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Secondary pre-service teachers' knowledge and confidence in dealing with students' First Amendment rights in the classroom

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Secondary Pre-Service Teachers' Knowledge and Confidence in Dealing with Students'
First Amendment Rights in the Classroom

by

Ian Call

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
Department of Secondary Education
College of Education
University of South Florida

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Keywords: teacher education, educational law, school policy, expression, religion

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Dedication

This study is dedicated to my wonderful wife Rosemarie whose subtle reminders such as “What about your dissertation?” or “How is your dissertation coming?” were constant motivations for completing the dissertation. I would also like to dedicate this study to my soon to be child Wyatt, Spencer, Sophia, or Sofia. You came to your mother and me at just the right time to give me the final push to complete this dissertation.

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Secondary Pre-Service Teachers' Knowledge and Confidence in Dealing with Students' First Amendment Rights in the Classroom

Ian Call

ABSTRACT

Every year teachers find themselves involved in conflicts dealing with violations of students' First Amendment rights to freedom of expression and freedom of religion. Students and parents file lawsuits against school districts because they feel teachers and administrators have violated their First Amendment rights. As a result, many teacher preparation programs require pre-service teachers to learn about educational law and the rights students have at school. Yet, little research exists about how well pre-service teachers are prepared to deal with First Amendment issues in the classroom.

The purpose of this study was to investigate how well pre-service teachers are prepared to deal with First Amendment issues in the classroom. This study reviews the literature regarding the need for educational law in teacher preparation, historical cases providing guidance to teachers regarding students' First Amendment rights in the classroom, and recent court cases involving conflicts between students and schools regarding students' First Amendment rights. Using a mixed-methods approach, the researcher investigated pre-service teachers at a large urban college of education using a survey developed by the researcher and interviews with a sample of the pre-service teachers.

One hundred and ten secondary pre-service teachers submitted surveys, and 10 pre-service teachers participated in interviews. Using analyses of variance, the researcher found that there was not a statistically significant difference between the scores or confidence levels of pre-service teachers based on their subject area or their academic level (undergraduate/graduate).

The knowledge that pre-service teachers have acquired is derived from experiences while in school, teaching, or in their coursework. In addition, when pre-service teachers have a personal experience with a First Amendment issue, they are more confident in their knowledge and more likely to take action in dealing with the issue.

Pre-service teachers use several criteria when making decisions regarding First Amendment issues. These criteria include school policy, sense of right or wrong, offensiveness, and personal apprehension. Information about pre-service teachers' knowledge and how they make decisions regarding First Amendment issues provides teacher educators with valuable information for building a curriculum that prepares pre-service teachers to deal with First Amendment issues in the classroom.

Chapter I

Introduction

Context of the Problem

The First Amendment of the Constitution is a cornerstone of American democracy and students, as citizens, deserve the protection of the First Amendment just like every other citizen in the nation. Justice Fortas, writing for the majority in *Tinker v. Des Moines* (1969), declared the First Amendment protects students at school when he wrote,

First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. (p. 2)

However, the rights protected by the First Amendment can clash with the need to provide order at the school and effectively educate students (Imber & Geel, 2001). This clash requires teachers to understand the complexity of First Amendment issues in the classroom (Hills, 2003). Lacking an understanding of the complexity of teacher responsibilities in dealing with First Amendment issues can lead to lawsuits that can damage a teacher's career, cost a school district millions of dollars in legal fees, and have profound effects on the education of students. "Educators who fly by the seat of their pants or who act on the basis of what they think the law should be may be in difficulty, if

sufficient thought is not given to the legal implications and ramifications of their policies or conduct” (Lamorte, 1999, p. xxiii).

