminate a teacher are those related to the teacher's performance in the classroom.

(c) A teacher's participation in a civil rights demonstration cannot be used as a basis for dismissing the teacher since the Constitution does not permit a state to make criminal the peaceful expression of unpopular views.

(d) There are no conditions under which a school board may limit a teacher's freedom of expression.

23. A fifth grade teacher begins every morning by reciting the Lord's Prayer with his/her students. He/she has been very careful to inform them that anyone who does not wish to participate does not have to. How would the Federal Courts view this teacher's action?

(a) The teacher's actions would be constitutional if the school board had a policy which allowed for the opening of class with a prayer.

(b) The teacher's actions are constitutional because none of the students were forced to participate.

(c) The teacher's actions would be constitutional if no one in the community objected to the recitation of the prayer.

(d) The teacher's actions violate the principle of separation of church and state.

24. Actions of school officials are considered arbitrary under the Constitution when there is no rational relationship between the means used and some legitimate educational goal or when less damaging means are available to attain the same goal. Identify one of the following school board actions as not being arbitrary.

(a) Dismissal of a teacher for belonging to a radical, politically subversive organization.

(b) Dismissal of a teacher who has been arrested and convicted of contributing to the delinquency of a minor.

(c) Advertising a position in elementary education as being open to male applicants with a M.A. degree in elementary education.

(d) Dismissal of a teacher for involvement in a legal but disruptive and embarrassing civil rights demonstration.
**Correct Responses to Prototype and Final Instruments**

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 1. | (d) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 13. | (a) |
| 2. | (d) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 14. | (c) |
| 3. | (d) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 15. | (c) |
| 4. | (d) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 16. | (c) |
| 5. | (d) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 17. | (b) |
| 6. | (b) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 18. | (b) |
| 7. | (d) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 19. | (a) |
| 8. | (a) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 20. | (d) |
| 9. | (a) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 21. | (c) |
| 10. | (b) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 22. | (c) |
| 11. | (c) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 23. | (d) |
| 12. | (b) |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 24. | (b) |
APPENDIX B: TABLES
Table 9. Total of administrator, teacher, and student correct responses on 24-item survey instrument

<table>
<thead>
<tr>
<th>Correct responses</th>
<th>All respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Administrator, teacher, student</td>
</tr>
<tr>
<td></td>
<td>(N)</td>
</tr>
<tr>
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<td></td>
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<td>20</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td></td>
</tr>
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</table>
Table 10. Instrument items by classification of teacher rights

<table>
<thead>
<tr>
<th>Classification</th>
<th>Item number</th>
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<tbody>
<tr>
<td>Freedom of speech outside of the classroom</td>
<td>2, 10, 17</td>
</tr>
<tr>
<td>Freedom of speech inside of the classroom</td>
<td>1, 9, 18</td>
</tr>
<tr>
<td>Teacher's private life</td>
<td>11, 19, 8</td>
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<tr>
<td>Personal appearance</td>
<td>20, 12, 4</td>
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<tr>
<td>Loyalty oaths</td>
<td>15, 7, 23</td>
</tr>
<tr>
<td>Membership in organizations</td>
<td>5, 13, 21</td>
</tr>
<tr>
<td>Political activity</td>
<td>6, 14, 22</td>
</tr>
<tr>
<td>Arbitrary action</td>
<td>3, 16, 24</td>
</tr>
</tbody>
</table>
Table 11. Administrator, teacher, and student responses to each of the 24 items on the prototype instrument

<table>
<thead>
<tr>
<th>Item</th>
<th>Options</th>
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<tbody>
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<tr>
<td>24</td>
<td>12</td>
</tr>
</tbody>
</table>

<sup>a</sup> Correct response.

<sup>b</sup> Revised in the final instrument.
APPENDIX C: APPLICATION LETTERS AND INFORMATION SHEETS
Dear Sir:

We are in the process of developing a survey instrument to assess educator knowledge of teacher civil rights.

