

TRAINED TO CENSOR? A STUDY OF STUDENT EXPRESSION ISSUES IN
MISSOURI PRINCIPAL PREPARATION PROGRAMS

A Thesis presented to
the Faculty of the Graduate School
at the University of Missouri-Columbia

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by

BRIAN SCHRAUM

Dr. Charles N. Davis, Thesis Supervisor

JULY 2010

The undersigned, appointed by the dean of the Graduate School, have examined the thesis entitled

TRAINED TO CENSOR? A STUDY OF STUDENT EXPRESSION ISSUES
IN MISSOURI PRINCIPAL PREPARATION PROGRAMS

presented by Brian Schraum,

a candidate for the degree of master of arts,

and hereby certify that, in their opinion, it is worthy of acceptance.

Professor Charles Davis

Professor Esther Thorson

Professor Brian Brooks

Professor Jeffrey Brooks

To the next generation of writers, thinkers, envelope pushers and hell raisers.

The world needs you.

ACKNOWLEDGEMENTS

This work would not have been possible without the guidance of Dr. Charles Davis, whose passion and sense of humor are indeed contagious. My success story in this program is written under his byline.

Dr. Jeff Brooks provided invaluable assistance from the educational leadership perspective. He was my tour guide through a parallel universe. I hope there are many more opportunities for collaboration between our two disciplines.

I am grateful to Dr. Esther Thorson and Brian Brooks for their willingness to serve and their insights during this process.

I owe a very special debt to six leadership professors, who will remain anonymous, for their candor and perspective during the interviews for this study. You were more generous with your time than I could ever have hoped. Thank you.

Finally, I would be remiss if I did not credit Missouri's many fine roadside dining establishments, which kept me going through late nights and long trips.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS ii

Chapter

1. LITERATURE REVIEW.....1

2. METHODOLOGY.....20

 Syllabi and textbook analysis

 Instructor interviews

 Principals survey

3. SCHOOL LAW SYLLABI AND TEXTS.....32

4. INSTRUCTOR PERSPECTIVES39

 Course structure

 Interview themes

 The “public forum” concept

 State student expression statutes

 The role of a student newspaper

 “Harm” standard

 Fear of litigation

 Surprise of students

 MoSTEP standards

 Definition of “disruption”

 The *Hazelwood* standard

5. PRINCIPALS SURVEY48

6. DISCUSSION51

7. CONCLUSIONS.....55

 Include school law in the undergraduate curriculum

Convene a statewide working group to examine the legal curriculum for principals
Explore opportunities for cooperation with other relevant campus departments
Think critically about the quality of course texts
Develop a curriculum grounded in objective legal standards
Develop legal guides with legitimacy
Limitations of this study
Avenues for future research
Final thoughts

APPENDIX

1. DEGREE REQUIREMENTS FOR MASTER’S DEGREES	65
2. MISSOURI HIGH SCHOOL PRINCIPAL SURVEY RESULTS.....	74
REFERENCES	76

I. LITERATURE REVIEW

First Amendment disputes have reached a level of pervasiveness in America's public schools over the past century. Conflicts continue to arise nationwide over what rights public school students should have to express themselves inside the schoolhouse gate. They run the board from dress codes to student media to, in recent years, dissent by students online. These disputes often pit students and their parents against school principals – individuals charged with maintaining discipline, but who are also government employees.

This friction between the need for order and the First Amendment's inherent limitation on state power has attracted the interest of educators, attorneys, scholars, and lobbyists alike.

A vast array of scholarship exists in this area, much of it legal analysis of the complex First Amendment implications for students. Therefore, a brief overview of these legal issues is necessary.

The First Amendment to the United States Constitution provides that “Congress shall make no law... abridging the freedom of speech, or of the press.”

Following the Civil War, the states ratified the Fourteenth Amendment, which provides that “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor... deprive any person of life, liberty, or property, without due process of law.”

The Supreme Court has held that the Fourteenth Amendment incorporates the protections of the First Amendment to apply to state governments, in addition to

Congress (*Gitlow v. New York*, 1925). The precise meaning of these protections has been the subject of endless debate, but scholars generally agree that the Court's first attempt to interpret them in a meaningful way did not take place until the early 20th century.

The justices would eventually wrestle with how the First Amendment applies in the context of a public school. In 1943, they famously invalidated a state requirement that students salute the flag. The Court overruled its own decision in a prior case to find the regulation violated the students' First Amendment rights, declaring "The Fourteenth Amendment... protects the citizen against the State itself and all of its creatures – Boards of Education not excepted" (*West Virginia State Board of Education v. Barnette*, 1943).

However, the true landmark for student speech rights would not come for another 25 years, in the Vietnam-era case of *Tinker v. Des Moines Independent Community School District* (1969). The case involved Iowa students who planned to wear black armbands to school in protest of the ongoing Vietnam War. On learning of the students' plan, school leaders agreed to a policy essentially banning the armbands. John and Mary Beth Tinker, and their friend Christopher Eckhardt, wore the armbands anyway. All were suspended from school for violating the rule and filed a civil rights lawsuit.

The Supreme Court found the district's actions unconstitutional, declaring that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (p. 506). The majority opinion established a high standard for regulation of student speech: Officials can only regulate expression based on a reasonable forecast that a "material and substantial" disruption of the school or an "invasion of the rights of others" would result (p. 513).

That standard went undisturbed until the Court found itself back inside the gates in 1986. Matthew Fraser, a Washington State high school student, had given a speech at a school assembly nominating his friend for student body vice president. The speech itself was full of sexual metaphor, referring to the nominee as a “hard” worker who would go to the “climax” for the students. Fraser was suspended, and sued, arguing the speech was not disruptive.

The Supreme Court upheld the suspension in *Bethel School District No. 403 v. Fraser* (1986), distinguishing the passive political armband in *Tinker* from Fraser’s plainly offensive speech to a captive audience. While the majority did cite the “disruption standard,” it apparently did not apply it in *Fraser*. In fact, the precise meaning of the decision remains ambiguous even to the justices. Years later, the Court would concede that “the mode of analysis employed in *Fraser* is not entirely clear” (*Morse v. Frederick*, 2007, p. 9).

Nevertheless, the Court found that schools are within their authority to discipline students for “offensively lewd and indecent” speech (*Bethel School District No. 403 v. Fraser*, 1986, p. 676). It was the first chink in *Tinker*’s speech-protective armor.

The move away from an all-encompassing disruption standard continued two years later in *Hazelwood v. Kuhlmeier* (1988). The case involved a student newspaper outside St. Louis, produced as part of a high school journalism class. The school principal objected to several stories slated to run in the publication, saying an article about teen pregnancy was inappropriate and could compromise student privacy. When the pages containing those stories were pulled, the students filed suit. The Supreme Court upheld the actions of the school, finding a distinction between incidental speech that happens to

occur at school (such as wearing armbands), and school-sponsored speech that the school affirmatively supports as part of its curriculum. For the latter category, the majority created a different, less-protective standard: Restrictions are permissible if they are “reasonably related to legitimate pedagogical concerns” (p. 484).

The decision drew the ire of First Amendment advocates (e.g., Abrams and Goodman, 1988; Strossen, 1998), but was greeted warmly by many professional newspapers of the time (e.g., Ruling, 1988). The justices, they argued, correctly identified the school as the publisher of the newspaper, having ultimately responsibility and control over content.

The *Hazelwood* majority also pointed out that the newspaper in question was not a “public forum” that the school had opened up for the free exchange of ideas (p. 270). This left the door open to the possibility that other student publications could operate as public fora and would not be subject to the Court’s new standard. Indeed, lower courts frequently recognized that forum publications continue to operate under *Tinker*’s disruption standard. Thus, modern student press litigation often turns on the forum question.

The Supreme Court’s fourth and final look at student expression came almost 20 years after *Hazelwood*. In 2007, the justices held that advocating illegal drug use was not protected speech in a school context. The case involved a student who held up a large banner reading “Bong Hits 4 Jesus” on a sidewalk outside his school as the Olympic torch passed by. The school principal tore the banner down and suspended Joseph Frederick, who sued on First Amendment grounds. On appeal, the Court chose to rule on very narrow grounds in *Morse v. Frederick* (2007), carving out another exception to

Tinker for speech “that can reasonably be regarded as encouraging illegal drug use” (p. 2). However, it declined to accept the argument advanced by the U.S. government that schools should be able to regulate any speech contrary to their educational mission.

To summarize, the standards governing student speech regulation have become quite muddled in the past 40 years. As a general matter, student expression can be divided into two categories: school-sponsored and non-school-sponsored. School-sponsored speech is governed by *Hazelwood*'s legitimate pedagogical concerns test, unless the school has created a public forum – in which case the disruption standard reigns (Student Press Law Center, 2008). Non-school-sponsored speech is generally governed by *Tinker*'s standard of whether it is materially and substantially disruptive or invades the rights of others. However, non-disruptive speech can still be prohibited if it is lewd or vulgar, or reasonably believed to encourage illegal drug use.

This, at least, is the theoretical framework erected by the justices. The reality is that a variety of other issues, including the more recent line of “true threats” cases, as well as the school’s jurisdiction off campus, can also play a role in the outcome of controversies. It is also worth noting that in the handful of student speech cases the Supreme Court has addressed, students are 1 for 4.

Supporters of student expression have increasingly turned to state legislatures in the post-*Hazelwood* era. To date, seven states have adopted statutes that provide a higher level of legal protection to student speech than the U.S. Constitution: Arkansas (Ark. Stat. Ann. § 6-18-1201 - 1204, 1995), California (Cal. Educ. Code § 48907, 1977), Colorado (Colo. Rev. Stat. § 22-1-120, 1990), Iowa (Iowa Code § 280.22, 1989), Kansas

(Kan. Stat. Ann. § 72.1504 - 72.1506, 1992), Massachusetts (Mass. Gen. Laws Ann. ch. 71, § 82, 1988), and Oregon (Ore. Rev. Stat. § 336.477, 2007).

While California and Massachusetts have addressed student expression in much broader terms, the other statutes are targeted at protecting one of the most common sources of controversy – student media. The majority of these states have codified some variant of *Tinker*'s disruption standard as governing what material may be prohibited in student media.

Of special note, California's statute existed even prior to *Hazelwood*, so the high court's decision had no impact on that state. The legislature subsequently adopted a statute declaring that students are entitled to the same speech rights in school as they are outside school, the only such law in the nation (Cal. Educ. Code § 48950, 1992). California is also the only state in the union to extend protection to students at private schools.

While a great many authors have examined the issue of student expression from a legal perspective, there is also a growing empirical literature. The impact of censorship on scholastic media has been of particular focus.

Much of the modern thinking about freedom of the student press can be traced back to the Commission of Inquiry into High School Journalism, which examined the issue in the 1970s. The commission was formed by the Robert F. Kennedy Memorial to take the first comprehensive look at high school journalism. Its findings, published in the 1974 book *Captive Voices*, rocked the scholastic journalism field:

“As part of the day-to-day operation of high school journalism, censorship generally is accepted by students, teachers, and administrators as a routine part of the school process... Censorship is the fundamental cause of the triviality, innocuousness, and uniformity that characterize the high school

press. It has created a high school press that in most places is no more than a house organ for the school administration” (Nelson, p. 48).

The report’s general negativity was greeted with some skepticism, but follow-up studies confirmed most of its findings. Among the report’s recommendations was the proposal of “a national center advocating First Amendment guarantees for youth journalists” (p. 146). This led directly to the creation of the Student Press Law Center, the most widely recognized legal authority on the rights of the student press.

The second major milestone in scholastic journalism research came with the 1994 book *Death by Cheeseburger*, published by the Freedom Forum. While the book took a much broader look at the student press, its findings in the area of censorship essentially were that the situation hadn’t changed much:

“Two decades later, interviews with teachers, principals and students across the country show that school administrators continue to censor – often on trivial issues such as the ‘Death By A Cheeseburger’ column for which this book is named. Many school administrators simply do not trust teenagers to publish a newspaper that follows traditional journalistic standards, even when adult advisers are overseeing the newspaper’s production. Many school administrators do not want a student newspaper that follows traditional journalistic standards, period” (p. 105).

Controversies involving student expression of all forms continue to emerge, seemingly on a daily basis. In 2009, an Arizona school pulled a story on teacher assessment tests from its student newspaper, allegedly because it painted the school in a negative light (Stewart, 2009).

In 2007, a Texas student was prohibited from wearing a “John Edwards for President” t-shirt because it violated the school’s dress code. Subsequent attempts to wear a shirt with the text of the First Amendment were also prohibited. At this writing, the

student had petitioned the U.S. Supreme Court to review his failed lawsuit against the district (Hudson, 2009).

