

Educational administrators' perceptions of instruction on the First Amendment and intellectual freedom and its application to school policy

John B. Harer
Marjorie Ringler
East Carolina University

This paper describes a survey research project of prospective school administrators enrolled in graduate level Educational Leadership degree programs on the efficacy of a policy driven response to complaints and challenges to school and library resources. The intent of the research is to measure the level of knowledge of these prospective school administrators about case law and the application of the First Amendment in the handling of such complaints, to gauge their perception on the importance of dealing with intellectual freedom matters through grounded law and from a policy approach, even in the face of severe pressure from politically charged groups, and to survey them on the effectiveness of instruction on intellectual freedom, the First Amendment and its application in school policy during their formal education. A comparison of responses by library science graduate students will also be performed. A two-part survey will be distributed to classes of students enrolled in East Carolina University's Educational Leadership and Library Science degree programs. The two-parts of the survey measure (1) direct knowledge of case law and intellectual and academic freedom and (2) student opinion of the importance of instruction on the First Amendment, intellectual freedom and policy responses to challenged school resources. The current research is a pilot study designed to direct the research for a broader effort and to improve the methodology.

Introduction

School systems are often faced with citizen complaints on a variety of concerns, from school redistricting and school choice to curriculum design, among many others. Oftentimes, school administrators, especially principals, must determine fair and legally defensible responses by the schools to many of the most sensitive and challenging incidents. Bowman (2003, pp. 1) notes, "Principals face a difficult balancing act when it comes to weighing the free speech rights of individual students against the needs and mission of the school as a whole." One of those issues regards teacher and librarian choices for reading materials and other instructional resources. Lukenbill and Lukenbill (2007) have found an increasing amount of censorship in the schools and school libraries and also note, "The Internet, its growth, and the attempts by the American federal government through legislation to control the types of materials made available to youth through school and public libraries by Internet transmission has expanded this pressure." (p. 2). These complaints are often about ideas and theories, such as evolution versus creation science, or about offensive words, such as found in some novels. These complaints are directed at a variety of professional personnel, including the classroom English teacher who assigns a novel as required reading, the history teacher showing a film that is considered controversial, and school library media specialists who purchase fiction and non-fiction books someone finds offensive. However, censorship of books and resources is not the only First Amendment issue that school administrators face, but also include concerns about proper religious expression in a public school that must separate church and state, the rights of student journalists, dress codes that may dampen

freedom of expression, student clubs that may be organized around a topic that could be controversial, and salutes to the flag. These concerns are what schools, administrators and librarians are up against each year. The types of First Amendment problems or concerns school encounter include:

- Student religious activities
- School involvement in religious activities
- School press: newspaper, yearbook, literary magazine, etc.
- Textbooks and the curriculum
- Library books and materials
- Student organizations
- Student art, music and theatre.

Responses by school system administrators could favor the parent who complains or the professional educator attempting to defend the material, and may be made based on knowledge of the law and policy or on personal preference or bias. Bowman (2003), quoting Sam S. Chaltain, coordinator of the First Amendment Schools Project, said, “There’s really widespread ignorance of what the First Amendment does and does not allow in a school setting...even when administrators understand the First Amendment...they are often reluctant to let students practice those rights ‘because they think to do so would be to invite chaos and contention in the hallway’”. (2003, p. 2) As for most issues of the First Amendment, including censorship of library books, some districts have written and formally approved policies to deal with any eventual incident, including a reconsideration of materials policy to address citizen and parental concerns. However, having a policy in place does not guarantee that it will be followed correctly. Often such complaints are politically charged and many people react defensively. Case in point, during the 2006-2007 school year, the Superintendent of Schools for the Charlotte-Mecklenburg School System was approached by one member of the school board at a private function with a complaint about the book *And Tango Makes Three*. A true story about two male penguins in the Bronx Zoo, some conservative groups believe is a euphemistic promotion of the homosexual lifestyle. The district has had a formal reconsideration policy in place, approved by the school board, detailing specific procedures for a reasoned review of complaints. However, this Superintendent circumvented this policy and ordered all copies removed from the school libraries without review.