While lawsuits involving schools and teachers leveled off during the 1990s, cases involving the First Amendment rights of students have been increasing, and the fear of litigation persists on the part of politicians, principals, and teachers (Lupini & Zirkel, 2003; Schachter, 2007; Wagner, 2007). Because of the fear of educational litigation, members of the United States Congress passed the Teacher Liability Protection Act to help protect teachers, administrators, and other officials from lawsuits (*Education Week*, 2001). In addition, more teachers are purchasing liability insurance to protect themselves from financial ruin, and officials at Forest T. Jones, Inc., the nation’s third-largest insurer of teachers, report that the number of teachers purchasing liability insurance rose 25% between 1995 and 2000 (Portner, 2000; Wagner, 2007). According to a poll conducted by Harris Interactive, 53% of teachers are concerned about the risk of lawsuits or legal challenges, and nearly two-thirds of teachers have the same or higher levels of concern about the possibility of facing a lawsuit as they do about results on standardized tests (Harris, 2004).

“In a society plagued by more and more lawsuits, some educational experts say that merely the prospect of legal action is altering the way schools do business, especially in the areas of discipline, special education, and free speech rights” (Schachter, 2007). Tracking litigation against teachers and schools is difficult because most studies tend to focus on court decisions and do not track the costs inflicted on school districts from cases that are threatened, filed, or settled (personal communication Hutton, 2004). However, the National Association of Secondary School Principals estimates that school districts

with 10,000 or more students spend \$250,000 to \$1,000,000 a year on routine legal matters, and in a school district with approximately 6,000 students, there will be an average of one student-initiated lawsuit per year (Dragan, 2001; Duff, 1999).

The Problem

The standards and process for certifying teachers varies widely between states, which result in a variety of pre-service teacher curriculums and experiences. The variety of teacher preparation programs available makes it reasonable to speculate that teachers enter classrooms with various levels of knowledge concerning laws and students' rights (Brookshire & Kotz, 2002). In regard to teachers' knowledge of educational law, research related to the level of legal literacy among school personnel has consistently shown low literacy (Lupini & Zirkel, 2001). "School districts continue to spend sizable sums of money on legal counsel and litigation, and teachers still enter the profession with little or no knowledge of legal issues related to circumstances they face repeatedly in the classroom" (Petzko, 2001, p.34). Along with a lack of preparation in teacher education, schools do not have the resources to provide adequate professional development in educational law for teachers (Gullatt & Tollett, 1997a). Combined with a lack of knowledge on the part of teachers is the fact that students often use their rights to question the behavior of teachers. In a national survey of 725 teachers, 8 out of 10 teachers said that students routinely challenge their decisions in the classroom by pointing out their rights or that their parents can sue (Schouten, 2004). In order to ensure that beginning teachers have an understanding of educational law, the State of Florida requires teacher education programs to provide "three semester hours which integrates

classroom management, school safety, professional ethics, and educational law” (Florida, 2000).

When it comes to questions of students’ rights to freedom of expression and religion, students and schools continue to find themselves at impasses, and the number of cases remains significant (Coeyman, 2003). Legal activity involving students’ First Amendment rights is likely to continue as officials try to balance maintaining an appropriate learning environment and students’ rights (McCarthy, 1998).

Recent court cases based on students’ First Amendment rights, such as cases dealing with students’ distribution of religious material and students’ speech on the Internet, highlight how important it is for schools and teachers to understand how the First Amendment guarantees of freedom of expression and religion affect the school and students. Despite the long history of case law involving the school and students’ freedoms of expression and religion, such rights continue to be the focus of lawsuits brought by students claiming a violation of their First Amendment rights (Hudson, 2004).

Rationale for the Study

“Teacher education programs have a responsibility to prepare teachers to cope with situations that might involve student rights. To handle those situations, teachers must understand the constitutional and personal rights of students in every segment of the educational domain” (Henson, 1979, p. 33). In a survey conducted in 1982, researchers found that pre-service teachers were uncertain of their duties regarding the First Amendment issues of freedom of speech and religion and, in some cases, were not only unsure about the law, but had clear misconceptions (Sametz, et al.1983).

