AN ABSTRACT OF THE THESIS OF


Abstract Approved:______

Dr. Forrest Gathercoal

The purpose of this study was to determine if students' school-related attitudes are significantly affected by teacher classroom discipline management based upon concepts contained in Judicious Discipline: A Constitutional Perspective for School Rules (Gathercoal, 1986).

The data relative to student school-related attitudes of elementary, middle, and high school students toward classroom management based upon Judicious Discipline were collected by means of a self report questionnaire. Workshops and inservice sessions were conducted by Gathercoal, the author of Judicious Discipline (1986), to disseminate the concepts within the book to administrators and teachers. The teachers involved in this study implemented these concepts into their classroom discipline management practice. The population for this study was comprised of a
random sample of students from cooperating school districts of Beaverton, Corvallis and Yamhill/Carlton in the State of Oregon. A one-way analysis of variance test and a Tukey's test was used to analyze the data to test hypothesized relationships at the .05 level of significance.

For the purpose of this study, eight hypotheses were tested to determine if there exists a significant difference in attitudes among and between elementary, middle, and high school students reflected in pre- and post-test scores. Four attitudinal scales measured students' attitudes toward the teacher, toward school, toward their classmates, and toward themselves.

Four hypotheses were found to be statistically significant. The results of this study indicate that students' attitude scores toward the teacher were affected by teacher classroom management based upon Judicious Discipline.

In view of the findings, it is recommended that teachers make their consistent disciplinary decisions based on the concepts of Judicious Discipline.

by

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A THESIS
submitted to
Oregon State University

in partial fulfillment of the requirements for the degree of
Doctor of Philosophy

Completed May 5, 1987
Commencement June 7, 1987
ACKNOWLEDGMENTS

I would like to express my appreciation for the guidance and encouragement extended to me by my major professor Dr. Forrest Gathercoal throughout my doctoral program.

I am extremely appreciative to Dr. Carvel Wood for his constructive and perceptive insights that were invaluable to my education and my thesis.

I am indebted to my minor professors: Dr. Haverson, Dr. Strowbridge, and Dr. Andrews for their involvement, interest, experience, and caring that contributed greatly to the completion of this thesis.

I would like to express my gratitude to my parents: my mother and father, who gave support, help, encouragement, and advice. My educational accomplishments would not have been possible without them.

Finally, I wish to offer my appreciation to the rest of my family: my grandfather, who taught me to value the work ethic—"I'll give you two bits if you help around the place;" my grandmother, her prayers and encouragement helped part the Red Sea of obstacles that stood in the path of my goals; my Uncle Mike, who took the time to convince me to pursue an educational dream; to my brothers; my sister, "the greatest singer in the world;" to Rihab for being
patient, understanding and maintaining a heart of gold; and
my sister-in-law Karla, for your prayers, support and
encouragement every step of the way; uncles, aunts,
cousins, who gave encouragement; and my nephews and nieces,
for giving me an incentive to set a positive example.

Finally, to my friends and colleagues: your prayers
and encouragement were invaluable.
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CHAPTER I

INTRODUCTION

Background

Educational policy-makers and administrators must choose from a bewildering variety of discipline models and techniques. Legal intervention and contradictory research findings further complicate the matter. There is, therefore, no cut-and-dried solution to student behavior problems. (Gushee, 1984)

Many student discipline policies are based on community values, teacher and administrator value judgements, or administrative decisions without any rational basis (Gushee, 1984). While some of these inconsistent policies temporarily offer disciplinary solutions, they affect student school-related attitudes, and cause student confusion. One major problem is the lack of continuity between school disciplinary policy and the disciplinary rules of our democratic society.

Every school system in the United States is expected to teach students to respect the Constitution and the Bill of Rights. But, many teach students to be cynical of both. However, institutions, like parents, teach more by what they do than by what they say. Thus, when teachers and administrators preach obedience to school rules or respect for authority while
simultaneously violating the civil rights of students, they teach a powerful lesson in legal hypocrisy. (Schimmel et al., 1975)

Students in schools as well as out of school... are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state. (Tinker v. Des Moines, 1969)

There is a general lack of knowledge and consideration for student constitutional rights in school disciplinary policies (Hickman, 1986). This lack of knowledge, or misunderstanding of constitutional implications on student discipline by teachers, students, and administrators could result in litigation. Further, these disciplinary practices also create more disciplinary problems.
Statement of the Problem

To date, there is a lack of knowledge concerning students' school-related attitudes influenced by classroom discipline management based upon constitutional law and guaranteed student rights. The purpose of this study is to determine if students' school-related attitudes are significantly affected by teacher classroom discipline management based upon concepts contained in Judicious Discipline: A Constitutional Perspective for School Rules (Gathercoal, 1986).

Significance of the Study

Educators have identified student attitudes as an essential outcome of the educational process. According to the State of Oregon Superintendent of Schools, Verne Duncan,

Each individual will have the opportunity to develop to the best of his or her ability the attitudes necessary to function as an individual, a learner, a producer, a citizen, a consumer, and a family member. (Duncan, 1975)

The way teachers disseminate discipline in the classroom is an example of adult behavior and attitudes in the eyes of students. When these disciplinary practices are inconsistent and contain no follow through, they usually don't work and set bad examples. One major problem has been establishing and implementing policy based upon "the mood of the day" (American Education Coalition, 1984).
Articles have been written about student discipline, presenting plans to restore discipline in the classroom. Most articles do not agree on what discipline is and how to achieve it (American Education Coalition, 1984). This is one of the reasons why a comprehensive student disciplinary policy is not enforced. Since there has been an explosion in judicial involvement in the public schools with school matters being decided on the basis of the U.S. Constitution:

The once-held doctrine that students do not enjoy constitutional rights while in school has been discarded. In fact, the judicial activist philosophy which argues that the constitution is a flexible document that must be read with a sensitive eye for contemporary social problems undreamed by the founding fathers is an important part of this development. With increasing attention given to social problems and the apparent inability of the public schools to solve these problems, it is not surprising that the federal courts would intervene. (Sergiovanni et al., 1980)

The significance of the present study is that it will evaluate student school-related attitudes before and after the concepts of Judicious Discipline is implemented into the classroom as a discipline management practice. Further, only those teachers that participated in workshops or inservice presentations that reviewed specific information contained in Judicious Discipline: A Constitutional Perspective for School Rules and Decisions (Gathercoal, 1986) and conducted by Dr. Forrest Gathercoal will have their students' school-related attitudes evaluated.
**Need for the Study**

Administrators and teachers are often faced with the task of making students' disciplinary policies "based on community values . . . or their best judgement of students' welfare" (Gushee, 1984).

There is currently no firm scientific basis for choosing one discipline method over another . . . research will never adequately explain all that might be important in student discipline; recent studies propose only tentative conclusions, emphasizing the great need for further research. For now, practical, moral, and legal considerations must guide educators' choices. Indeed, some believe that the law and particularly the supreme court virtually dictate school policy. (Gushee, 1984)

If it could be shown that students' school-related attitudes are significantly affected by teacher classroom discipline management based upon Judicious Discipline, administrators and teachers might show considerable interest in enhancing or basing their disciplinary policies on these concepts. Further, since many educators believe that the supreme court and the law dictate school policy (Gushee, 1984), educators could rationally base disciplinary policy on the concept of Judicious Discipline, which is based on constitutional law and supreme court rulings.

**Limitations**

This study has the following limitations:
1. This study is limited to students in selected school districts in the State of Oregon. The districts include: Beaverton, Corvallis, and Yamhill/Carlton.

2. The study is limited to the students of teachers that attended workshops or inservices that used the text *Judicious Discipline* and conducted by the author, Dr. Forrest Gathercoal.

3. Data collected for this study is limited to descriptive treatment.

Assumptions

This study has the following assumptions:

1. The students will respond to all items according to test administration instructions.

2. There is a lack of student knowledge and understanding of their constitutional rights.

3. All students will increase their knowledge of their constitutional rights.

4. The sample respondents will be representative of the population of which they are a part.

5. Many student discipline policies are based on community values, teacher and administrator value judgements, or administrative decisions without any rational basis.

6. Student discipline policies are essential for an effective and productive classroom learning environment.
Definitions

Attitude: A disposition that is primarily grounded in affect and emotion and is expressive of opinions rather than belief (Webster's, 1966).

Attitude Questionnaire: A list of planned written questions focusing on one or more specified attitude objects or situations, with space provided for indicating a response to each item, intended for submission to a number of persons for reply, and designed to obtain a measure of the attitude or attitudes in question (Good, 1975; Welander, 1980).

Attitude-Negative: Attitudes that indicate feelings of rejection, dislike, disapproval and are seen as unfavorable responses or reactions to objects, persons, or situations (Welander, 1980).

Attitude-Positive: Attitudes that indicate feelings of approval acceptance or affection, and are seen as favorable responses or reactions to objects, persons, or situations (Welander, 1980).

Student Rights: Rights guaranteed to the students by the U.S. Constitution and court rulings that protect students in the public schools.

Pre-Test: Attitude survey administered prior to a workshop or inservice.

Post-Test: Attitude survey administered to students after teacher implementation of concepts contained within
Judicious Discipline (Gathercoal, 1986).

**Discipline**: A rule or system of rules governing conduct or activity (Webster's, 1980).

**Classroom Management**: Techniques employed by a teacher that provides for a learning environment.

**Teachers**: Classroom instructors, working at the elementary, middle school and high school levels.

**Learning**: The process of acquisition and extinction of modifications in existing knowledge, skills, habits, or action tendencies in a motivated organism through experience, practice, or exercise (Webster's, 1966).

**Judicious Discipline**: A framework for school rules and decisions based on students' constitutional rights as developed by Dr. Forrest Gathercoal.
CHAPTER II

REVIEW OF RELATED LITERATURE

If secondary school students are to become citizens trained in the democratic process, they must be given every opportunity to participate in the school and community with rights broadly analogous to those of adult citizens. They are entitled to freedom of expression, of assembly, of petition, and of conscience, and to due process and equal treatment under the law. (American Civil Liberties Union, 1968)

The review of related literature was divided into five sections. First there was an overview of constitutional law and landmark school law decisions by the U.S. Supreme Court that affect student rights in the public schools. The second section reviewed literature on school districts losing their authority to effectively discipline students because of constitutional constraints. The third section reviewed the literature pertaining to aspects of power and authority of school officials that are not greatly limited by constitutional constraints. The fourth section provided an overview of the literature pertaining to students' school-related attitude survey instruments. The fifth section reviewed the literature on the concept of Judicious Discipline.

Constitutional Law Most Relevant to School Rights

Approximately two or three decades ago, the local
public school was viewed as, "a predominantly local institution far removed from the presumably lofty heights occupied by the U.S. Constitution and the Supreme Court" (Avant et al., 1984). There is a growing reality that the local public school is now considered a governmental organization. Therefore, a school official acts as an official of the state within the meaning of constitutional law.

One of the most important aspects of constitutional law as it applies to student rights is that the liberties sanctioned by our Bill of Rights are applicable to state actions through the Fourteenth Amendment. According to Edwin S. Corwin (1963), the adoption of the Fourteenth Amendment made "national citizenship primary and state citizenship derivative therefrom." Further, the U.S. Supreme Court remained consistent with this trend of thought by its pronouncement that "the fundamental concept of liberty embodied in the Fourteenth Amendment embraces the liberties guaranteed by the First Amendment" (Cantwell v. Connecticut, 1940). Therefore, according to the court's interpretation, the Fourteenth Amendment incorporates the basic protections of the First Amendment. Additionally, this interpretation can be specifically applied to all state actions. The legal ramifications are that civil rights protected by the First Amendment can be applied to all actions of public school officials with the same degree
of weight as the Fourteenth Amendment is applied (Schimmel et al., 1975).

Constitutional amendments most relevant to student rights are:

**Amendment I**

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 right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Amendment V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; not shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be 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.

**Amendment IX**

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by people.

**Amendment X**

The powers not delegated to the United States by
the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Amendment XIV

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

Proposed Equal Rights Amendment

Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. (Schimmel et al., 1975)

Landmark School Law Decisions by the U.S. Supreme Court

The following was a brief synopsis of several significant U.S. Supreme Court constitutional decisions which affect student rights.

Brown v. Board of Education of Topeka (Desegregation). This landmark case initiated racial desegregation in the public schools. The plaintiffs were black students representing themselves as their own legal counsel, asked the court to find that segregated schools violated the equal protection clause of the Fourteenth Amendment. The court ruled on behalf of the plaintiffs overturning a 1896 precedent advocating "separate but equal" schools and facilities as constitutional.
We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. (Brown v. Board of Education or Topeka [Id. at 495], 1954).

Separation of Church and State (Religion). Since the First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," this language has also been incorporated in the Fourteenth Amendment as applied to the states and their subdivisions (Sergiovanni et al., 1980). The Supreme Court has developed a test for measuring the requirements of reading religious materials in the public schools to determine possible violations of the establishment clause of the First Amendment:

What are the purpose and primary effect of enactment? If either is the advancement or inhibition of religion, then enactment exceeds the scope of legislative power as circumscribed by the constitution. That is to say that to withstand the strictures of the establishment clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. (Abington S.D. v. Schempp, 1963)

A test to determine if public aid to parochial schools was constitutional was developed as a result of the Lemon v. Kurtzman case. The three tests to determine if public funds could be supported to parochial schools are:

1. The schools' statutes must have a secular
legislative purpose;

2. Its principle or primary effect must be one that neither advances nor inhibits religion; and


Free Speech and Expression

Tinker v. Des Moines Independent Community School District. This case established that students do not lose their constitutional rights as soon as they enter the school house gates. Further, writing for the majority court, Justice Fortas penned one of the most cherished quotes for the advocacy of student rights, he wrote, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the school house gate (Tinker v. Des Moines Independent Community School District, 1969).

The Tinker case involved students expressing free speech by symbolic wearing of black arm bands to protest the war in Vietnam. School administrators adopted a policy which allowed them to suspend indefinitely any student that refused to remove the black arm band. The policy was applied to three Tinker children who refused to remove the bands. They were suspended and their parents filed suit. The court held for Tinker.
Justice Fortas elaborated further about the constitutional rights of students in the school.

In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are 'persons' under the constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state. . . . In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views. (Tinker v. Des Moines Independent Community School District, 1969)

Goss v Lopez (suspensions and due process). This landmark case addressed the constitutionality of violating a student's Fourteenth Amendment right of due process if suspended without a hearing. This practice of short term suspension was deemed unconstitutional. Justice White, writing the majority opinion for the Supreme Court:

Students facing temporary suspension have interests qualifying for protection of the due process clause, and due process requires, in connection with a suspension of ten days or less, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story. The clause requires at least these rudimentary precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school. (Goss v. Lopez, 1975)

Corporal Punishment

Ingraham v. Wright (1977) was a landmark case because it resulted in a status quo scenario. Fourteenth Amendment requirements which prohibit a deprivation of liberty was
held to be inapplicable to public school corporal punishment. Further, it was determined that:

State laws and school-board policies can still be framed which will limit or prohibit corporal punishment. If schools decide to employ corporal punishment in their discipline schemes, they have a range of options regarding procedural safeguards to accompany it. For reasons of educational soundness as well as insurance against criminal or civil liability, districts may require that certain precautionary procedures accompany corporal punishment. (Sergiovanni et al., 1980)

Wood v. Strickland (school liability). This landmark decision held school officials financially liable if they knowingly or reasonably should have known that the disciplinary action that they took violated the constitutional rights of a student (Wood v. Strickland, 1975).

School Districts Losing Their Authority to Effectively Discipline Students

Many school officials feel that the courts have enforced the rights of students at the expense of the ability of school districts to carry out what they perceive as the will of the voters (Flygare, 1984). Further, this view by school officials is shared by the public as evidenced by a "Gallop Poll of the public's attitudes toward the public schools" conducted in 1982. The findings revealed that "lack of discipline" as a result of the lessening of school authority as a result of student rights was the major problem expressed by teachers, even greater
than the concern for teacher dropout because of lack of salary increases. The poll equated the greatest factor for teacher dropout was due to the lack of student discipline (Clegg, 1984).

According to research conducted on discipline in the classroom by Clegg:

The courts bear much of the responsibility for undermining the authority of schools and relaxing disciplinary standards by handing down decision which are broadly applied in school systems across the country.

One such ruling, Wood v. Strickland, delivered by the U.S. Supreme Court in 1975, determined that school officials can be held personally liable if they knew or "reasonably should have known" that the disciplinary action they took would violate the constitutional rights of a student (Wood v. Strickland, 1975).

According to a Gallup Poll conducted in 1984 to determine what teachers viewed as essential in preparation for undergraduate and graduate education for teacher preparation, the lack of student discipline was considered the most prominent problem in the public schools. Therefore, courses which addressed "special psychological, methodological, and legal issues of student discipline," received top priority. Further, this priority was largely substantiated by the fact that according to a 1977 report issued by the National Institute of Education, 40 percent of robberies and 36 percent of the assault on urban teenagers
occurred in schools (Purvis, 1984).

According to the American Education Coalition 1983:

In the last 20-30 years the teacher's authority has been eroded. Teachers can no longer rely on the prestige of their position to control the class. According to Theodore Black, a 'subculture' has evolved--a subculture that is immune to deterrence, is entirely without sense of guilt, and in fact has a contempt for the school system.

Paul Copperman, author of Literary Hoax, has identified the breakdown of authority relations in education as the major cause of academic decline and the increase in discipline problems. According to Copperman, virtually every significant educational problem of the past decade results from the abrogation or subversion of normal educational authority. The authority relationship bonding the teacher to student makes the educational process work. (American Education Coalition, 1984)

Aspects of Power and Authority of School Officials That are not Greatly Affected by Constitutional Constraints (Bartlett, 1985)

There are but a few rules which govern school officials' conduct in any given situation. The law is interpreted according to individual facts and settings. Therefore,

The relationship between cases, in terms of precedential value may often be open to question. As a practical matter, this often means that there are no easy answers to the question, is it legal to do this? (Avant et al., 1984)

Many school officials yield to many student demands because of a lack of knowledge of their legal rights. Many administrators are afraid of lawsuits (Bartlett, 1985). According to a study conducted by Larry Bartlett, school
administrators still have the authority to adequately administer and maintain an effective disciplinary system. Bartlett's study provides a better balance for awareness and knowledge of student rights and responsibilities. Further, school officials can utilize these findings with the advice of their legal representative to maintain a clear understanding of their responsibilities in different situations. Bartlett's findings are based upon the utilization of four rules that school officials can use to legally deny students of their constitutional rights. They are under the heading of "compelling state interest." The courts have been using the four rules of compelling state interest to balance the individual right of a student between the state interest in schools (Gathercoal, 1986). The four rules are:

1. Risk of property loss or damage
2. Legitimate educational purpose
3. Threat to health and safety
4. Serious disruption to the education process.

Some examples of Bartlett's student legal responsibilities are:

1. Students have a responsibility not to infringe other person's rights to a school environment conducive to academic pursuits. This is true even when they are exercising their own constitutional rights (e.g., Tinker v. Des Moines Independent Community School District, 1969).

2. Students have a responsibility, even when engaged in the exercise of their rights, not to engage in violence and serious disruption of the
educational environment (e.g., Hernandez v. School District Number One, 1970).

3. Students have a responsibility not to engage in conduct that can reasonably be predicted to result in material and substantial disruption of the school environment (e.g., Guzick v. DeBus, 1971).

4. School officials are not required to wait for actual disruption to occur before taking action when material and substantial disruption is reasonably predicted (e.g., Hill v. Lewis, 1971).

5. Students have a responsibility, even when engaging in the exercise of speech and expression, to attend classes and refrain from encouraging others to skip classes (e.g., Gebert v. Hoffman, 1972).

6. Students have a responsibility, even when engaged in constitutionally protected activities, to refrain from using vulgar, profane, and obscene words, and making libelous or slanderous statements about other persons (e.g., Fenton v. Stear, 1976).

7. School officials may place reasonable restrictions on the time, place and manner of student distribution of printed materials (e.g., Shanley v. North East Independent School District, 1972).

8. Students have a responsibility, even when engaged in action involving speech, press, and expression, to refrain from acts of disrespect and insubordination (e.g., Hill v. Lewis, 1971).

9. School officials are not required in most situations of minor discipline, such as suspension from school for 10 days or less, to allow students the presence of an attorney, to call witnesses, or to cross-examine witnesses (e.g., Goss v. Lopez, 1975).

10. School officials are not required to provide a hearing to students charged with misconduct prior to removal from school when the student's continued presence in school poses a serious and immediate threat to the school environment (e.g., Goss v. Lopez, 1975).
11. Students have a responsibility to obey valid school rules. School rules are valid if they are reasonably related to the purposes of education (e.g., Healy v. James, 1972); provide adequate notice of the prescribed conduct (e.g., Hill v. Lewis, 1971); are not written in vague or over-broad terminology (e.g., Black Coalition v. Portland School District No. 1, 1973); and do not infringe on student's constitutionally-protected rights (e.g., Bilbrey v. Brown, 1979).

12. School officials may, in most circumstances, cure defects in procedural due process by providing a subsequent hearing that provides appropriate procedural due process (e.g., Strickland v. Inlow, 1975).

13. School officials who inadvertently deny students procedural due process when the facts are such that a proper hearing would not have resulted in a different decision will be required to pay only nominal damages not to exceed one dollar (e.g., Carey v. Piphus, 1978). (Bartlett, 1985)

There is a need for a consistent, common sense approach to student discipline policies and practices in the public schools (Gluckman, 1985). Courts will uphold and sustain school officials tough, but fair, actions (Sendor, 1985). Further, according to the Gallop Polls year after year, there is a continual finding of a lack of discipline in the public schools (American Education Coalition, 1983).

In Gabler's review, the top offenses in public schools during 1940 and during 1982 were compared:
1940
1. Talking
2. Chewing gum
3. Making noise
4. Running in the halls
5. Getting out of turn in line
6. Wearing improper clothing
7. Not putting paper in waste baskets

1982
1. Rape
2. Robbery
3. Assault
4. Burglary
5. Arson
6. Bombing
7. Murder
8. Suicide
9. Absenteeism
10. Vandalism
11. Extortion
12. Drug abuse
13. Alcohol abuse
14. Gang warfare
15. Pregnancies
16. Abortions
17. Venereal disease

(Gabler, 1982)

Can a change in students' school-related attitudes reverse this trend?

Students' School-Related Attitude Survey Instruments

The increased interest in student satisfaction as an outcome that is responsible to environmental modification makes clear the need for reliable, validated instruments for research and program evaluation. (Epstein et al., 1976)

The majority of the literature regarding the measurement of the quality of school life has been largely concentrated on "adult life circumstances" (Epstein et al., 1976).

One reason for this neglect is that no short, validated instrument has been available for use across educational levels to measure and compare student reactions to school life in general, to school work and to teachers. The measurement instruments of earlier research have been designed for and tested at individual grade levels, or a singled educational level, making it difficult to
find identical measures for longitudinal studies. (Epstein et al., 1976)

A students' school-related questionnaire was developed by Welander (1980) for a doctoral thesis at Oregon State University. The instrument was called the Teaching Research Attitude Interaction Test, known hereinafter as TRAIT.