In 2006, Washington State students filed suit against their school after officials decided the student newspaper's masthead could not contain a "public forum" statement. Students at other schools in the district subsequently began publishing their newspapers off-campus in protest. One student, found to be using a school computer to work on the publication, was suspended and later told he would not complete his senior year in the district. Administrators admitted to installing a secret surveillance camera in a journalism teacher's classroom to determine if she was helping the students – something the school initially denied. Following an open records lawsuit from local media, the district said it could no longer locate the video recordings taken from the camera (Stevick, 2008).

In 2009, at Missouri's Boonville High School, distribution of the student newspaper was stopped because administrators felt stories about homosexual students and crowded buses would be disruptive to the educational process (Brenner, 2009). The superintendent also objected to the word "sucks" in an editorial about cafeteria food, which he described as an obscenity. The same month, at Timberland High School in Wentzville, Missouri, a principal ordered the removal of all advertising and editorial content about tattoos because of age-appropriateness concerns (Brenner, 2009).

As Hudson (2003) observed, "The First Amendment often lurks as an easy target. It creates controversy when many seek uniformity. But if students are to learn the lessons of democracy... they must live in an environment that fosters the free exchange of ideas" (p. 5-6).

To be sure, the rights of students to speak out in public schools remain the source of much controversy. And while little agreement exists among scholars – or Supreme Court justices for that matter – even less is known about why these conflicts arise.

A handful of empirical studies have examined the views and attitudes of school principals in the First Amendment realm. Almost all of this work is purely descriptive. Renfro, Renfro, and Bennett (1988), for example, found nearly universal agreement (94%) with the *Hazelwood* decision among principals in Texas.

In one of the earliest studies, Horine (1966) found 92% of principals believed the student newspaper should not criticize administrators, though 88% of newspaper advisers and 74% of student editors shared this view.

Later studies cast doubt on the notion that advisers and administrators have similar views of the student press. Click and Kopenhaver have surveyed principals and advisers since 1986. Their first nationwide study showed that about 60% of principals believed “maintaining discipline in the school is more important than publishing a newspaper free from administrative censorship,” while only about 30% of advisers shared this view (Click and Kopenhaver, 1986). Further, they found about 60% of principals felt they should have the right to prohibit stories they deem “harmful,” even if the stories are not libelous, obscene or disruptive. Only about 20% of advisers shared that view. About 30% of principals said articles critical of administrators or teachers should never appear in the student newspaper; about half said it was more important that the school run smoothly than for the newspaper to function free of censorship.

On broader First Amendment issues, the researchers found wide agreement among principals and advisers that “a free press is fundamental to an American society.”

However, when the focus shifts to unpopular groups (the American Nazi Party and the Ku Klux Klan), advisers were more likely (58.9%) to agree that “society has an obligation to protect the First Amendment rights” of those groups, than were principals (49.7%).

Shortly after the Supreme Court’s *Hazelwood* decision, Click and Kopenhaver (1990) revisited the issue. They compared the views of principals and advisers, finding some areas of concurrence and some of strong difference. Only 6% of principals and 4% of advisers felt that “high school students are too immature to practice responsibly freedom of the press.” Principals, however, were more likely to agree that the student newspaper “is more a learning tool than a vehicle for the expression of student opinion” than were advisers. About 70% of advisers felt that freedom of the student press outweighs “public relations considerations,” compared to 28% of principals. Similarly, 65% of advisers agreed that the student newspaper should be allowed to print a provably true story, even if it would hurt the school’s reputation – compared to 35% of principals.

The authors conclude: “The obvious censorship evident in these studies demonstrates that this is an area that deserves much more research attention than it has been receiving” (Click and Kopenhaver, 1990, p. 14).

The most recent follow-up survey was conducted by Click and Kopenhaver in 2001. The researchers obtained usable responses from 84 principals and 138 advisers – representing 47 states. The findings suggest principals in the early 21st century are more likely to censor than those surveyed shortly after *Hazelwood*. For example, 87% felt they should have the right to prohibit a “harmful” story, even if it is not libelous, obscene or disruptive. A full 95% of principals felt that as long as the school was providing some

support to the student newspaper, administrators should have some content control; 62% of advisers felt the same way. And 87% of principals felt the student newspaper should “advance the public relations objectives of the school.”

The researchers also inquired into principals’ and advisers’ knowledge on First Amendment issues. About 40% of principals said they were not familiar with the *Hazelwood* decision; about 50% said they had not studied media law or student press law. The results also revealed a striking lack of knowledge about the distinction between “public forum” and non-public forum publications. Only 18% of principals correctly responded that *Hazelwood* does not apply to public forum newspapers; 53% responded that it did apply; 29% didn’t know.

The only work specifically in the state of Missouri found that principals were arguably misguided about the meaning of the court’s decision in *Hazelwood* (Dickson, 1989). Most viewed student newspapers as “open forums,” but also expressed a willingness to censor that may not be permissible in such forums. About a third said they had kept something from being published in the student newspaper previously. Less than a fifth of principals said they would be looking more closely at student publications in the wake of *Hazelwood*.

Other scholars have taken a comparative approach. Rhudy (2004) compared adviser and principal practices in 12 states – six with student expression statutes and six without. The results demonstrated a significant relationship between the existence of a statute and principals’ self-reported practices with student media. Less control was found in states with a student expression statute. While the author ultimately pointed to the

importance of adopting such statutes, “Equally important is the need to train principals and advisers and to inform them of the content of such legislation.”

Conversely, Bulla and colleagues (2005) found no significant difference in media advisers’ perceptions of student press freedom in Indiana (a state without a student press statute) and Iowa (a state with a statute).

Dautrich and Yalof (2005) conducted perhaps the most significant nationwide study on principal First Amendment attitudes, using a sample of 308 principals. It found nearly a quarter of principals agreed that “The First Amendment goes too far in the rights it guarantees.” About 80% agreed that newspapers should be allowed to publish without government approval, but only 25% agreed that high school students should be given that same freedom. Follow-up studies in subsequent years from the same authors, however, have focused on student attitudes and have not surveyed principals.

Watson and colleagues attempted to fill this gap with their own studies. They found increased support for the First Amendment in recent years among principals as a general matter but wide hesitance on specific issues involving students (see generally, Watson & Filak, 2008; and Watson, et al., 2009).

None of this data brings scholars closer to understanding *why* school principals think and act as they do. Peterson (1989) concluded that the length of principals’ experience was not a predictor of their approach toward student press controversies and suggested a minor correlation with their own prior history as a student journalist.

Fortunately, others have theorized on a more abstract level. Literature does exist, much of it in the political communication realm, on the factors that influence public attitudes about civil liberties. Avery, Bird, Johnstone, and Thalhammer (1992) emphasized the

importance of education in promoting political tolerance – a term they define as “the willingness to acknowledge the civil liberties of those with whom one disagrees” (p. 387). First Amendment speech rights are among those that fall into this broad definition.

Certainly, other influences on attitudes toward free speech have been identified. In developing a comprehensive model of support for First Amendment rights, McLeod, et al. (1998), described level of education, age, gender, ideology and diversity as external factors. They described post-materialism, media functions, newspaper public affairs use, knowledge, principled reasoning, entertainment television viewing, views of groups, and expression of affect as internal factors. The authors were able to account for 55 percent of the variance in First Amendment support among Wisconsin residents using a model that incorporates all of these factors.

This model suggests two routes, a positive and a negative. The authors posit that reading newspapers for public affairs, greater knowledge of current events and having “post-material” values are among those factors that contribute to support for First Amendment rights.

The negative route suggests valuing control, watching television entertainment, and expressing “negative affect” will contribute to less support for First Amendment rights.

No studies have applied this model in a student speech context, though two recently completed studies examined several factors that may influence Missouri administrator attitudes (see Schraum and Maksl, 2010; Maksl and Schraum, 2010).

McCloskey and Brill (1983) have suggested that political *intolerance* is the default, easy behavior, and people must be socialized into tolerance. Perhaps ironically,

scholars are generally in agreement that higher educated people demonstrate greater political tolerance. In the case of school administrators, where graduate-level work is not only common but required, their approaches to First Amendment controversies may conflict with that generalization. It may indeed support the McLeod model, which posits that demographics are less important than other factors.

It stands to reason that the education of school principals themselves plays a role in their beliefs about student First Amendment rights. To what extent it does, and to what extent it may mediate other factors, is outside the scope of this study. No scholarship to this point has looked comprehensively at education leadership curriculum in a First Amendment context. This work attempts to fill that gap, but it will represent merely a first step – and for practical purposes, it will be limited in scope to one state.

What exactly is meant by the term “principal preparation program?” The concept here refers to college-level training offered to aspiring school leaders. The study of these programs constitutes a growing field of research and a source of heated debate among scholars, practitioners, and policymakers.

According to Hoyle (2005), “Attacks on school administrator preparation programs and professors has been an art form for some within the profession and for others standing outside peering in” (p. 2).

Perhaps the most notable critic in recent years has been Arthur Levine, former president of Teachers College at Columbia University. His 2005 study relied on surveys of education school heads, faculty members, program alumni and sitting administrators. It also included case studies of 28 preparation programs.

The Levine report blasted the entire field of educational leadership. It identified myriad problems, including “weak faculty,” “an irrelevant curriculum,” “low admission and graduation standards,” “inappropriate degrees,” and “poor research.” Claiming it had turned away from professional practice to earn favor within the academic community, Levine concluded, “Education schools and their leadership programs are in desperate straits” (p. 68).

The report claimed many programs were ignoring problems and resisting change. It suggested that if the discipline could not “clean its own house,” policymakers would step in and expand alternative training programs.

Leadership faculty quickly fired back:

“University preparation of school principals and superintendents has never been better... [T]he talent pool of graduate students in educational administration improves each decade” (Hoyle, 2005, p.1).

Responding to media reports on the Levine study, Pauls (2005) criticized its small sample size and argued that its sweeping claims were not supported by the data.

One of Levine’s (2005) findings, however, seems undisputed – that the context in which principal preparation programs exist varies greatly.

“There is no such thing as a typical education school. Their diversity is extraordinary. They are both free-standing institutions and subunits within larger colleges and universities. They are for-profit and not-for-profit, public and private, sectarian and non-sectarian. They are large and they are small, undergraduate, graduate, and combinations of both” (p. 7).

The report also attempts to outline the history of administrator preparation programs – a history strikingly similar to the development of modern journalism schools. It traces the debate that began in the early 1900s over whether such programs should

offer practical development for experienced educators, or comprehensive degrees for students of all backgrounds.

“No consensus exists on whom programs should enroll, what they should prepare their students to do, what they should teach, whom they should hire to teach, what degrees they should offer, and how educational administration relates to teaching and research” (p. 16).

Controversial commentary on administrator training is nothing new. A 1987 report issued by the National Commission on Excellence in Educational Administration was sharply critical of existing preparation programs (University Council for Educational Administration, 1987). Of the 505 that existed at that time, the commission called for the elimination of all but about 200 of those programs. The report concluded that there should be fewer, better training programs at America’s colleges and universities, and those lacking “the resources and commitment” to provide the training called for by the commission should simply close.

Levine (2005), however, found that the number of school administrator training programs had actually grown since the commission’s report. The study found such programs existed at four out of five doctorate-granting institutions, and trained three types of students: those planning to be or currently serving as administrators, teachers earning a degree for a salary improvement, and future professor-researchers.

Criticism of educational leadership has also come from within the discipline itself. For example, Murphy (2005) called for substantive changes in the direction of leader preparation research. He identified a lack of research in entire areas of school leader preparation. “Specifically, we know very little about issues ranging from how we recruit and select students, instruct them in our programs, and monitor and assess their progress” (p. 106).

Murphy and Vriesenga (2004) found that of the top journals in education administration, only 3% of the articles from 1975 to 2002 were empirical studies of leader preparation.

However, Hoyle (2006) points to significant research improvements in the field over the past several years. Specifically, collaboration between a number of groups has produced the Handbook of Research on the Education of School Leaders, a comprehensive survey of existing research. The University Council of Educational Administration also began publishing the Journal of Research on Leadership Education in 2006. Simply put, the literature in this area is growing at a much faster rate than in years past.

Nevertheless, a surprisingly small number of studies exist on the curriculum of school leader preparation programs. Hess and Kelly (2005) examined 210 course syllabi from 31 programs across the country. They found that 45% of the weeks of instruction devoted to “technical skills” contained content on school law. Further analysis, however, was not conducted on which aspects of school law were given the most coverage, what was assigned during those weeks, etc. Consequently, very little is known beyond anecdotes about the degree to which First Amendment topics are covered in principal training programs.

The Hess and Kelly (2005) study is also suspect given that the primary author is director of education policy studies at the American Enterprise Institute, a conservative think tank.

One study specifically in the state of Missouri outlined the efforts of Missouri Professors of Educational Administration (MPEA) to improve preparation programs

(Friend, Watson & Waddle, 2006). Specifically, the group has actively been evaluating programs, surveying graduates, and providing professional development opportunities.