In a study conducted in Louisiana, Gullatt and Tollett (1997a) found that 95% of responding teachers who had an undergraduate degree had not taken a course in educational law and felt ill prepared for the legal aspects of education. The same study reported that 90% of the educators with a graduate degree had not taken a course in educational law and felt their preparation was lacking in a number of areas, including students' rights. Because of the increasing number of lawsuits and limited knowledge on the part of current teachers and future teachers, the researchers studying the knowledge of practicing teachers concluded that educational law should be included in the curriculum for teacher preparation (Dunklee & Shoop, 1986; Sametz & Mcloughlin, 1984).

As some teacher educators have continued to argue for the inclusion of educational law in teacher preparation, states have begun to include educational law in their certification requirements. More than half of the states, including Florida, have standards that address educational law (Reese & Funk, 1998). However, the standards in Florida do not prescribe which areas of educational law need to be included in teacher preparation curriculum. While researchers have investigated the level of knowledge of practicing teachers in different areas of educational law, research is lacking on the level of knowledge pre-service teachers have in different areas of educational law, including students' rights. By focusing on pre-service teachers, this study provides information on the level of pre-service teachers' knowledge regarding First Amendment issues and how they learn about First Amendment issues in the classroom. Teacher educators can use this information to make decisions regarding First Amendment issues in their teacher preparation programs.

Purpose

The purpose of this study was to conduct a backwards curriculum mapping study to investigate the level of knowledge of students' First Amendment rights among pre-service teachers in various disciplines and their confidence in dealing with First Amendment issues in the classroom. The researcher investigated how pre-service teachers learn about First Amendment issues in the classroom by studying pre-service teachers' preparation and their experiences, such as other academic experiences, news, and prior careers. This information will offer teacher educators insight into how pre-service teachers acquire knowledge and confidence in dealing with First Amendment issues in the classroom. The specific research questions were as follows:

1. Is there a significant difference between the scores of undergraduate and graduate secondary pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?
2. Is there a significant difference between the scores of mathematics, science, English, and foreign language pre-service secondary teachers and the scores of social studies pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?
3. What experiences throughout the lives of secondary pre-service teachers, including academic experiences, do they feel have prepared them for dealing with students' First Amendment rights?
4. Are secondary pre-service teachers confident they are prepared for dealing with students' First Amendment rights at school?

Potential Biases and Subjectivity of the Researcher

The researcher is a doctoral candidate at the university that is the focus of this study. The researcher did not receive his bachelor's or master's degrees from this university, but received the degrees from another large university in the same state. While completing his doctoral degree, the researcher has either been a student of or worked with a number of professors in the College of Education.

After receiving his master's degree, the researcher taught middle and high school social studies for four years. During the past three years, the researcher has been an adjunct instructor at the university that is the focus of the research, and has taught approximately 15 of the social studies students included in the study. While teaching at the university, the researcher did not discuss First Amendment issues in the classroom with any of the students. Because of his educational and teaching experiences at the university, the researcher has a very positive view of the school, the College of Education, and the preparation it provides pre-service teachers.

Research Hypotheses

The researcher developed several hypotheses before gathering data for this study. The first hypothesis was that the pre-service teachers would have low scores on the survey instrument because "prospective teachers, prior to formal training in professional education, have limited legal knowledge" (McLoughlin, et al. 1983 p. 592). The second hypothesis was that the social studies pre-service teachers would have more knowledge of First Amendment issues in the classroom because courses in history, political science, and sociology "provide numerous opportunities for examination of legal issues in education" (Davis & Williams, 1992). In addition, the researcher hypothesized that the

graduate pre-service teachers in the study would score more highly on the survey instrument than the undergraduate pre-service teachers because of a greater level of academic and personal experiences that may influence their level of knowledge regarding First Amendment issues in the classroom.