The TRAIT was designed to provide objective data which would enable educational researchers, school administrators, and classroom teachers to examine the attitudes expressed by students toward school, their teachers, their classmates, and themselves. The questionnaire also provided a measure of the quantity of student verbal interaction, the degree of teacher receptiveness toward student verbal interactions, and the degree to which students felt safe to discuss sincere thoughts and feelings in the confines of the classroom. (Welander, 1980)

Pictorial attitude scales similar to one developed by John Lewis of Winona State College in Minnesota provide a nonverbal measure of children's attitudes toward elementary school. Lewis's "Children's Pictorial Attitude Scale" was developed "by identifying areas of activities and drawing pictures representing these areas. The children are instructed to respond according to how they would feel if they were in one of these picture situations" (Lewis, 1974).

The pictorial approach was developed to measure children's attitudes toward school by eliminating verbal contamination. "The developmental procedures and the data obtained suggest that it will yield adequately reliable
scores that are meaningful indicators of how children feel about being in school" (Lewis, 1974). Further, the nonverbal aspect was desired because of possible errors in word interpretation.

The National Study of School Evaluation, known hereinafter as the NSSE, developed a student self-evaluation instrument to accomplish two goals,

1. "Assessing student attitudes toward many facets of the school,

2. "and providing an opportunity for students to make recommendations for improvements." (National Study of School Evaluation, 1974)

The instrument was developed because there was no existing instrument that met the needs of NSSE, indicated by a review of "Student Attitude Toward School" survey instruments. Further, "items covered by the instrument include students' attitudes toward faculty, administration, counselors, curriculum and instruction, co-curricular activities, and facilities." (National Study of School Evaluation, 1974)

The practice of adapting teacher attitude survey to assess student attitudes has become suspect (McDaniel, 1964). For example, in a study evaluating the Minnesota Teacher Attitude Inventory (MTAI) it was apparent that respondents could easily "see through" the questionnaire. "For example, a college student who believes in rigid
classroom control, but who is in an educational college emphasizing permissiveness, may think it advantageous to have the college faculty think his attitudes are permissive. Furthermore, he may unconsciously try to 'fool himself.' His belief in child-centered practices may be only a superficial one that developed because of his presence in a liberal environment. His underlying attitude may still be authoritarian." (McDaniel, 1964) Further, the data in the study suggest that, "knowing the attitudes which are desirable, students reflect these values on the conventional MTAI (McDaniel, 1964).

Judicious Discipline

One of education's more glaring contradictions is an autocratic public school system used as a model for teaching students to be responsible citizens in a democratic society. Ironically, the first personal involvement most children experience with government is when they are compelled to schooling by state compulsory educational laws. They are forced into a system of rules and decisions not unlike the authority they encounter at home; an authority which rewards obedience, punishes offenders, and needs no justification other than 'I am your parent.' It is no surprise that parents and teachers continually ask children 'When are you going to grow up and begin thinking for yourself?' Therefore, if the management system in our public schools parallels the autocratic environment of most American homes, it follows that educators may be preparing graduates who are unable to reason for themselves in a participatory society. Why not teach and employ the same democratic system in our public schools as in our society? What is the relationship between age and the ability to understand and participate in a democratic environment? Does a democratic classroom and school environment provide the best opportunity
for students to learn responsibility? These are but a few of education's rhetorical questions which inspired Judicious Discipline: A Constitutional Perspective for School Rules and Decisions.

There is an uncomplicated, yet workable, rule that has evolved from the classrooms of successful teachers throughout our country. Simply stated: 'You may do what you want in this classroom until it interferes with the rights of other students.' Teachers who have taken this position and applied it in an evenhanded manner to student conduct may have unknowingly taught their students the basic principles of our United States Constitution and, at the same time, created a classroom environment where students are able to learn about their responsibilities to the other members of the class. Judicious Discipline is a perspective for school rules and decisions cruxed on the Bill of Rights and this time-tested concept of classroom equanimity. By allowing students the opportunity to experience individual freedoms, and encouraging them to learn how to handle the responsibilities and demands emanating from their individual rights, we have set in motion in our schools and classrooms the same system of laws and regulations under which students will live upon completion of their compulsory schooling.

Educators who use this workable and uncomplicated method for classroom control will learn a new and very legal language for their tried and true approach to discipline. Teachers and administrators employing other systems, or none at all, may view this approach to discipline as a cohesive and consistent rationale for the adoption of rules and disciplinary methods which are not only simple to manage but also make sense."

(Gathercoal, 1986)

Judicious Discipline is a "framework of ideas which introduces a simple logical, and legal approach to classroom management." Further, this new perspective has a mission toward helping educators make disciplinary decisions by using "student rights and responsibilities as a
basis for an effective model of classroom discipline" (Gathercoal, 1986). The original field test copy of Judicious Discipline: A Constitutional Perspective for School Rules and Decisions (Gathercoal, 1986) is contained in Appendix D.

Summary

"When administrators and teachers are ignorant of the dimensions of the Bill of Rights and insensitive to the requirements of due process, the sparks generated by value confrontation fan the flames of educational disputes into judicial controversies. The same holds true when students mistake a constitutional liberty for personal license. Too many school issues are reaching the courts because too many administrators, teachers, and students know too little about the nature of civil liberties and civil rights." (Schimmel et al., 1975)

The public school is now considered a governmental organization with school officials acting as officials of the state within the meaning of constitutional law (Avant et al., 1984).

Students have constitutional rights in the public schools guaranteed by the U.S. Constitution and Supreme Court rulings (Tinker v. Des Moines Independent Community School District, 1969).

Many studies suggest that the courts have enforced the rights of students while "undermining the authority of schools by relaxing disciplinary standards" (Clegg, 1984).

Conversely, many studies suggest that aspects of power and authority of school officials are not greatly affected
by constitutional constraints (Bartlett, 1985). Rules of compelling state interest and the interpretation of law according to individual facts and settings give school officials authority to legally deny students of their constitutional rights (Gathercoal, 1986).

There is a lack of short validated student attitude survey instruments that can be used across educational levels to compare and measure student reactions to school life in general (Epstein et al., 1976). Welander (1980), Lewis (1974), and the National Study of School Evaluation (1974), developed students' school-related attitude survey instruments to assess student attitudes toward many facets of the school experience.

The practice of adapting teacher attitude survey instruments to assess student attitudes has become suspect. Additionally, research data suggest that if the student knows the "desirable attitudes," they are reflected on instruments like the Minnesota Teacher Attitude Inventory (McDaniel, 1964).

The concept of Judicious Discipline is a "perspective for school rules and decisions cruxed on the Bill of Rights and this time-tested concept of classroom equanimity" (Gathercoal, 1986).

Rules and decisions in the classroom are based upon the "same system of laws and regulations under which students will live upon completion of their compulsory
schooling" (Gathercoal, 1986).

The present study will focus on whether or not teacher implementation of **Judicious Discipline** (Gathercoal, 1986) as a classroom discipline management practice will influence students' school-related attitudes. The scarcity of literature and research in this area has resulted in the hypotheses upon which the present research is based.
CHAPTER III

METHODOLOGY

Introduction

The data relative to student school-related attitudes of elementary, middle, and high school students toward classroom discipline management based upon Judicious Discipline (Gathercoal, 1986) was collected by means of a questionnaire survey. Workshops and inservice sessions were conducted during the summer of 1986 by Gathercoal, the author of Judicious Discipline: A Constitutional Perspective for School Rules and Decisions (1986). The workshops and inservice sessions were conducted in order to disseminate the concepts within the book to administrators and teachers. The teachers involved in this study implemented these concepts into their classroom discipline management practice.

During fall term of the 1986-87 academic year, classroom discipline management based upon Judicious Discipline (Gathercoal, 1986) was implemented into the classroom. Immediately prior to classroom implementation, pre-test questionnaires were administered to participating students. Further, one week prior to the end of fall term 1986-87 a post-test was administered to participating students.
Anonymity was guaranteed to the respondents, however, the participating schools were coded on the answer sheets in order to distinguish the educational levels of the students.

**Instrumentation**

A literature search was conducted to find a testing instrument. The instrument chosen to assess student school-related attitudes was the Teaching Research Attitude Interaction Test, known hereinafter as TRAIT. TRAIT was developed by Welander (1980) for a doctoral thesis at Oregon State University. This instrument was chosen because it purported to measure student's school-related attitudes and verbal interaction. TRAIT was created to assess both the perceptions and feelings of students through the use of a self-report questionnaire. Only that portion of TRAIT which purported to assess students' school-related attitudes (49 test items and 4 scales) were used for purposes of this study. (Welander gave this researcher permission to use TRAIT for this study.)

According to Welander (1980), the following steps were taken in instrument preparation:

1. The published instruments that measure attitudes toward school, teachers, classmates and students themselves were systematically studied.

2. From those questionnaires that authors granted permission to replicate, items were
adapted and adopted which appear to measure the attitude scales defined in the study.

3. Since there are relatively few instruments which attempt to measure or define classroom interaction, nearly all interaction items were created by the researcher.

4. The resulting first draft of the self-report questionnaire, consisting of 158 items, was completed.

5. A descriptive title which also reflected the agency which provided support for its formulation was given to the instrument: Teaching Research Attitude Interaction Test, known hereinafter as the TRAIT.

6. This draft questionnaire was perused by a group of educational researchers from Teaching Research to determine the appropriateness of the format, items, and selected response choices. This process afforded face validity to the instrument.

7. Their recommendations resulted in a second draft which consisted of 144 items. Several of these were reworded and restructured.

8. The questionnaire was then field tested with six (6) sixth grade classrooms, totaling 106 students.

9. A statistical analysis, consisting of inter-item correlations of the four attitudinal scales, and for the interaction scale was conducted.

10. The results of this analysis identified those items within each scale that showed promise as potential indicators. Items that had low correlations with the attitudinal measures were eliminated.

11. Estimates of reliability based on the Spearman Brown test for internal consistency were computed (Nunnally 28).

12. Reliability coefficients of at least .70 were considered acceptable.
13. The internal consistency reliability coefficients for school-related attitudes were estimated at: (a) school = .95, (b) teachers = .97, (c) classmates = .92, and (d) self = .86.

14. An analysis of the interaction scale indicated that interaction, like that of attitudes, could best be defined as an educational construct which contains several identifiable scales.

15. Three scales surfaced as a result of a quartimax rotation factor analysis of the interaction items. These scales were measures of: (a) teacher receptiveness, (b) quantity of interaction, and (c) open communication channels.

16. Estimates of internal consistency reliability were then computed for the three interaction scales, and coefficients were derived. They were: (a) teacher receptiveness = .89, (b) quantity of interaction = .90, and (c) open communication channels = .93.

17. From this statistical analysis, four separate and identifiable scales surfaced as indicators of the construct of school-related attitudes, and three scales reflected the construct of verbal interaction. These seven scales were then seen as appropriate measures of attitudes and interactions for the study. As a result of this investigation, it was appropriate to construct the final draft of TRAIT.

18. The TRAIT then consisted of 99 items reflecting the results of the item analyses and the factor analysis, and was returned to the educational researchers for a final critique. The final draft of the TRAIT is contained in Appendix A. A listing of the seven scales and the test items that comprise those scales can be found in Appendix B.

19. The Alpha level of statistical significance for this study was established at the .05 level by the researcher.
The Population

The population for this study of student school-related attitudes were comprised of students from cooperating school districts throughout the state of Oregon. TRAIT was administered in rural and urban districts to a varied sample of elementary, middle, and high school students. The selection of school sites was dependent on the willingness of the school district and building administrators, and ultimately the teachers to participate in this study.

Respondents consisted of all those students whose teachers were present at introductory workshops or in-service sessions. The respondents represented a number larger than the population that was used for statistical analysis. Due to the time involved and attrition, it was not possible to have exactly the same respondents for both the pre- and post-test.

Subject Selection

The names of all teachers that wanted to have their students as part of this study were put on identical slips of paper and deposited in three boxes according to the school level in which they taught (i.e., elementary, middle, and high school). A predetermined number of classes were decided upon. This researcher randomly selected the classes in each school level by blindfolding
himself and pulling names out of the appropriate boxes. Each name had the same chance and opportunity to be pulled.

Using Cohen's table, a requirement of a sample size of no less than 52 per cell was established. The power level was .80, the effect size was equal to .25 and the alpha level was .05. Although a cell size of 52 was required, it was the hope of this researcher that the actual cells would consist of 100 each.

Where: \( 1 - \beta = .80 \)
\[ \alpha = .25 \]
\[ \alpha = .05 \]

Ho(1) Ho(2) Ho(3) Ho(4):  
<table>
<thead>
<tr>
<th></th>
<th>Elem.</th>
<th>Middle</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>52</td>
<td>52</td>
<td>52</td>
</tr>
</tbody>
</table>

May have unequal cell size

Ho(5) Ho(6) Ho(7) Ho(8):  
<table>
<thead>
<tr>
<th></th>
<th>Pre-Test</th>
<th>Post-Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elem.</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Middle</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>High</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Equal cell size

Data Collection and Procedure

All data were collected from elementary, middle, and high school students. The following data collection procedures were adhered to:
1. There is no established time limitations for completing the instrument.

2. The entire questionnaire will be read by the test administrator to elementary, and middle school respondents. High school respondents will complete the questionnaire independently after instructions are given by the administrator.

3. The classroom teacher will be absent during the test administration for elementary and middle school respondents.

4. The identity of the students and teachers will be anonymous.

5. The test administration procedures have been defined (Appendix C) and will be adhered to to provide for testing consistency.

6. The investigator of the study will personally administer the questionnaire to elementary and middle school respondents. High school administration of the questionnaire will be supervised and monitored by the same.

7. An estimated length of classroom time for gathering the data is from 15 to 30 minutes (Welander, 1980).

_Treatment of the Data_

The data resulting from the instrument application was processed in the following sequential manner:

1. Numerical values were assigned to each answer
choosing one (1) through four (4).

2. Negatively phrased questions had their numerical values reversed.

3. The numerical values for each student within each class was transcribed to computer sheets.

4. A statistical program was applied so that each item was located within its appropriate scale.

5. Student school level (elementary, middle school, and high school) mean scores for each scale was derived.

6. Data for this study was treated descriptively and inferentially because no individual subject numbers were assigned to respondents. All respondents were guaranteed anonymity.

7. The results of this data analysis was studied and subsequently described in Chapter IV.

Hypotheses of the Study

The major focus of this study was to determine whether or not there was a significant difference in students' school-related attitudes among elementary, middle, and high school students when teacher classroom discipline management is based on Judicial Discipline (Gathercoal, 1986).

Hypothesis One. There is no significant difference in attitudes toward the teacher among elementary, middle and high school students reflected in pre- and post-test scores.
Hypothesis Two. There is no significant difference in attitudes toward school among elementary, middle, and high school students reflected in pre- and post-test scores.

Hypothesis Three. There is no difference in attitudes toward classmates among elementary, middle, and high school students reflected in pre- and post-test scores.

Hypothesis Four. There is no significant difference in attitudes toward myself among elementary, middle, and high school students reflected in pre- and post-test scores.

Hypothesis Five. There is no significant difference in attitudes toward the teacher between elementary, middle, and high school students reflected in pre- and post-test scores.

Hypothesis Six. There is no significant difference in attitudes toward school between elementary, middle, and high school students reflected in pre- and post-test scores.

Hypothesis Seven. There is no significant difference in attitudes toward classmates between elementary, middle, and high school students reflected in pre- and post-test scores.

Hypothesis Eight. There is no significant difference in attitudes toward myself between elementary, middle, and high school students reflected in pre- and post-test scores.
Ho(1)(2)(3)(4): \[ M_e = M_m = M_h \]
(There is no significant difference in attitudes among elementary, middle, and high school students reflected in pre- and post-test scores.)

The research also intended to discover if there was a significant difference in student attitudes reflected between pre- and post-test scores.

Ho(5)(6)(7)(8): \[ M_{p1} = M_{p2} \]
(There is no significant difference in attitudes reflected between pre- and post-test scores.)

A One-Way Analysis of Variance Test was run on each of the above hypotheses, "because this technique allows us to compare two or more means to see if there are significant differences between or among them" (Bartz, 1981). Each test employed the following math model:

Where: \[ Y_{ij} = M + \alpha_i + E_{ij} \]
\( M \) = a fixed constant
\( \alpha_i \) = a differential effect associated with group
\( E_{ij} \) = a random variable

The following is an Analysis of Variance Layout (Fixed Model) for Ho(1), Ho(2), Ho(3), and Ho(4) followed by the layout for Ho(5)(6)(7)(8):
Table 1. One-Way Anova for Ho(1)(2)(3)(4) (for Pre- and Post-Test)

<table>
<thead>
<tr>
<th>Source of Variation</th>
<th>df</th>
<th>ss</th>
<th>ms</th>
<th>f</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between Error</td>
<td>2</td>
<td>A</td>
<td>A/2</td>
<td>MS Between/MS Error</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Error</td>
<td>597</td>
<td>B</td>
<td>B/597</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>599</td>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2. One-Way Anova for Ho(5)(6)(7)(8) (for Pre- and Post-Test)

<table>
<thead>
<tr>
<th>Source of Variation</th>
<th>df</th>
<th>ss</th>
<th>ms</th>
<th>f</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between Error</td>
<td>1</td>
<td>A</td>
<td>A/1</td>
<td>MS Between/MS Error</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Error</td>
<td>598</td>
<td>B</td>
<td>B/598</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>599</td>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A Tukey's test was used to determine individual mean differences, because "Tukey is a technique that enables us to determine which differences between means are significant and which are not" (Bartz, 1981).

Judicious Discipline Workshop Intervention

Workshop and inservice meetings were conducted during
summer 1986 (August-September) to provide an overview of Judicious Discipline. Each workshop-inservice session convened for approximately one to two hours. The field test manual was distributed and the concepts contained in the manual were explained and reviewed. Participants were given instructions to contact Dr. Gathercoal, author of Judicious Discipline (1986), should any question or concern arise from implementing Judicious Discipline in their disciplinary management practice (see Appendix D for Judicious Discipline manual).

Some of the Judicious Discipline intervening concepts presented in the overview included:

1. **Grading**: The use of grade reduction should not be used to control student behavior.

   Rules created to deal with problems such as 'five unexcused absences,' 'missing a concert,' and 'late papers' usually result in the lowering of an achievement grade. The legal problem inherent in these attempts to deter undesirable behavior through achievement records is one of forwarding misinformation about the student. (Gathercoal, 1986)

   This situation is an infringement of students' liberty within the meaning of the Fourteenth Amendment. Letter grades on a transcript are "usually interpreted as the student's level of skill and understanding of a subject matter" (Gathercoal, 1986).

   Grades should not be reduced for late papers, students should receive an incomplete or a late grade for a late paper.
Students caught cheating on exams or plagiarizing material should not receive a grade of "F." The grade of "F" connotes failure of ability or understanding and, again, results in misinformation passed on to those evaluating the grade. A more equitable approach is to consider the matter as a behavioral issue dealt with through behavioral consequences. (Gathercoal, 1986) (i.e. counseling, parent counseling, or anecdotal files.)

Further, "A student caught cheating on an exam might be offered a make-up exam in another format" to assess academic achievement (Gathercoal, 1986).

"The issue is not what the teacher thinks the grade means, but what common understanding believes the grade to mean" (Gathercoal, 1986).

Class Participation: Class participation is often used to grade students. This practice usually awards grades according to students raising their hands.

In class contributions can be quantified and certainly qualify as academic performance. However, to avoid being discriminatory, teachers should call on each student the same number of times allowing an equal opportunity to be graded. Grading on effort is appropriate only if there is a place for an effort grade on the report card. (Gathercoal, 1986)

Extra Credit: Extra credit class work should be related to the . . . achievement reflected in the meaning of the grade. The same is true of spurious course objectives; e.g., lowering grades for not showering in P.E. as opposed to not knowing how to shower properly, or missing a choir concert versus not meeting the required number of performances for a grade. (Gathercoal, 1986)
2. Compelling State Interest: Teachers were instructed to use legal terminology with students when it was appropriate. For example, school rules and decisions are based on four basic arguments used by courts called "compelling state interests." They are:

a. Risk of property loss or damage
b. Legitimate educational purpose
c. Threat to health and safety
d. Serious disruption of the educational process

These four rules balance the individual and state interests in schools. School officials can legally deny student constitutional rights if they seriously violate any of these rules. Therefore, when a student violates a valid school rule, the teacher language should be, "Let me tell you my compelling state interest for the rule" (Gathercoal, 1986).

3. Punishments: Students should be provided with notice of "probable punishments or consequences for violations of school and classroom rules." For example:

Students have a solid argument when they admit they knew it was against the rules for them to copy another's answers on a test but were not aware that cheating could result in an expulsion. Punishment as a deterrent or as a reasonable consequence is only as effective as the sufficiency of adequate notice. (Gathercoal, 1986)

Disciplinary measures should be defensible in terms of:

- Purpose--to deter improper conduct, punish, or rehabilitate the student. Age and the mental, emotional, or physical condition of the student are influential factors in determining defensible
consequences and must be weighed carefully. Punishment must never be meted in a manner that could be construed as malicious, cruel, or excessive. (Gathercoal, 1986)

Withholding Privileges: If a student is barred from an activity because of misconduct, it must fall within the category of privilege rather than a right. Denial of an extracurricular activity may not be arbitrary; it must be reasonably related to student behavior. (Gathercoal, 1986)

The Judicious Discipline workshop intervention included subjects such as: property loss and damage; speech and expression; smoking and chewing tobacco; search and seizure; press; religion; discriminatory rules and practices; health and safety; school fees; parent and guardian rights; confidentiality; complaint procedures; due process; amendments; the American system; and an example of the constitutional perspective in practice.

The constitutional perspective in practice used a scenario about chewing gum to demonstrate some principles of Judicious Discipline:

"No chewing gum in class," is a widely enforced classroom rule to keep gum from under desks and seats, out of hair and/or textbooks; from being popped or chewed noisily; and, finally, to prevent the presence of gum wrappers on the floor. Now let's apply this rule to a fact situation and review it from a constitutional perspective. Envision a new student entering your classroom at mid-semester, wearing a three-piece suit, hand-made Italian shoes, carrying a portable home computer, and chewing the biggest wad of gum you have ever seen in anyone's mouth. His admit slip indicates he is the sole heir to a vast chewing gum corporation. Inquiring as to what he is chewing, you are told
it is a half-stick of every flavor his corporation manufactures and that he is simply carrying on a family tradition symbolic of a commitment to the value of gum. In other words, chewing a wad of gum is his way of life--his statement to the world based upon his First Amendment right of free speech. In order to deny this right of expression, teachers and administrators today not only face the challenge of sustaining at least one of the four compelling state interests but also of carrying the burden of proof. If none of the four are applicable, it would be difficult to legally deny the student his gum-chewing posture.

During a workshop on student rights I recently presented to a group of school administrators an elementary principal shared an anecdote about school rules. He had been a teacher in his building before being appointed principal. Upon assuming the position of administrator, one of his first acts was to revise some of the rules. During the teacher inservice in September he announced these changes, in particular doing away with a ban on gum chewing. The new plan suggested that the faculty spend some time during the first day of class teaching students how to chew and responsibly care for gum. About three weeks into the school year he approached the building custodian and asked if there was a problem with gum in the building. The custodian replied that he was surprised by the fact that there was no gum anywhere around school, not even wrappers on the floor. "I don't know what you did," he said, "You are the toughest principal we ever had here." Three weeks later the conversation again surfaced and still no evidence of gum damage was found. "You really are tough," the principal was told. "What did you do?" The principal explained the old rules were replaced by a more positive educational approach to teaching responsibility. The custodian listened in disbelief and, without a word, walked away shaking his head.