To become a school principal in Missouri, educators are required to obtain a master's degree from a principal preparation program approved by the Department of Elementary and Secondary Education. Such programs exist at 17 colleges and universities across the state. The present study will examine these programs' treatment of First Amendment issues in terms of content coverage and the attitudes of education leadership professors.

The investigator approaches this area of study from outside the educational leadership realm. While aware of the myriad criticisms and defenses of administrator training, the investigator comes with neither perspective in mind. The goal is to analyze in detail one component of principal preparation, leaving broader philosophical and structural arguments to others in the field.

This study is obviously limited in that it draws on only one element of the political tolerance research: education. There will be no effort in this work to examine demographics or political characteristics of individual school leaders. In fact, very little of this effort will involve principals themselves – the primary emphasis will be on professors of educational leadership and the curriculum they use to educate principals.

The real aim of this research is to better understand why principals believe (and ultimately behave) as they do in regards to student First Amendment rights. Of course, it explores only one avenue. The impact of other factors beyond training/education will be left to future scholarship. However, if the theorists who point to the role of education are

correct, this work should provide important insight into how school leaders are or are not “trained to censor” in their preparation programs.

This study poses four research questions:

RQ1: How and to what degree are student expression issues covered in Missouri principal preparation programs?

RQ2: What are the attitudes of educational leadership instructors toward the free speech and press rights of students?

RQ3: How much do current principals know about the free speech and press law?

RQ4: How do current principals rate the student expression training they received in their principal preparation program?

II. METHODOLOGY

The aim of this study is to determine the extent to which student expression issues are included in the curriculum of principal preparation programs in Missouri, how those issues are approached, the relevant attitudes of professors providing the instruction, and how current principals view their training in this area.

The role of professional education programs has been the subject of much conversation in the literature of education administration. There is no widespread agreement as to whether such training programs make any difference in the behavior of school leaders. Further, no data exists providing a link between training and behavior or attitudes on First Amendment topics specifically. However, the investigator operated under the assumption that principal training plays some role in their formation of attitudes, and ultimately their behavior, in First Amendment disputes.

To this end, the study takes a three-pronged approach in examining student expression training in principal preparation programs: (1) content analysis of school law course syllabi, readings, and textbooks, (2) in-depth interviews with course instructors, and (3) a survey of current Missouri high school principals.

Educators who want to become school administrators in the state of Missouri are required to be certified by the Department of Elementary and Secondary Education (DESE). Certification is offered for both building-level administrators (principals, special education directors, and career education directors) as well as district-wide administrators (superintendents). There are three levels of certification for principals: initial, which requires an approved master's degree; transitional, which requires mentoring and

professional development; and career, which requires an approved education specialist degree (Ed.S.). The initial certificate is valid for four years, and the transitional is certificate is valid for an additional six years. Therefore, an individual can serve as a school principal for up to 10 years before obtaining a specialist degree. A recent federal survey found a master's degree was the highest degree earned for 61% of public school principals nationwide (Battle, 2009).

The focus of this study is on individuals receiving their initial training in school administration. For that reason, the study is limited to those programs offering master's-level degrees approved by the Missouri State Board of Education.

There are 17 programs approved to provide administrator training, located at colleges and universities across the state. Of these, one was excluded from the study because it offered only a specialist degree with no master's program. In an attempt to obtain a true census of principal preparation programs, the investigator attempted to collect data from all 16 of the remaining institutions.

Throughout the study, a broad definition of "student expression issues" was used, though establishment clause topics were specifically excluded. Establishment clause topics include displays of religious symbols on school property, observing religious holidays, or other issues concerning the establishment of an official religion within the school. The aim was to include only those issues dealing with speech or other expression by students (including religious expression). Items listed on a syllabus which would satisfy this broad definition include, but are not limited to: The First Amendment, freedom of speech, freedom of press, student expression, or specific Supreme Court and lower court cases identified as dealing with these issues.

Syllabi and textbook analysis

The investigator compiled a list of course requirements for approved master's degrees from each institution's Web site (see Appendix 1). From this list, courses with a legal focus were identified based on their titles and catalog descriptions. The investigator also attempted to contact the department chair or program coordinator at each institution to inquire which of their courses cover student expression topics. Officials from all but one institution referred to school law courses. At one institution, no specific master's-level course existed so the investigator analyzed a specialist-level school law course instead.

After identifying the relevant course in each program, the investigator obtained syllabi using several methods, beginning with a written request to the department chair or program coordinator. If this individual failed to respond, the investigator consulted each institution's schedule of courses and independently identified those instructors regularly assigned to teach the relevant course. A written request was then submitted directly to the instructor or instructors. At institutions where this method also failed, the investigator examined the institution's Web site for downloadable syllabi.

In all cases, the investigator requested the most recent version of the course syllabus. In no case did more than one instructor from a particular institution respond to requests for materials. Consequently, only one syllabus from one instructor at each institution was collected.

The syllabi analysis component of this study is designed to reveal how much class time is devoted to student expression topics, what delivery methods are used, and what the course requirements are. This component of the study took a quantitative approach.

The investigator read each syllabus and made note of the number of class sessions devoted to student expression issues (based on key words or corresponding textbook sections noted for particular class sessions), in addition to the total number of class meetings and the meeting schedule. The investigator also noted any textbook readings or supplement materials required for relevant portions of each course; any described methods of delivery; and required assignments, projects and exams.

Based on analysis of the syllabi, the investigator compiled a list of textbooks in use, then obtained the latest available edition of each book from a university library. Any handouts or supplemental material noted in the syllabi were then obtained directly from the course instructor.

The course readings analysis component was both quantitative and analytical in nature. The investigator first noted the total number of pages and chapters in each textbook. Tables of contents were consulted to identify sections of the books addressing student First Amendment issues; the number of relevant pages and chapters were noted.

The text of the books and supplemental readings was analyzed to determine areas of emphasis, focus, and issue framing. The results were specifically compared and contrasted with the approach presented in *Law of the Student Press* (Student Press Law Center, 2008) – a book designed for student journalists and media advisers. Specific questions posed in the analysis included: Is censorship of student news media described as a requirement? Does the text mention the distinction between a public forum and a non-public forum publication? Does the text mention the impact of state “anti-*Hazelwood* laws?” Does the text describe any positive value of freedom of expression? Is the administrator described as the editor or publisher of the student newspaper? Does the text

describe impermissible, as well as permissible forms of censorship? Are student dress codes addressed? How are issues of online and digital expression dealt with?

Instructor interviews

The instructor interview component of this study examined the First Amendment attitudes and knowledge of school law instructors. The population under study consisted of those individuals listed as the instructor of record for each of the collected course syllabi. From this group, the investigator developed a convenience sample of six instructors, representing six different programs. In creating the sample, proximity to the researcher's Central Missouri location and willingness to supply syllabi were the primary factors influencing participant selection. The investigator also strove to avoid skewing the sample geographically by oversampling institutions in a particular area. Both public and private institutions on both rural and urban campuses were included.

All interviews were conducted in person in the instructor's office at a mutually agreeable day and time. As part of the informed consent process, all participants agreed to the interviews being recorded by a small digital voice recorder. The investigator then manually transcribed these recordings for analysis. The original audio files were destroyed at the conclusion of the study.

The six interviews ranged in length from 34 to 92 minutes, for a combined total of 5 hours and 55 minutes of recorded audio.

These interviews were semi-structured. The interviewer developed a set of standard questions before the first interview, but asked follow-up questions to further probe specific areas. Questions were added or dropped depending on the progression of the interview and time constraints.

Questions were grouped into three broad categories. The first examined the participant's educational and professional background. Items included:

- What degrees have you earned and where are they from?
- Do you come primarily from an academic/research or professional background?
- Tell me about any experience you have in school administration.
- How long have you been a leadership instructor?
- How long have you been teaching school law?
- What are your research or professional interests?

The second group of questions examined the content and coverage of the instructor's course in greater detail. Specific items included:

- What is a typical class size?
- Would you say your course is primarily lecture driven, discussion driven, or both?
- How much time do you spend on First Amendment issues?
- Take me through specific cases and issues that you cover in this area.
- Do you use any examples or "war stories" from your own experience?
- Do you cover the issue of a public forum or forum analysis?
- Do you teach or are you aware of any state law issues impacting student expression?
- Do you cover issues related to student speech on the internet?
- What do you hope your students take away from that section of the course?

- Do you find that your students are surprised to learn about the legal standards and protections that are in place?

The final group of questions attempted to ascertain participants' own attitudes and views about the First Amendment in schools and the free expression rights of students.

Specific items included:

- What are your views generally on the First Amendment in schools? Do students have too much freedom, not enough, or about right?
- What is the role of a student newspaper in a high school setting?
- Who should have ultimate control over the content of the newspaper – the school board, superintendent, principal, adviser, or students?
- Are there specific things that should or should not be in a student newspaper?
- What about criticism of you as an administrator?
- What role should the school play in regulating or punishing what students write online at home?
- If you were on the Supreme Court, would you have decided some of these cases differently?
- In your mind, what constitutes a “disruption” under *Tinker*? Does it have to be riot or is it anything that’s distracting? Perhaps something in between?
- What do you think about the idea of preparing students to be citizens? Is that something that should be a priority – civics education?

Finally, the investigator asked about the importance of a selection of state standards for principal preparation programs.

Missouri has developed a set of standards known as the Missouri Standards for Teacher Education Programs (MoSTEP) by which professional education programs are evaluated. Included in these standards are a set of professional competencies and quality indicators for teacher and administrator candidates.

This study is concerned only with the standards for school administrator preparation. While none of the quality indicators address the First Amendment specifically, several are relevant to principals' attitudes and behaviors in the free speech realm. Specifically:

- "The administrator believes in, values, and is committed to: ... a willingness to continuously examine one's own assumptions, beliefs, and practices" (Missouri Department of Elementary and Secondary Education, 2006, p. 5).
- "The administrator has knowledge and understanding of: ... legal issues impacting school operations" (Missouri Department of Elementary and Secondary Education, 2006, p. 7).
- "The administrator believes in, values, and is committed to: ... trusting people and their judgments" (Missouri Department of Elementary and Secondary Education, 2006, p. 7).
- "The administrator believes in, values, and is committed to: ... an informed public" (Missouri Department of Elementary and Secondary Education, 2006, p. 8).
- "The administrator facilitates processes and engages in activities ensuring that: ... credence is given to individuals and groups whose values and

opinions may conflict” (Missouri Department of Elementary and Secondary Education, 2006, p. 8).

- “The administrator believes in, values, and is committed to: ... the principles in the Bill of Rights” (Missouri Department of Elementary and Secondary Education, 2006, p. 8).
- “The administrator: ... protects the rights and confidentiality of students and staff” (Missouri Department of Elementary and Secondary Education, 2006, p. 9).
- “The administrator: ... opens the school to public scrutiny” (Missouri Department of Elementary and Secondary Education, 2006, p. 9).
- “The administrator has knowledge and understanding of: ... principles of representative governance that undergird the system of American schools” (Missouri Department of Elementary and Secondary Education, 2006, p. 9).
- “The administrator has knowledge and understanding of: ... the role of public education in developing and renewing a democratic society and an economically productive nation” (Missouri Department of Elementary and Secondary Education, 2006, p. 9).
- “The administrator believes in, values, and is committed to: ... using legal systems to protect student rights and improve student opportunities” (Missouri Department of Elementary and Secondary Education, 2006, p. 9).

At the conclusion of each interview, the interviewer read each statement aloud and asked the participant to rate the importance of each item for principals. Participants were instructed to give their response in the form of a number on a 1-5 scale anchored by

very important (5) and not important at all (1). The interviewer intentionally did not identify these statements as being from the state standards, but did disclose this to participants if they asked about the source during the interview.

Principals survey

The final component of this study is a survey of high school principals in Missouri. This segment was conducted in conjunction with a larger study on principals' views on the First Amendment (see Schraum and Maksl, 2010; and Maksl and Schraum, 2010). The author conducted independent data analysis for the results presented here.

The investigators conducted an Internet survey of public high school principals in the state of Missouri. DESE provides an online database with the names and e-mail addresses of building principals. From this list, the school code for each individual was analyzed and only those for public high schools were included. An initial e-mail with a link to the online survey was sent in January 2010, with follow-up e-mails sent weekly during the following month.

The data reduction process resulted in a list of 528 public high school principals. The e-mail addresses of three individuals were missing from the database, and 20 of the original messages were returned as undeliverable – leaving 505 potential participants. Ninety-one principals responded to the survey, for a response rate of 18 percent. Responses from five participants were eliminated because they did not complete at least half of the survey. Mean substitution was used to replace remaining values, but no more than 5 percent of any single variable was replaced using this method.

Relevant parts of the survey prompted participants to answer a number of questions about freedom of speech and press. These items were designed to measure their knowledge of free expression law both in society and in schools.