Limitations of the Study

While the study will provide useful information, it has several notable limitations. One important limitation is that the researcher conducted all interviews. To protect against researcher bias, the researcher transcribed each interview and conducted a data workshop with the major professors on the committee. In addition, once the thematic analysis of interview data was completed, the researcher had four colleagues review the units of analysis and development themes that the researcher developed from the interview data.

The researcher also depended on pre-service teachers to volunteer for the interviews, and, therefore, those interviewed may not be representative of the sample. However, the researcher conducted interviews with pre-service teachers who represent different levels of knowledge and confidence in dealing with students' First Amendment issues. The pre-service teachers had to answer the interview questions without time to prepare and may have had different thoughts given time to reflect.

Another limitation of the study is sample size. The uneven sample size between the subject areas and the small number of participants is due to the number of students currently enrolled in those programs at the university and was beyond the control of the researcher.

Finally, the generalizability of this study is a limitation (Gall, Borg, & Gall, 1996). The responsibility of generalizing the findings falls to the reader to determine if they provide any information that can be used to inform the preparation of pre-service teachers in another program.

Definition of Terms

First Amendment of the United States – “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Educational Law – The body of state and federal constitutional provisions; local, state, and federal statutes; court opinions; and government regulations that provide the legal framework from educational institutions (Phelps, 2004).

Students’ First Amendment Rights – The First Amendment rights of students at school are similar to citizens outside of campus. However, because of the unique purpose and needs of the school, the U.S. Supreme Court has limited the rights of students based on how the demonstration of those rights may affect the school and the rights of other students (Stader, 2001).

Freedom of Expression – Freedom of expression refers to the ability of an individual or group of individuals to express their beliefs, thoughts, ideas, and emotions about different issues free from government censorship. Public school students possess a range of free expression rights under the First Amendment. Students can speak, write articles, assemble to form groups, and even petition school officials on issues. Though public school students do possess First

Amendment rights, the courts allow school officials to regulate certain types of student expression, such as speech that substantially disrupts the school environment or invades the rights of others (First Amendment Center, 2005).
Freedom of Religion— Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect. Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths and beliefs. Schools demonstrate fairness when they ensure that the curriculum includes study about religion, where appropriate, as an important part of a complete education (Haynes, 2005).

Pre-Service Teacher – For the purpose of this study, the researcher defines a pre-service teacher as a student in a teacher preparation program who has finished his or her general education requirements, has been admitted to the College of Education, and is either participating in the subject area methods course or has completed the subject area methods course.

Confidence – Bachkirova (2001), in an investigation of lack of confidence and its impact on decision-making, defined confidence as the “feeling of certainty in one’s ability to deal with a task.” For this study, confidence means the pre-service teachers’ feeling of certainty in their answers to the scenario questions on the survey. The researcher calculated a confidence score for each participant based on how confident each is in his or her answers to the survey instrument. The participants were able to choose whether they were not at all confident, slightly confident, confident, or extremely confident in their answers to each

question on the survey instrument. The researcher placed each participant into low, average, or high confidence groups based on their answers on the survey.

Variables

Dependent Variables

1. Pre-service teachers' knowledge of students' First Amendment rights at school:

For the purposes of this study, the researcher defined this variable as the score of the pre-service teachers on the Students' First Amendment Rights Survey.

2. Pre-service teachers' confidence in dealing with students' First Amendment rights:

For the purposes of this study, the researcher defined confidence using two measures. The first measure included the pre-service teachers' level of confidence in their answers. The second measure included the data from the interview questions regarding the pre-service teachers' confidence in dealing with First Amendment issues in the classroom.

Independent Variables

1. Program of study the pre-service teacher is completing:

The pre-service teachers in the study are preparing to be mathematics, science, English, foreign language, or social studies teachers.

2. Level of the program of study the pre-service teacher is completing:

The pre-service teachers in this study are either graduate or undergraduate students. Nearly all of the graduate students (94%) have earned bachelor's degrees in areas outside of education.