Risk of property damage or loss is the rationale ordinarily expressed for restricting gum chewing in class. However, this argument breaks down because damage does not occur as students chew gum but when it is out of their mouths. Perhaps the rule against gum chewing is
the major cause of gum damage. Legitimate educational purpose would not fit well unless you wanted to teach the evils of chewing. Health and safety would be a good reason in sports and physical activities where someone might choke on the gum; the serious disruption option would be the usual argument to prevent popping and chewing loudly.

It may be difficult to justify a rule we so long have taken for granted. Because of the problems presented when denying rights, why not adopt an educational approach to rules and discipline? Why not develop a positive approach to gum chewing such as "Chew your gum quietly and wrap it in paper when it is out of your mouth." Teach students who choose to chew gum, how to chew it properly, where and how to discard gum, and what should be done with the empty wrapper. Instead of acting like police officers, let's do what we do best, become teachers who help students learn the skills and attitudes that will last them a lifetime. (Gathercoal, 1986)
CHAPTER IV

ANALYSIS OF THE DATA

The purpose of this research was to study the attitudes of elementary, middle, and high school students in selected Oregon school districts toward teacher classroom discipline management based upon concepts from Judicious Discipline: A Constitutional Perspective for School Rules and Decisions (Gathercoal, 1986). The subjects of the research consisted of students whose teachers were employed by schools which volunteered to participate in workshops and inservices designed to introduce concepts of Judicious Discipline. An attitudinal survey was administered to respondents to assess pre-test and post-test attitudes influenced by teacher classroom management based upon Judicious Discipline.

The instrument used to measure the attitudes of students was the Teaching Research Attitude Interaction Test (Welander, 1980). There were a total of 49 test items with 4 corresponding scales. A rating scale of 1 for Very True, Always True to 4 for Very False, Always False. This Likert scale design avoided a "no opinion" rating.

The 4 attitudinal scales that were analyzed are defined and described below:
Scale 1. A measure of student-expressed attitudes toward the teacher. Students were asked to respond to 13 test items that reflected their attitudes and feelings.

Scale 2. A measure of student-expressed attitudes toward school. Students were asked to respond to 13 test items that reflect their feelings and attitudes.

Scale 3. A measure of student-expressed attitudes toward their classmates. Students were asked to respond to 10 items that reflect their feelings and attitudes.

Scale 4. A measure of student-expressed attitudes toward themselves. Students were asked to respond to 13 items that reflected their feelings of self-worth and success.

The level of confidence (alpha level) was established at .05. The primary reason for selecting this level of confidence was because the study attempts to gather human perceptions, emotions, and attitudes which by nature are complex constructs. (Welander, 1980)

Analysis Procedure

The data was analyzed by means of a one-way Anova for the comparison of attitudes toward teacher classroom disciplinary management based on Judicious Discipline among elementary, middle, and high school students. A one-way Anova to analyze the difference between pre-test and post-test data could not be run because there was no control group. No individual subject numbers were assigned to subjects. All respondents in this study were guaranteed anonymity. Consequentially, individual pre-test and post-test data could not be compared.
The data was analyzed by means of a one-way Anova because the test item scores were interval and ratio in nature; test item scores were measures on random samples from respective populations; the population from which the samples were drawn were normally distributed; and the population from which the samples were drawn had homogeneity of variance. These factors plus the ability to "compare two or more means to see if there are significant differences between and among them "makes the Anova the best choice to analyze these data" (Bartz, 1981).

The survey results were also analyzed through the use of a Tukey's test to determine individual mean differences for Hypotheses One, Two, Three and Four. The Tukey's test was used to analyze the data because:

After a significant F has been obtained, we are faced with the question of which differences between means are significant, if they are all significantly different from each other. On the other hand, maybe \( X_1 \) \( X_2 \) are about the same and \( X_3 \) is significantly different from those two. Tukey's is a technique that enables us to determine which differences between means are significant and which are not. (Bartz, 1981)

Means and computed F values for elementary, middle, and high school responses were used to determine differences between pre-test and post-test responses.

Rejection of Null Hypotheses One, Two, Three and Four on the basis of computed F values or Null Hypotheses Five, Six, Seven, and Eight on a comparison of item by item computed F values supports the alternative hypothesis that
a significant relationship exists between the pre-test and post-test results among the three subject groups. An item by item analysis was conducted in order to obtain the information of whether to retain or reject the Null Hypotheses.

The restated hypotheses are followed by an item by item analysis of the data.

Findings

Hypothesis One. There will be no significant difference in attitudes toward the teacher among elementary, middle, and high school students reflected in pre- and post-test scores.

The data in Tables 3 and 4 shows Hypothesis One was rejected 7 times and retained 6 times in the pre-test. Hypothesis One was rejected in the post-test for 12 of the 13 items. The data collected for Attitude Scale One/Toward Teacher, Hypothesis One, was rejected for 19 of the 26 items.

Hypothesis Two. There is no significant difference in attitudes toward school among elementary, middle, and high school students reflected in pre- and post-test scores.

The data reflected in Tables 5 and 6 for Attitude Scale Two/Toward School indicated that Hypothesis Two was rejected in 12 of the 13 items in the pre-test. Table 6 data indicated that Hypothesis Two was rejected on 12 of
**Table 3**

Pre-Test Data for Attitude Scale One/Toward Teacher

<table>
<thead>
<tr>
<th>#</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Pre Computed</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>About the class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. We have a super teacher</td>
<td>1.3920</td>
<td>1.8284</td>
<td>1.9811</td>
<td>2.629</td>
<td>Reject*</td>
</tr>
<tr>
<td>40. Students often brag about</td>
<td>2.2177</td>
<td>2.6343</td>
<td>2.7752</td>
<td>13.564</td>
<td>Reject*</td>
</tr>
<tr>
<td>what a neat teacher we have</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42. Most students really listen</td>
<td>1.8871</td>
<td>2.3060</td>
<td>2.2394</td>
<td>9.962</td>
<td>Reject*</td>
</tr>
<tr>
<td>to what the teacher is saying</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>My Teacher</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Works hard to make school</td>
<td>1.8361</td>
<td>1.9328</td>
<td>2.0714</td>
<td>2.860</td>
<td>Retain</td>
</tr>
<tr>
<td>interesting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Is fair to me</td>
<td>1.6803</td>
<td>1.8346</td>
<td>1.8382</td>
<td>1.469</td>
<td>Retain</td>
</tr>
<tr>
<td>5. Is kind and loving</td>
<td>2.0081</td>
<td>1.3106</td>
<td>2.2776</td>
<td>3.885</td>
<td>Reject*</td>
</tr>
<tr>
<td>7. Cares about my friends</td>
<td>1.8560</td>
<td>2.1493</td>
<td>2.3843</td>
<td>12.301</td>
<td>Reject*</td>
</tr>
<tr>
<td>12. Makes things worse when</td>
<td>2.1280</td>
<td>1.8955</td>
<td>2.1354</td>
<td>2.557</td>
<td>Retain</td>
</tr>
<tr>
<td>I have a problem</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Has a friendly attitude</td>
<td>1.9194</td>
<td>1.9403</td>
<td>2.0702</td>
<td>1.102</td>
<td>Retain</td>
</tr>
<tr>
<td>16. Doesn't like us</td>
<td>1.9200</td>
<td>1.7537</td>
<td>1.8502</td>
<td>.853</td>
<td>Retain</td>
</tr>
<tr>
<td>22. Makes things boring</td>
<td>2.3600</td>
<td>2.1791</td>
<td>2.1872</td>
<td>1.239</td>
<td>Retain</td>
</tr>
<tr>
<td>24. Cares about how much I learn</td>
<td>1.7500</td>
<td>1.9104</td>
<td>2.0845</td>
<td>4.725</td>
<td>Reject*</td>
</tr>
<tr>
<td>About me</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. I really like my teacher</td>
<td>1.7440</td>
<td>2.0075</td>
<td>2.2802</td>
<td>12.277</td>
<td>Reject*</td>
</tr>
</tbody>
</table>

* = .05 level of significance

= Tukey procedure—Denotes groups significantly different at the .05 level of significance
Table 4
Post-Test Data for Attitude Scale One/Toward Teacher

<table>
<thead>
<tr>
<th>#</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Computed F</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>About the class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. We have a super teacher</td>
<td>1.4024</td>
<td>1.7553</td>
<td>2.1146</td>
<td>17.989</td>
<td>Reject*</td>
</tr>
<tr>
<td>40. Students often brag about what a neat teacher we have</td>
<td>2.1951</td>
<td>2.8342</td>
<td>2.8377</td>
<td>13.018</td>
<td>Reject*</td>
</tr>
<tr>
<td>42. Most students really listen to what the teacher is saying</td>
<td>1.9518</td>
<td>2.4362</td>
<td>2.3182</td>
<td>7.852</td>
<td>Reject*</td>
</tr>
<tr>
<td>My Teacher</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Works hard to make school interesting</td>
<td>1.6220</td>
<td>1.8298</td>
<td>2.1104</td>
<td>8.575</td>
<td>Reject*</td>
</tr>
<tr>
<td>4. Is fair to me</td>
<td>1.7073</td>
<td>1.8978</td>
<td>2.000</td>
<td>2.502</td>
<td>Retain</td>
</tr>
<tr>
<td>5. Is kind and loving</td>
<td>1.7831</td>
<td>2.4043</td>
<td>2.2067</td>
<td>11.057</td>
<td>Reject*</td>
</tr>
<tr>
<td>7. Cares about my friends</td>
<td>1.6790</td>
<td>2.000</td>
<td>2.2185</td>
<td>7.941</td>
<td>Reject*</td>
</tr>
<tr>
<td>12. Makes things worse when I have a problem</td>
<td>1.5783</td>
<td>1.8207</td>
<td>2.1208</td>
<td>8.802</td>
<td>Reject*</td>
</tr>
<tr>
<td>15. Has a friendly attitude</td>
<td>1.5732</td>
<td>1.7287</td>
<td>1.9400</td>
<td>4.693</td>
<td>Reject*</td>
</tr>
<tr>
<td>16. Doesn't like us</td>
<td>1.5488</td>
<td>1.5598</td>
<td>1.9048</td>
<td>6.690</td>
<td>Reject*</td>
</tr>
<tr>
<td>22. Makes things boring</td>
<td>1.9268</td>
<td>2.1189</td>
<td>2.2897</td>
<td>3.303</td>
<td>Reject*</td>
</tr>
<tr>
<td>24. Cares about how much I learn</td>
<td>1.4390</td>
<td>1.6649</td>
<td>1.9459</td>
<td>9.303</td>
<td>Reject*</td>
</tr>
<tr>
<td>About me</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. I really like my teacher</td>
<td>1.5181</td>
<td>1.7553</td>
<td>2.2345</td>
<td>18.182</td>
<td>Reject*</td>
</tr>
</tbody>
</table>

* = .05 level of significance

= Tukey procedure--Denotes groups significantly different at the .05 level of significance
<table>
<thead>
<tr>
<th>#</th>
<th>About the class</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Computed</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Students enjoy being in the class</td>
<td>1.6603</td>
<td>2.0123</td>
<td>2.2955</td>
<td>52.081</td>
<td>Reject*</td>
</tr>
<tr>
<td>7</td>
<td>Kids like this class</td>
<td>1.7404</td>
<td>2.3096</td>
<td>2.3602</td>
<td>41.896</td>
<td>Reject*</td>
</tr>
<tr>
<td>11</td>
<td>Students often brag about what a neat teacher we have</td>
<td>2.2995</td>
<td>3.0124</td>
<td>3.0879</td>
<td>52.131</td>
<td>Reject*</td>
</tr>
<tr>
<td>15</td>
<td>Students look forward to coming to school</td>
<td>2.3029</td>
<td>2.9065</td>
<td>2.8976</td>
<td>35.864</td>
<td>Reject*</td>
</tr>
<tr>
<td>18</td>
<td>Students have fun learning in this class</td>
<td>1.9808</td>
<td>2.4568</td>
<td>2.4917</td>
<td>26.021</td>
<td>Reject*</td>
</tr>
<tr>
<td>20</td>
<td>Our classroom is a warm and friendly place</td>
<td>1.9087</td>
<td>2.3889</td>
<td>2.3254</td>
<td>23.056</td>
<td>Reject*</td>
</tr>
<tr>
<td>25</td>
<td>Students are proud to be in this school</td>
<td>1.9469</td>
<td>2.3981</td>
<td>2.5649</td>
<td>33.149</td>
<td>Reject*</td>
</tr>
<tr>
<td>29</td>
<td>Students look forward to coming to class</td>
<td>2.2367</td>
<td>2.6718</td>
<td>2.7163</td>
<td>20.622</td>
<td>Reject*</td>
</tr>
<tr>
<td>35</td>
<td>Students seem satisfied with the class</td>
<td>2.0962</td>
<td>2.2012</td>
<td>2.2657</td>
<td>2.707</td>
<td>Retain</td>
</tr>
<tr>
<td>38</td>
<td>Lots of nice things happen in our class</td>
<td>1.8798</td>
<td>2.2006</td>
<td>2.4358</td>
<td>28.489</td>
<td>Reject*</td>
</tr>
<tr>
<td>41</td>
<td>There are a lot of exciting things going on in our class</td>
<td>2.0290</td>
<td>2.4969</td>
<td>2.6820</td>
<td>37.259</td>
<td>Reject*</td>
</tr>
<tr>
<td>13</td>
<td>I really like our class</td>
<td>1.6154</td>
<td>2.0805</td>
<td>2.2925</td>
<td>32.822</td>
<td>Reject*</td>
</tr>
<tr>
<td>20</td>
<td>I like the stuff we work on in class</td>
<td>2.1667</td>
<td>2.4500</td>
<td>2.4809</td>
<td>6.743</td>
<td>Reject*</td>
</tr>
</tbody>
</table>

* = .05 level of significance
--- = Tukey procedure--Denotes groups significantly different at the .05 level of significance
<table>
<thead>
<tr>
<th>#</th>
<th>About the class</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Computed</th>
<th>F</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Students enjoy being in the class</td>
<td>1.6603</td>
<td>2.0123</td>
<td>2.2955</td>
<td>52.081</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7. Kids like this class</td>
<td>1.7404</td>
<td>2.3096</td>
<td>2.3502</td>
<td>41.896</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. Students often brag about what a neat teacher we have</td>
<td>2.2995</td>
<td>3.0124</td>
<td>3.0879</td>
<td>52.131</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15. Students look forward to coming to school</td>
<td>2.3029</td>
<td>2.9065</td>
<td>2.8976</td>
<td>35.864</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>18. Students have fun learning in this class</td>
<td>1.9808</td>
<td>2.4568</td>
<td>2.4917</td>
<td>26.021</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20. Our classroom is a warm and friendly place</td>
<td>1.9087</td>
<td>2.3889</td>
<td>2.3254</td>
<td>23.056</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25. Students are proud to be in this school</td>
<td>1.9469</td>
<td>2.3981</td>
<td>2.5649</td>
<td>33.149</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>29. Students look forward to coming to class</td>
<td>2.2367</td>
<td>2.6718</td>
<td>2.7163</td>
<td>20.622</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>35. Students seem satisfied with the class</td>
<td>2.0962</td>
<td>2.2012</td>
<td>2.2657</td>
<td>2.707</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td></td>
<td>38. Lots of nice things happen in our class</td>
<td>1.8798</td>
<td>2.2006</td>
<td>2.4358</td>
<td>28.489</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>41. There are a lot of exciting things going on in our class</td>
<td>2.0290</td>
<td>2.4969</td>
<td>2.6820</td>
<td>37.259</td>
<td>Reject*</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>About Me</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13. I really like our class</td>
<td>1.6154</td>
<td>2.0805</td>
<td>2.2925</td>
<td>32.822</td>
<td>Reject*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20. I like the stuff we work on in class</td>
<td>2.1667</td>
<td>2.4500</td>
<td>2.4809</td>
<td>6.743</td>
<td>Reject*</td>
<td></td>
</tr>
</tbody>
</table>

* = .05 level of significance

= Tukey procedure—Denotes groups significantly different at the .05 level of significance
the 13 items in the post test. The data collected for Attitude Scale Two/Toward School, Hypothesis Two, was rejected 24 times out of 26 items.

**Hypothesis Three.** There is no significant difference in attitudes toward classmates among elementary, middle, and high school students reflected in pre- and post-test scores.

In Tables 7 and 8 for Attitude Scale Three/Toward Classmates these data revealed that Hypothesis Three was rejected 10 times out of 10 items in the pre-test. The post-test data revealed that Hypothesis Three was rejected 10 times. The data collected for Attitude Scale Three/Toward Classmates, Hypothesis Three, was rejected 20 times for 20 items.

**Hypothesis Four.** There is no significant difference in attitudes toward myself among elementary, middle, and high school students reflected in pre- and post-test scores.

The data reviewed in Tables 9 and 10 indicated that Hypothesis Four was rejected 11 times out of the 13 total items in the pre-test. The post test data indicated that Hypothesis Four was rejected 11 times out of the 13 total items. The data collected for Attitude Scale Four/Toward Myself, Hypothesis Four, was rejected 22 times out of 26 items.

Null Hypotheses Five, Six, Seven, and Eight stating
Table 7
Pre-Test Data for Attitude Scale Three/Toward Classmates

<table>
<thead>
<tr>
<th>#</th>
<th>About the class</th>
<th>Pres</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Computed</th>
<th>F</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Students are careful not to hurt each other's feelings</td>
<td></td>
<td>2.1062</td>
<td>2.8727</td>
<td>2.6500</td>
<td>44.416</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Students treat others fairly</td>
<td></td>
<td>2.0673</td>
<td>2.5794</td>
<td>2.2749</td>
<td>27.071</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Students help other students learn</td>
<td></td>
<td>2.0145</td>
<td>2.4722</td>
<td>2.3791</td>
<td>18.983</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Most students are willing to share materials</td>
<td></td>
<td>1.7990</td>
<td>2.1084</td>
<td>2.0024</td>
<td>9.868</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30. Students care about each other</td>
<td></td>
<td>2.2174</td>
<td>2.5389</td>
<td>2.3606</td>
<td>9.716</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32. People are treated with respect</td>
<td></td>
<td>1.9517</td>
<td>2.4596</td>
<td>2.2391</td>
<td>22.321</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39. Students enjoy helping each other</td>
<td></td>
<td>1.9758</td>
<td>2.5123</td>
<td>2.2663</td>
<td>26.936</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43. Students like each other</td>
<td></td>
<td>1.9279</td>
<td>2.1698</td>
<td>2.1000</td>
<td>6.419</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>About me</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. I really like the other students in my class</td>
<td></td>
<td>1.9187</td>
<td>1.9784</td>
<td>2.1215</td>
<td>4.173</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. I like my classmates</td>
<td></td>
<td>1.8708</td>
<td>1.9536</td>
<td>2.1812</td>
<td>9.171</td>
<td>Reject*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* = .05 level of significance
--- Tukey procedure--Denotes groups significantly different at the .05 level of significance
Table 8
Post-Test Data for Attitude Scale Three/Toward Classmates

<table>
<thead>
<tr>
<th>#</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Computed F</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>About the class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Students are careful not to hurt each other's feelings</td>
<td>2.1062</td>
<td>2.8727</td>
<td>2.6500</td>
<td>44.416</td>
<td>Reject*</td>
</tr>
<tr>
<td>10. Students treat others fairly</td>
<td>2.0673</td>
<td>2.5794</td>
<td>2.2749</td>
<td>27.071</td>
<td>Reject*</td>
</tr>
<tr>
<td>14. Students help other students learn</td>
<td>2.0145</td>
<td>2.4722</td>
<td>2.3791</td>
<td>18.983</td>
<td>Reject*</td>
</tr>
<tr>
<td>16. Most students are willing to share materials</td>
<td>1.7990</td>
<td>2.1084</td>
<td>2.0024</td>
<td>9.868</td>
<td>Reject*</td>
</tr>
<tr>
<td>30. Students care about each other</td>
<td>2.2174</td>
<td>2.5389</td>
<td>2.3606</td>
<td>9.716</td>
<td>Reject*</td>
</tr>
<tr>
<td>32. People are treated with respect</td>
<td>1.9517</td>
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<td>22.321</td>
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<tr>
<td>39. Students enjoy helping each other</td>
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<tr>
<td>43. Students like each other</td>
<td>1.9279</td>
<td>2.1698</td>
<td>2.1000</td>
<td>6.419</td>
<td>Reject*</td>
</tr>
<tr>
<td>About me</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. I really like the other students in my class</td>
<td>1.9187</td>
<td>1.9784</td>
<td>2.1215</td>
<td>4.173</td>
<td>Reject*</td>
</tr>
<tr>
<td>18. I like my classmates</td>
<td>1.8708</td>
<td>1.9536</td>
<td>2.1812</td>
<td>9.171</td>
<td>Reject*</td>
</tr>
</tbody>
</table>

* = .05 level of significance
_ = Tukey procedure--Denotes groups significantly different at the .05 level of significance
Table 9
Pre-Test Data for Attitude Scale Four/Toward Myself

<table>
<thead>
<tr>
<th>#</th>
<th>My teacher</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Computed</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.</td>
<td>Makes me feel important</td>
<td>2.1388</td>
<td>2.3839</td>
<td>2.4530</td>
<td>6.374</td>
<td>Reject*</td>
</tr>
<tr>
<td>32.</td>
<td>Likes the other students more than she likes me</td>
<td>2.2115</td>
<td>1.9439</td>
<td>2.1671</td>
<td>5.212</td>
<td>Reject*</td>
</tr>
<tr>
<td></td>
<td>About me</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Learning things in school is easy for me</td>
<td>2.0478</td>
<td>2.1300</td>
<td>2.2096</td>
<td>1.950</td>
<td>Retain</td>
</tr>
<tr>
<td>2.</td>
<td>I feel that I am doing a good job in school</td>
<td>1.5096</td>
<td>1.8793</td>
<td>2.2373</td>
<td>46.288</td>
<td>Reject*</td>
</tr>
<tr>
<td>6.</td>
<td>I like to show the teacher my work</td>
<td>2.0481</td>
<td>2.4675</td>
<td>2.5841</td>
<td>20.240</td>
<td>Reject*</td>
</tr>
<tr>
<td>7.</td>
<td>I hate it when the teacher calls on me to answer a question</td>
<td>2.6459</td>
<td>2.4644</td>
<td>2.5538</td>
<td>1.717</td>
<td>Retain</td>
</tr>
<tr>
<td>8.</td>
<td>My classmates like what I say</td>
<td>2.2727</td>
<td>2.4969</td>
<td>2.3323</td>
<td>4.891</td>
<td>Reject*</td>
</tr>
<tr>
<td>10.</td>
<td>I am rarely told that I do good work</td>
<td>2.6329</td>
<td>2.2733</td>
<td>2.5285</td>
<td>8.985</td>
<td>Reject*</td>
</tr>
<tr>
<td>11.</td>
<td>I think that I am a successful student</td>
<td>1.6860</td>
<td>2.0802</td>
<td>2.2764</td>
<td>25.894</td>
<td>Reject*</td>
</tr>
<tr>
<td>14.</td>
<td>I am able to do lots of things well</td>
<td>1.7033</td>
<td>1.9691</td>
<td>2.1203</td>
<td>14.555</td>
<td>Reject*</td>
</tr>
<tr>
<td>16.</td>
<td>My classmates listen to my suggestions</td>
<td>2.1683</td>
<td>2.4706</td>
<td>2.300</td>
<td>7.512</td>
<td>Reject*</td>
</tr>
<tr>
<td>17.</td>
<td>My classmates like me and treat me with respect</td>
<td>2.1250</td>
<td>2.3230</td>
<td>2.1839</td>
<td>3.546</td>
<td>Reject*</td>
</tr>
<tr>
<td>19.</td>
<td>I like sharing my ideas with the class</td>
<td>2.1770</td>
<td>2.4489</td>
<td>2.4949</td>
<td>7.214</td>
<td>Reject*</td>
</tr>
</tbody>
</table>