The first item presented participants with a free response text box, with the following prompt: “As you may know, the First Amendment is part of the U.S. Constitution. Can you name any of the specific rights that are guaranteed by the First Amendment? If so, please list them below.”

The next item asked, “Beyond recognizing the names, which of the following U.S. Supreme Court decisions are you familiar with?” Check boxes were available for these five responses: *Tinker v. Des Moines Independent Community School District*, *Bethel v. Fraser*, *Hazelwood v. Kuhlmeier*, *Morse v. Frederick* (“Bong Hits 4 Jesus”), and *West Virginia State Board of Education v. Barnette*.

Three additional questions gave participants the option of responding either “yes,” “no,” or “Don’t know.” These items included: “Under current law, do Americans have the legal right to burn the American flag as a means of political protest?” (“Yes” was coded as the correct response); “Under current law, does the government have the right to restrict indecent material on the Internet?” (“No” was coded as the correct response); and “Under current law, do students have the right to peacefully wear black armbands to a public school as a means of political protest?” (“Yes” was coded as the correct response).

An additional series of questions examined participants’ administrator training and their assessment of that training. The specific items were:

- “Did you take a course in school law during your training as a principal?”
(Yes; No; Don’t Know)

- “Have you ever attended a seminar or continuing education program about student First Amendment issues?” (Yes; No; Don’t Know)

(The next set of questions was prefaced with the prompt, “Please tell us a little about your opinions regarding your administrator training.”)

- “My college-level training prepared me well for dealing with controversies involving student expression.” (7-point Likert scale, anchored by “Strongly Agree” and “Strongly Disagree.”)
- “Overall, my college-level training prepared me well for my job as a principal.” (7-point Likert scale, anchored by “Strongly Agree” and “Strongly Disagree.”)

This three-pronged methodology was designed to examine the treatment of student expression issues in principal preparation. It allows the investigator to explore not only learning inputs (textbooks and lecture material) but also the output (administrator knowledge and evaluation of training).

III. SCHOOL LAW SYLLABI AND TEXTS

Of the 16 institutions offering master's degrees in educational administration, the investigator obtained syllabi for school law courses from 13.

The following institutions are included in this component of the study: Evangel University, Maryville University, Missouri Baptist University, Missouri State University, Northwest Missouri State University, Park University, Saint Louis University, Southeast Missouri State University, Southwest Baptist University, University of Missouri-Columbia, University of Missouri-Kansas City, and University of Missouri-St. Louis.

Courses in educational administration are generally scheduled to accommodate students' schedules. Most principal candidates are active teachers, so programs commonly schedule class meetings in evenings and on weekends. Such was the case with the law courses.

Because the investigator requested the most recent syllabus, programs provided versions from varying semesters, as it is not offered every term at some institutions. Summer syllabi showed courses offered in more intense sessions over short periods of time. One, for example, met over three weekends (Friday evening and Saturday). Consequently, many of the individual class sessions last upwards of seven hours.

The total number of hours of instruction for each course was in the 30-40 hour range for the term. Three institutions offered an 8-week online course, and one of those required one face-to-face meeting.

The names of the courses also revealed differences across programs. Four courses were simply called School Law; four others had other exclusively legal titles, such as

Legal Contexts of Education. The remaining five included some other component in addition to law, such as ethics, finance, buildings, and social and political issues. The curriculum for these courses is not limited to legal topics, though analysis was limited to the legal content for purposes of this study.

Grades in these courses is based on a variety of student requirements. Seven courses had a midterm examination, eight required a final exam, and one utilized weekly unit tests. Two required a term research paper. Eight took class attendance and/or participation into account in computing the final grade – one course appeared to have no other requirements than attendance at all sessions.

Other requirements included group projects and presentations, short written assignments, and scenario or problem-solving assignments where students responded to a hypothetical legal situation. Specific requirements for two of the courses could not be determined based on the data collected.

Determining the number of class sessions including material on student expression issues proved a challenge. Some syllabi did not provide course outlines or schedules, while others listed material on a weekly (rather than class session) basis. Only two syllabi listed First Amendment topics for an entire session of instruction – others listed broader categories such as “students and the law” or a long list of topics. A common practice was for instructors to divide the course based on the chapters in the required text. This was particularly prevalent for those utilizing the LaMorte (2007) book – eight chapters for eight weeks.

Analysis revealed that in no case were student expression issues scheduled for more than one class session (or one week in the online courses). This does not mean an

entire class session was devoted to student expression. In most cases it was just one subsection of the broader topic for that particular session.

Textbook analysis

A review of the syllabi revealed 10 of the 13 courses required a textbook. These courses utilized one of four school law texts. Four courses required LaMorte (2007), three courses required Alexander (2008), two courses required Essex (2007), and one course required Imber (2004). Three courses required no textbook – one listed Essex as an optional text, and the other two required students to use DESE’s online index of Missouri school law statutes.

In addition, one instructor provided a supplemental Instructor’s Commentary in addition to the required Essex readings.

The LaMorte book was the most common among the courses under study. It is 456 pages in length, exclusive of table of contents, preface and index, including eight chapters of content. Student expression issues were addressed in 41 of the book’s pages, representing about 9 percent of the total pages. All relevant content was contained in one chapter – Students and the Law.

The Essex text is 365 pages in length, exclusive of extraneous material, including 13 chapters of content. Student expression issues were addressed in 24 of the book’s pages, representing about 7 percent of the total pages. Relevant content was contained in two chapters – Students, the Law, and Public Schools and National Security and School Safety.

The Imber book is 541 pages in length, exclusive of extraneous material, including 12 chapters of content. Student expression issues were addressed in 49 of the

book's pages, representing about 9 percent of the total pages. Relevant content was contained in two chapters – Curriculum and Student Free Speech Rights.

The Alexander text is 1,143 pages in length, exclusive of extraneous material. It is essentially a case book combined with brief sections of editor's commentary. It contains 21 chapters of content. Student expression issues were addressed in 50 of the book's pages, representing about 4 percent of the total pages. All relevant content was contained in one chapter – Student Rights: Speech, Expression, and Privacy.

One difference that is immediately apparent in comparing these texts is how they treat the concept of in loco parentis. Essex writes, "The concept of in loco parentis (in place of parent) has permitted school officials to promulgate rules that allow them to exercise a reasonable degree of control over students under their supervision" (p. 48.)

Imber, however, asserts that "the doctrine of in loco parentis has been largely abandoned. Courts have come to realize that for most purposes it is more appropriate to view the school as an arm of the state rather than as a substitute parent" (p. 116).

Readers are left with two different impressions about the amount of parental authority that can be exercised by school administrators. One is that in loco parentis is a dead concept, while the other is that the doctrine continues to permit a range of control over students.

All the texts included the *Tinker* case, though they presented it in different ways. All emphasized that the case requires a showing of a "material and substantial disruption" as opposed to mere fear or discomfort. Some omitted the second prong allowing for control when speech "invades the rights of others," or noted that this part of the test has not been as exhaustively interpreted by the lower courts.

The presentation in LaMorte indicates that the standard in *Tinker* only applies to “social, political, and economic issues.” The book then describes *Bethel* under the heading of “Nonpolitical speech” – suggesting that *Bethel* is the catch-all precedent for speech that is not political or school-sponsored. However, many courts have held just the opposite – that *Bethel* applies in the limited case of speech that is lewd or vulgar, and that *Tinker* governs all other personal expression by students.

Alexander writes of *Bethel* that “the Court drew a line between the ‘political message’ of the armbands in *Tinker* and other content that is a less compelling subject in terms of First Amendment protection” (p. 415). Imber also suggests that *Bethel* only applies to lewd speech that is school-sponsored, but that the law with regards to private expression is unclear.

The Supreme Court itself has noted the ambiguity of *Bethel*, conceding that “the mode of analysis employed in *Fraser* is not entirely clear.” Ironically, the Alexander text claims the case “substantially clarified” the law regarding student expression (p. 435).

The texts provided even more disparate presentations of *Hazelwood*. Particularly on the public forum issue, readers might take away very different conclusions depending on the book they were assigned.

According to Essex, schools are obligated to operate student media as public fora: “Courts generally hold that a school publication has the responsibility for providing a forum for students to express their ideas and views on a variety of topics of interest to the school community” (p. 53).

This despite the fact that the *Hazelwood* majority explicitly found the student newspaper in that case was *not* a forum for student expression. Essex later seems to

contradict its earlier point by noting that, “In cases where the newspaper is produced by students as a part of their school curriculum, school officials may regulate content that is inconsistent with the basic educational mission of the school” (p. 53).

This statement may not be an accurate reflection of the *Hazelwood* opinion either – but on the opposite end of the spectrum. While the first statement seems to require more tolerance of expression than the Court, the latter analysis would seem to require far less. The standard announced in the case, allowing content control for “legitimate pedagogical concerns,” is nowhere in the Essex text.

The supplemental commentary provided by one instructor provides a unique description of forum analysis. The author makes a distinction between a “public forum” and a “limited public forum,” claiming the newspaper in *Hazelwood* was of the latter variety. This is simply factually inaccurate. As previously noted, the Supreme Court has identified three types of fora: the traditional public forum, the limited or designated public forum, and the closed or non-public forum (*Perry Education Association v. Perry Local Educators’ Association*, 1983). The author here may have been trying to distinguish closed fora, such as the *Hazelwood* newspaper, from limited public fora. However, because of its wording, the commentary incorrectly indicates that a range of censorship is allowed for publications operating as limited public fora.

It is also worth noting that LaMorte provides excerpts from both the majority and dissenting opinions in *Tinker*. There is no discussion of the dissenting opinion in *Hazelwood*, raising questions about whether the author chose only to include dissents that oppose expansion of student expression rights.

Several of the texts also included discussion of broader First Amendment law. Imber includes a section outlining various theoretical rationales for protection of free expression. Alexander also includes a lengthy section detailing libel law in the United States, including the text of landmark cases such as *New York Times v. Sullivan*.

There was nothing in either the LaMorte or Essex texts pertaining to the regulation of off-campus student expression. Imber includes a separate section on the subject which recognizes the current lack of clarity in the law:

“When student off-campus speech is directly detrimental to a school’s ability to perform its educational function, punishment may be allowed... However, under most circumstances, school officials have no authority to discipline students for speech occurring off school grounds.” (p. 146-147)

Alexander provides an extensive overview of internet regulation in general, and specific case citations in the student expression area. The text concludes that courts generally will apply *Tinker* and *Bethel* to internet cases, as opposed to the *Hazelwood* reasonableness standard.

Combined, the four texts cited 178 different court cases. The most commonly cited lower court cases were *Burch v. Barker* (1988), holding that a policy of prior review on an independent student newspaper violated students’ rights, and *Harper v. Edgewood Board of Education* (1987), upholding restrictions on student dress. The texts also reference the landmark case in *United States v. O’Brien* (1968), which outlined a test for the protection of symbolic expression. Each of these cases was cited in three of the four books.

IV. INSTRUCTOR PERSPECTIVES

The investigator conducted in-depth, semi-structured interviews with a convenience sample of six school law instructors. Four of the participants were men, two were women. Four taught at public universities, two at private institutions.

All the participants described themselves as retired public school administrators, with three having served as district superintendents. Two others retired as building principals and another had served in a position they described as equivalent to that of an assistant superintendent. All spent their careers in public education. One spent an additional 12 years working in the private sector.

All had earned doctorates, three holding doctor of education degrees (Ed.D.) and three holding doctor of philosophy degrees (Ph.D.). Of the six participants, four earned their doctorates from Saint Louis University. The length of participants' experience in college-level teaching ranged from four to sixteen years, with an average length of nine years.

Course structure

The structure and format of participants' courses ranged from completely lecture-driven to completely discussion-driven. One of the instructors was teaching the course entirely online, and another used a hybrid of internet and face-to-face instruction.

Given their backgrounds as working administrators, the instructors often said they told personal stories to enhance the course. These stories were commonly used to supplement the course material and bring the legal issues to life. One individual,

however, said such stories made up the majority of their lectures – “storytelling is the best way to teach.”

By contrast, another instructor said they intentionally try not to be one of “those old professors that all they do is tell stories.” Most simply said they bring in personal examples when they are germane to the discussion.

Several used student presentations to cover material. This reliance on student work ranged from assigning oral reports on school law cases not presented in lecture to one instructor who assigned each chapter in the textbook to a group of students. The primary driver in that course was the student-led discussion.

Interview themes

The school law instructors participating in this study demonstrated a range of knowledge and viewpoints on student expression issues. Several key themes were prevalent, however. These findings are presented in more detail below:

The “public forum” concept

Most instructors said they did not cover the concept of a “public forum” or “forum analysis” in their courses. In fact, the majority believed the interviewer was referring to school board meetings when asking about this concept. Others appeared to never have heard the term – in some instances, participants asked the investigator to explain the concept.

One individual responded:

“Yes, because there are public forums in schools. They’re usually called town hall meetings or the school board will call for a forum. And those are absolutely protected by the constitution, and they often become places for hysteria and drama...”