3. Experiences inside and outside of the classroom that could affect the pre-service-teachers' knowledge and confidence regarding students' First Amendment rights:

These experiences include courses at the university or high school level, previous occupations, experiences of friends and relatives, jury duty, interactions with law professionals, and interactions with educators.

Organization of the Study

The first chapter of this study introduces the problem, discusses the need for the study, and presents the rationale, the purpose, potential biases, assumptions, and limitations. In addition, the first chapter provides the reader with terms and definitions and an explanation of the variables of the study.

The second chapter of the dissertation presents a review of the literature. The chapter discusses need for educational law to be an integral component of teacher education; how understanding First Amendment rights is an important component of educational law; important precedent-setting cases decided by the U.S. Supreme Court; recent court cases dealing with students' First Amendment rights; and the implications for teachers and students in the classroom.

The third chapter describes the quantitative and qualitative methods to investigate the research questions for this study. The methods include distribution of a Web-based survey, statistical analysis of the data, interviews, and analysis of the interview data. The

fourth chapter of the study presents the findings from the study including statistical analysis and the results from the interviews with the pre-service teachers regarding their knowledge and confidence in dealing with First Amendment issues. The final chapter of the research study discusses the study's implications for teacher education and social studies teacher education, as well as recommendations for future research.

Conclusion

Court cases dealing with students' First Amendment rights have established that students enjoy these rights while at school. However, these rights can often clash with the educational mission of teachers. According to the State of Florida and some teacher educators, educational law should be included in teacher preparation programs. However, the State of Florida does not provide guidance on what areas of educational law need to be taught and how educational law should be included in the teacher preparation curriculum. In addition, research on the knowledge of pre-service teachers regarding First Amendment rights in the classroom is lacking. This study provides teacher educators with information regarding pre-service teachers' knowledge and confidence in dealing with First Amendment rights, as well as information on how pre-service teachers acquire that knowledge and confidence. This information will help teacher educators determine whether pre-service teachers need to be taught about students' First Amendment rights or if pre-service teachers are prepared to deal with First Amendment issues in the classroom.

Chapter II

Review of the Literature

The researcher begins an examination of the literature with a review of the need for educational law in teacher education. Next, the researcher reviews significant U.S. Supreme Court cases dealing with students' First Amendment rights. In addition, the researcher reviews recent conflicts and court cases dealing with students' First Amendment rights. Finally, the researcher reviews the literature detailing the implications of students' First Amendment rights for teachers and students in the classroom.

Educational Law in Teacher Preparation

Research detailing the need for educational law in teacher preparation programs is not a new phenomenon. In the late 1970s and early 1980s researchers were calling for colleges of education to better prepare teachers for educational law as a result of landmark cases dealing with student rights and an increasing amount of lawsuits (Dunklee & Shoop, 1986; Hazard et al., 1977; Henson, 1979; Sametz, 1983). "Teacher education programs have a responsibility to prepare teachers to cope with situations that might involve student rights. To handle those situations, teachers must understand the constitutional and personal rights of students in every segment of the educational domain" (Henson, 1979, p. 33). The increase in lawsuits was partially due to the landmark decision of *Tinker v. Des Moines* (1969), which dealt with students' right to freedom of expression while at school. In the years since the *Tinker* decision, the courts

have been inundated with challenges to the policies, procedures, actions, and decisions of school personnel (Dunklee & Shoop, 1986).

In the early 1980s, teacher certification rarely required pre-service teachers to be competent in educational law (Woellner, 1981). In a survey conducted in 1982, both teachers and pre-service teachers demonstrated an uncertain knowledge about their professional responsibilities in relation to students' freedoms of speech and religion (Sametz, et al., 1983). Because of the increasing lawsuits and limited knowledge on the part of teachers and future teachers, researchers studying the knowledge of teachers and pre-service teachers concluded that educational law should be included in the curriculum for teacher preparation (Dunklee & Shoop, 1986; Sametz & McLoughlin, 1984).