* = .05 level of significance
--- = Tukey procedure--Denotes groups significantly different at the .05 level of significance
Table 10
Post-Test Data for Attitude Scale Four/Toward Myself

<table>
<thead>
<tr>
<th>#</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Pre Computed</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>My teacher</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Makes me feel important</td>
<td>2.1388</td>
<td>2.3839</td>
<td>2.4530</td>
<td>6.374</td>
<td>Reject*</td>
</tr>
<tr>
<td>32. Likes the other students more than she likes me</td>
<td>2.2115</td>
<td>1.9439</td>
<td>2.1671</td>
<td>5.212</td>
<td>Reject*</td>
</tr>
<tr>
<td>About me</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Learning things in school is easy for me</td>
<td>2.0478</td>
<td>2.1300</td>
<td>2.2096</td>
<td>1.950</td>
<td>Retain</td>
</tr>
<tr>
<td>2. I feel that I am doing a good job in school</td>
<td>1.5096</td>
<td>1.8793</td>
<td>2.2373</td>
<td>46.288</td>
<td>Reject*</td>
</tr>
<tr>
<td>6. I like to show the teacher my work</td>
<td>2.0481</td>
<td>2.4675</td>
<td>2.5841</td>
<td>20.240</td>
<td>Reject*</td>
</tr>
<tr>
<td>7. I hate it when the teacher calls on me to answer a question</td>
<td>2.6459</td>
<td>2.4644</td>
<td>2.5538</td>
<td>1.717</td>
<td>Retain</td>
</tr>
<tr>
<td>8. My classmates like what I say</td>
<td>2.2727</td>
<td>2.4969</td>
<td>2.3323</td>
<td>4.891</td>
<td>Reject*</td>
</tr>
<tr>
<td>10. I am rarely told that I do good work</td>
<td>2.6329</td>
<td>2.2733</td>
<td>2.5285</td>
<td>8.985</td>
<td>Reject*</td>
</tr>
<tr>
<td>11. I think that I am a successful student</td>
<td>1.6860</td>
<td>2.0802</td>
<td>2.2764</td>
<td>25.894</td>
<td>Reject*</td>
</tr>
<tr>
<td>14. I am able to do lots of things well</td>
<td>1.7033</td>
<td>1.9691</td>
<td>2.1203</td>
<td>14.555</td>
<td>Reject*</td>
</tr>
<tr>
<td>16. My classmates listen to my suggestions</td>
<td>2.1683</td>
<td>2.4706</td>
<td>2.300</td>
<td>7.512</td>
<td>Reject*</td>
</tr>
<tr>
<td>17. My classmates like me and treat me with respect</td>
<td>2.1250</td>
<td>2.3230</td>
<td>2.1839</td>
<td>3.546</td>
<td>Reject*</td>
</tr>
<tr>
<td>19. I like sharing my ideas with the class</td>
<td>2.1770</td>
<td>2.4489</td>
<td>2.4949</td>
<td>7.214</td>
<td>Reject*</td>
</tr>
</tbody>
</table>

* = .05 level of significance
_ = Tukey procedure—Denotes groups significantly different at the .05 level of significance
that there were no significant differences between the pre-
test and post-test scores of the testing instrument has
been reviewed. The test item numbers in Table 11 reflect
the same groupings as Tables 3 through 10. The data
reflected in Table 11 indicated that: significant attitude
changes occurred only in items 1, 12, 15, 16, and 22 all
contained in Attitude Scale One/Toward the Teacher.

Hypothesis Five. There is no significant difference
in attitudes toward the teacher between elementary, middle,
and high school students reflected in pre- and post-test
scores.

The data reflected in Table 11 indicated that atti-
tudes were changed in items 1, 12, 15, 16, and 22 between
the pre- and post-test. Further, in the pre-test (Table 3)
7 items out of a total 13 items were rejected. In the
post-test (Table 4) 12 items out of a total 13 items were
rejected. Hypothesis Five was rejected.

Hypothesis Six. There is no significant difference in
attitudes toward school between elementary, middle, and
high school students reflected in pre- and post-test
scores.

The data indicated there were no changes in attitudes
between the pre- and post-test scores. In the pre-test
(Table 5) 12 items were rejected out of a total 13 items.
In the post-test (Table 6) the same 12 items were rejected
out of a total 13 items. Hypothesis Six was retained.
# Table 11

**Anova Data Comparison of Attitude Scale One**  
**Pre-Test/Post Test Results**

<table>
<thead>
<tr>
<th>#</th>
<th>My teacher</th>
<th>Pre Test</th>
<th>Pre Xe</th>
<th>Pre Xm</th>
<th>Pre Xh</th>
<th>Computed F</th>
<th>HO Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Works hard to make school interesting</td>
<td>Pre</td>
<td>1.8361</td>
<td>1.9328</td>
<td>2.0714</td>
<td>2.860</td>
<td>Retain</td>
</tr>
<tr>
<td>1.</td>
<td>Works hard to make school interesting</td>
<td>Post</td>
<td>1.6220</td>
<td>1.8298</td>
<td>2.1104</td>
<td>8.575</td>
<td>Reject*</td>
</tr>
<tr>
<td>12.</td>
<td>Makes things worse when I have a problem</td>
<td>Pre</td>
<td>2.1280</td>
<td>1.8955</td>
<td>2.1354</td>
<td>2.557</td>
<td>Retain</td>
</tr>
<tr>
<td>12.</td>
<td>Makes things worse when I have a problem</td>
<td>Post</td>
<td>1.5783</td>
<td>1.8207</td>
<td>2.1208</td>
<td>8.802</td>
<td>Reject*</td>
</tr>
<tr>
<td>15.</td>
<td>Has a friendly attitude</td>
<td>Pre</td>
<td>1.9194</td>
<td>1.9403</td>
<td>2.0702</td>
<td>1.102</td>
<td>Retain</td>
</tr>
<tr>
<td>15.</td>
<td>Has a friendly attitude</td>
<td>Post</td>
<td>1.5732</td>
<td>1.7287</td>
<td>1.9400</td>
<td>4.693</td>
<td>Reject*</td>
</tr>
<tr>
<td>16.</td>
<td>Doesn't like us</td>
<td>Pre</td>
<td>1.9200</td>
<td>1.7537</td>
<td>1.8502</td>
<td>.853</td>
<td>Retain</td>
</tr>
<tr>
<td>16.</td>
<td>Doesn't like us</td>
<td>Post</td>
<td>1.5488</td>
<td>1.598</td>
<td>1.9048</td>
<td>6.690</td>
<td>Reject*</td>
</tr>
<tr>
<td>22.</td>
<td>Makes things boring</td>
<td>Pre</td>
<td>2.3600</td>
<td>2.1791</td>
<td>2.1872</td>
<td>1.239</td>
<td>Retain</td>
</tr>
<tr>
<td>22.</td>
<td>Makes things boring</td>
<td>Post</td>
<td>1.9268</td>
<td>2.1189</td>
<td>2.2897</td>
<td>3.303</td>
<td>Reject*</td>
</tr>
</tbody>
</table>

* = .05 level of significance  
- = Tukey procedure—Denotes groups significantly different at the .05 level of significance
Hypothesis Seven. There is no significant difference in attitudes toward classmates between elementary, middle, and high school students reflected in pre- and post-test scores.

The data indicated that there were no changes in attitudes between the pre- and post-test scores. In the pre-test (Table 7) 10 items out of a total 10 items were rejected. In the post-test (Table 8) the same 10 items were rejected out of a total 10 items. Hypothesis Seven was retained.

Hypothesis Eight. There is no significant difference in attitudes toward myself between elementary, middle, and high school students reflected in pre- and post-test scores.

The data indicated that there were no changes in attitudes between pre- and post-test scores. In the pre-test (Table 9) 11 items out of a total 13 items were rejected. In the post-test (Table 10) the same 11 items were rejected out of a total 13 items. Hypothesis Eight was retained.

Summary

Chapter IV reviewed the analysis of the four attitude scales and correspondence test items contained in "TRAIT," the testing instrument used for this study. The data were grouped under general subject headings and described by utilizing nine separate tables.
The data were analyzed by use of a one-way Anova for the comparison of attitudes toward teacher classroom disciplinary management based on Judicious Discipline among elementary, middle, and high school students. Additionally a Tukey's test was run on the data to determine individual mean differences.

Rejection of Null Hypotheses One, Two, Three and Four on the basis of computed F values or Null Hypotheses Five, Six, Seven and Eight on a comparison of item by item computed F values supported the alternative hypothesis that a significant relationship exists between the pre-test and post-test results or among the three subject groups. The conclusions related to the data results and recommendations for further study will be discussed in Chapter V.
The purpose of this study was to determine if students' school-related attitudes are significantly affected by teacher classroom discipline management based upon concepts contained in *Judicious Discipline: A Constitutional Perspective for School Rules* (Gathercoal, 1986).

A search of the literature revealed that the majority of studies regarding the measurement of the quality of school life has been largely concentrated on "adult life circumstances." Further,

One reason for this neglect is that no short, validated instrument has been available for use across educational levels to measure and compare student reactions to school life in general, to school work and to teachers. (Epstein et al., 1976)

The testing instrument selected to assess students' attitudes was the Teaching Research Attitude Interaction Test, or TRAIT. TRAIT was selected because it purported to measure students' school-related attitudes. Additionally, TRAIT was created to assess both the perceptions and feelings of students through the use of a self-report questionnaire (Welander, 1980). This instrument consisted of 49 items and 4 corresponding scales. This instrument was
administered to students in selected Oregon school districts at the beginning of fall term of the 1986-87 academic year as a pre-test. One week prior to the end of fall term 1986-87, the instrument was readministered as a post-test.

The data was analyzed by use of a one-way Anova to determine whether or not a significant difference in school-related attitudes existed among elementary, middle, and high school students. An item-by-item evaluation was employed to determine whether or not there was a significant difference between pre-test and post-test school-related attitudes.

Results of Data Analysis

Hypotheses

Hypothesis One, Two, Three, and Four: There were significant differences among elementary, middle, and high school students in school-related attitudes reflected in certain items of the testing instrument at the .05 level. Therefore, Hypotheses One, Two, Three, and Four were rejected.

Hypothesis Five: There was an important difference at the .05 level between the results on the pre-test and post-test in certain items contained in Attitude Scale One. Based on these findings, Hypothesis Five was also rejected.
Hypotheses Six, Seven, and Eight: There were no significant differences in attitudes between elementary, middle, and high school students reflected in the pre- and post-test at the .05 level. Based on these findings, these hypotheses were retained.

Interpretation and Conclusions

The data collected in Attitude Scale One (Ho(1)(5)) which assessed students' attitudes toward the teacher indicated students generally have very positive attitude scores toward their teacher. Students agreed that they have a super teacher; and they usually brag about what a neat teacher they have. It should be noted that as the grade levels of students raise, these data become less true. Students' attitudes also reflect that most students listen to what the teacher is saying. It is interesting that middle school students reflected the lowest agreement scores on this statement in the pre- and post-test out of all three groups. This suggests that there could be more disciplinary problems at this level because middle school students listen less to what the teacher has to say than the two other groups.

The data indicated that all three groups of respondents indicated their teacher works hard to make things interesting. Pre- and post-scores showed elementary and middle school students agreed stronger from pre- to post-
test and the reverse for high school students. The data also reflected that all three groups indicated that their teachers were fair to them, kind and loving, cared about their feelings, had a friendly attitude and cared about how much they learn. Further, all three groups really liked their teacher, but as the groups raised in school level, these statements became less true. Respondents indicated attitude scores that their teacher usually makes things worse when they have a problem, doesn't like them, and makes things boring. These attitude scores became even stronger for elementary and middle school students indicated by the pre- and post-test. High school students identified these statements as less true: doesn't like them and makes things boring; and this statement as more true: my teacher makes things worse when I have a problem, according to the pre- and post-test.

Data collected in Attitude Scale Two (Ho(2)(6)) which assessed students' attitudes toward school indicated there were no differences between pre- and post-test. Twelve items were rejected and one item retained at the .05 level of significance. Items rejected indicated that students agreed that these statements were usually true: students enjoy being in this class, students have fun learning in this class, students are proud to be in this class, students look forward to coming to class, students seem satisfied with the class, lots of nice things happen in our
class, there are a lot of exciting things going on in our class, I really like our class, and I like the stuff we work on in class. It should be noted that all statements became less true as the educational levels of students increased.

Data Scale Two also reflected sort of true agreement attitude scores from student responses to these items: students look forward to coming to school, and our classroom is a warm and friendly place. Elementary and high school students agreed more strongly with these statements than middle school students. Further, elementary students agreed that this statement was usually true: students often brag about what a neat teacher we have. Conversely, middle and high school students agreed that this statement was usually false. Finally, all three groups seemed satisfied with the class.

In Scale Three (Ho(3)(7) which assessed the attitudes of students toward classmates, Hypothesis Three was rejected ten out of ten times indicating differences among the three groups. Additionally, there was no difference between pre- and post-test scores which indicated Hypothesis Seven was retained. Students agreed that these statements were usually true: students are careful not to hurt each other's feelings, students treat each other fairly, students help other students learn, most students are willing to share materials, students care about each
other, people are treated with respect, students enjoy helping each other, and students like each other. It should be noted that middle school students expressed strong attitude scores toward making this statement less true than elementary and high school students. Elementary students expressed stronger true attitude scores than high school students. Additionally, students also agreed that these statements were true: I really like the other students in my class and I like my classmates. The data indicated that as the students' school level raised, these statements became less true. There were no differences in attitude scores among the groups reflected in the pre- and post-test.

In Scale Four (Ho(4)(8)) which assessed the attitudes of students toward myself, Hypothesis Four was rejected eleven times and retained twice, indicating differences among student attitude scores. Additionally, there was no difference between pre- and post-test, therefore, Hypothesis Eight was retained. All three student groups agreed that all test items were usually true. The differences among groups were reflected by these statements: my teacher makes me feel important, learning things in school is easy for me, I feel I am doing a good job in school, I like to show the teacher my work; I think I am a successful student; I am able to do lots of things well, I like sharing my ideas. It should be noted that all these
statements became less true as the educational levels of students raised.

Elementary students identified these following statements as less true than middle and high school students: my teacher likes the other students more than she likes me and I hate it when the teacher calls on me to answer a question. Further, high school students identified the statements to be less true than middle school students.

Elementary students indicated that these statements were more true than middle and high school students: my classmates listen to my suggestions, my classmates like what I say, and my classmates treat me with respect. Further, high school students viewed the statements as more true than middle school students.

Elementary students identified with attitude scores which reflected less true than middle and high school students on this statement: I am rarely told I do good work. Further, high school students identified this statement to be less true than middle school students.

Discussion

Restatement of the Purpose

The purpose of this study was to determine if students' school-related attitudes were significantly affected by teacher classroom discipline management based upon information contained in Judicious Discipline: A
Constitution Perspective for School Rules (Gathercoal, 1986).

Implications of Major Findings

An item by item comparison of means and computed F values indicated that students' school-related attitude scores were noticeably different at the .05 level in Attitude Scale One reflected by the pre- and post-test. Scale One assessed students' attitudes toward the teacher.

Before the concepts of Judicious Discipline were disseminated into the classrooms of elementary, middle and high school students, these students viewed the following statement as sort of true: my teacher works hard to make school interesting. After the concepts of Judicious Discipline were implemented into the classroom, two groups had attitude score changes. Elementary and middle school students' attitude scores changed from sort of true toward very true. Further, high school students' attitude scores remained the same. These findings suggest that the concepts of Judicious Discipline which advocate more freedom and responsibility to students are reflecting scores that indicate lower school level students (that traditionally have not enjoyed these new freedoms) to view the teacher as working hard to make school interesting.

Before the concept of Judicious Discipline was implemented into the classroom, elementary and high school
students indicated this statement was sort of true: my teacher makes things worse when I have a problem. Middle school students viewed this statement as very true. After Judicious Discipline was disseminated into the classroom, elementary school students had an attitude score change from sort of true to very true. This suggests that Judicious Discipline concepts of using the "same system of laws and regulations under which students will live upon completion of their compulsory schooling" are reflecting elementary attitude scores that indicate teachers are making things worse when they have a problem. There was no change in middle school and high school attitude scores. This suggested that middle and high school students have adjusted quickly.

Before Judicious Discipline was disseminated into the classrooms, elementary, middle, and high school students had attitude scores of usually true to this statement: my teacher has a friendly attitude. After the post-test all three groups changed their attitude scores from usually true toward always true. This finding suggests that students associate judicious treatment with positive teacher attitudes.

Before Judicious Discipline was implemented into the classroom, elementary, middle, and high school students reflected attitude scores of always true for this statement: my teacher doesn't like us. After Judicious
Discipline was implemented, attitude scores for elementary and middle school students moved slightly toward very true while high school students moved toward sort of true. This suggests that elementary and middle school students associate discipline with teacher mood or personality. On the other hand, high school students associate discipline more with the actual rule.

Before Judicious Discipline, elementary, middle, and high school students indicated attitude scores of sort of true on this statement: my teacher makes things boring. After the implementation of Judicious Discipline, elementary students' attitude scores changed from sort of true to very true. The two other groups remained the same. This suggests that constitutional rights and Judicious Discipline in the classroom causes elementary students to view their teacher as making things boring.

The findings of this study support the premise that the way teachers disseminate discipline in the classroom is an example of adult behavior and attitudes in the eyes of students. This is evidenced by Attitude Scale One assessing students' attitudes toward the teacher.

Recommendations for Further Study

In view of the findings, it is recommended that teachers make their disciplinary decisions based on constitutional law and Supreme Court ruling as they apply to
student rights. Further, classroom disciplinary policy should provide notice and be consistent.

1. Further research is needed to determine if Judicious Discipline concepts reduce school rule offenses. An interesting study would be to monitor documented disciplinary problems as they occurred by screening school records before and after Judicious Discipline was implemented in the classroom. This could indicate whether or not offenses increased or decreased because of the intervention.

2. A testing instrument should be developed specifically to assess student attitudes toward Judicious Discipline. The instrument (TRAIT) used for this study was not specific enough to assess students' attitudes about student rights or disciplinary matters.

3. More workshops and inservices are needed to indoctrinate teachers into the philosophy of Judicious Discipline. One inservice session that provided an overview is not adequate. There should be at least one week of inservice training with follow up provided by consultants. The final draft of Judicious Discipline (Gathercoal, 1986) should be used for workshops, inservices, and implementation.

4. The research design should include an experimental and a control group so that stronger statistical test can be made from the data analysis.
5. Student and parent interviews should be conducted to determine individual effects of Judicious Discipline on the student.

6. Students should read the United States Constitution as preparation for Judicious Discipline concepts.
BIBLIOGRAPHY


Strickland v. Inlow, 519 F.2d 744, 8th Cir., 1975.


APPENDICES
APPENDIX A

Trait Questionnaire
Please answer all questions.

1. Age: [ ] 9  [ ] 10  [ ] 11  [ ] 12  [ ] 13

2. [ ] boy  [ ] girl

3. Grade: [ ] 4th  [ ] 5th  [ ] 6th  [ ] 7th

About the class:

<table>
<thead>
<tr>
<th>Trait</th>
<th>T</th>
<th>U</th>
<th>F</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Students enjoy being in this class.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2. Students are often able to choose what they are going to do.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>3. A lot of time is wasted waiting for other students.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>4. We have a super teacher.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>5. Very few students participate in class discussions or ask questions.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>6. Students are careful not to hurt each other’s feelings.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>7. Kids like this class.</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>8. Some students in this class have no respect for other students.</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>9. In many of the lessons students choose what they will study.</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>10. Students treat others fairly.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>11. Students often brag about what a neat class we have.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>12. We spend time talking in class about our feelings.</td>
<td>[ ]</td>
<td>[ ]</td>
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<td>[ ]</td>
</tr>
<tr>
<td>13. Students are asked to help choose the day’s activities.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>14. Students help other students learn.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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<tr>
<td>15. Students look forward to coming to school.</td>
<td>[ ]</td>
<td>[ ]</td>
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<tr>
<td>16. Most students are willing to share materials.</td>
<td>[ ]</td>
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<tr>
<td>17. Students decide what they are going to work on.</td>
<td>[ ]</td>
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<tr>
<td>18. Students have fun learning in this class.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>19. A lot of time is wasted doing unimportant work at our desks.</td>
<td>[ ]</td>
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</tr>
</tbody>
</table>
## About the class:

<p>| | | | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>20.</td>
<td>Our classroom is a warm and friendly place.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>21.</td>
<td>There is a group of students who always try to spoil everything.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>22.</td>
<td>The work that we do is worthwhile and important.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>23.</td>
<td>A lot of time is spent discussing ideas.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>24.</td>
<td>There is little chance for students to ask questions</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>25.</td>
<td>Students are proud to be in this class.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>26.</td>
<td>A lot of time is wasted in class.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>27.</td>
<td>Students often share their feelings with the class.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>28.</td>
<td>Students make a lot of the decisions about how they will spend their time.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>29.</td>
<td>Students look forward to coming to class.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>30.</td>
<td>Students care about each other.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>31.</td>
<td>We always do the same old things every day.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>32.</td>
<td>People are treated with respect.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>33.</td>
<td>Students learn a lot by listening to each other.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>34.</td>
<td>Students are afraid of making mistakes in front of others.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>35.</td>
<td>Students seem satisfied with the class.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>36.</td>
<td>Students never get the chance to say anything.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>37.</td>
<td>Students are not allowed to help make decisions.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>38.</td>
<td>Lots of nice things happen in our class.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>39.</td>
<td>Students enjoy helping each other.</td>
<td>T</td>
<td>t</td>
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</tr>
<tr>
<td>40.</td>
<td>Students often brag about what a neat teacher we have.</td>
<td>T</td>
<td>t</td>
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<tr>
<td>41.</td>
<td>There are a lot of exciting things going on in our class.</td>
<td>T</td>
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<td>f</td>
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<tr>
<td>42.</td>
<td>Most students really listen to what the teacher is saying.</td>
<td>T</td>
<td>t</td>
<td>f</td>
</tr>
<tr>
<td>43.</td>
<td>Students like each other.</td>
<td>T</td>
<td>t</td>
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<tr>
<td>44.</td>
<td>We spend a lot of time talking in class about things that are important to us.</td>
<td>T</td>
<td>t</td>
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<tr>
<td>45.</td>
<td>We seldom have class discussions.</td>
<td>T</td>
<td>t</td>
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</tr>
<tr>
<td>46.</td>
<td>Students spend a lot of time listening to each other.</td>
<td>T</td>
<td>t</td>
<td>f</td>
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<tr>
<td>My Teacher</td>
<td>T</td>
<td>t</td>
<td>f</td>
<td>F</td>
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<tr>
<td>---------------------------------------------------------------------------</td>
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<td>-----</td>
</tr>
<tr>
<td>1. Works hard to make school interesting</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>2. Spends a lot of time just talking with students.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>3. Asks us what we want to study.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>4. Is fair to me.</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>5. Is kind and loving.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>6. Embarrasses students for not knowing the right answers.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>7. Cares about my feelings.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>8. Encourages students to ask questions and share their ideas.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>9. Doesn’t listen when I ask a question.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>10. Wants me to say what I think.</td>
<td>☐</td>
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</tr>
<tr>
<td>11. Listens to me and tries to understand how I feel.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>12. Makes things worse when I have a problem.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>13. Lets us make decisions.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>14. Thinks our ideas are stupid.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>15. Has a friendly attitude.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>16. Doesn’t like us.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>17. Tells the class what she thinks.</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>18. Wastes a lot of my time.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>19. Never lets us discuss our ideas or share our feelings in class.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>20. Tells the class how she feels.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>21. Never listens to me and is not interested in my ideas.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>23. Makes me feel important.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>24. Cares about how much I learn.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>25. Always decides what work we will do.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>26. Talks too much.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>27. Listens to what I have to say.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>28. Is interested in my ideas.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
My Teacher

29. Asks students for their opinions.
30. Asks good questions.
31. Tells us about herself.
32. Likes the other students more than she likes me.
33. Lets students discuss their ideas in class.