Only one participant gave any indication that the forum concept is addressed in relation to student newspapers. This individual teaches the course entirely online and referred frequently to supplemental course materials they had developed on their own.

At one point in the interview, another instructor described a recent conversation with a high school journalism teacher enrolled in their institution's principal preparation program:

“And she said, ‘Well in our district, our administration has a hands-off policy on journalism.’ And so my question to her was, ‘So who is responsible for what the students publish?’ ‘The students are.’ And I said, ‘So students could publish anything they want?’ ‘Absolutely.’ And there would be no issue with that – now suppose they publish something that creates havoc in the community. Or they violate confidentiality. Or they bring up topics that parents don’t want their children discussing in school, or any of those number of things. And she said, ‘As long as there’s a policy, hands-off policy, the administration cannot stop us.’ Well that’s a very naïve approach to school law – because school administrators cannot wash their hands of responsibility.”

Here, the journalism teacher appears to be describing a situation where her district established a limited public forum by policy, and is arguing that the district is thus immune from liability. The school law instructor seems to be arguing such immunity cannot exist.

This example illustrates a feeling among many participants that administrators are absolutely responsible for content. The Student Press Law Center has long argued that schools can immunize themselves from liability by operating student media as public fora, and that students can be held legally responsible either way.

School law instructors either aren’t aware or disagree. Many argued that if students want freedom to express themselves, they should do it in an outlet where they will be held responsible. One complained that advocates of student press freedom want to

give students all the rights but none of the responsibility. And beyond legal responsibility, principals are always perceived by the public as the person responsible when something in the school goes wrong.

State student expression statutes

All but one instructor said they were not aware of any state law issues impacting student expression. The other individual referred to statutes in states like Colorado, that essentially override the Supreme Court holding *Hazelwood*, while sharply criticizing these laws and efforts to enact them:

“But the way that I think these states are setting this up and this pushback from progressive philosophy is putting schools in jeopardy and it’s going back to that same old thing in the *Tinker* case, you know, they’ve got all the rights and the school has no rights. Well we moved away from that for a reason. And some people want to go back to that. And again, it’s point of view and selfishness and people want what *they* want.”

The prevailing view from the instructors in this study was that student speech rights are dealt with entirely through federal law – particularly the opinions of the U.S. Supreme Court.

The role of a student newspaper

Instructors expressed a variety of views about the proper role of a student newspaper. Most pointed to the more mechanical benefits of helping students learn to write articles and generate headlines. Several, however, also addressed the expressive nature of a student publication. One even credited the newspaper in the *Hazelwood* case for tackling the issue of teen pregnancy:

“To me, that conversation is very healthy and I applaud a student newspaper that tackles that type of issue. I doubt if every school feels that way, but so far as what I think, I feel that students really do need and should be guaranteed a voice.”

Most had the view that students should be taught professional standards of journalism, and that certain “ground rules” (even “censorships”) are needed in order to do that. “This is not a tabloid that we’re creating here,” one instructor said. Another described high school journalism as a “pre-journalism” before students go off to college to major in it.

Participants often made the comparison to professional newspapers, where reporters are not free to write anything they want. They felt that was an important lesson to impart on students.

As to whether criticism of a school official is something appropriate for a student newspaper, participants gave mixed responses. One simply said it was not. Most said it was appropriate as long as it adhered to certain requirements – such as that it be factual, that it also offer solutions, that it be labeled as opinion, or that it not attack someone’s character.

“Harm” standard

One striking commonality among all six instructors was their use of the term “harm” or “hurt” in relation to student expression. Most seemed to use this as their “rule of thumb” for when student speech becomes unacceptable. Each individual, however, defined this standard in a slightly different way. Some described it as “libel,” others said it referred to when someone’s feelings might be hurt, and still others pointed to when the publication would “tell something secret” about another person.

None of the instructors attributed this harmfulness standard to legal precedent. Rather, they articulated other legal standards, such as disruption, then suggested that a practicing administrator might rely on more practical standards in the real world.

Fear of litigation

Instructors also emphasized the constant stream of litigation affecting public schools. One said schools have allowed some forms of expression out of fear. Another said principals are constantly concerned with liability, to the detriment of protecting the rights of students:

“I’m not sure a lot of principals think along that line in protecting students and students’ rights. It’s more along the lines of protecting the district and the individual school and the teachers’ and administrators’ right. They see that as more important than students’ rights... It should be equal on both... but unfortunately I think from the nature of the job, a lot of principals are trying to protect the district and the individual school and the individual teachers. You know, they’d like to protect the students but that becomes a secondary to the other ones.”

Surprise of students

Another common thread was that instructors said their students were very surprised to learn about the legal standards that exist in the First Amendment area. Participants said this was generally their students’ first exposure to constitutional issues.

“Most of them I don’t think have even seen the Bill of Rights until they take my class,” one instructor said.

Most instructors said their students are coming in with no school law exposure. In fact, some are taking the class without backgrounds in education.

MoSTEP standards

The investigator read several of the state quality indicators to the instructors and asked them to rate their importance. Only one of the participants recognized the statements as being from the state standards.

Participants generally rated each of the statements a five on a one-to-five scale. The most notable exception was the item indicating that principals should “trust people

and their judgments.” This statement was commonly rated a three, with participants explaining that while that should be the case, it’s difficult to do in practice.

“One thing you learn as a principal is you can’t do that and survive very well,” said one participant.

“You’d like to be able to, as administrator of your building, implicitly trust everyone, but it doesn’t happen that way,” said another. “It’s human nature.”

There was not enough variation in the scores to conduct a meaningful statistical analysis. However, in conducting the interviews, it quickly became clear that there is a distinction between how important instructors think those items *should* be and how important they actually are:

“See, I think everything you mentioned should be a five. But unfortunately, my experience, not just me but watching other people is you get so many of these cases... where you worry about the district and the teachers and the students become a little bit secondary.”

While participants expressed clear support for the importance of each standard, several had issue with the wording. They indicated that sitting administrators do not think about the issues in those terms. And while each item is important, it isn’t necessarily a priority in the real world. Many principals, they said, are focused on more basic issues – survival techniques.

Definition of “disruption”

All participants said they were familiar with or included the *Tinker* case in their curriculum. Most identified “disruption” as being the important standard. They had no clear explanation for what that term means, however.

Responses ranged from “anything that interrupts the good order and maintenance of the school” to something that “has the potential to cause a fight or some kind of altercation among students.”

Another identified situations where “someone finds offense with what is said or implied.” Still another said it was when students lose their sense of safety.

Almost universally, however, instructors said the term had not been adequately defined by the courts. As one participant explained, “That’s a tough issue. You know, is it when two people are upset? Or four people are upset? Or 15 people are upset or when it comes to blows?”

There was also little emphasis on the Court’s requirement that the disruption be “material and substantial,” with some suggesting that *any* disruption would be enough to satisfy the *Tinker* test.

The Hazelwood standard

None of the instructors interviewed in this study identified the “legitimate pedagogical concerns test” described by the Supreme Court in *Hazelwood*. When asked about the holding in *Hazelwood*, most suggested that any control over a student publication is acceptable.

One said the principal has the power to decide what goes in the newspaper because it is “a district-owned, school-owned newspaper.”

Another said anything necessary to keep the journalism class “functioning as it’s supposed to be functioning” is acceptable.

“Well I think the court told us that we’d better keep journalism in the curriculum if we’re going to have it at all. And not an outside activity, because then a different set of rules applies... We have board of education approved curriculum guides.”

The implication here is that student newspapers must be produced as part of a class, not as an extracurricular club.

Several of the instructors brought up Justice Black’s dissenting opinion in *Tinker*, either because they agreed with it or because they felt it brought up important points. No one mentioned the dissenting opinion in *Hazelwood*.

V. PRINCIPALS SURVEY

Public high school principals participating in the survey component of this study were able to identify the First Amendment's five freedoms much more than the general population. Specifically, nearly 80 percent of respondents identified the freedom of speech – compared to 55 percent in a survey of the general public (First Amendment Center, 2010). Nearly 20% identified the freedom to petition the government for a redress of grievances – compared to just 4% of the public (First Amendment Center, 2010).

A handful of respondents identified freedoms from other constitutional amendments – 4.7% mentioned the right to bear arms, and 1.2% mentioned “quartering troops.”

The survey also tested participants on two specific areas of free expression law: Flag burning and indecency on the internet. Here, the results were mixed. About 77 percent correctly responded that citizens have the right to burn the American flag to make a political statement. However, only about 38 percent correctly responded that the government cannot regulate indecent material on the internet. More principals responded incorrectly (about 48 percent) than correctly, with nearly 11 percent indicating they did not know the answer.

Specifically on student expression case law, nearly 90 percent of principals said they were familiar with the *Tinker* decision. About two-thirds said they were familiar with *Hazelwood*, a case originating in Missouri; about 40 percent were familiar with *Morse*, about one third with *Bethel*, and only 15 percent with *Barnette*.

When familiarity with these cases is analyzed cumulatively, the data reveal a typical respondent was familiar with two or three of the five cases. About nine percent of participants did not select any of the five cases, indicating either they were not familiar with any of them or that they did not respond to the question. About four percent responded that they were familiar with all five student expression cases.

In addition, principals were asked a question testing their knowledge of the holding in *Tinker*. Here, the vast majority (about 87 percent) correctly responded that students have the right to peacefully wear black armbands to school in political protest, though about 11 percent responded incorrectly.

A later section of the survey inquired about principals' training on the First Amendment. All but two respondents indicated they took a course in school law as part of their college-level training to become an administrator. About two thirds of respondents said they had attended a seminar or continuing education program about First Amendment issues involving students.

Finally, principals provided a rating of their college-level training in two different contexts, using a 7-point Likert scale anchored by strongly disagree (1) and strongly agree (7). The first statement read, "My college-level training prepared me well for dealing with controversies involving student expression." On the 1-7 scale, the mean response was 4.64 ($SD = 1.584$).

The second statement read, "My college-level training prepared me well for my job as a principal. On the 1-7 scale, the mean response was 5.13 ($SD = 1.159$).

The investigator computed a new variable representing the overall level of First Amendment knowledge for each respondent. To do this, the investigator computed the

mean of responses to eight individual variables: identification of each of the five First Amendment freedoms, and correct responses to the three questions (flag burning, online indecency, and student armbands).

Additionally, the investigator computed a new variable representing the overall student expression case familiarity for each respondent. This was based on the mean of the five individual case variables.

The investigator then computed a correlation matrix to determine if a correlation existed between respondents' rating of their training in either of the two contexts and their level of First Amendment knowledge or case law familiarity. No significant correlations existed.

For detailed results, see Appendix 2.

VI. DISCUSSION

The results of this study are both troubling and encouraging. On one hand, the legal concepts related to student expression are often presented in such an elementary and non-systematic way as to raise serious doubts about candidates' ability to apply them. On the other hand, many of their instructors communicated a genuine support for student expression rights.

None of the legal issues examined here raised more eyebrows than the coverage of student press law in principal preparation. The presentation of the law in this area might best be summed up as, "Principals have total control over school newspapers. See *Hazelwood v. Kuhlmeier*."

The law is more nuanced than that.

Media advisers and their students are trained that their publication's forum status determines the permissible level of censorship. It is clear that many principals leave their training without ever having heard the term "public forum" – and many of their instructors apparently haven't heard it either. The issue is simply not addressed. And where it is, the concept has been so bungled, even by some of the legal texts, as to make it incomprehensible.

Forum analysis may sound like a lofty term reserved for lawyers, but it is everything to student media. Reasonable people can, do – and perhaps should – disagree about the merits of operating a student newspaper in a forum environment. But there is little room to argue that the forum issue doesn't matter. In fact, it is key to how much control a practicing administrator can exercise over student publications.

Further, courts have determined the *Hazelwood* standard is not carte blanche authority to control the content of student media. Courts have found articles about district litigation, R-rate movie reviews, and other “sensitive” topics cannot always be censored under *Hazelwood*. The test, rather, is whether the restrictions are “reasonably related to legitimate pedagogical concerns.” Lower courts are also split on the issue of whether viewpoint discrimination, an age-old concept in First Amendment law, is permissible under *Hazelwood*.

This reality sits in contrast to how many future principals are trained on legal issues concerning student publications. Instructors see these as nuances better left to assigned textbooks – even though many of the texts ignore them.

There also appears to be a distinction between how legal standards are presented and how they are applied. While many school law professors readily identified “disruption” as the appropriate legal test, they defined that term in vastly different ways. Little emphasis was placed on the need for a “material and substantial” disruption, with the bottom line message to students being that if the administrator says there’s a disruption, there’s a disruption.