In addition to policy responses, school administrators may or may not be aware of how much these matters have been adjudicated in the courts, all the way to the Supreme Court, and that there is much grounded law governing how districts should respond to these complaints. Iyasere (1991) argues that there are at least three prime court cases all school administrators should know extensively. “The most instructive Court decisions are ones already familiar to faculty in journalism and media law and deserving the attention of faculty in every discipline in the academy. We all need to attend to the Supreme Court’s pronouncements in its *Papish*, *Tinker*, and *Hazelwood* decisions, for in these the Court helps us understand the competing demands of academic freedom and academic responsibility.” (Iyasere, 1991, p. 26). Freedom of religious expression is another sticky

issue within First Amendment concerns of school administrators, and not necessarily dealt with by these three court cases. Haynes (2006) found in his research that until recently, most districts tried to avoid religious freedom complaints in the schools by either failing to develop a policy or failing to implement such policies effectively, hoping the school would never have to cope with these incidents. He documents the more recent efforts by the Federal government to develop “safe harbor” directives through the U.S Department of Education that promote pro-active religious freedom policies. Additionally, school administrators should be fully cognizant of laws and cases detailing academic freedom rights of educators, teachers, and other employees. Wildman (1991) argues that educational administration students need to understand academic freedom from an historical perspective as well as from contemporary concepts of academic freedom. “Contemporary educational administrators need to understand how the concept of academic freedom has evolved within the more inclusive struggle for intellectual freedom”. (Wildman, 1991, p. 21).

The co-investigators of this study theorized that, while school administrators are up against a myriad of First Amendment headaches, school librarians also faced such difficulties because of the nature of book collecting for the library. School librarians have an additional burden in protecting First Amendment rights for library patrons because the books in the collection are harder to justify as necessary for direct, educational benefit as would textbooks and class readings. This theory assumed that school librarians would need a significant understanding of First Amendment laws and applications as well. There is significant, professional literature evidence to support the need for instruction on First Amendment concepts and principles by school library media specialists. Reynolds (1999), in an interview of Mary Kay Chelton, a noted intellectual freedom advocate in the profession, reported that Chelton found that most schools of library science have curriculums that are too broad and therefore do not devote enough instruction on intellectual freedom. Bell (2007) also argues for the integration of standards into library science curriculums that provide a more thorough understanding of intellectual freedom. Chelton’s and Bell’s concerns for the need to improve library science curricula on intellectual freedom may be supported by Lukenbill and Lukenbill’s (2007) research. In a survey of Texas school library media specialists, they found that 55% of the respondents had not heard of the *Board of Education Island Trees, New York vs. Pico* Supreme Court case, commonly referred to as *Pico*. This case is the current case law that applies to the censorship of school library resources. (Lukenbill and Lukenbill, 2007, p. 21).

Objectives

From this theory and an examination of the literature, the co-investigators developed a survey that was designed to gather knowledge and opinion of students in an educational leadership graduate program and compare that to the knowledge and opinion of students in a graduate program of library science. The objectives of this study were (1) to measure the level of knowledge of professionals preparing to become school administrators about case law and the application of the First Amendment in the handling of such complaints, (2) to gauge the perception of professionals preparing to become school administrators on the importance of dealing with intellectual freedom matters

through grounded law and from a policy approach, even in the face of severe political pressure from politically charged groups, (3) to survey the perception of professionals preparing to become school administrators on the effectiveness of instruction on intellectual freedom, the First Amendment and its application in school policy during their formal education. Furthermore, three other objectives were to gauge these same objectives as gathered from the student administrators from student library science majors, and then compare these two groups of students on their response to questions aligned with these objectives. The perspective of this study is based primarily on the theory that school district policy is the most effective means to address all citizen and parental complaints. However, it is also directed by the perception that, from a world of anecdotal evidence, some school administrators and school library media specialists often respond inappropriately out of defensiveness, even in the face of established school district policy to the contrary, without following that policy. An underlying perspective is the sense that censorship complaints from parents and politically charged groups are often the most difficult situations for school administrators and librarians to face and maintain the principles of intellectual and academic freedom and fairness to all parties concerned. The researchers believe that improving instruction of case law, school district policy development and the principles of intellectual freedom during prospective administrators' and school library media specialists' formal education should improve their ability to deal with these complaints appropriately and through a reasoned, policy response once they are employed in the field.

Methodology

The current research project is a pilot study to test the efficacy of the perspectives and to aid in guiding the development of the methodology, especially an effective data gathering instrument. The instrument is designed as a survey of students enrolled in the Educational Leadership degree program at East Carolina University and the Library Science degree program at ECU, both master's degree programs. This survey contains two distinct components directly linked to the objectives. One section tests the knowledge of constitutional law, existing case law, and best policy practices. In this section, the respondents are given a brief test developed by the Association of Supervision and Curriculum Development (ASCD), a primary association of school administrators. This test was adapted by winnowing the number of questions down to twelve of the most relevant question topics. This section addresses Objective 1 of the school administrator survey and the same objective for the school librarians, measuring the level of knowledge. The second section asks respondents for their opinion on how important it is for graduate programs to provide instruction on the First Amendment, intellectual and academic freedom, and policy concerning challenges to school resources. This section gauges student perceptions of past academic instruction on how well this topic has been covered and asks for their opinion as to how much degree programs should cover this topic. This addresses Objective 2 and 3 for both groups. This initial instrument will be revised and improved from the results of this pilot effort for the larger study.