About Me

1. Learning things in school is easy for me.
2. I feel that I am doing a good job in school.
3. I really like my teacher.
4. I have a lot of neat ideas.
5. I have lots of questions that I never get to ask.
6. I like to show the teacher my work.
7. I hate it when the teacher calls on me to answer a question.
8. My classmates like what I say.
9. I really like the other students in my class.
10. I am rarely told that I do good work.
11. I think that I am a successful student.
12. I would like to be given more chances to say things in class.
13. I really like our class.
14. I am able to do lots of things well.
15. There are a lot of things I don't understand, no matter how hard I try.
16. My classmates listen to my suggestions.
17. My classmates like me and treat me with respect.
18. I like my classmates.
19. I like sharing my ideas with the class.
20. I like the stuff we work on in class.
APPENDIX B

SCALES AND CORRESPONDING TEST ITEMS
### TRAIT

**Scales & Corresponding Test Items**

**Attitude Scales** (4)

1. **Toward Teacher**
   
   **Test Section**
   
   About the Class
   My Teacher
   About Me
   
   **Item Number**
   
   4, 40, 42
   1, 4, 5, 7, 12, 15, 16, 22, 24
   3

2. **Toward School**
   
   **Test Section**
   
   About the Class
   About Me
   
   **Item Number**
   
   1, 7, 11, 15, 18, 20, 25, 29,
   35, 38, 41
   13, 20

3. **Toward Classmates**
   
   **Test Section**
   
   About the Class
   About Me
   
   **Item Number**
   
   6, 10, 14, 16, 30, 32, 39, 43
   9, 18

4. **Toward Myself**
   
   **Test Section**
   
   My Teacher
   About Me
   
   **Item Number**
   
   23, 32
   1, 2, 6, 7, 8, 10, 11, 14, 16,
   17, 19
APPENDIX C

TRAIT ADMINISTRATION PROCEDURES
TRAIT ADMINISTRATION PROCEDURES

1. Explain honestly and briefly what is about to happen.

2. Describe the research project and illustrate the importance of collecting data from students. Explain why students' perceptions, ideas and feelings are worthy of study. Ask for their cooperation and indicate your appreciation for their efforts and honesty.

3. Explain to the students that they are not required to participate and that they may discontinue participation at any time.

4. Assure the students that they will not be identified in any way (names won't be asked for) and that their teachers and administrators will never see the questionnaire that they are about to fill out.

5. Explain that they may feel uneasy answering questions about themselves, their friends, and their teacher. Reassure them that no one will be able to determine who filled out the questionnaire.

6. Explain the format of the questionnaire.

7. Pose two sample items and illustrate how to respond.

8. Ask for questions.

9. Reiterate the need for honest answers.

10. Move briskly along with the reading. Administration time is 15-20 minutes. Student responses should be quick, as the items reflect simple information and not complex problem solving.

11. Collect all the questionnaires.

12. Thank the students for their help.

13. Reassure the students that the information they provided will be kept private and treated respectfully.
APPENDIX D

THE FIELD TEST MANUAL: JUDICIOUS DISCIPLINE

(Gathercoal, 1986)
JUDICIOUS DISCIPLINE:
A CONSTITUTIONAL PERSPECTIVE FOR SCHOOL RULES AND DECISIONS

Edited by
Barbara McEwan and Dr. Kenneth Ahrendt, Ed.D.

Illustrated by
Brynn Lawler

In Consultation With
Daniel Anstein, Jan Knight, and Robert Bolden
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## THE FULCRUM - PART I

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<td>The American System</td>
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<tr>
<td>Amendments</td>
<td>6</td>
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<tr>
<td>Due Process</td>
<td>11</td>
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PART I

THE FULCRUM

How often, in the confines of the faculty lounge or educational seminars, do teachers and administrators express frustration over the plethora of legal issues they are required to comprehend and implement? This feeling of futility is a manifestation of the change in the courts' attitude to the rights afforded students. Nationally there has been a shift in perspective from the parental protectiveness of "in loco parentis" to the recognition that neither "students nor teachers shed their constitutional rights to freedom of speech or expression at the school house gate." The purpose of this book is to address these issues by applying a constitutional construct to the public educational system and teach students the responsibility for being themselves and the patience for others who are.

There is an uncomplicated, yet workable, rule that has evolved from the classroom of successful teachers. Simply stated: "You may do what you want in this classroom until it interferes with the rights of other students." Teachers who have taken this position and applied it in an evenhanded manner to student conduct may have unknowingly been teaching their students the basic principles of our United States Constitution and, at the same time, created a classroom environment where students are able to learn about their responsibilities to the other members
of the class. This is a book for teachers and administrators cruxed on fair and reasonable rules forged from the fusion of the Bill of Rights and this time-tested concept of classroom equanimity. By allowing students the opportunity to experience individual freedoms and encouraging them to learn how to handle the responsibilities and demands emanating from individual rights, we have set in motion the same system of laws and regulations under which students will live upon completion of their compulsory schooling.

Educators who use this uncomplicated and workable method for classroom control will learn a new and very legal language for their tried and true approach to discipline. Teachers and administrators employing other systems, or none at all, will encounter a cohesive and consistent rationale for the adoption of an approach to rules and discipline which is not only simple to manage but also reflects common sense. The answers to everyday discipline problems cannot be quantified into a single publication. However, a framework of ideas which introduce an enlightened, logical, and farsighted posture for classroom control are embodied within these pages. You will find in this perspective nothing more or less than a classroom aged and tested fine old wine newly bottled and labeled for us in the crowded courtrooms of America. This is the essence of the book and the concept I wish to share with you.
THE AMERICAN SYSTEM THAT AWAITS OUR GRADUATES

Students will graduate into a system of constitutional government which bestows rights on the majority as well as certain freedoms on the individual. These individual rights are not guaranteed, but neither are they easily denied by the majority. Growing up in America, most of us learn that democracy is a system of government in which the majority rules. This concept is very familiar since we used it to settle playground arguments about what game the group was going to play, what the rules would be, or what to do next. Listening to students today helps us realize this has not changed. We learn to understand the concept of "the majority rules" but seldom learn what it means to have individual rights. It is true the majority in our country have the authority to amend our constitution through a process requiring a vote and ratification of the amendment by federal and state legislators. The difficult and time consuming nature of the amendment process is illustrated by the attempted enactment of the Equal Rights Amendment during the 1970's and 80's. But after all the votes are counted, the individual's rights and freedoms enumerated in our Constitution cannot be voted on by any body: not by Congress, state legislatures, school boards, faculty members, or the majority of students in a classroom. In a nutshell, this is our country's system of balancing the unique differences in its people with the needs and interests of providing for the welfare of all people living within its boundaries.
American constitutional liberties spring from the first ten amendments, better known as the Bill of Rights. The first eight actually convey specific rights; but the First Amendment’s use of the term "freedom" in the context of religion, speech, press and assembly is generally considered the most important. The clauses "due process of law" in the Fifth and Fourteenth Amendments and "equal protection" in the Fourteenth Amendment are subject to widespread use and application in civil rights issues epitomizing the well-spring of student justice. Constitutional clauses are not self explanatory, their meaning is translated into political, legal, and educational reality largely by the Supreme Court of the United States.

Constitutional rights exist to protect three basic values: freedom, justice, and equality. The legitimacy of the American legal system stems mainly from these fundamental values. Controversy exists over the question of how to limit individual freedoms. The difficulty lies in devising a precise formula to indicate when freedom has exceeded rightful bounds. Justice is concerned with due process and deals with basic governmental fairness. And finally, equality presents us with the problem of distributing burdens and benefits. The proposition that all people are created equal has never meant that all possess the same abilities, interests, or talents. These three values have their antecedents in the United States Constitution and are basic
to understanding individual liberties and civil rights contained within the framework of the United States government.

The 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 of the people peaceably to assemble, and to petition the government for a redress of grievances."

The First Amendment was designed to insure certain basic personal freedoms, which until 1969 were seldom applied to students and teachers in American public schools. Courts today allow students more personal freedoms, requiring a more informed and responsible faculty and administration to teach and manage our public schools.

The freedom of speech provision of the First Amendment is frequently cited in legal cases pertaining to education. In recent years a large number of judicial decisions relating to matters concerning school conduct have surfaced; i.e., student speeches, dress codes, political expression, length of hair, and participation in the pledge of allegiance. Freedom of the press has also generated considerable litigation concerning student rights to publish and distribute material on school premises.

The two clauses in the First Amendment related to religion also have had considerable impact on our public educational programs. Of all the articles and amendments, those related to church-state relationships have been the most difficult to
litigate and apply to our school systems. The court's adjudication of this provision has left teachers and administrators with considerable latitude for their own interpretations; as a result, there is a certain amount of subtle discrimination in many public schools today.

The Fourth Amendment

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

This is an issue of practical importance to all teachers and administrators contemplating the search of student property such as lockers, vehicles in the parking lot, purses, pockets, or a strip search. Most faculty do not consider themselves to have the same societal charge as that of law enforcement officers; however, effective school discipline and management often require the use of similar methods.

The Fifth, Eighth, Ninth, and Tenth Amendments

The Fifth, Eighth, Ninth, and Tenth Amendments have been cited in only a few cases brought by students and school personnel. The self-incrimination clause of the Fifth Amendment is employed by teachers questioned about their activities outside the classroom. It is only applicable in questions of criminal activity and, therefore, not relevant in most school situations.
The just compensation clause of the Fifth Amendment is used occasionally in educational litigation to protect citizens' rights to just compensation when property is appropriated for school purposes.

The Eighth Amendment prohibits excessive bail and fines and protects citizens from cruel and unusual punishment by government agents. While this amendment has appeared more often in suits challenging the treatment of prisoners or other persons involuntarily institutionalized, it has been used in a few cases to protest the use of corporal punishment in public schools. Such challenges have generally favored the school, prompting most parents to sue in tort for money damages against injuries caused by excessive physical punishment.

The Ninth Amendment stipulates that the rights enumerated in the United States Constitution shall not be construed to deny or disparage other rights retained by the people. This amendment supports other enumerated freedoms and has appeared in educational litigation dealing with the assertion of rights to personal privacy by students and teachers. It can be successfully interwoven with other amendments that provide for our basic personal freedoms.

The Tenth Amendment, often referred to as the reserved-powers clause, states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, of the people." The United States Constitution does not provide a legal base for
public education in America. Hence, this amendment has been the underpinning for any state assuming the primary responsibility for education. Our Federal constitution, however, is the source of all of our nation’s laws and generally supercedes state law wherever there is a direct conflict between Federal and State governments.

The Fourteenth Amendment

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

The last two clauses of this amendment have had the most significant impact on public education. The first of these, known as the “due process” clause, provides the legal basis for rules which deny a student’s access to education and extends from time spent in the hallway to expulsion from school. The last clause, known as the “equal protection” clause, serves as the constitutional foundation for all our laws and rules prohibiting discrimination. This clause is broadly interpreted in cases dealing with all forms of discrimination including sex, race, national origin, the handicapped, marital status, age, and religion. In short, the Fourteenth Amendment acts as the fulcrum which allows this fragile constitutional form of government to
balance the countless needs and desires of our culturally rich and diverse society.

**ONE MORE ASPECT THAT PULLS IT ALL TOGETHER**

*Due Process*

"...nor shall any State deprive any person of life, liberty or property, without due process of law;...."

Picture in your mind's eye the blindfolded woman standing strong and confident as she adorns the thresholds of our country's courthouses, her outstretched arm holding the familiar scales of Justice. Imagine one scale heaped to the brim with the bodies of all the boys and girls in a public school actively engaging in their studies and activities. On the other side of the scale picture one lone student, standing there with book and sack lunch in hand, gazing apprehensively at the agglomeration of students amassed on the other side. This graphic illustration symbolizes the quintessence of "due process" as applied to our public schools. In its simplest terms, due process is a legal effort to balance individual rights with the need to protect the interests of society. Only when the state is able to show a compelling reason why public interest should outweigh individual constitutional rights, will the court's scale of justice swing toward the mass of bodies. Conversely, if the government cannot demonstrate a compelling state interest, rights of a single student will weigh more heavily and the scales of justice will tip in favor of the student. Although succinct, the due process
clause represents two hundred years of common law application and thousands of court decisions clarifying and interpreting its meaning. In order to fully understand the implications involved and appreciate the complexity of this constitutional concept, we must first begin by examining this clause a few words at a time.

"...nor shall any State" means that in order to have a right to due process there must be state action. When applied to education, only students and faculty in public schools enjoy Fourteenth Amendment rights; their counterparts in our nation's private schools do not. The legal rights of students and faculty in private schools are expressly set out in the contract between individuals and the private corporation which usually administers the school. Dismissal from a private school is therefore considered a breach of contract with the institution. Students who disobey or are not satisfied with the rules of a private school are free to choose another school. Conversely, compulsory attendance laws and public funding combine to create the state action necessary for students' rights to due process in public schools.

"...deprive any person" means withholding these constitutional rights from any person within the jurisdiction of the United States, both citizens and non-citizens. The law has even been extended to include those non-citizens who are in the United States illegally. This is not to say that illegal aliens have a right to live here; but they do have the right to due process while here, including the right to legal proceedings.
which may lead to their deportation. "Any person" is broadly interpreted by the courts and now specifically includes students in our public schools.

"...of life, liberty, or property", defines those rights which may be deprived by governmental action. It is interesting to note that the framers of our constitution used just three words to protect our past, present, future, and even death at the hands of the government. For example, the word "property" includes everything a person legally owns and has acquired up to the present. It covers such tangible properties as real estate, personal property, and money, as well as intangibles like contracts of employment and eligibility and entitlement to welfare payments. It also encompasses those tangibles and intangibles to which we have ownership and which we have a right to possess. The second word "liberty" begins with the present and embodies all future acquisitions and aspirations.

"...it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized...as essential to the orderly pursuit of happiness by free men. Meyer v. Nebraska 262 US 390, 399 (1923)."

Finally, the word "life" refers to the loss of personal life at the hands of the government; e.g., the execution of a criminal. Stated in positive terms, the government may deprive a
person of life, liberty, or property only if the individual is given due process.

"...without due process of law" means the process due persons by the local, state, and federal governments. Clarifying its application to everyday situations, court decisions have separated "due process" into two distinct aspects: substantive and procedural. It is very important here to delineate between these two aspects when clarifying their application to everyday situations and their impact on public education.

"Substantive" due process pertains to the legislation, rule, or the law itself, and means a basic fairness in the substance of the decision. If the state were going to deprive a person of life, liberty, or property, it requires a valid objective and means that are reasonably calculated to achieve the objective are required. The rule should:

1. Have some rational need for its adoption;
2. Be as good in meeting the need as any alternative that reasonable people would have developed;
3. Be supported by relevant and substantial evidence and findings of fact.

In other words, substantive due process implies that government's rules or laws require legality before it can deprive someone of their basic rights. Whenever someone questions a rule or seeks clarification of a decision, that individual is legally exercising their Fourteenth Amendment substantive due process rights.
"Procedural" due process relates to the decision-making process used when determining whether a rule or law has been violated. Basic fairness in adjudication is required and has been interpreted by the courts to include the following:

1. Adequate notice.
2. A fair and impartial hearing.
3. The right to appeal the decision.

Adequate notice includes such things as charges, evidence to be used against the person charged, a reasonable amount of time to prepare a defense, the time and place of the hearing, and adequacy of form (oral and written). A fair and impartial hearing encompasses elements such as a meaningful opportunity to be heard, state a position, and present witnesses. It also may include the right to counsel, presentation and cross-examination of witnesses, and reviewing written reports in advance of the hearing. The right of appeal is not only applicable to our state and federal court system, but is an integral part of our governmental structure as well. With few exceptions, the Due Process Clause allows all administrative interpretations and decisions, as well as the law or rule in question, to be appealed through a district's administrative structure. The decision or rule may be appealed to a higher state or federal administrative agency and then referred to an appropriate court. Every rule or decision made in public schools is subject to review by another person, board, or court. Most students and teachers are unaware
that they have this right of appeal and that it is possible for their decision or rule to someday reach the Supreme Court.

Due process, as is the case with many legal concepts, resists a simple dictionary definition and tends to be a dynamic rather than a static concept. With this in mind, and as a qualifier for the remainder of the book, we hope to breathe life into and exact some meaning from the so-called "rights" we have read and heard about so often. Our next step is to assimilate these legal concepts into our daily professional activities and responsibilities.

**A POCKET-SIZED HISTORY OF SCHOOL RULES**

Until the early 1970's, court decisions supported the concept of *in loco parentis*, which granted to the schools the same legal authority over students as that of a parent. In the absence of "state action," implicit in the Fourteenth Amendment, children who live with parents or legal guardians enjoy no constitutional rights. For example, reprimanding a daughter's use of profanity or searching a son's bedroom would not violate their First and Fourth Amendment rights. This lack of protection was also understood to be applicable in public school settings where students essentially had no constitutional rights. *In loco parentis* allowed schools ultimate authority, provided rules were not made in bad faith, unreasonable, capricious, arbitrary, or malicious. For years this concept made it fairly easy to create rules that mirrored the thinking, customs, and discipline found in most American homes.
There is, however, legislation that does protect children. State child-abuse laws and federal child-labor legislation are two examples of society's way of safeguarding children from abusive parental acts. The courts extended these protections to the educational setting. Unless a school rule was clearly abusive, courts would not intercede. The courts believed educators to be better prepared and more knowledgeable about matters involving the disciplining of children. Decisions on such matters rested with the professional educators and school board members, who were closer to the problems, rather than entrusted to a judge and jury of townspeople. The law presumed school rules to be legal unless proved otherwise, and parents rarely challenged this presumption. Knowledge of having to carry the burden of proof or fear of retaliatory acts against their children prevented many parents from seeking redress in court. However, in situations where they did, school districts generally won the majority of cases reviewed; the only exceptions were instances of substantiated abuse.

The courts today rarely use the concept of loco parentis when writing opinions on student issues. It has been replaced by language which addresses the constitutional rights of students and teachers in our nation's public schools. Although there have been prior questions considered, Tinker v. Des Moines Independent School District, 393 U.S. 503, in 1969 was the first United States Supreme Court decision in the general area of student discipline. The case is cited ritualistically by school authorities as well as student plaintiffs and establishes general
guidelines applicable to many school situations. This landmark case involved high school students suspended for wearing black armbands to protest the United States' involvement in Vietnam. The court stated:

"...First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate...."

Subsequent cases have expanded students' First Amendment rights to include not only speech and expression but publication and distribution of materials, as well as religious freedom. The Fourteenth Amendment due process and equal protection clauses and the Fourth Amendment reasonable search and seizure rights also form the basis of many court decisions involving school rules.

It is apparent that times have changed from the days when school rules resembled those used in most families. Today the rules school authorities use must recognize and take into consideration the constitutional rights of students. A graphic illustration of the Tinker decision might be to imagine students dressing each morning in attire selected from their wardrobe of liberties. By the time they have donned the mail of "freedom," buckled on a sword of "justice," and grasped the shield of "equality," they will look like knights of King Arthur's Round Table in full battle dress, as they walk through the schoolhouse gate. This is truly a formidable image for any teacher to confront each day, and one with which educators are unaccustomed.
Many are already shaking their heads and throwing up their hands because of the lenient attitudes judges seem to hold on juvenile delinquency decisions and student-rights issues. Teachers and administrators, expressing helplessness and frustration, are frequently heard to say, "The students have more rights than I have."

We are now at the core, the very heart and soul of the question facing educators in public schools today. Is there a way to establish and maintain an effective learning environment in our schools, while teaching and tending to the individual student's rights of freedom, justice, and equality? As foreboding and overwhelming as these student rights appear at first blush, there is another side to the scale of justice. There are, in fact, four sagacious and time-tested public interest arguments crafted in the courts and construed for the precise purpose of denying one's constitutionally protected freedoms. These arguments are as genuine and well-grounded in legal principle and history as the line of reasoning which allows individual rights. Our next step, therefore, is to explore society's desideratum and "fine tune" its application to the public school environs.
COMPELLING STATE INTEREST

In the old days when a teacher was confronted by a student requesting the reasons for a rule, the teacher’s response was either, "because this is the way we have always done it" or "you will have to learn to follow rules someday so you might as well learn to follow mine." This was known as rules for rules sake, intended to teach students obedience needed for the "real" world. Now the burden of proof rests on the shoulders of the educator. A student asking the same question today should hear a response such as: "Let me tell you my compelling state interest for the rule."

The legal validity of a school rule is generally presumed, and the burden of proof rests on the complaining student. However, if a rule actually infringes on a fundamental constitutional right, the burden of proof shifts to school officials to show a compelling state need. The closer laws come to encroaching on student substantive rights the greater the need for justification and clarification by school authorities. Maintaining a proper learning environment is a compelling state interest allowing school boards to legally prohibit conduct which is detrimental to the operation of schools. Any rule depriving a student of substantive due-process rights must have a connection with the welfare of the school.

This begs the question: Exactly what constitutes a compelling state interest? The courts have been using four basic
arguments to sustain the delicate balance between the individual and state interests in schools. They are:

1. Risk of property loss or damage
2. Legitimate educational purpose
3. Threat to health and safety
4. Serious disruption of the educational process
   a. What is serious?
   b. Must the disruption have already occurred or is the threat enough to sustain a rule or decision?
   c. For whom should the rule be intended, those who are exercising their constitutional rights or the majority who are aroused or distressed by the individual’s exercise of those rights?