In order to appeal to their students, instructors are focusing their courses on the practical rather than the theoretical. This emphasis may be contributing to the situational approach used to explain student free speech rights. Rather than a legal framework including such things as whether the speech is school-sponsored or exists in a public forum, future school leaders are introduced to landmark cases in limited contexts. *Tinker* is “the one about the armbands.” Several of the textbooks limit its reach to only political issues. Other speech is covered by *Bethel* – the one “concerning verbal speech.”

This way of categorizing student expression is very different from the approach taken by organizations like the Student Press Law Center – and from binding precedent in many jurisdictions.

It is clear from this study that the school law course required of principal candidates is a mile wide and an inch deep. It is designed to survey a range of legal issues that will impact them in practice, but barely scratches the surface in any particular area. Unfortunately, the law is complex. Understanding it requires sometimes complex and nuanced presentation. Today's candidates are not receiving this.

Participants repeatedly emphasized the litigious nature of public education. School districts, they said, are under fire on all fronts in a world where lawsuits are filed every day. At the same time, these instructors said many of their students aren't interested in learning about the law. This seems to be an untenable combination.

Those who wish to become public school administrators must understand that they are signing up as government officials. Much of their time will be spent dealing with legal issues that require them to know which actions are permissible and which are not.

With that said, every one of the participants in this study in some way expressed support for student speech rights. None gave any indication that the First Amendment should not apply to public school students. The issues seem to be how each individual defines “freedom of speech” – does it include criticism? Does it include discussion of sex? Does it include things that may hurt someone else?

Several participants did express very strong feelings in support of student expression:

“I believe in the First Amendment. I believe that students do not shed their rights at the schoolhouse gate. I think we must treat them with respect. I

think we have a contract with kids when they come to our school. I think their part of the contract is to be there, is to participate, to give us, to some degree, the best that they have so that we can teach them. I think we have a contract. And part of that is to let them grow, and to let them grow you have to let them go a little bit.”

VII. CONCLUSIONS

After an exhaustive review of the school law materials used in principal preparation, and extensive interaction with course instructors, the investigator found much room for improvement. The quality and quantity of instruction on student expression issues was, in some cases, disturbing. It often lacked an appropriate level of nuance or structure. Some of it seems to steer administrators toward censorship. Some of it was simply erroneous.

By no means should this be taken as a criticism of the instructors' competency. The investigator was impressed by many comments indicating support for the First Amendment and democratic learning environments. The participants in this study demonstrated a remarkable amount of practical experience with student expression issues. The concern, rather, is that important legal standards fall through the cracks due to time constraints, course format, or other issues.

To be clear, principals neither are nor should be school attorneys. It is hardly practical to expect them – or their instructors – to be versed in the intricacies of First Amendment theory. However, it does seem reasonable to expect that they leave graduate school with the same level of constitutional competency required of their high school students. Practicing administrators deserve and should demand a basic – and accurate – introduction to student expression law. It must be more than one part of one class session, and it must go beyond a scattered, situational description of major cases.

With this in mind, the investigator makes the following recommendations for improving principal preparation in student First Amendment issues.

Include school law in the undergraduate curriculum

A major issue made clear by the instructors in this study was that their students are coming in “green.” Many of them apparently have never had instruction in school law. Even more concerning, many are not familiar with basic elements of the United States Constitution. As a result, instructors must use precious time in their graduate courses building a basic legal competency.

It seems reasonable, and highly desirable, that this competency begin at the undergraduate level. By logical extension, these findings suggest most classroom teachers know very little about school law. And when those expected to follow the law are oblivious to what it says, conflicts are all but guaranteed.

A school law component should be added to the certification requirements for all beginning teachers. Institutions offering both teacher and principal preparation should immediately begin cross-listing their graduate school law courses. As a long-term solution, colleges and universities should develop a school law survey course to be required of all education majors. The content of this course should be comparable to that of the current graduate school law curriculum.

This would allow the graduate coursework to build on a prior foundation. Additional depth and rigor could be added to principal preparation – something that seems to be reserved for superintendent candidates at the present time. Ultimately, the graduate courses should require students to read the actual court opinions, either directly or in an edited casebook. Introductory textbooks, while necessary given the dynamic that currently exists, are not desirable teaching tools in master’s programs.

Convene a statewide working group to examine the legal curriculum for principals

The way principal candidates learn about the law is a subject in need of attention. While the investigator hopes the present study will call attention to this issue, it is merely a starting point. One of the primary concerns is equity. While students have a great many options from which to choose a preparation program, the state of Missouri, at least on paper, has the same expectations for all of them. Based even on the very limited focus of this study, it is clear there is a wide disparity among programs. In school law, not all preparation programs are created equal.

In any discipline, some institutions will be considered superior to others. Educational leadership is no different. Yet, state-enforced standards exist for a reason. Unlike many other fields, society has a vested interest in the quality of its school leaders. Their successes and failures do not merely change their own careers – they shape the direction of entire generations.

Benchmarks, like laws, only work if they are seen as legitimate. The MoSTEP standards were seen by many participants in this study as a list of helpful suggestions – things administrators should strive for but that may not be practical. Instructors see a clear distinction between the environment described in the MoSTEP standards and the “real world.” They are focused on preparing their students for the latter.

The Department of Elementary and Secondary Education should convene a working group to evaluate and improve the legal curriculum in principal preparation programs. The focus of this group should be on the MoSTEP standards, and it should be tasked with evaluating whether the standards in this area are adequate and whether they are being adhered to by programs.

Participants in the working group should include DESE officials, educational leadership instructors, practicing school administrators and legal experts. The group should explore the possibility of generating a list of topics or cases which should be covered in every school law course.

Explore opportunities for cooperation with other relevant campus departments

There is a clear opportunity for collaboration between university departments to address the issues presented in this study. Educational leadership departments might benefit greatly from the expertise already available on their campuses. School law instructors might bring in colleagues from disciplines such as journalism or political science as guest lecturers. These individuals might be better qualified to discuss First Amendment topics with students. At the very least, they would certainly bring an additional perspective to courses dominated by the stories of retired administrators.

This is not to discount the importance of qualified leadership instructors. The suggestion here is simply that a presentation coming entirely from one perspective may unintentionally push students toward a particular view. Outside professors might contribute things such as the benefits of free expression, the basic premises of journalism and journalism education, and the historical development of First Amendment law. These topics are likely, and understandably, outside the focus of most leadership instructors.

The converse is equally true. Programs for journalism educators could benefit greatly from the perspective of an educational leadership professor. Rather than a curriculum focused entirely on fighting censorship and being adversarial toward principals, candidates would be exposed to the challenges faced by administrators. While

disagreement may be inevitable, the two departments might at least help bridge a common understanding between groups that often lack it.

Collaboration also need not be limited to classroom instruction. Departments of journalism and educational leadership might also jointly sponsor panel discussions or continuing education programs on student expression topics. A combined effort would seem more likely to bring in experts representing a broad range of viewpoints. Again, it may be impossible for all involved to agree on these complex issues. But efforts such as these fit with higher education's mission of fostering dialogue. It certainly has potential to improve on an environment where the two sides privately bemoan each other and make little effort to understand their differences.

Think critically about the quality of course texts

Course instructors should take a close look at the texts they assign in their courses. Based on the analysis presented here, the books clearly differ in presenting student expression concepts.

While it is the opinion of the investigator that the Imber book was superior among the four currently in use, this is not simply a blanket recommendation that instructors embrace it. Instead, they are urged to be skeptical about all textbook material. Instructors should conduct their own comparisons and analyses to determine which text best meets their needs. It should not be assumed that the only differences are in style and presentation. There are significant differences in both coverage and legal interpretation.

It was also clear that some instructors rely far too much on textbooks to do the "heavy lifting" in their courses. During the interviews, not all instructors appeared confident in their own knowledge of the material. Case law and legal standards should

form the backbone of instruction – they should not be items buried in a reference book. This is not simply a matter of memorizing the textbooks for lecture purposes. Indeed, some of that very material is factually suspect.

It is not unreasonable to expect that legal instructors can engage their students in intelligent conversation about legal opinions. Rehashing textbook material does not rise to this level of quality.

Develop a curriculum grounded in objective legal standards

There appear to be two approaches in use by school law instructors: The more theoretical, case law approach, and the more practical, situational approach. Based on the data collected in this study, it is the opinion of the investigator that the latter approach is lacking. Too often, instructors said they rely on their own “war stories” to teach legal concepts. These may seem helpful from the standpoint of an administrator’s day-to-day job. Unfortunately, the only stories that matter in court are the ones with judicial opinions attached.

To be clear, personal anecdotes can be effective teaching tools. They help bring legal issues out of dusty volumes and into the real world. But relying on them as the core method of instruction does not help future administrators learn to avoid litigation. Unless a situation went to court, there is no way to tell whether the “right” decision was made in the eyes of the law.

Further confounding the problem is the attitude of some instructors that courts will almost always defer to a principal’s judgment. Consequently, they seem to feel the legal standards are not particularly important, preferring to teach their students just to use

“common sense.” To be sure, judicial deference is common practice. But courts do not hesitate to inject themselves in situations where core constitutional issues are involved.

Instructors should ensure they are basing their instruction on a legal framework. Rather than presenting each student expression case as applying in limited contexts, such as to armbands or to newspapers, they should emphasize distinctions such as school-sponsored compared with private expression.

Develop legal guides with legitimacy

Part of the dynamic appears to be that some valuable legal resources are seen as illegitimate by administrators and instructors. Organizations such as the Student Press Law Center are viewed as biased and unreliable. This is a valid concern. However, organizations such as the National School Boards Association are also advocacy groups. Their legal materials may be presented through their own frame as well.

The textbook authors also present the legal framework in slightly different ways. If principals learn different versions of the law depending on the books they are assigned, it is easy to see why some handle student expression conflicts differently than others.

There is a need for some consensus on a very general legal framework to present to principals and other educators. As was mentioned previously, there are bound to be disagreements about what constitutes a material and substantial disruption or whether a public forum exists in a particular situation. However, there may be agreement that these are the appropriate questions to ask. What is needed is not agreement on the outcome of a legal analysis but agreement on what the legal analysis is.

A neutral, non-advocacy organization should be tasked with articulating this legal framework in an agreeable fashion. The book *Finding Common Ground* (Haynes and Thomas, 2007) on religious liberty might serve as a good starting point.

The authors should work with advocacy organizations on both sides of the student expression debate to develop a document with legitimacy. These organizations may wish to jointly sponsor the project and should work together to circulate the materials as widely as possible.

Limitations of this study

This study took a broad view of principal preparation. It analyzed course materials, instructor comments and surveyed practicing administrators. Consequently, it lacks the depth of a more focused analysis. This wide net was intentionally cast, given the lack of existing literature. Readers should avoid interpreting these findings as concrete. Much additional work is needed to verify and expand on the results.

In addition, this study was limited to the state of Missouri. These findings cannot be generalized to describe the state of principal preparation throughout the United States or in any other individual state.

Finally, with the exception of the quantitative survey data, the results of this study are subjective. While they are based on the investigator's honest attempt to understand the issues involved, the findings are subjective. The investigator has studied legal issues involving student expression for the past several years and has been involved in efforts advocating greater speech and press rights for students. The researcher's role in this study was to document and observe – *not* to argue or debate. It is important to note, however,

that the investigator was intimately familiar with the topic prior to beginning data collection.

Avenues for future research

This study was designed to be introductory. There is a clear need to repeat the analysis to confirm the findings. Expanding the population to include the entire United States would also provide a much more valuable contribution to the literature. Does principal preparation vary from state to state? Given the use of the MoSTEP standards, how does student expression training compare in states with different standards?

Future studies should also examine a potential urban-rural split, both in free expression attitudes among principals and in preparation programs. Participants in rural areas appeared less supportive of free expression rights in schools, particularly in the area of religious expression. Does this appearance hold up under closer statistical analysis? If so, which factor is more important – the rural or urban nature of the principal's college, or the nature of the community in which they serve?

Finally, this study was primarily focused on inputs – the information that principal candidates receive. Much more research is needed in the area of outputs – the information principal candidates actually retain. Future studies should conduct detailed interviews with the candidates themselves, or perhaps utilize a qualitative approach in which the investigator would observe a school law course for an entire semester. The results of the present study do not shed a great deal of light on how much information principals actually retain from their legal coursework.

Final thoughts

This is an academic study. It is not a social commentary. The researcher hopes that the comments in this document are taken as constructive criticism and not personal vilification.

The goal is to improve the quality of principal preparation so that school leaders can deal with student expression issues in a more legally and educationally sound fashion. It is only natural that some readers will disagree with the author's sense of right and wrong, good and bad, adequate and inadequate. It is only logical that principals, no matter their training, will continue to disagree about the proper way to handle these difficult situations.

Educational leadership faculty need not get defensive or insecure. The author simply hopes this work gives them an opportunity to reflect.

The First Amendment is a cornerstone of the American story. No one disputes that. The conflict begins, as it always has, when well-meaning people disagree about exactly what it means. There has never been universal agreement about what level of free speech protection should be available in public schools. As with so many important issues, the debate and the dialogue, the heated disagreement and the sharing of new ideas will continue for years to come.