The survey had two distinct sections. The first section, entitled "Current Knowledge of First Amendment Applications" listed twelve questions with a yes or no

response choice for each. These were the questions adapted from the ASCD questionnaire. These measures asked respondents about their knowledge of whether a specific type of First Amendment activity is legally acceptable or not. For example, the first item asked, "Does the establishment clause apply to students in public schools?". Another example was the last item, which asked, "Must a public school student salute the flag during the recitation of the Pledge of Allegiance?" Section two, labeled "Opinion on Issues of the First Amendment in Schools", had two separate versions, one that had more appropriate references to school administrators and one that had more appropriate references to school library media specialists. This affected only one item in Section 2, the last question on the instrument. In the school administrator's version, question 20 asked "If you were a principal and received a censorship complaint about a textbook or library book, what do you believe should be your response?" while the version for the school library media specialists substituted "librarian" for principal in this question. Section 2 had three separate sub-sections. Two questions measured past behavior and dealt with a self-reported level of instruction on the First Amendment in their graduate education, rated on a scale from 0 to 5, with 0 equaling "no instruction" and 5 equaling "a very significant amount". The second sub-section consisted of one question asking for a self-reported type of instruction on the First Amendment that was received in their graduate education, on a sliding scale of worded responses, such as "A separate course devoted to just this topic". The last sub-section contained four opinion questions on how important the respondent believed instruction on the First Amendment was to their professional career.

Data Source

The survey designed for this pilot study was distributed to two classes of professional educators enrolled in a graduate level degree class in Educational Leadership at East Carolina University during the Spring, 2008, semester that were taught by co-investigator Ringler and two sections of a graduate level degree in Library Science taught by co-investigator Harer. This survey was administered in early February to gather enough data to report at the 2008 NCARE conference held in New Bern, NC. The professional educators enrolled in these classes had all completed an undergraduate degree, and those that were in the school administrator degree program had been a professional, school educator for several years, and were working towards certification as a school administrator eligible for positions as principals and superintendents. Some held a position as a school administrator already. The students enrolled in the library science classes were just entering the library profession and many had no professional library experience. Those that had some library experience were alternative licensure professionals in their job less than three years. Their responses reflect the data on knowledge of existing constitutional and case law, as well as policy approaches to intellectual and academic freedom concerns and data on their opinion about educational coverage of these issues.

Results

The survey was distributed to the educational leadership classes in their classroom and to the library science students via email. The library science students were in an all online degree program and had to be surveyed in this manner. The students were told they would not be graded on the survey nor were they required to complete it. The combined educational leadership courses had a potential for twenty-two student responses and the library science sections had a possible total response of forty-eight students. Eighteen of the educational leadership students returned a completed survey, for a response rate of 82%, while nineteen library science students returned a completed survey for a response rate of 39.5%, and an overall response rate of 53%. In the LEED courses, four respondents were men and fourteen were women. In the library science classes, three were men and sixteen were women.

The questionnaire asked demographic questions on gender, position held in education, years of experience, and knowledge of their district’s First Amendment policies. Table 1 shows these responses and indicates that most of the students were classroom teachers and most had more than seven years of experience.

Table 1:

Units	Response:	Positions held					Years of Exp.				
		Stu.	Teach.	Princ.	Media	Other	0	1-3	4-6	7-9	10+
LEED		6	6	1	0	5	0	0	4	5	8
men	4										
women	14										
Total	18										
LSIT		0	10	0	2	7	5	3	3	5	3
men	3										
women	16										
Total	19										

In terms of knowledge of the district’s policy, ten LEED respondents knew the district had a policy, while only two library science students knew of a district policy. The remaining respondents either indicated that the district had no policy (one LEED student) or didn’t know if such a policy existed (five LEED students and seventeen Library Science students). The students were also asked if they knew where to find their district’s policy. Of the LEED students, ten indicated it could be located on the district’s Web site. Of the remaining responses, most did not know where they could find such a policy, including eight LEED students and seventeen library science students. One library science student indicated an “other” location, not specified.