School rules and decisions based on these four arguments will, in all probability, withstand the test of today's courtrooms despite the fact they deny students their individual student rights. Teachers and administrators not only have a legal right to deny student constitutional rights, but it is their job to take away student rights when the exercise of those rights seriously affects the welfare of the school. It is the school official's duty as an officer of the state to maintain a safe, disciplined, and proper educational environment.
RISK OF PROPERTY LOSS OR DAMAGE

"Wear appropriate street shoes on the gym floor." "Respect the property of others." "Take care of library books." These are but a few examples of commonplace rules designed to protect public property. This is an easy concept for students to understand and few would argue their right to harm or take the property of others. Twelve years of public schooling provides students an opportunity to use a wide variety of state-owned equipment, curricular materials, facilities; and daily use of this property carries with it inherent risks. Taxpayers rely on the sound judgment of teachers and administrators to oversee the care and maintenance of public property entrusted to them. Rules must be explicit, fair, and reasonably related to the loss intended in order to insure adequate protection.

LEGITIMATE EDUCATIONAL PURPOSE

"It is compulsory for all school-age children to attend school." "Bring your school supplies and books to class." "Take your seat when the bell rings." The authority to deny fundamental student rights rests on instances of legitimate educational purpose. Teachers and administrators have a public mandate to carry out instructional programs consistent with state law; and they are considered professionals in matters of academic content, quality, and rigor. Plagiarism, classroom and homework assignments, grading systems, special or advanced placement, and all other school procedures designed to enhance students' learning illustrate the scope of this heading. Courts are
reluctant to second-guess educational or curricular decisions based on sound professional judgment. All rules that have a well-planned educational motive related to appropriate school objectives would meet this standard and should encounter little difficulty if challenged in court.

THREAT TO HEALTH AND SAFETY

"Move carefully in the halls." "Students leaving campus during the lunch hour must have permission." "The school nurse will examine all the students in the class for head lice." A fundamental purpose of the government is to protect the health and welfare of its citizens and, especially so, in America's public schools. These rules are critically important in situations inherently dangerous to students; i.e., recess, industrial education, science projects, after-school sports, and physical education. While students may complain about rules prohibiting rough play or requiring the use of protective equipment, it is the expressed responsibility of school authorities to deny student rights in the interest of safety. If student rights are on a collision course with the possibility of student injury, the decision is clearly in the school's favor. Students will receive lifetime benefits from vigorous health and safety programs if the rules concerned with their welfare are well thought out, conspicuous, and consistently enforced.
SERIOUS DISRUPTION OF THE EDUCATIONAL PROCESS

"Work independently." "Take turns when speaking." "Keep your hands and feet to yourself." Most important to the efficient and successful operation of public schools is the establishment of rules that facilitate study and the acquisition of skills and knowledge. School officials plainly have the authority to deny disruptive student activities. However, careful consideration must be given to three very important legal questions when examining the merits of each situation.

What is serious? In the language of today's courts, the disruption must materially and/or substantially interfere with the requirements of appropriate discipline in the operation of the public schools. Each situation is to be decided on its own merits and may vary from one classroom to another in the same building. A disruption in one class may not be so perceived in the class across the hall. In the Tinker case, for example, the Supreme Court held that a few students wearing black armbands would not seriously disrupt the student body stating:

"Only a few of the 18,000 students in the school system wore the black armbands. Only five students were suspended for wearing them. There is no indication that the work of the school or any class was disrupted. Outside the classrooms, a few students made hostile remarks to the children wearing armbands, but there were no threats or acts of violence on school premises. In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the
discomfort and unpleasantness that always accompany an unpopular viewpoint."

It is not always a matter of what school personnel consider serious but what the state deems serious. Hence, teachers and administrators must stay abreast of court decisions interpreting this question as applied to a miscellany of public school regulations.

Must the serious disruption have already occurred, or is the threat of a serious disruption enough to sustain the rule or decision? Again, we turn to the words of the Tinker decision for guidance.

"...in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom or on the campus, that deviates from the views of another person, may start an argument or cause a disturbance. But our Constitution says we must take this risk; and our history says that it is this sort of hazardous freedom -- this kind of openness -- that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in the relatively permissive, often disputatious society."

Often rules and decisions are based on the fear that something may occur when, in fact, it may never have happened or is not likely to come about. This, of course, varies greatly from one situation to another and could make congruous decisions difficult. The fact that the school board bears the burden of proof as to whether or not the wearing of armbands "...might
reasonably have led school authorities to forecast substantial disruption...." also compounds the issue. To what extent should a school board be permitted to adopt preventive rules and when is it required to wait "until the horse is stolen before locking the door?" is a most difficult question, yet one which administrators and teachers must resolve daily.

For whom should the rule be intended: those who are excercising their constitutional rights or the majority who are aroused or distressed by the individual's exercise of those rights? After the Beatles made an appearance on the Ed Sullivan show in 1965, boys began to wear hair over ears, then below collars, and, eventually, down their backs. During those years many "long hairs" experienced difficulty at school. They were called "girls," and pushed into girls' restrooms or were caught in a little-used hallway and given "haircuts." This activity usually resulted in substantial disruption. Most principals faulted the boys with long hair and suspended them until it was cut. Only a few administrators, who believed hair styles represented a student's right of free speech and expression, suspended the harrassing students. Although it may be administratively more convenient to suspend a few than suffering through the inconvenience of punishing a majority of students, teachers and administrators must assume the responsibility of safeguarding individual student rights. The Tinker decision clarifies the issue.
"Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. Judge Gewin, speaking for the Fifth Circuit, said that school officials cannot suppress, 'expressions of feelings with which they do not wish to contend.'

Today, there is a delicate balance required of teachers and administrators in bringing about the educational equanimity envisioned by America's public. Balancing the obligation to provide for the liberties of a single student with the pressures brought about by the clamor of the majority, add up to a lot of heat in the new schoolhouse kitchen. There may well be a need for a constitutional perspective for school rules and decisions which provides the framework for a well-regulated and orderly ambience for learning.

THE CONSTITUTIONAL PERSPECTIVE IN PRACTICE

"No chewing gum in class," is a widely enforced classroom rule to keep gum from under desks and seats, out of hair and/or textbooks; from being popped or chewed noisily; and, finally, to prevent the presence of gum wrappers on the floor. Now let's apply this rule to a fact situation and review it from a constitutional perspective. Envision a new student entering your classroom at mid-semester, wearing a three-piece suit, hand-made Italian shoes, carrying a portable home computer, and chewing the biggest wad of gum you have ever seen in anyone's mouth. His admit slip indicates he is the sole heir to a vast chewing gum corporation. Inquiring as to what he is chewing, you are told it
is a half-stick of every flavor his corporation manufactures and that he is simply carrying on a family tradition symbolic of a commitment to the value of gum. In other words, chewing a wad of gum is his way of life—his statement to the world based upon his First Amendment right of free speech. In order to deny this right of expression, teachers and administrators today not only face the challenge of sustaining at least one of the four compelling state interests but also of carrying the burden of proof. If none of the four are applicable, it would be difficult to legally deny the student his gum-chewing posture.

During a workshop on student rights I recently presented to a group of school administrators an elementary principal shared an anecdote about school rules. He had been a teacher in his building before being appointed principal. Upon assuming the position of administrator, one of his first acts was to revise some of the rules. During teacher inservice in September he announced these changes, in particular doing away with a ban on gum chewing. The new plan suggested that the faculty spend some time during the first day of class teaching students how to chew and responsibly care for gum. About three weeks into the school year he approached the building custodian and asked if there was a problem with gum in the building. The custodian replied that he was surprised by the fact there was no gum anywhere around school, not even wrappers on the floor. "I don't know what you did," he said, "You are the toughest principal we ever had here." Three weeks later the conversation again surfaced and still no evidence of gum damage was found. "You really are tough," the
principal was told. "What did you do?" The principal explained the old rules were replaced by a more positive educational approach to teaching responsibility. The custodian listened in disbelief and, without a word, walked away shaking his head.

Risk of property damage or loss is the rationale ordinarily expressed for restricting gum chewing in class. However, this argument breaks down because damage does not occur as students chew gum but when it is out of their mouths. Perhaps the rule against gum chewing is the major cause of gum damage. Legitimate educational purpose would not fit well unless you wanted to teach the evils of chewing. Health and safety would be a good reason in sports and physical activities where someone might choke on the gum; the serious disruption option would be the usual argument to prevent popping and chewing loudly.

It may be difficult to justify a rule we so long have taken for granted. Because of the problems presented when denying rights, why not adopt an educational approach to rules and discipline? Why not develop a positive approach to gum chewing such as "Chew your gum quietly and wrap it in paper when it is out of your mouth." Teach students who choose to chew gum, how to chew it properly, where and how to discard gum, and what should be done with the empty wrapper. Instead of acting like police officers, let's do what we do best, become teachers who help students learn the skills and attitudes that will last them a lifetime.
BEFORE THE FIRST DAY OF CLASS

The student handbook is, for most parents and students, a first impression of the resolve and compassion of their neighborhood schools. A section dealing with rules that generate a positive feeling of student support through an educational and counseling approach helps alleviate the fears and belligerence attributed to anticipated encounters with stereotyped authority figures. Because first impressions are so long remembered, school personnel should devote time and resources to carefully shape rules that, whenever possible, emphasize behavior, the expected result, and their justification. For example, instead of "no street shoes on the gym floor," create a rule which elicits responsible decision making, a raison d'etre such as, "Wear shoes which will not damage the gym floor." "Move carefully in the halls," might replace "No running in the halls." Clarify, describe, and teach the desired behavior and avoid the use of negative statements. Negative language, the "do not" rules, should be necessary only in case of potential danger or the need for clarity.

There are limits to the latitude of legislative authority placed on school authorities in structuring rules. Rules governing a classroom are not binding throughout the school; a principal's authority ends at the boundaries of the school grounds; and central office administrators' control extends only within the district boundary. A teacher may adopt any classroom rule so long as it does not violate the rules of the principal,
superintendent, school board, and state department of education. The classroom, school, or district structure cannot subtend state and federal legislative laws, the weight of state and federal case authority, and the United States Constitution. These are termed "the givens"—rules that are already decided and in place before a teacher reports for employment.

Faced with all the above legislative and administrative strata educators may feel at a loss trying to locate and assimilate all the pertinent laws. An easier avenue to locate established rules and regulations is through a number of official publications. First, examine the state administrative laws affecting public education, which are available through state departments of education. These laws are most commonly referred to as administrative rules or codes. Second, investigate school board policies which are usually found in the district office or local school libraries. Third, if there is a negotiated collective bargaining agreement, familiarize yourself with it. Fourth, read carefully the building policies and regulations relating to teacher rights and responsibilities. Last, review a copy of the student handbook and know the principals' rules affecting students. If state and local officials have done their job well, none of these rules will violate any existing state or federal legislation. After teachers become familiar with these publications, their authority for creating classroom rules is limited to what has not already been decided. Know your boundaries, and the rules you cannot change. Violating your administrators' rules is commonly known as insubordination.
A rule should first be written in general terms. It should be inclusive enough to account for all possible student behaviors. The four compelling state interests are a good beginning and certainly meet the all-inclusive criteria. If, however, these four were the only rules, they would be unconstitutionally vague because of their breadth and, as a result, violate students' procedural due process rights to adequate notice. For instance, a rule preventing school property damage places students on notice not to destroy the school; but it is not specific enough about what behavior would be injurious. It would not, for example, sufficiently inform students that the gym floor is more susceptible to damage from regular street shoes than are floors in the hallways and classrooms.

This initial broad heading, therefore, needs to contain examples of specific student behavior. The list need not be exhaustive but should encompass a sufficient number of examples to facilitate awareness and understanding of the rules. Usually included are rules learned from past incidents and problem areas that can be reasonably anticipated. Choose from a variety of school programs and activities which will provide students adequate notice as to the sum and substance of the general headings. Four major headings followed by appropriate examples are easy for students to remember and educators to manage and enforce. This two-pronged approach will address the students who argue, "The rules didn't cover that." as well as students who claim, "I didn't know what you meant." The law
does not require school authorities to have stated all of the rules in writing before school begins in the fall. Courts will allow reasonable additions and deletions during the school year. The central question is whether the school can show cause for the rule change and whether the student had adequate notice. Any of the compelling state interests would withstand this test of reasonable cause.

Write rules explicitly and clearly for the educational level of those affected. It is imperative that students fully understand the meaning of rules in order to meet the notice requirement of the Fourteenth Amendment. "Ignorance of the law is no excuse," is a common phrase but has little application to school-aged children required to attend public schools under our compulsory education laws. Almost all are minors, some with limited English-speaking ability, while others may be handicapped. Merely giving students a copy of the school rules as they enter would not be sufficient notice in many cases to legally enforce those rules.

THE FIRST DAY OF CLASS

Sometime after an appropriate welcome and before the first week is over, ample time should be devoted to familiarizing students with their rights and responsibilities in their respective classrooms as well as in school. Courts have a penchant for the procedural due process concept of adequate notice, and few judges are patient with nonconforming teachers and administrators.
If the student handbook is not distributed at the office during registration, it is usually handed out the first day of classes. In either case, students and their parents or guardians must receive their own copy of the rules. Care must be taken that absent students and late arrivals also receive their copies. Allocate the necessary class time to discuss the handbook as well as the rules specific to each classroom. Encourage questions and discussion about the interpretation and meaning of the rules and regulations. Point out the sources and rationale of the general headings, talk about individual and group responsibilities, and exchange personal feelings and attitudes about rules in general. Sometimes an open discussion of rules and behavior will prevent feelings of being left out and create a sense of responsibility for the adopted classroom policies.

While it is important to establish the boundaries necessary for a positive educational atmosphere, it is equally important to communicate to students the fact that they are an integral part of school operations and that their opinions are valued. Often a student handbook conveys a feeling of rules chiseled in stone with little or no student involvement. Temper this perception by teaching basic constitutional principles reviewed in the first part of this book. Depict the scales of justice balancing the needs and desires of the majority against the civil rights of one lone student. Discuss the concepts of freedom, liberty, justice, and the obligation of the school to maintain a well-regulated, effective educational system. Introduce the four compelling state interests and discuss the role of each in society.
Emphasize the similarity between classroom and school needs and those public interests affecting the lives of students and parents. Language from the Tinker case will help to clarify the concept of how one student can affect what the rest of the class does. Provide classroom examples of individual rights which are expendable when they conflict with the rights of the majority. By involving the students in a dialogue of reasons for our country’s rules, the teacher has allowed students to feel a part of the class and has brought about a sense of awareness for the individual rights of others.

Occasionally teachers will want to foster a democratic environment by initiating a student forum to discuss class needs and formulate rules by majority vote. It is true that one characteristic of a democracy is an expression of choice through majority vote, but a democratic form of government only allows us to vote on those issues which are not protected by the Constitution. For example, a class may vote that an orthopedically impaired student should not be allowed to go on field trips because it would slow down the group or that a pregnant girl could not run for a student body office. There are occasions when majority votes are appropriate and should be encouraged, especially in the area of privileges, i.e. in determining which band will play at the dance, will ice cream or popcorn be served at the class party, etc.
The advantage to teaching and administering rules founded on our nation's laws is teachers and administrators do not personally identify with the rules. Personal biases and rules to teach obedience are too often the antecedents for attempting to control student behavior. When "their" rules are violated, the school authority is likely to become personally involved, thereby causing an escalation of the conflict. A constitutional perspective allows teachers and administrators to remain objective, analogous to a third party whose role it is to shepherd the relationship between the student and the rules. The fruits of this labor are clearly felt when calmly responding to a belligerent and inquiring student, "If you don't like these rules, you won't be crazy about those you will be graduating into."

Two hundred plus years of integrated wisdom and authority properly presented and discussed can work wonders for teachers and administrators seeking to bring about a school year of mutual regard and respect.
PART II

THE BALANCE

The Balance is written to illustrate applications of legal principles enumerated in The Fulcrum, and to provide some concise examples of how constitutional concepts can be implemented in the practical realities of today's public schools. The Balance is simply a number of ideas and suggestions, a wellspring, from which teachers and administrators can draw as they formulate their own rules and related decisions commensurate with their special needs and problems.

Compulsory School Attendance

Attendance: State and district rules usually require a specified number of days' attendance for graduation. However important these rules are when strictly enforced they may appear unreasonable. An example of the potential difficulty might be that of a high school senior with a 1250 combined SAT score but who also has more that the allowed number of absences and, on that basis, is denied graduation. The question is whether to allow the student to graduate or require return the following fall to make up for seat-time missed. Although graduating a non-attending student violates the law, a "1250" score suggests the student would not burden society upon graduation. This is a good illustration of the dichotomy between "the letter of the law" and the legislative purpose of compulsory education.
Rules on school days required for graduation should be retained. They not only serve as guidelines for students and parents but also provide a basis for state funds. In addition, rules created to drop a student from the roll sheet after a specified number of absences have a value in the smooth administration of a school. Proper administrative practices allow students to appeal if they wish to return during the same semester. The problem is not the rule or the appeal process but rather the individual circumstances which serve as the substance of the appeal. Often students' reasons for absences will lead administrators into a quagmire of family values or personal freedoms; therefore, decisions based on these criteria should be avoided. Administrators need to carefully consider each case individually and base decisions on whether or not the student is able to satisfactorily complete the course without causing undue hardship for the teacher. If students can show an ability to adequately complete the work without causing a serious disruption to the educational environment, permission should be granted for students to complete the required work regardless of the motive behind the absences. Decide the issue of readmission as a professional educator and avoid moral judgments. The purpose of attendance is to facilitate learning. If students can demonstrate they are learning or have acquired "an education," they should not be denied the opportunity for an education or its subsequent benefits.
Excused and unexcused absences evoke a variety of unnecessary problems. For instance, imagine two students who skip school in order to go on a picnic. If one parent is willing to write an excuse and the other parent is not, the students will experience very different consequences when they return to school. Why punish students for decisions made in the home? An alternative is to keep the home informed of student absences and recognize the problem at school as an academic matter to be handled by the classroom teacher. A significant amount of learning that occurs in classrooms cannot be quantified through testing, yet some alternative method should be devised to assist the student in compensating for the loss of valuable classroom experience. Some suggestions for non-attending students might be a term paper covering the subject matter missed, a book review, a composition describing their family vacation, or an outline of a chapter. A rule such as this would encourage student attendance as well as providing a viable alternative for those who have missed worthwhile class interaction and activities. It also offers an equal educational opportunity for truant students and places the emphasis where it should be--on the importance of academic rigor and excellence. Finally, it releases educators from the time-consuming task of making no-win decisions based on the omnium-gatherum of family and personal values.

Tardiness can be handled by the classroom teacher. One approach might be to equate three late arrivals to one absence and related make-up work or to stipulate that a certain number of tardy appearances will result in a student being barred from one
class period if a supervised study hall is available. This would get the attention of many “good” students who occasionally need a reminder about the importance of coming to class on time. School personnel who have held students past class time, making them tardy to their next class, would be responsible for communicating the reasons to the affected teachers. Place the responsibility for handling tardy problems in the hands of inventive and imaginative teachers, who have the ways and means to deal with them most effectively. Chronic problems might compel administrative intervention as well as counseling and parent conferences.

Make up work should be allowed and required for all students who have been absent for any reason. To alleviate some of the burden for classroom teachers, schools could provide tutors in various subject matter areas and schedule times during the day and evening when tutorial help would be available. Extend library hours for students making up work and encourage parents to become involved. Alternative learning experiences provide an equal educational opportunity for all students, recognize individual differences, and emphasize the importance of academic rigor and uncompromised classroom expectations.

Suspensions are usually designated by state law and ordinarily last from 7 to 15 days. Because a student is away from class for only a short period of time, the law allows only some procedural due process rights. These rights require the administrator to provide:
1. an oral or written notice of the charges,
2. a summary of the evidence against the student,
3. an opportunity to present the student's side of the story.

When the above criteria are met, the administrator's decision is final. Even if the student demands an attorney or presentation of witnesses, an administrator may choose not to consent and the decision will stand. Although the courts have dealt only with suspensions from school, building principals could require the same three steps be taken by teachers considering the removal of a disruptive and difficult student from the classroom. On many occasions, if a teacher would take the time to hear the student's side of a story, a better decision than leaving the classroom might be made.

Expulsions usually result in the loss of grades and credits as well as a substantial loss of educational opportunity. It is for this reason a student enjoys both substantive and procedural due process rights. Not only must schools provide the charges, evidence, and a hearing but also substantiate the reasons for expulsion and prove their detrimental effects on the learning environment. In addition, the student has a right to be represented by counsel, review all records, bring witnesses, cross examine, receive a complete and accurate record of the proceedings, and appeal the decision.
Advising students and parents of the reasons and necessity for suspending or expelling someone from class or school can prove to be a difficult assignment for most administrators. A posture similar to the one our criminal courts use for incarceration might be helpful. There are four basic reasons used for removing criminals from society:

1. To protect society from the criminal. Criminals are so dangerous they are a menace to everyone and "should not be out there walking the streets."

2. To teach criminals a lesson. They are reaping the consequences of their illegal acts and will be deterred from committing crimes in the future. They are "paying their debt to society."

3. To teach others a lesson. Being caught and imprisoned serves as a deterrent to others who are thinking about committing an illegal act. We will all "think before we act."

4. To rehabilitate criminals. Remove criminals from their lawless environment and provide them with skills and attitudes to succeed when they return to society. We will "help them get started again."

At times administrators will use the fourth reason to suspend students who need time to "cool off" and reflect upon the rationale used for such action. These concepts used by the criminal courts are centuries old and can provide a basis for sound administrative decisions. Reworded, they can be used as a basis of clarification when students and parents seek explanations for suspensions and expulsions.
The use of grade reduction has become commonplace in an effort to find a cure-all to control student behavior. Rules created to deal with problems such as "five unexcused absences," "missing a concert," and "late papers" usually result in the lowering of an achievement grade. The legal problem inherent in these attempts to deter undesirable behavior through achievement records is one of forwarding misinformation about the student. Legal vernacular would describe the situation as being an infringement of the student's liberty within the meaning of their Fourteenth Amendment rights. Averaging behavior and achievement to arrive at a final grade would be an inaccurate reflection of a student's true academic proficiency. Such inaccuracies might, in turn, lead to loss of a scholarship, failure to meet admission standards at a preferred university, or an inability to compete in the job market. The letter grade on a transcript is usually interpreted as the student's level of skill and understanding of a subject matter; rarely would a reader be privy to information accurately detailing the fact that the grade reflects a mixture of behavior and achievement standards.

The following illustration documents how an experienced high school English teacher, with many papers to grade, devised a strategy that encouraged students to complete their work on time, and yet did not infringe upon their future opportunities. Lowering grades on late papers had been a satisfactory solution
prior to understanding this issue in light of Fourteenth Amendment rights. After trying several alternatives that did not work, she finally settled on a plan that did not deny student liberty interests. At the beginning of each term she carefully reviewed her class requirements, one of which was a short composition due every two weeks. She announced to her classes that these assignments would be graded and returned within a few days. She expanded on the educational value of writing practice, learning from mistakes, and the benefits of her written remarks and suggestions. Additionally the class was informed that she had budgeted enough time to correct and return the papers handed in on schedule. She emphasized that it was to their educational advantage and her administrative convenience for compositions to be submitted on a regular basis. Next, she pointed out two short cardboard boxes on her desk. One is labeled "papers on time" and the other "late papers." She concluded by informing her students that papers coming in on time would be corrected and returned as promised; late compositions would be graded and returned sometime next semester, as time allowed. Students could expect an Incomplete on their report cards until the grades could be changed. In other words, late papers...late grades. She reported that she had no further problems with late papers. No longer did she constantly remind students of deadlines; parents ceased to complain about unfair grades; and her students accepted the responsibility for turning in their work on time. While this solution might not work for every teacher it is an illustration
of grades reflecting academic effort and not behavioral attitudes.