That's a First Amendment lesson for students, principals and professors alike.

APPENDIX 1: Degree requirements for master's degrees

Current as of Feb. 15, 2010

Evangel University

Master of Education – Educational Leadership (36 credits)

EDL 509 Action Research	3
EDL 515 Administration of Special Programs	3
EDL 525 School Law and Ethics	3
EDL 527 Communications for Effective Leadership	2
EDL 535 Leadership in Elementary and Secondary Curriculum	3
EDL 545 Foundations of Educational Administration	2
EDL 555 The Principalship	3
EDL 565 School Supervision and Improvement	3
EDL 643 Organizational Management	3
EDL 665 Human Relations and Collaborative Processes	3
EDL 675 Administration of Instructional Programs	3
EDL 685 Leadership Capstone	3
EDL 692 Elementary Internship	
- <i>or</i> -	2
EDL 693 Secondary Internship	

Lincoln University

Master of Education – School Administration and Supervision (36 credits)

EDU 511 School Supervision	3
EDU 508 Elementary School Curriculum	
- <i>or</i> -	3
EDU 506 Secondary School Curriculum	
EDU 513 Elementary School Administration	
- <i>or</i> -	3
EDU 514 Secondary School Administration	
EDU 590 E Internship – Elementary	
- <i>or</i> -	3
EDU 590 S Internship – Secondary	
EDU 595 Foundations of School Administration	3
EDU 502 School Finance	3
EDU 536 School Law	3
EDU 501 School and Community	3
EDU 533 Educational Statistics	3
EDU 512 Educational Research	3
EDU 500 Philosophy of Education	3
EDU 505 Advanced Educational Psychology Elective	3

Lindenwood University

Master of Arts – Educational Administration (36 credits)

Core Courses

EDU 50500 Analysis of Teaching & Learning	3
EDU 51000 Conceptualization of Education	3
EDU 57000 Educational Research	3
EDU 52000 Curriculum Analysis and Design	3

Administration Courses

EDA 50500 Foundations of Ed. Administration	3
EDA 51000 Elementary Admin. & Organization	
<i>-or-</i>	3
EDA 51200 Secondary Admin. & Organization	
EDA 51500 School Supervision	3
EDA 52000 School Business Management	3
EDA 52500 School Law	3
EDA 53000 Public & Community Relations	3
EDA 53500 School Facilities	3
EDA 59900 Closure Course/Field Experience	3

Maryville University

Master of Arts – Educational Leadership (33-36 credits)

EDL 601 Knowing Yourself As Educ. Leader	3
EDL 602 Internship	3
EDL 603 Staff Observation & Evaluation	3
EDL 604 Issues Seminars	3
EDL 605 Improving Student Achievement	3
EDL 611 The Principalship	3
EDL 612 Understanding Groups & Organizations	3
EDL 613 Environments: Legal, Financial, Social & Political	3
EDL 619 Using Inquiry	3
EDL 658 Using Data in Decision Making	3
EDL 699 Capstone	3-6

Missouri Baptist University

Master of Educational Administration (30 credits)

Required Core

GRE 553 Research Methods	3
ETOP 423/523 Classroom and Behavior Management	3
ETOP 563 Legal Issues in Regular and Special Education	3
E DAD 543 Educational Leadership, Inquiry and Communications	3
E DAD 563 Admin. of Special Programs, Grants, and Legislative Mandates	3

E DAD 533 Basic Finance and Facilities Management: Seminar/Field Experience 3

Elementary or Secondary Administration Core

E LAD 523 Curriculum Construction and Design for Educational Administration 3

E LAD 533 The Role of Educational Administrator as Supervisor 3

E LAD 573 Internship in Diverse Settings and Portfolio 3

Electives 3

Missouri State University

Master of Science (36 credits)

EAD 651 Foundations of Educational Leadership 3

EAD 652 Secondary School Principal 3

-or-

EAD 653 Elementary School Principal 3

EAD 657 Administration of Instructional Programs 3

EAD 658 Organizational Management 3

EAD 664 Human Rel. and Collaborative Processes 3

EAD 665 Legal and Ethical Contexts of Schooling 3

EAD 666 Supervision + Performance Enhancement 3

EAD 667 Admin. Of Special Programs 3

SEC 601 Secondary School Curriculum 3

-or-

ELE 610 Elementary School Curriculum 3

EAD 660 Internship: On-site (Building Level) 2

EAD 663 Internship: Related Agencies 1

EAD 695 Action Research in Ed. Leadership 3

-or-

SFR 690 Intro. To Educational Research 3

EAD 659 Leadership Capstone 3

Northwest Missouri State University

Master of Science – Education (32 credits)

Core Requirements

61-695 Philosophy of Education OR 3

-or-

61-649 Issues in Education 2

61-682 Methods of Education Research 1

61-683 Research Paper 1

Subject Field Requirements

61-610 Special Topics: School Finance for Principals 1

61-610 Special Topics: Techology for School Administrators 1

61-630 Foundations of Educational Administration	3
61-631 School Supervision	3
61-665 School Law	3
61-632 Elementary School Admin.	
-OR-	3
61-685 Secondary School Admin.	
61-634 Elementary School Curriculum	
-OR-	3
61-684 Secondary School Curriculum	
61-694 Practicum in Elementary School Administration & Supervision	
-OR-	3
61-693 Practicum in School Administration & Supervision	
Additional education courses focused upon admin. & supervision	3
Electives	3

Park University

Master of Education – Educational Leadership (36 credits)

ED 513	Law for Educators	3
ED 514	Foundations of Educational Administration	3
ED 522	Legal Aspects of Special Education	3
ED 527	Growth and Development of Children and Adolescents	3
ED 606	Curriculum Theory and Practice (Ele., Middle, or Sec.)	3
ED 608	Assessment	3
ED 612	School and Community Leadership	3
ED 614	School Supervision	3
ED 634	Directed Field Experience	3
ED 635	School Organization	3
ED 645	Evaluating and Assessing Teaching Performance	3
ED 624	Elementary Administration	
-OR-		3
ED 625	Secondary School Administration	

St. Louis University

Master of Arts (32 credits)

Research Courses

Two of the following:	6
RM-G410 Intro. to Inferential Statistics	
RM-G520 General Research Methods	
EDR-A540 Qualitative Research	
EDR-A640 Advance Qualitative Research	

Foundation Courses

EDF-A530 Advanced Educational Psychology	3
-or-	
EDF-A570 Advanced Growth and Development	
EDF-A611 Seminar: Philosophy of Education	
-or-	2-3
EDF-A610 Studies in Educational Thought	

Administrative Courses

EDA-A510 Foundations of Administration	2-3
EDA-A520 School-Community Relations	2-3
EDA-A530 School Law	2-3
EDA-A640 Personnel Administration	2-3
EDA-A650 School Finance	2-3

One of the following:	2-3
EDA-A560 Elementary School Administration	
EDA-A561 Middle School Administration	
EDA-A562 Secondary School Administration	

Internships

One of the following:	3
EDA-A581 Internship: Elementary School	
EDA-A632 Internship: Middle School	
EDA-A583 Internship: Secondary	

Supervision and Curriculum

EDI-A631 Elementary School Supervision	
-or-	2-3
EDI-A632 Secondary School Supervision	

One of the following:	3
EDI-A641 Elementary School Curriculum and Instruction	
EDI-A643 Middle School Curriculum and Instruction	
EDI-A642 Secondary School Curriculum and Instruction	

Southeast Missouri State University

Master of Arts – School Administration (36-37 credits)

Required Courses

EA-625	Foundations of Educational Administration	3
GR-691	Methods of Research	3
EL-606	Curriculum Construction: Elementary	
-or-		3
SE-637	Curriculum Construction: Secondary	
EA-630	Elementary School Administration	

	-or-	3
EA-635	Secondary School Administration	3
EA-634	School Supervision	3
EA-651	School Law	3
EA-655	School Business & Facilities Management/Public Relations	3
EA-660	Administration & Supervision of Special Education	3
One of the following:		3
EA-646	Internship: Elementary School Administration	
EA-647	Internship: Secondary School Administration	
EA-648	Internship: Vocational School Administration	
EA-688	ISLLC Assessment Preparation	1
GR-698	Masters Examination	0
Elective Courses		
One of the following:		3
EF691	History of American Education	
EF692	Philosophy of Education	
EF696	Education in American Society	
EF690	Foundations of Curriculum	
EF694	Foundations of Rural and Urban Education	
One of the following:		2-3
EA649	Seminar in Current Practical Problems	
EX601	Education Assessment Techniques	
IE595	Adult Vocational Education	
EA641	Middle School Organization and Leadership	
One of the following:		3
PY571	Introductory Behavioral Statistics	
ED615	Tests and Measurements for the Classroom Teacher	
IE596	Foundations of Vocational Education	
SE602	Effective Teaching at the Middle Level	
<u>Southwest Baptist University</u>		
Master of Science – Educational Administration (38 credits)		
EDU 5033	Learners and the Learning Process	3
EDU 5083	Educational Research	3
EAD 6001	Introduction to Technology for Administrators	1
EAD 6002	Foundations of Educational Administration	2
EAD 6013	Elementary School Administration	
	-or-	4
EAD 6023	Secondary School Administration	

EAD 6033 Elementary School Curriculum	
-or-	4
EAD 6043 Secondary School Curriculum	
EAD 6053 School Supervision	3
EAD 6062 Internship 1	2
EAD 6072 Internship 2	2
EAD 6083 Essentials in Law, Finance and Buildings	3
EAD 6093 Administration of Special Programs	3
EAD 6113 Administrative Communication, Innovation and Management	3
EAD 6132 Capstone Experience	2
EAD 6143 Educational Organizations, Leadership and Change	3

University of Central Missouri

Master of Science in Education – School Administration (34 credits)

Required Courses

EDAD 5110 Foundations of Educ. Admin.	3
EDFL 5900 Introduction to Research	3
EDAD 5120 School Law	3
EDAD 5130 School Supervision	3
EDAD 5150 Ethics in Leadership	3
EDAD 5710 Public School Finance	3
EDAD 5720 Administration of the Middle Grades	3
EDAD 5730 School Personnel Admin.	3
EDFL 5320 Curriculum Development & Assessment	3

Concentration

EDAD 5420 Elementary School Admin.	
-or-	3
EDAD 5520 Secondary School Admin.	
EDAD 6969 Fall Internship in School Admin.	2
EDAD 6971 Spring Internship in School Admin.	2

University of Missouri – Columbia

Master of Education – Educational Leadership (33 credits)

Educational Leadership Focus Area

ED LPA 8409 Learning Curriculum and Assessment for School Leaders	3
ED LPA 8410 Learning Cultures	3
ED LPA 8411 Professional Development for Learning	3
ED LPA 8412 School Improvement	3
ED LPA 8413 Internship	3

Core Requirements

ESC PS 7115 Human Learning	3
ESC PS 7160 Developmental Aspects of Human Learning	3
ED LPA 8428 Curriculum Leadership	3
C&I 8900 Seminar: Instructional Strategies	3
ESC PS 7170 Introduction to Educational Statistics	3
IS< 9467 Technology to Enhance Learning	3

University of Missouri – Kansas City

Master of Arts – Educational Administration (36 credits)

EDUL 5501	Foundations of School Leadership and Organizational Admin.	3
EDUL 5502	Building Administration and Management	3
EDUL 5503	Student, Staff, and Organizational Development	3
EDUL 5507	Instructional Supervision	3
EDUL 5515	Government and Legal Aspects of Education	3
EDUL 5518	Leadership for School Improvement	3
EDUL 5520	Data Driven Leadership for Reculturing Schools	3
EDUL 5574	Administrative Practicum	3
EDRP 5522	Principles of Testing	3
	<i>-or-</i>	
EDRP 5508	Principles and Methods of Research	3
EDCI 5505	Curriculum Theory	3
	<i>-or-</i>	
EDCI 5506	Curriculum Design	3
	One of the following:	3
EDUL 5526	Philosophical Foundations of Education	
EDUL 5527	Historical Foundations of Education	
EDRP 5502	Advanced Educational Psychology	
EDRP 5510	Child Behavior & Development	
EDRP 5513	Life Span Human Development	
EDRP 5512	Adolescent Development and the School	
EDUL 5525	Cultural Foundations of Education	
EDUL 5528	Sociological Foundations of Education	

University of Missouri – St. Louis

Master of Education (33-36 credits)

Contexts Core

ED ADM 6201 Knowledge Contexts of Education Administration and Policy	3
ED ADM 6202 Social Contexts of Education	3
ED ADM 6203 Political Contexts of Education	3
ED ADM 6204 Economic Contexts of Education	3
ED ADM 6205 Legal Contexts of Education	3

Research/Change Core (6-9 hours)

ED REM 6707 Classroom Measurement and Evaluation	3
ED ADM 6301 Education Administration Policy Research	3
ED ADM 6503 Organizational Change in Education	3

School Specialization Core

ED ADM 6302 Elementary School Administration	
-or-	3
ED ADM 6304 Secondary School Administration	
ELE ED 6411 Curricular Issues in Elementary and Early Childhood Education	
-or-	3
SEC ED 6415 Secondary School Curriculum	
ED ADM 6401 School Staff Development and Supervision	3
ED ADM 6900 Internship	3

William Woods University**Master of Education – Elementary or Secondary Administration**

EDU500 Current Issues	3
EDU525 Foundation of Educational Administration	3
EDU535 Elementary Administration	3
EDU536 Secondary Administration	3
EDU545 Elementary Curriculum	3
EDU546 Secondary Curriculum	3
EDU560 Managing Classroom Environments	3
EDU570 Supervision	3
EDU580 Educational Technology	3
EDU585 School Law	3
EDU590 Appraisal of Student Learning	3
EDU597 Field Experiences II, Portfolio, School Improvement Plan	6
EDU557 Field Experience I	0
EDU520 Research Design	3

APPENDIX 2: Missouri high school principal survey results

As you may know, the First Amendment is part of the U.S. Constitution. Can you name any of the specific rights that are guaranteed by the First Amendment? If so, please list them below.