The co-investigators were primarily concerned with the results of the ASCD test of their current knowledge of basic First Amendment issues. The LEED students are required to take an Educational Law course where the First Amendment is one part of the course’s instruction, and their results were divided by their level of completion of this course. Nine had completed the law course, six were enrolled in the current semester’s

sections, and three had yet to register for this course. The library science students are not required to take a law course or any other course dealing specifically with the First Amendment in any way, so their results were compiled by gender only. The LEED students recorded an average score of questions answered correctly higher than the average score of the library science students. The highest average was realized by the LEED students who had completed the law course, at 8.3 (with a standard deviation of 2.34), while the lowest average was realized by the male library science students, at 6 (with a standard deviation of .577). The average score followed a predictable pattern for the LEED students, with higher averages for the higher completion rates of the LEED law class. The female library science students also realized an average of 7.31 correct (with a standard deviation of .321). The most frequently missed question by both the school administrator students and library science majors was the first question, which asked them if the establishment clause applied to students. The least missed questions varied between the two sets of students and mostly concerned religious freedoms.

When asked to report the amount of instruction on the First Amendment they received in their graduate education, the LEED students averaged, with a scaled rating from one to five, at or around 2.75 (standard deviation of 1.09) for general principles, slightly lower than 3 (for an average level instruction), and 2.81 (standard deviation of 1.00), on the specific applications of the First Amendment. The responses by the library science students were significantly low and reflected the fact that they were in their first class for their library science degree, with average ratings at .79 (standard deviation of .26) for general principles instruction and .95 (standard deviation of .337) for instruction on specific applications of the First Amendment.

However, when asked for their opinion on how important instruction on the First Amendment was to them, both cohorts reported extremely high levels of importance to both the teaching of the general principles and the teaching of specific applications of intellectual and academic freedom. Table 2 shows the averages, with standard deviations for each group:

Table 2:

General principles	LEED	LSIT
Average	4.44	4.26
SD	.73	.20
Specific applications		
Average	4.56	4.42
SD	.73	.176

Conclusion

When this research was conceived, it was hoped that it would lead to validating the importance of adjudicating challenges to school and library materials and other intellectual freedom concerns or complaints with a reasoned, policy driven response. The results were seen as contributing to the aid of school administrators and school library media specialists in understanding how important it is to avoid reacting defensively when

a politically charged complaint about the appropriateness of an intellectual freedom or academic freedom incident is lodged against school systems. The results of this pilot survey indicate some preliminary data that may prove useful for further study. The co-investigators believe that the data shows:

- Knowledge base of these students is above average but they need further instruction
- Instruction in the past has been minimal
- Instruction at the current graduate level is seen as highly important
- A policy approach is seen as the best response in most cases, though not everyone understands this.

The survey design proved useful for developing a larger survey on this topic. The data, at the very least, is encouraging in that it indicates the trends and concerns the co-investigators theorized in the initial stages of the research. These results will be further analyzed so that the larger research agenda can be better informed and carried out. Haynes and Chaltain (2004) take the importance of instruction on the First Amendment one step further, however. They argue that these principles must be modeled by school personnel as well. "School communities shape their culture by teaching and modeling individual rights, civic responsibilities, and concern for the common good." (p. 26). The ultimate testament to the importance of the First Amendment is shown by implementing instruction.

References

- Bell, M. A. (2007) "The elephant in the room." *School Library Journal*, vol. 53, no. 1, pp. 40-42.
- Bowman, D. H. (March 19, 2003) "Principals walk a fine line on free speech." *Education Week*, vol. 22, no. 27, pp. 1-2.
- Haynes, C. C. (October, 2006) "From battleground to common ground." *School Administrator*, vol. 63, no. 9, pp. 10-15.
- Haynes, C.C. and S. S. Chaltain. (May, 2004) "Laboratories for democracy." *School Administrator*, vol. 61 no. 5, pp. 26-30.
- Iyasere, M. W. M. (Fall, 1991) "Academic freedom, the First Amendment, and student rights." *Education*, vol. 112 no. 1, pp. 25-28.
- Lukenbill, W. B. and J. F. Lukenbill, (2007) "Censorship: What do school library specialists really know? A consideration of students' rights, the law, and implications for a new education paradigm." *School Library Media Research*, vol. 10, pp. 1-31.

Reynolds, T. (1999) "Is library education preparing librarians to be intellectual freedom advocates? An interview with Mary Kay Chelton." *Aliki*, vol. 15, no. 1, pp. 21-23.

Wildman, L. (Fall, 1991) "What school administrators need to know about academic freedom." *Education*, vol. 112, no. 1, pp. 21-24.