Schools that employ the granting of an Incomplete grade offer teachers more opportunities to be creative and fair in their grading practices. This option does not diminish class rigor or expectations but does imply that until all assignments are complete and submitted, there will be no grade or credit for the class. Prudent administrative policy allows a reasonable time for students to make up required work. If coursework is not completed within this timeframe, the "I" would be changed to an "NG" (no grade). Changing an "I" to an "F" implies a student did complete the coursework but failed to understand the subject matter. An "NG", on the other hand, would not affect a student's liberty but simply means the student did not complete the course. A course needed for graduation credit or as a prerequisite would need be retaken. Appeals would be decided on a student's academic ability and achievement.

Students caught cheating on exams or plagiarizing material are normally given an "F" on tests or papers. An "F" connotes a failure of ability or understanding and, again, results in misinformation passed on to those evaluating the grade. A more equitable approach is to consider the matter as a behavioral issue dealt with through behavioral consequences; methods might include statements in anecdotal files, counseling, or parent conferences. A student caught cheating on an exam might be offered a make-up exam in another format which would quickly
evaluate what the student does or does not know about the subject and provide enough information to assess academic achievement. Plagiarizing could certainly result in assigning another paper which covers the same subject and possibly an additional research project dealing with cheating, ethics, copyright laws, or a related topic. With imagination and planning, the consequences would function as a deterrent to student misrepresentations, provide extended knowledge of subject matter, and protect student liberties.

Attendance, as previously discussed, is often commingled with the academic grade. If students choose not to attend or are ill, offer an alternative means of learning and then grade accordingly. Class participation is also a criterion for grading and is usually limited to those whose hands are raised. Inclass contributions can be quantified and certainly qualify as academic performance. However, to avoid being discriminatory, teachers should call on each student the same number of times allowing an equal opportunity to be graded. Grading on effort is appropriate only if there is a place for an effort grade on the report card. Effort combined with achievement would create an inaccuracy in the final grade. Improvement is only evidence of change and should not be averaged with skill level. Extra-credit classwork is acceptable if it is relevant and related to the achievement reflected in the meaning of the grade. The same is true of spurious course objectives; e.g., lowering grades for not showering in P.E. as opposed to not knowing how to shower.
properly, or missing a choir concert versus not meeting the required number of performances for a grade.

The balance between an achievement grade used to control behavior and its meaning and significance to colleges and employers, must tip in favor of students' liberty interests. Every effort should be made to keep grades as an accurate reflection of students' academic achievements for the clarification of those who will eventually use the GPA. Behavioral information is available through other sources; i.e. telephone conversations, letters of recommendation, parent conferences, etc. Consider one exaggeration to make a point. Is it true that all pre-operative patients hope their surgeons did not get through medical school being graded on effort and improvement? The issue is not what the teacher thinks the grade means, but what common understanding believes the grade to mean.

PUNISHMENTS

Determination of student punishments must begin with a clear perspective of the gravity of the offense. Well-chosen disciplinary measures should be in proportion thereto and reasonably defensible in terms of purpose--to deter improper conduct, punish, or rehabilitate the student. Age and the mental, emotional, or physical condition of the student are influential factors in determining defensible consequences and must be weighed carefully. Punishment must never be meted in a manner that could be construed as malicious, cruel, or excessive.
Student handbooks and teachers must provide notice to students of probable punishments or consequences for violations of school and classroom rules. Students have a solid argument when they admit they knew it was against the rules for them to copy another's answers on a test but were not aware that cheating could result in an expulsion. Punishment as a deterrent or as a reasonable consequence is only as effective as the sufficiency of adequate notice.

Withholding of privileges is judicially considered a generally acceptable consequence and similar to what most children experience at home. However, an activity from which a pupil is barred because of misconduct must fall within the category of privilege rather than right. Legally, students have a right to participate in basic curriculum activities as opposed to those considered "extracurricular." For example, a senior who seriously disrupted the school environment on the eve of graduation has the right to graduate on the basis of having met those requirements, but the privilege of participating in the graduation ceremony may be denied as a reasonable disciplinary measure. Denial of an extracurricular activity may not be arbitrary; it must be reasonably related to student behavior. Occasionally there is a fine line between the two types of school activities and exclusion of a student should not occur without careful consideration.
Corporal punishment has long been used to handle students' undesirable behaviors and remains today a legal option for administrators choosing to adopt it as school policy. If state law permits and a school district authorizes it, judicious administrative procedure should include the following:

1. Parental approval,
2. A due process procedure, (charges, evidence and the student's side of the story),
3. Reasonable administration (within the bounds of moderation, prudence and suited to the gravity of the offense, physical condition and size of the student),
4. Be privately administered (away from the presence or hearing of other students),
5. Be witnessed by a certificated staff member,
6. Be properly recorded and placed on file as a matter of record,
7. The notification of parent or legal guardian (informing them that physical punishment has been administered).

Children whose parents or guardians prefer not to allow their children to participate in corporal punishment may experience an alternative form of discipline that is nonetheless commensurate with and appropriate to school rules and the transgression.

Punishing the group for the acts of one student often results in student and teacher frustration as well as nudging the periphery of innocent students' liberty interests. To reprimand and demean students in the presence of their classmates not only has a detrimental effect on their learning but often intensifies into a spectacle of human emotions and a verbal exchange better
suited to private conversation. Confidentiality and liberty are flaunted by the public release of professional information and personal feelings. Holding students responsible for the actions of their parents or others, over which they have no control, creates a feeling of injustice and hopelessness that easily leads to a "what's the use of trying" attitude. Before keeping students after school, consider their ability to return home safely. The embarrassed faces on fidgeting students sitting outside classroom doors, sheepishly eyeing those passing by, is a constant reminder of the effect public banishment has on their self-concept: a critical determiner of their future successes. Placing a student's name on a blackboard can be equally detrimental and have the same psychological effect as spanking a student in front of the class. Punishing students at school for participating in activities occurring off-campus must be reasonably related to the efficient and well-ordered operation of the school. Finally, punishing students by requiring more academic work or denying them the opportunity to participate in educational activities, works to subtly discredit the intrinsic value of the subject matter, diminishes the joy of learning, and dampens the exhilaration of academic achievement.
Reasonable rules protecting public school property seem to be well accepted and are seldom disputed by students. If a problem does occur, it is usually one of communication stemming from whether or not students had received adequate notice that their actions were damaging to school property. For example, students who are allowed to put their feet on chair seats at home find nothing wrong with doing it at school. Woodshop students, who have not been instructed otherwise, might use chisels for screwdrivers because they have seen this done by one of their parents. Clarification about foreseeable problem areas at the beginning of class can prevent or forestall the likelihood of student misunderstanding. Proper notice and instruction are essential ingredients of a fair and reasonable school policy which deals with property loss and damage. If the student handbook or the teacher's instructions are ambiguous, then the rules and directions need to be refined.

Student consequences for damage to public property should be consistent with and proportionate to the severity of the loss incurred. Public service, for example, has traditionally been accepted by judges as appropriate punishment for many criminal and civil offenders. Options educators might employ to help students learn respect for the property of others are: scrubbing walls and floors, picking up litter, helping with a community project or working with younger children. Equipment or books
stolen or not returned could result in loss of privileges in connection with a class or activity. In most states parents can be required to pay limited money amounts for the intentional acts of their children, i.e. vandalism. Students who have accumulated a large debt and refuse to pay, could face an appearance in small claims court, if the school chooses to pursue the matter.

The loss or damage of a student's personal property is a responsibility and concern of public school officials. Students and parents should be informed that bringing personal items to school could result in their loss or damage, possibly due to the behavior of others. Both should know every effort will be made to help students care for their belongings. Schools do not have adequate supervisory staff to insure the safety of students' personal effects. Depositories, for example, may be designated in the office or classrooms for students who choose to bring personal items to school for class projects, show and tell, or just for personal expression or enjoyment during free time. By cautioning students and parents about the problems of protecting their personal effects, school authorities are balancing the individual interests with an answerable and workable administrative practice.
SPEECH AND EXPRESSION

To write, interpret and enforce dress and appearance rules is often a frequent source of perplexing and difficult management problems. Control over student expression is many times exercised due to a plethora of unacceptable dress and attire which includes such things as: short skirts, long skirts, shorts, short shorts, hats, coats and jackets in class, knicker suits, jump suits, coveralls, frayed trousers or jeans, shirttails outside pants, tie-dyed clothing, tank tops, bare midriffs, plunging necklines, jewelry, clothing with slogans, pictures or emblems, and, of course, hair--style, color, and facial. In addition to unacceptable appearance, schools often mandate that students wear: socks, shoes, shirts, and bras. As fads and styles change, so must the rules be rewritten. The student, for instance, who is suspended for wearing one white glove to school, a la Michael Jackson, might find gloves added to the updated list of disruptive dress.

Although students have some 1st Amendment rights of speech and expression in public schools, they do not enjoy those rights in their homes. One approach which could be used is to shift the responsibility for student dress and appearance to those who possess legal authority to make a decision on this issue—the students' parents or legal guardians. Keep parents and guardians informed about those students who appear to be deviating from their family values and devote school time and energy to those students whose dress and appearance seriously
disrupt the educational process. Let us approach the issue from another point of view. Imagine the difficulty an administrator would experience in an attempt to reason with an infuriated parent of a suspended student, especially if the parent is wearing the same clothing that led to the student’s suspension. If student dress and appearance are statements of family values it is prudent to work cooperatively and rationally with parents and guardians on issues of acceptable school appearance. For students who question the appearance of others educators can model and teach attitudes of understanding and an appreciation of our rich, cultural diversity, and the individual differences among families in today’s society.

Students who know school officials are working in conjunction with their parents or guardians are more likely to be more circumspect in their actions. Perhaps they feel a greater sense of personal accountability when faced with the consequences of what may happen at home as opposed to only suffering the punitive powers of school officials. For example, public displays of affection are often difficult to control; but knowledge that the home will become involved in cases of questionable behavior at school may cause students to think twice.

Examples of student speech and expression that are protected in the public schools include the decision not to participate in the Pledge of Allegiance as well as the freedom to read about ideas contained in school library books, if they are not
pervasively vulgar. Therefore, educators should inform students who bring their own literature to school or those students who display pictures and posters in their lockers that these materials must meet the test of their family values and be free of pervasive vulgarity.

Required dress and appearance for extra-curricular activities such as graduation robes or costumes for performing groups are not protected and may be controlled through reasonable regulations.

Health and safety might be a compelling state interest to require students to wear shoes in school or appropriate protective gear when participating in certain sports or activities. Finally, encourage the exchange of students' ideas and expression by providing bulletin board space in prominent places throughout the school for free speech activities. It is important for students to feel they have a right to speak out freely at school; but it must be carefully balanced with school responsibility and authority to control the time, place, and manner of student expression. School officials could reasonably restrict daily announcements and other bulletin boards solely to school sponsored events and activities by providing a place for student-initiated messages.

Insubordination and open defiance of a teacher's authority violates the law in most states and usually results in suspension or expulsion. Good educational practice, however, would envision such actions as an opportunity to set an example of responsible
professional behavior, and approach the incident with an awareness that something other than the teacher's authority is usually the basis for defiant behavior. Profane language and indecent gestures are problems similar to those mentioned above and could be handled in the same manner.

In the words of the Tinker decision: "...this sort of hazardous freedom...this kind of openness...that is the basis of our national strength...must be balanced with states' interests in providing as educational environment free from serious disruptions." Teachers and administrators should not act precipitously or without serious deliberation on issues of student speech and expression. Parent, guardian, and student-teacher conferences may by the most judicious course.

SMOKING AND CHEWING TOBACCO

Schools in states which do not allow persons under the age of eighteen to smoke have no choice but to prohibit smoking on school premises. Schools without state legal constraints may ban smoking based on two compelling state interest arguments: health and safety and legitimate educational purpose. Smoking is a proven health hazard and a fire safety problem to the smoker as well as others. A legitimate objective for an educational system is to maintain and inculcate habits designed to preserve good health among pupils.
Building administrators who choose to allow students to smoke at school argue that students are going to smoke somewhere. They feel it is better to get smoking out of restrooms, hallways, and away from other students by restricting smokers to a location which can be adequately supervised. The important concept for administrators who choose this alternative is to bear in mind that a balance must be maintained between the appearance of advocating or condoning smoking and provision for the rights of students who choose to smoke. To achieve this balance, administrators usually provide a smoking area outside the building and, preferably, out of view of passersby. If the area is not too comfortable or attractive, it appears that the school is only accommodating students' individual differences but not sanctioning their behavior. Administrators receiving public complaints might try requiring parental or guardian permission for students to use the smoking area.

Students chewing tobacco are often less obtrusive and annoying to others around them than are smokers. Community customs and accepted life styles have always been an important consideration to workable school rules. In some regions of our country chewing tobacco is an accepted part of the community lifestyle and could be easily adopted into school policy. In other communities it is deemed disgusting and reprehensible and would be politically inadvisable as school policy. Schools choosing to ban smokeless tobacco could again cite reasons of health and the responsibility of teaching good health habits. Administrators seeking a balanced approach could restrict chewing
to the already assigned smoking areas and provide appropriate receptacles. An educational approach which could be used by the school is to inform students as to the health hazards of chewing tobacco and the when, where, and in what of expectorating. If done properly, spitting tobacco into a tissue is no more offensive than blowing one's nose in class. Finally, when an issue as volatile as chewing tobacco arises, let the home have the last word and require parental or guardianship permission for participating students. The issue with smoking and chewing is not one of student rights, but a pragmatic question of adequate supervision, workable enforcement, and community attitudes.

SEARCH AND SEIZURE

The Fourth Amendment of the United States Constitution forbids "unreasonable searches and seizures" by government officials and provides that warrants "describing the place to be searched, and the persons or things to be seized" can be issued only "upon probable cause." This amendment is applicable in school situations only when a state or federal criminal prosecution based on evidence obtained on school premises with the involvement of school authorities occurs. Additionally, the Fourth Amendment is sometimes mentioned in connection with the concept of a right of "an expectancy of privacy," which is also associated with the concept of liberty derived from the Fourteenth Amendment.
Periodically, teachers and administrators have reason to search students who are suspected of hiding such things as books, school equipment, drugs, or even something they may have taken from another student in class. In most instances the teacher just wants to recover the school property, remove drugs from circulation, or return what was taken from another person. In the past, some teachers have summarily emptied pockets, opened desks, or cleared out lockers in order to locate missing items. This somewhat oppressive and heavy-handed approach has now given way to students' rights under the Fourth Amendment requiring teachers and administrators to search for and seize suspected contraband and prohibited items in a fair and reasonable manner.

This procedure has been interpreted for public school educators in the 1985 United States Supreme Court case of New Jersey v. T.L.O.. Justice White, writing for the majority opinion, analyzed what is reasonable under the Fourth Amendment in a public school situation and found that such a determination requires balancing "the individual's legitimate expectations of privacy and personal security" against "the government's need for effective methods to deal with the breaches of public order." The majority of the court determined that the warrant requirement was "unsuited to the school environment" and held "that student officials need not obtain a warrant before searching a student who is under their authority." The court further stated that in its place "the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search." Reasonableness involves a two-fold inquiry: first, one
must consider whether the action was justified at its inception and, second, one must determine whether the search as actually conducted was reasonably related in scope to the circumstances which justified the initial interference.

In applying these legal standards, the important question facing educators who have to make such decisions on a daily basis is what evidence is relevant and necessary to determine reasonableness. White's opinion helped answer this question when it stated that such evidence "need not conclusively prove the ultimate fact in issue, but only have any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Simply, the teacher must have at least some shred of evidence or reason to suspect a student is hiding or has possession of something forbidden by school policy. For a teacher to go through all the students' lockers just to "see what might turn up" would, of course, be without reasonable cause and thus be in violation of students' Fourth Amendment rights. Students who report to the teacher that they saw a package which looked like heroin in another student's locker would provide the reasonable suspicion necessary to make a legal search, whether or not in fact the heroin was there.

Random searches of student lockers and desks occasionally are found to be legal if a teacher can show a compelling state interest to conduct a search. For example, at the end of each semester many school officials conduct searches to locate lost or
stolen property and clean up forgotten food. This type of search would clearly fit under the state's interest in maintaining its property. It is very important, however, to advise students of this practice and notify them in advance when and why the impending locker and desk searches will occur. This open and straightforward approach adds to the integrity of good administrative practice in the eyes of the students and reduces student suspicions that administrators are "sneaking around behind them." Whenever possible have students present when conducting the search. If students are not present, administrators risk possible accusations of taking something else from a locker or desk or just invading a student's privacy. When students cannot be present, ask another adult to witness the search and record what is seized. Although students may lose some of their rights of privacy, they do not give up their right to notice. If something is found to be missing after class, a random search of all students before they leave the room could be a constitutional infringement on their rights. However, if there is reasonable suspicion that a specific student was concealing someone else's property, searching that student would be considered reasonable.

An example of health and safety is a search of all lockers after the school receives a bomb threat. In the case of a clear emergency we can all expect to lose our constitutional rights. In this type of situation, notice to the students would not be necessary because of the life-threatening nature of the problem. The blanket search ban has also been applied to extra-curricular
activities, and yet, health and safety might be a compelling state interest to require urinalysis of athletes. Except for emergencies, serious injuries, and periodic searches for school property, random searches of students or their lockers is not advised.

Another abused practice in education is taking student property and either not returning it or keeping it until the end of the school year. This happens occasionally with squirt guns, knives, or new "fads" that come along and when used in class, usually become disruptive to the educational process. Although the item may be banned from school grounds, by confiscating it, the teacher has committed a "tortious taking of another's chattel." An alternative would be to decide on an innovative or creative way to return students' property, possibly through their parents. Every effort should be made to return it within reasonable time period. If it is a matter of an illegal possession of drugs, firearms, or contraband of some kind, turn it over to law enforcement authorities. In some cases consider asking the authorities for a receipt; it could protect you from the embarrassment of being accused of keeping and using another's property for yourself. You might also consider giving receipts to students when you take property from them. Providing a student with a receipt also has the look of professionalism and the appearance of taking the incident seriously.
When students refuse a reasonable request to give up something they are hiding, contact your administrator who, in some situations, may decide to call in law enforcement officers to conduct the search. To wrestle students to the floor in order to search pockets or purses may result in injury to someone or even be construed as unreasonable interference. In the event of a dangerous weapon or explosives, where there is imminent danger to students and faculty, the law allows whatever reasonable physical force necessary under the circumstances. As an educator, it is not your responsibility to physically force a reasonable search.

The courts are much more stringent in applying protections to searches of a students' persons than they are to lockers or desks. This seems only reasonable because a personal search involves a greater interference with privacy, and it is basically an individual's privacy which is protected by the Fourth Amendment. Although the volatile issue of strip searches was not decided in New Jersey v. T.L.O., it is likely the Supreme Court would agree with the lower courts which have consistently upheld the unconstitutionality of strip searches. The reasonableness test for a school search questions whether the "measures adopted are intrusive in light of the age and sex of the student and the nature of the infraction," This can be interpreted as a implicit warning for school officials to use good judgement and refrain from strip searches of students.
Abridging the freedom of the press prohibits prior restraint. Simply stated, our government does not have the legal authority to mandate in advance what anyone may or may not publish. If one person's publication injures another, remedy is found in civil action for libel. Publishing material which advocates the violent overthrow of our government or which is obscene may result in a criminal prosecution. Civil and criminal actions both may supervene the publication, and wrongdoing will be decided on the merits of each situation. The obvious question which concerns public school officials is whether prior restraint can legally be applied to student publications:

Students enjoy only some substantive due process rights in the area of student-run publications. Their substantive rights allow for some prior restraint, but it must be reasonably imposed only in those special circumstances when the material is likely to cause substantial disruption of or material interference with school activities. Publication rules which prohibit obscenity, profanity, libel, ads for any product not permitted minors, political endorsements, demeaning any race, religion, sex, or ethnic group, or material which would cause a substantial disruption of the educational process would be examples of reasonable prior restraint.
Although students' substantive due process rights have been weakened, their procedural due process rights are closely guarded by our nation's courts. To restate briefly, the procedural due process rights of students are notice, a fair hearing, and an appeal. Applied to student press matters, adequate notice means the material not permitted in student publications must be stated in a manner that is clear, concise, and fully communicates to the students what is to be censored. A fair hearing, in simplest terms, means that in the event of a disagreement, the students' side of the argument must be heard and considered by the publication's advisor before a decision is made whether or not to allow students this avenue of expression. Finally, the student has the right to appeal the publication advisor's decision as well as those of other decisions in the appellate process. Although the law allows reasonable prior restraint, it shows little patience with school authorities who waffle on procedural due process rights in matters of student publications.

Publication guidelines should include standards of good taste, technical skills in writing and reporting, and a statement encouraging students to speak out on relevant issues. It should be made clear that nothing stated in the guidelines is intended to permit censorship of any article because it is controversial or criticizes a particular point of view. The objective of student publications is to teach the importance of a strong press in a democratic system and, through example, how an administration can accept and learn from a free and open exchange of ideas. For example, students who write an editorial
criticizing the potholes in the parking lot or the quality of the
school lunches should be judged for their investigative and
reporting techniques and their editorial abilities championed as
a indicator of a healthy educational environment. There is a
delicate balance between responsible journalism and students' rights to publish their opinions.

Because freedom of the press is such a volatile, and often
litigated, area of the law, many secondary schools create
publication advisory boards for the purpose of promulgating
guidelines and serving as an appeals body in the event of a
student appeal. The membership could include the student editor,
the publications advisor, a student-body representative, another
teacher, an administrator, a school board member, and possibly a
local newspaper editor. Any appeal should be heard without
delay, preferably within twenty-four hours so as not to have the
guise of administrative delaying tactics. The publication board
is only advisory to the building principal's final decision, but it
offers an informed and politic buffer on the many sensitive
issues which must be fairly decided each year.

Time, place, and manner may be regulated for students to
distribute off-campus publications. The rules must be reasonable
and may include prior approval by school authorities. Another
issue to consider is whether or not students exercise their
right to publish and distribute information when they pass notes
in class and would these rules stand the test of reasonableness.
Perhaps by encouraging notes in class, teachers might abate some
of the disruption now caused by whispering or "under the desk relays" and improve the concentration of one or two students who feel an urgency to communicate.

RELIGION

The First Amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This double-edged sword, when applied to the public schools, holds school personnel accountable not to establish religion and, at the same time, make every effort to accommodate the free exercise of students' religious practices and beliefs. As simple and manageable as this may appear at first blush, this sensitive and difficult balance between the students' right of free exercise and the school authorities' responsibility not to establish is one of the most difficult and politically volatile issues facing educators today.

In order to be fair and evenhanded in the many decisions that must be made during the school year, it is essential for teachers and administrators to have a clear, workable, and legal perspective. This perspective begins with understanding the application of three tests courts use whenever litigating the constitutionality of school rules and decisions on religious matters. First, the statute must have a secular legislative purpose. This means the rule or decision in the public school environment must have a legitimate educational purpose and not be a surreptitious attempt at, or have the effect of, circumventing
the establishment clause. Second, its principle or primary
effect must be one that neither advances nor inhibits religion.
In other words, school officials must remain neutral and cannot
appear to support a religious point of view nor can they take a
hostile attitude toward religion or impair its worth. And third,
the statute must not foster an excessive government entanglement
with religion. There must be a real and ostensible delineation
between religion and the state, examples of which usually involve
matters of state funding and decision-making authority. Rules,
decisions, and activities must pass all three tests if they are
to meet the constitutional criterion of nondiscriminatory
practices concerning matters of religion.