There have been a number of legal research projects which have classified and identified teacher civil rights. There is, however, a real paucity of information on educator knowledge of their civil rights. The individual teacher, through his/her knowledge of teacher civil rights and the concomitant effects this interpretation has on his/her behavior, provides a process through which students understand the delicate balance between the rights of the individual and the demands of the institution and the larger society. This study should prove to be beneficial to teachers, teacher educators, and administrators as a possible tool for gaining insights into teacher civil rights.

All responses will be confidential. At no time will the names of participating educators and institutions appear in the published report.

We would deeply appreciate it if you would select a teacher from your department who would be willing to take the time to carefully and thoughtfully fill out this instrument. As time is an important factor, we would appreciate receiving the completed forms by March 12th.

To show our deep appreciation for your cooperation please find enclosed twenty cents to cover the cost of a cup of coffee. Please return only the answer sheet and the information sheet in the envelope provided.

Sincerely,

Richard P. Manatt
Professor of Education

Sincerely,

Bruce E. Hopkins
Research Assistant
Dear Sir:

We are in the process of developing a survey instrument to assess educator and student knowledge of teacher civil rights.

There have been a number of legal research projects which have classified and identified teacher civil rights. There is, however, a real paucity of information on educator knowledge of their civil rights. The individual teacher through his/her knowledge of civil rights and the concomitant effects this interpretation has on his/her behavior provides a process through which students understand the delicate balance between the rights of the individual and the demands of the institution and the larger society. This study should prove to be beneficial to teachers, teacher educators, and administrators as a possible tool for gaining insights into teacher civil rights.

All responses will be confidential. At no time will the names of participating educators and institutions appear in the published report.

We would deeply appreciate it if you would select an outstanding senior adult student (18 years of age or older) who would be willing to take the time to carefully and thoughtfully fill out this instrument. As time is an important factor, we would appreciate receiving the completed forms by March 12, 1975.

To show our deep appreciation for your cooperation please find enclosed twenty cents to cover the cost of a cup of coffee. Please return only the answer sheet and the information sheet in the envelope provided.

Sincerely,

Richard P. Manatt
Professor of Education

Sincerely,

Bruce E. Hopkins
Research Assistant
Student Information Sheet

Directions

The purpose of this study is to produce an instrument for measuring student, teacher, and administrator knowledge of teacher civil rights. Each question contains one correct answer. It is important that you answer every question. Each question will contain all the information you need to answer it, so please make no additional assumptions.

Be sure to select one answer for each question. If you are unsure of an answer, select the one which most closely fits your knowledge of the legal point under discussion. Each instrument is important in tabulating the final results, so please make very attempt to complete the questionnaire and return it. Your assistance in this research endeavor is deeply appreciated.

Would you like to receive a copy of the correct responses to this instrument? Yes No

Please return only the answer sheet and the information sheet in the envelope provided.
Information Sheet

Please answer the following questions by placing an X in the appropriate box.

Major Teaching Field

Physical Education-Humanities

Social Sciences-Language Arts

Math-Science

Vocational Arts

Guidance-Administration

Degree Held: Bachelor's Master's Doctorate

Have you ever taken a course in school law? Yes No

Would you like to receive a copy of the correct responses to this instrument? Yes No

How many years of experience do you have in education including the present school year? ______________

The purpose of this study is to produce an instrument for measuring student, teacher, and administrator knowledge of teacher civil rights. Each question contains one correct answer. It is important that you answer every question. Each question will contain all the information you need to answer it, so please make no additional assumptions.

Be sure to select one answer for each question. If you are unsure of an answer, select the one which most closely fits your knowledge of the legal point under discussion. Each instrument is important in tabulating the final results, so please make every attempt to complete the questionnaire and return it. Your assistance in this research endeavor is deeply appreciated.

Please return only the answer sheet and the information sheet in the envelope provided.