Speech	79.1%	Religion	60.5%
Press	52.3%	Assembly	43%
Petition	18.6%	Bear arms	4.7%
Quartering troops	1.2%		

Beyond recognizing the names, which of the following U.S. Supreme Court decisions are you familiar with?

<i>Tinker v. Des Moines Independent Community School District</i>	89.5%
<i>Hazelwood v. Kuhlmeier</i>	66.3%
<i>West Virginia State Board of Education v. Barnette</i>	15.1%
<i>Bethel v. Fraser</i>	32.6%
<i>Morse v. Frederick</i> (“Bong Hits 4 Jesus”)	39.5%

(Familiar with—)

0 cases / NR	9.3%	1 case	14%
2 cases	27.9%	3 cases	25.6%
4 cases	19.8%	5 cases	3.5%

Under current law, do Americans have the legal right to burn the American flag as a means of political protest?

Correct	76.7%	Incorrect	16.3%	Don't Know	4.7%
---------	-------	-----------	-------	------------	------

Under current law, does the government have the right to restrict indecent material on the Internet?

Correct	38.4%	Incorrect	47.7%	Don't Know	10.5%
---------	-------	-----------	-------	------------	-------

Under current law, do student have the right to wear black armbands to a public school in political protest?

Correct	87.2%	Incorrect	10.5%	Don't Know	0%
---------	-------	-----------	-------	------------	----

Did you take a course in school law during your training as a principal?

Yes	91.9%	No	2.3%
-----	-------	----	------

Have you ever attended a seminar or continuing education program about student First Amendment issues?

Yes	64%	No	30.2%
-----	-----	----	-------

My college-level training prepared me well for dealing with controversies involving student expression.

Strongly Disagree (1)	Mean = 4.64 (SD = 1.584)	Strongly Agree (7)
-----------------------	-----------------------------	--------------------

Overall, my college-level training prepared me well for my job as a principal.

Strongly Disagree (1)	Mean = 5.13 (SD = 1.159)	Strongly Agree (7)
-----------------------	-----------------------------	--------------------

REFERENCES

- Abrams, M., & Goodman, M. (1988). Comment: End of an Era? The Decline of Student Press Rights in the Wake of *Hazelwood School District v. Kuhlmeier*, 706 *Duke L.J.* 709.
- Alexander, K., & Alexander, D. (2008). *American public school law* (7th ed.). Belmont, CA: Wadsworth Publishing.
- Ark. Stat. Ann. § 6-18-1201 - 1204 (1995).
- Avery, Patricia., Bird, Karen., Johnstone, Sandra., John L. Thalhammer. (1992). Exploring tolerance with adolescents. *Theory and Research in Social Education*. Volume 20, Number 4. 386-420.
- Battle, D. (2009). *Characteristics of public, private, and Bureau of Indian Education elementary and secondary school principals in the United States: Results from the 2007–08 schools and staffing survey*. National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education: Washington, D.C.
- Bethel School District v. Fraser*, 478 U.S. 675 (1986).
- Brenner, J. (2009). High school students permitted to distribute previously censored newspaper. *Student Press Law Center*. Retrieved from <http://www.splc.org/newsflash.asp?id=1974>.
- Brenner, J. (2009). Principal demands tattoo ads be pulled from student newspaper. *Student Press Law Center*. Retrieved from <http://www.splc.org/newsflash.asp?id=1986>.
- Bulla, D., Hall, C., Maksl, A., and Owens, J. (2005). High school advisers' perception of scholastic press freedom in a state with a protective law versus one without a protective law: A comparison of Iowa and Indiana. Paper presented at the convention of the Association for Education in Journalism and Mass Communication, San Francisco, Ca., Aug. 2-5.
- Burch v. Barker*, 861 F.Supp. 1149 (9th Cir. 1988)
- Cal. Educ. Code § 48907 (1977).
- Cal. Educ. Code § 48950, 1992.
- Click, J. W. & Kopenhaver, L. L. (1986, August). *Principals' and newspaper advisers' attitudes toward freedom of the student press in the United States*. Paper presented at the annual meeting of the Association for Education in Journalism and Mass Communication, Norman, OK.

- Click, J. & Kopenhaver, L. (1990). *Opinions of principals and newspapers advisers toward student press freedom and advisers' responsibilities following Hazelwood v. Kuhlmeier*. Paper presented at the annual meeting of the Association for Education in Journalism and Mass Communication.
- Click, J. W. & Kopenhaver, L. L. (2000, August 9-12). *Nation's high school newspapers: still widely censored*. Paper present at the annual meeting of the Association for Education in Journalism and Mass Communication, Phoenix, AZ.
- Colo. Rev. Stat. § 22-1-120 (1990).
- Dautrich, K., & Yalof, D. (2005). *Future of the First Amendment: How America's High School Students View Their Freedoms*. Miami: John S. and James L. Knight Foundation.
- Essex, N. (2007). *School law and the public schools: A practical guide for educational leaders* (4th ed.). Boston, MA: Allyn & Bacon.
- Imber, M., & Van Geel, T. (2004). *Education law* (3rd ed.). New York, NY: Routledge.
- Iowa Code § 280.22 (1989).
- First Amendment Center (2010). *State of the First Amendment*
- Freedom Forum. 1994. *Death by cheeseburger: High school journalism in the 1990s and beyond*. Arlington, Va.: Freedom Forum.
- Friend, J., Watson, R., & Waddle, J. L. (2006, November). *Improving educational leadership programs in Missouri*. Paper presented at the annual convention of the University Council of Educational Administration, San Antonio.
- Gitlow v. New York*, 268 U.S. 652 (1925).
- Harper v. Edgewood Board of Education*, 655 F. Supp. 1353 (S.D. Ohio 1987).
- Haynes, C. C., & Thomas, O. (2007). *Finding common ground: A First Amendment guide to religion and public schools* (2nd ed.). First Amendment Center: Nashville, TN.
- Hazelwood School District et al. v. Kuhlmeier et al.*, 484 U.S. 260 (1988).
- Hess, F. M., & Kelly, A. P. (2005). *Learning to lead? What gets taught in principal preparation programs*. Cambridge, MA: Program on Education Policy and Governance. (ERIC Document Reproduction Service No. ED485999)
- Horine, D. R. (1966). How principals, advisers and editors view the high school newspaper. *Journalism Quarterly*, 66, 339-345.
- Hoyle, J. (2005). The good news about the preparation of school leaders: A professor's view. *School Leadership Review*, 1(1), 2-19.

- Hoyle, J. (2006). *Why is school leadership preparation so complex*. Retrieved from the Connexions Web site: <http://cnx.org/content/m13828/1.1/>.
- Hudson, D. (2003). *The silencing of student voices: Preserving free speech in America's schools*. First Amendment Center: Nashville, TN.
- Hudson, D. (2009). Texas student appeals T-shirt ruling to high court. *First Amendment Center Online*. Retrieved from <http://www.fac.org/analysis.aspx?id=22218>.
- Kan. Stat. Ann. § 72.1504 - 72.1506 (1992).
- LaMorte, M. (2007). *School law: Cases and concepts* (9th ed.). Boston, MA: Allyn & Bacon.
- Levine, A. (2005). *Educating School Leaders*. New York: Teachers College, The Education Schools Project.
- Maksl, A. & Schraum, B. (2010). Protecting the “impressionable minds” from the “impressionable minds”: The third-person effect and student speech. Paper accepted for presentation to the Scholastic Journalism Division of the Association for Education in Journalism and Mass Communication, Denver, August 2010.
- Mass. Gen. Laws Ann. ch. 71, § 82 (1988)
- McCloskey, H., & Brill, A. (1983). *Dimensions of tolerance: what Americans believe about civil liberties*. New York: Russell Sage Foundation.
- McLeod, J. M., Sotirovic, M., Voakes, P. S., Guo, Z., & Huang, K. (1998). A model of public support for First Amendment rights. *Communication, Law and Policy*, 3(4), 453-514.
- Missouri Department of Elementary and Secondary Education (2006). *Missouri Standards for Teacher Education Programs and Benchmarks for Preliminary Teacher Programs*. Retrieved from http://www.dese.mo.gov/schoollaw/rulesregs/documents/MoSTEP_10-06.pdf.
- Morse v. Frederick*, 551 U.S. 393 (2007)
- Murphy, J. (2005). Strengthening research on the preparation of school leaders. In T. Creighton, S. Harris, & J.C. Coleman (Eds.), *Crediting the past, challenging the present, creating the future*. Texas: National Council of Professors of Educational Administration.
- Murphy, J. & Vriesenga, M. (2004). *Research on preparation programs in educational administration: An analysis*. Columbia, MO: University Council for Educational Administration.

- Nelson, J. (1974). *Captive voices: the report of the Commission of Inquiry into High School Journalism*. New York: Schocken Books.
- Ore. Rev. Stat. § 336.477 (2007).
- Pauls, L. W. (2005). Another take on 'educating school leaders.' *Inside Higher Education*, 1-2. Retrieved from <http://www.insidehighered.com/views/2005/03/21/levine>.
- Perry Education Association v. Perry Local Educators' Association*, 460 U.S. 37 (1983).
- Renfro, P., Renfro, B., and Bennett, R. (1988). Expectations of change in the high school press after Hazelwood: A survey of Texas high school principals, newspaper advisers, and newspaper editors. *Southwestern Mass Communications Journal* 4: 64-65.
- Rhudy, V. G. (2004). A study of the relationship between state student free expression laws and the perceived scholastic journalism practices in public high schools in the United States. Ed.D. diss., West Virginia University.
- Rubin, H.J. and Rubin, I.S. (2004). *Qualitative Interviewing: The Art of Hearing Data, 2nd Edition*. Thousand Oaks, CA: Sage Publications.
- Ruling: The principal was wrong, but the court was right. [Editorial]. (1988, January 18). *Syracuse Post-Standard*, A12.
- Schraum, B. & Maksl, A. (2010). Authoritarians in the front office? Personality and support for expression rights among high school principals. Paper accepted for presentation to the Scholastic Journalism Division of the Association for Education in Journalism and Mass Communication, Denver, August 2010.
- Stevick, E. (2008). Cascade High School teacher was secretly tapes. *The Everett Herald*. Retrieved from <http://www.heraldnet.com/article/20080524/NEWS01/421850396&news01ad=1>.
- Stewart, B. (2009). Students ask school board to decide is principal was right in not allowing story to print. *Student Press Law Center*. Retrieved from http://www.splc.org/newsflash_archives.asp?id=1916&year=2009.
- Strossen, N. (1998). Students' rights and how they are wronged, 32 *U. Rich. L. Rev.* 457-75.
- Student Press Law Center (2008). *Law of the student press* (3rd ed.). Arlington, VA: Student Press Law Center.
- Tinker v. Des Moines Ind. Comm. School Dist.*, 393 U.S. 503 (1969).
- United States v. O'Brien*, 391 U.S. 367 (1968).

University Council for Educational Administration (1987). *Leaders for America's schools: The report of the National Commission on Excellence in Educational Administration*. Tempe, AZ: University Council for Educational Administration.

Watson, W., & Filak, V. (2007). A national study of high school principals and their attitudes regarding the First Amendment: a comparative analysis of 2004 and 2007. Paper presented at the annual meeting of the Association for Education in Journalism and Mass Communication, 2008.

Watson, W., Filak, V., & Maksl, A. (2009). Certain restrictions may apply: a comparison of high school principals' attitudes regarding free expression between 2004 and 2009. Paper presented at the annual meeting of the Association for Education in Journalism and Mass Communication, 2009.

West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).