Educators should approach religion in public schools from an
educational perspective. Any reference or activity related to
religion or religious teachings is not unconstitutional if it has
or is designed for a legitimate educational purpose. As a matter
of fact, this concept has been encouraged for years by our
nation's justices. In Justice Clark's delivered opinion in the
1963 Supreme Court case of Murray v. Curlett he wrote;

"...it might well be said that one's education is not complete without a study of
comparative religion or the history of religion and its relationship to the
advancement of civilization. It certainly may be said that the Bible is worthy of study
for its literary and historic qualities. Nothing we have said here indicates that such
study of the Bible or of religion, when presented objectively as part of a secular
program of education, may not be effected consistent with the First Amendment."
As professional educators we should make every effort to embrace religion's rich and diverse history as well as its traditions and teachings; bringing these qualities together and integrating them into appropriate subject matter areas. As long as school personnel are approaching religion from an educational perspective, they would be considered responsible educators and not violate the establishment clause.

On the other hand, if the school activity has the appearance of a religious celebration or if an educator's remarks have the effect of advocating religion or a religious point of view, there would clearly be religious discrimination and a violation of the establishment clause. The line that exists between educational purpose and religious celebration or advocacy is often a fine one, hinging, as it usually does, on the educator's intentions and the mode and manner of expression. For example, religious music performed at the "winter concert" could be presented in such a way as to create the feeling of a religious celebration, or it could be perceived by those in attendance as an entertaining evening of seasonal music which represents students' educational achievements and their ability to perform before an audience. Whether such a concert is a constitutional infringement is commonly determined by the emphasis placed on staging, programming, styling, and most of all, the intent of the director. Public school music teachers know they have found the balance in their concert when Christians walk away afterwards saying to each other, "What a good way to start the Christmas season." and non-Christians are talking about how well the
students performed and the educational value of a good music program.

School prayer, common to assemblies and school activities, has the appearance of advancing religion and has been held unconstitutional. In its place, many administrators have substituted appropriate prose or poetry for the ceremonial opening exercise. Prayer in the public sector, such as in the United States Congress, is constitutional if it has a secular legislative purpose. Ceremony and tradition are the most common reasons for secularizing prayer and, as one Justice stated, "simply a tolerable acknowledgment of beliefs widely held among the people of this country." However, because of their age, impressionability, and propensity to emulate teachers, these legal arguments have yet to be applied to public schools for grades K through 12. Although school-sponsored prayer is discriminatory, a moment of silence for an educational purpose would be in order and allow students a moment for personal reflection as well as for the educational intent. Many coaches, for example, provide a quiet time before a game for the team to relax and visualize themselves making all the right moves. By having a secular purpose for silence and contemplation, coaches are neither advancing nor inhibiting students' religious practices or beliefs. Student voluntary prayer and religious study groups meeting in the public school also violate the rights of other students. Courts argue that by providing public facilities and, in some instances, supervision for religious activities even before and after school hours, schools have the
appearance of advancing religion. A student worshiping alone, however, may only be disturbed if the school authorities have a compelling state interest. Such an understanding would allow students to bow their heads, fall on their knees, or raise their hands as they offer a quiet prayer before a meal in the lunch room.

The free exercise clause of the First Amendment allows students, with parental permission, not to participate in classes or activities which are contrary to their religious beliefs. Although they may miss class, assigning other coursework or making up missed assignments are in order and would serve to fulfill the school's legitimate educational purpose. Evolution is a volatile subject and is best taught with an emphasis on scientific theory. Parent-approved release time for religious instruction, that takes place off school property and is limited to a reasonable period of time each week, has been held to be a student's right of religious practice under the free exercise clause. Allowing parochial school students to ride public school transportation benefits their health and safety and does not violate the establishment clause of the constitution. Students wearing religious dress are within their constitutional rights as well as students who bring religious articles or talk about religion during "show and tell." On the other hand, teachers and administrators wearing religious dress or symbols or who talk to students about their religion, would violate students' rights under the establishment clause. Students who choose religious themes for individual art subjects, woodshop projects, musical
solos, composition topics, or term papers would be exercising their religious freedoms. Students who want to post notices of religious meetings or points of view could use the bulletin board space provided for student expression previously referred to in the section titled, "Speech and Expression." Free time given to students during class would permit them to read religious material brought from home.

Part of the pain in all aspects of discrimination, and religion is no exception, is the lonely feeling of "being left out." I am reminded of an anecdote told to my law class by a Jewish woman whose daughter's 5th grade class voted to make and sell Christmas tree ornaments to defray the costs of their class Christmas party. Not only were many class hours devoted to the project, but the students were told they could sell the ornaments to family members exclusively. I still remember how the mother's voice trailed off when she ended her story saying, "There really isn't a very big market in a Jewish family for Christmas tree ornaments." The difference between participating in another's celebration and in a legitimate educational experience can be very subtle, but to the one who is feeling outside and alone, it can mean the difference between enjoying and benefiting from school activities or being "turned off by the system".
DISCRIMINATORY RULES AND PRACTICES

The constitutional authority from which all discrimination laws emanate states: "...nor deny to any person within its jurisdiction the equal protection of the laws." From this brief clause federal and state law makers have enacted enabling legislation protecting students from discrimination on the basis of race, national origin, religion, sex, age, handicap, and marital status. In addition, federal and state agencies have promulgated a multitude of administrative rules governing discriminatory practices. This section is not a review of these laws but a commentary on their application to and their effect on classroom discipline. Educators responsible for areas of specific legislative intent must be up to date and knowledgeable as to laws governing their specialty. But for classroom teachers and administrators, the problem is often an unawareness and insensitivity to ethnic and cultural differences resulting in the unequal treatment of public school students. Only when we have taught our students respect for themselves and for one another-qualities of character which make a diverse society possible-will we have met the demands of equity.

Adroit and patient educators who have gone beyond stereotyping others have in common personal viewpoints which seem to transcend the ethnic and cultural differences of students in their classrooms. These viewpoints result in qualities that enable them to:
- Expect the same academic achievement and standards of personal conduct from all students regardless of their ethnic group or cultural tradition.

- Avoid comparing or ranking groups with respect to classroom behavior, attitudes, and accomplishments.

- Avoid the use of descriptive terms, stereotyped phrases, or participation in humor that is derogatory or demeaning to any group of people.

- Promptly admit an error in judgment, sincerely apologize, and learn from an unpleasant experience.

- Praise and punish all students for the same actions.

- Integrate their classroom displays, assignments, and lectures with different kinds of people in different roles.

- Make seat assignments, work assignments, line assignments, or playgroup assignments without regard to race, sex, age, national origin, handicap, spoken language, marital status, or religion.

- Maintain eye contact, smile, stand close to, and enjoy all students.

Teachers and administrators who fully comprehend the concepts of liberty and justice encounter few disciplinary problems related to discriminatory practices. The feelings of being accepted and understood by those in authority will give most students second thoughts about disrupting the educational environment. Gone will be the belligerence and obstinate attitudes of the lonely, defiant student who feels misunderstood as well as left out. Providing an equal educational opportunity for all students has its genesis in the attitudes and personal convictions of school personnel. Few study us more or know our biases better than our students. They are keenly aware that the words we use are only symbols representing to others what we want them to believe about ourselves.
Inherent in every responsible teacher and administrator is a sense of duty to provide for the health and safety of their students. Likewise, every public school student has a right to governmental protection. Our society places a high priority on the health and well-being of its citizenry as manifest by the current number of lawsuits holding those in authority accountable for negligent acts. While some students may occasionally complain about wearing safety glasses, not being allowed to run in the hallway, or being required to see the school nurse, most recognize the purpose of these rules and, with appropriate reminders, acquiesce. Vigorous health and safety policies which are consistently enforced not only protect the students from injury at school but serve to teach good personal habits and redeeming social qualities, which will benefit them the rest of their lives. In order to be workable and effective, however, rules governing students' health and safety must be:

1. Well Thought Out—Consider what a reasonably prudent teacher or administrator would have foreseen under the same or similar circumstances.

2. Highly Visible—Use posters, warning signs, verbal reminders, adequate supervision, etc.

3. Fully Understood—Use instructional handouts, verbal explanations, waivers, tests, demonstrated student ability, etc.

4. Strictly Enforced—Use proper supervision, be consistent, and "don't even let the principal enter the shop area without safety glasses."
Rules pertaining to fighting, treatment of injuries, walking in halls, staying away from "attractive nuisances," jumping off swings, dispensing prescription medication, control of infectious diseases, mandatory use of safety devices, physical examinations, and only one student per end on a teeter-totter are but a few examples of the many ways this compelling state interest is applied in the day-by-day management of a school. As a general rule, there is a direct relationship between the likelihood of injury and the amount of effort that should be devoted to health and safety precautions.

Field trips create a necessity for even more rules of proper supervision. Wise planning for such an outing should take into account the site, risks involved, and the age and maturity of participating students. Parental notification is essential, not as much for legal reasons but to keep parents informed as to the students' whereabouts and the educational purpose of the activity. Students who drive their own cars for school purposes or to school activities may be required to follow reasonable safety rules. A valid driver's license, adequate insurance coverage, good driving record, and parental permission are examples of reasonable school requirements for those choosing to drive. There are fewer constitutional protections, however, for students who choose to participate in extra-curricular activities. Due to the nature of these programs, many coaches and activity advisors promulgate and enforce rules on matters of curfews, alcohol, drugs, and other personal behaviors related to the health and safety of students and other participants.
Although student discipline is an important consideration for rules on health and safety, conscientious school personnel are always mindful of the need to protect their students from injuries and illnesses while remaining painfully aware as to the time-consuming and thorny nature of possible litigation.

SCHOOL FEES

It had been common practice for public schools to require that students provide many of their own supplies and materials before being admitted each fall. The list of necessities range from a four-color paint box for elementary students to a specified uniform in physical education classes. Policies changed in the 1970's. At that time state courts around the country began interpreting their constitutions as providing for a free public school system. Many states soon followed with legislation detailing what could and could not be charged to parents by the public schools. There has been no consistency among these laws. Some states distinguished between fees for required and elective courses, and others used curricular or extra-curricular as a criterion for exceptions. Because of this wide diversity, individual state laws now control and dictate the rules each school must follow.

There exists, nonetheless, a common thread of discriminatory economic practices against disadvantaged students which weaves its way through all these state laws. Reasonable rules and decisions sensitive to this issue would be in keeping with the
letter as well as the spirit of the law. Some suggested guidelines are as follows:

- Avoid rules which require students or their parents to provide any money, materials, or equipment necessary to meet the basic needs of any required class or activity. This would not necessarily rule out discreetly allowing parents an opportunity to provide recommended school supplies and materials if they choose. The difference may be that of elementary students coloring with their own paper-encased crayons and others using paperless, speckled, well-used ones borrowed from a teacher’s cardboard box of school supplies. The effect, however, is that all are learning to color.

- School property which becomes the personal property of the student would require a reasonable sum of reimbursement to the school for materials and supplies used in the product. A bird feeder made in woodshop or a garment made in home economics are common examples of publicly-financed materials going home with students.

- Schools may charge for items of personal use or products which a student may purchase, such as student publications, class rings, annuals, and graduation announcements. School concerts, plays, field trips, and other activities considered to be optional or outside the district’s regular school program may require admission fees.

- A reasonable rental fee may be charged for the use of school-owned equipment as well as refundable security deposits in the case of textbooks and other materials. An exception would be an indigent family identified by participation in the federal school lunch program.

Extra-curricular activities often become the focus of discriminatory practices in many schools. To an aspiring cheerleader or football player, the envisioned expense of shoes alone could be a deterrent if students feel their families cannot afford the investment. In order to offset these student
apprehensions, many advisors and coaches organize money-making ventures to defray individual student costs and, in some instances, simply pay the full amount for those who cannot do so. These efforts, while certainly within the spirit of equal educational opportunity, must be handled with discretion and a sensitivity to those who would feel patronized or "carried along" by the rest of the group. While it is good educational practice to provide an opportunity for our students to participate in well-planned learning activities and projects, the school endeavor should not become an end in itself nor a barrier to an economically-disadvantaged student who cannot afford its price.

SCHOOL RECORDS

There are rules and regulations governing public school records which must be recognized and put into effect pursuant to the laws of each state. Although these state laws vary widely, the Family Educational Rights and Privacy Act of 1974 provides some congruity and well-defined guidelines which set forth the rights of students and their parents applicable to educational records in all our nation's schools. In essence, the Act stipulates four major requirements of educational agencies and institutions.

1. They may not have policies which effectively deny parents or eligible students (18 years or older) an opportunity to review and inspect education records.
2. They may not have policies or practices which would deny parents or eligible students an opportunity to challenge content of education records believed to be inaccurate, misleading, or in violation of the students' rights to privacy.

3. They may not have policies or practices which would permit access to or disclosure of information without consent, unless specifically permitted by the Act.

4. They must notify parents and eligible students of their rights under the Act.

The foreboding shadow of interested parents has presented another dimension to the maintenance of school disciplinary records, oftimes opinion-laden and misleading, that heretofore had been available only to professional educators. Because this information is now open to view by parents, guardians, and other noneducators, it is even more important that documentation about students is in fact true, accurate, and free from editorial comment.

Avoid the use of labels. Labels often obscure and confuse the intended communication and lead to a misunderstanding which in turn could easily infringe upon student liberties. Replace labels with statements from first-hand experiences which describe, detail, narrate, illustrate, or characterize student attitudes and behaviors. For example, a statement that "Bob has sticky fingers." could have more than one meaning. But statements such as "Bob comes to class with sticky fingers on days the school serves cinnamon rolls for lunch." or "I have caught Bob, on several occasions, stealing personal items from students' desks." are descriptive statements that portray vastly
different attitudes and personal behaviors. Although “sticky fingers” is a label commonly applied to both those who steal and whose fingers are covered with sticky food, the difference between a thief and a messy eater is considerable.

“Susie is lazy.” Does this mean she often sleeps in class, does not hand in work on time, is habitually tardy, daydreams, shows lack of interest, does not assume responsibility, or has a learning disability not yet diagnosed? By thinking in terms of describing first-hand experiences and allowing others the opportunity to label, educators will not only provide better and more useful information but politically and legally stand on much safer ground. If Susie alleges some day that the “lazy” label was a detriment to her getting a job of college scholarship, teachers and administrators will find it far easier to prove a history of late arrivals for class than trying to remember and provide enough examples of her behavior to convince parents or a court that she was correctly diagnosed and accurately typed.

Avoid rules which withhold report cards from students until a fine is paid or a book is found. The Act allows parents access to all records which would include the educational information on report cards. Include progress data only on report cards going home with students and restrict behavioral and attitudinal information to parent-teacher conferences. How many ways, for example, could a “U” in citizenship be interpreted by parents whose only source of information was their child’s account of the particulars? Personal contact allows for germane responses to
probing questions and an opportunity for proper elaboration of facts essential to successful communication. Behavioral information should be shared with parents or guardians only in the presence of someone qualified to interpret such behavior. Hanging in the balance are the liberty interests of the students.

PARENTAL AND GUARDIAN RIGHTS

The question of who decides children's education is balanced between the parents' and guardians' individual rights to raise their children according to their own way of life and the state's compelling interest in shaping an enlightened society capable of self-sufficiency and good citizenship. As a general rule, parents have a right to make a reasonable selection for their children from among the subjects offered by the school district. When parents disagree with a school's curriculum requirements, local authorities must excuse students from part or all of the course in question unless there is shown to be a compelling state interest. For parents who become disillusioned or at odds with public school rules or curriculum requirements, there is always the option of private schools or home teaching. It is therefore prudent administration to consider carefully good faith requests for exceptions to required courses and activities.

Many parents and guardians today are requesting schools refrain from activities or use of materials in many subject areas, teaching and discussing values, or administering psychological and attitudinal tests unless they have first been
reviewed and consented to in advance. Cited as the legal basis for these requests is the Hatch Amendment of 1978 which allows parents to inspect all instructional materials designed to explore "new and unproven" teaching techniques. The Amendment, however, applies only to programs which are funded through the U.S. Department of Education and not to programs funded through other federal agencies, state, or local sources. Although this federal law affects only a small part of a school's curriculum, the spirit of openness and reasonable exceptions provides an opportunity for parental perusal of educational materials and demonstrates administrative deference for individual family differences. Whether it is for religious, ethnic, moral, or just plain, "we want our children to learn it our way," reasons, appropriate educational and astute political decisions must be made. Both old and modern courts, however, recognize limits to the power of parents idiosyncratically to determine what their children will study in school. This is especially true where religious claims are tenuous, where secular reasons are weak, or where the parents or children pressure others to follow their lead in trying to get excused from coursework.

Every opportunity should be made to involve parents and guardians in matters of curriculum and discipline. By encouraging parents and guardians to take an active role in decisions which impact their family values, the educational and disciplinary problems with students are significantly lessened. In the final analysis, the balance between family customs and beliefs, and society's need for an educational climate conducive
to learning, demands careful listening, clear and thoughtful responses, and judicious decisions.

CONFIDENTIALITY

If there is a vital organ in the body of our Constitution, it is the individual's expectation of privacy from governmental action. There is federal legislation, such as the Family Educational Rights and Privacy Act previously cited in School Records, and separate state legislation which provides specific guidelines concerning the confidentiality of student records and conversations between students and certificated staff. Administrators, counselors, special educators, and teachers employed in fields directly impacted by confidentiality rules and regulations must have a working knowledge of the applicable federal and state laws. Where these laws leave off, however, the issue of professional ethics begins. Although ethics do not represent the letter of the law, this sense of duty and conscience reflects the spirit of our Constitution. The following recommendations, therefore, have their basis in these fundamental principles:

- Consider all conversations with students, faculty, and parents to be confidential from others except those who have a demonstrated professional need to know or if the information involves a serious question of health and safety, i.e., suicide, weapons, etc.

- Take steps to insure that students' academic achievements are not viewed or known by others; i.e., code posted grades, use inside pages or backs for grades and comments on papers being returned, etc.
Avoid comments and visible reactions relating to student behavior in the presence of others. Private conferences demonstrate a compassion for student self-esteem and averts public confrontations.

Refrain from comparing students, especially siblings, outside the context of a professional relationship. Educators risk losing students' academic interests and exacerbating behavioral problems.

Discourage those disclosing irrelevant and inappropriate information concerning the private life of others, or data regarded as confidential; i.e., during show and tell, gossip, parent conferences, etc.

Teachers and administrators must exercise prudence and good judgment when revealing their private lives and personal opinions to others within the context of the school environment. Loss of respect, credence, and added discipline problems are often the results of poor judgment and notoriety.

Student discipline or academic problems are often directly related to a teacher or administrator disclosing information which, in retrospect, should have been communicated privately or not at all. Taunting and teasing from other students stemming from a single wanton utterance, gesture, or communiqué can have a grim effect on a student's self-concept, assumed worth, and defeats any initiative toward good citizenship. The balance between the need for candid professional disclosure and students' rights to an expectancy of privacy necessitates a thorough knowledge of federal and state laws and a perception of good ethical practices.
Casting its shadow over every public rule and decision is the Fourteenth Amendment right of substantive and procedural due process. Whether stated or not, these principles are implicit in every public function. How many handbooks, for example, about school rules and responsibilities have enumerated students' processes for appeal concluding with the Supreme Court? It is frequently the rationale of the administrator to give complaint procedures a low profile in the hope that students will be less likely to complain. Others, however, find that by encouraging student opinion through an accessible and evenhanded forum of ventilation greatly reduces student and parent repressed feelings of frustration, often a cause of learning and discipline problems. For many students, just knowing their dissatisfaction will be heard, gives them a positive feeling about school and makes a powerful statement about the value placed upon constitutional rights.

The published complaint procedure must be specific about who decides what, and when it is to be decided. For example, if classroom rules and decisions are discussed first with the classroom teacher; and if a satisfactory resolution is not reached, then the appeal process must clearly state the title of the teachers' immediate supervisor and the actionable time frames involved. A similar notice of procedure must be followed through to the local board of education. The school board is the legal entity in every district with final authority for all
administrative rules and decisions. After the school board the students' appeal goes to either a federal or state trial court, then to an appellate court, and finally to the United States Supreme Court. It is important to remember that the complaint process is a viable one and works best if each step is played out and no step is bypassed. Undermining the authority of subordinates can deaden team spirit as well as diminish student respect for the capabilities of their educators.

The decision on an appeal must be within a reasonable period of time and communicated directly to those involved. If possible, speak personally with the student and parents or guardians; be open about the decision and responsive to valid questions. A conference is good educational practice and has proven to be an effective way to share sensitive issues. Academic and behavioral decisions affecting student liberties and property interests should be left to the wisdom and discretion of professional educators. Student courts or even students serving on faculty committees which hear appeals create more problems than the benefits gained from student opinion. Foreseeable difficulty with confidentiality, young minds judging the private lifestyles of students and their families, and the always present peer pressure to gossip or be swayed are only a few of the uncertainties involved. Although student input in the formulation of rules is educationally sound, decisions interpreting rules and behavior require the more seasoned, well-informed approach of professional educators. Even our
nation's appellate courts limit participants in an appeal to members of the bar.

The balance is between the students' rights to adequate notice, a fair hearing, and an appeal and the public's need for administrative convenience; i.e. the time and effort that can be taken from curriculum matters. It is my hope that Judicious Discipline may be the moving force effusive enough to give an impetus to both.

STATEMENT OF BIBLIOGRAPHY

The source for this perspective is the United States Constitution and seventeen years of lecture notes. Although I have chosen to cite only a few cases, I have studied countless legal commentaries, treatises, texts, and related state and federal court decisions. I have chosen in this book to minimize the legal language and references. Instead I have focused primarily on the synthesis of law and proven educational practice. This book is not intended as a legal resource, but rather a guide to rules and decisions for today's practicing educators. Teachers and administrators seeking a legal opinion should always consult the attorney that will be representing them if litigation from that advice should occur.

It is vital for administrators and teachers to keep themselves current with changes in school law. I recommend the following publications. The first is:
NOLPE
(National Organization on Legal Problems of Education)
3601 Southwest 29th Suite 223
Topeka, Kansas 66614
913-273-3550

This monthly publication of brief statements summarizes recent court cases and makes available well-written articles, books, and collections of legal issues in education. This is an indispensable reference for every school administrator and should be accessible to interested classroom teachers. Membership is $60.00 a year.

I would also advise a subscription to:

West's Education Law Reporter
50 West Kellogg Blvd.
P.O. Box 64526
St. Paul, MN 55164

West's is a bi-weekly publication containing state and federal cases in education printed in full text as well as thoroughly documented and informative legal commentaries. The audience for this publication is the school attorney and educators teaching and studying the law. Subscription price is $150.00 a year.

CASE CITATIONS

1. Meyer v Nebraska, 262 U.S. 390 (1923)

LEGISLATION CITED

Federal Educational Rights and Privacy Act (20 U.S.C. Sections 1232g-1232 l)