The call for educational law to be included in the pre-service teacher education curriculum continued throughout the 1990s (Gullatt & Tollet, 1997b; Thomas et al., 1998; Henderson et al., 1999). Researchers continued to cite a rising number of cases against teachers and their lack of knowledge of educational law as reasons for including educational law in the teacher preparation curriculum (Gullatt & Tollet, 1997a). In addition, researchers and teacher educators began to suggest a scope and sequence of the educational law curriculum. In 1993, the National Organization on Legal Problems of Education (NOLPE, now the Educational Law Association) recommended a Model Code on School Law for teachers that included:

1. Court system and educational governance;
2. The law and students, including their constitutional rights;
3. The law and teachers, including their constitutional rights;
4. District and teacher liability; and

5. Laws involving students with disabilities.

In addition to the Model Code on School Law, teacher educators began producing educational law curriculum guides for teachers (Henderson et al. 1998; Reese & Funk, 1998; Thomas et al., 1998). The curriculum guides vary in the topics chosen for inclusion, but consistently included students' First Amendment rights to expression and religion. In addition, teacher educators advocated that mentor teachers receive educational law training because it was not a component of their teacher preparation, and with training, the mentor teachers would be able to help pre-service teachers understand the rights of students (Thomas et al., 1998).

Typically, educational law is reserved for graduate students in preparation for educational administration (Gullatt & Tollett, 1997b). However, teachers receive on-the-job training and the inaccurate perceptions of teachers may result in a violation of a student's rights, even though the teacher's intent was to serve the needs of the student (Brookshire & Klotz, 2002). When teachers do receive instruction on educational law, they generally report that it should have been included in their teacher education program. For example, a Texas teacher, after taking a course on educational law, responded, "All of this [course content] is so important. I really believe undergrads need some law before they begin [teaching]" (Reese & Funk, 1998, p. 1).

In a study conducted in Louisiana, Gullatt and Tollett (1997a) found that 95% of responding teachers who had an undergraduate degree had not taken a course in educational law and felt ill prepared for the legal aspects of education. The same study reported that 90% of the educators with a graduate degree had not taken a course in

educational law and felt their preparation was lacking in a number of areas of educational law, including student rights.

While teacher educators have continued to argue for the inclusion of educational law in teacher preparation, states have begun to include knowledge of educational law in their certification requirements. More than half of the states have standards that address educational law (Reese & Funk, 1998). The State of Florida requires teacher education programs to include educational law in the curriculum.

Supreme Court Cases Dealing With Students' Freedom of Expression

In 1969, the U.S. Supreme Court began considering a variety of cases that would provide direction on the protection of students' First Amendment rights (Imber & Geel, 2001). In the first such case, *Tinker v. Des Moines* (1969), the court protected students' speech, but left important questions about students' freedom of expression for future cases. Questions such as whether the school can regulate speech at all, or if students have the right to say whatever they want to say whenever they want to say it, were answered by later U.S. Supreme Court decisions such as *Bethel v. Fraser* (1986) and *Hazelwood School District v. Kuhlmeier* (1988) (Permuth & Mawdsley, 2001).

Tinker v. Des Moines (1969)

With *Tinker v. Des Moines Independent Community School District* (1969), the U.S. Supreme Court began to define expression rights of students and teachers and the responsibility of schools to protect those rights (Permuth & Mawdsley, 2001).

In order to protest the Vietnam War, students John and Mary Beth Tinker decided to publicize their opposition by wearing black armbands to school. After students informed school officials of the Tinkers' plans, the principals in the school district

adopted and informed students of a new policy concerning armbands. This policy stated that any student would have to remove his or her armband immediately if it was worn to school. The principal would suspend any student who refused to take off his or her armband and that student would remain suspended until agreeing to return to school without the armband.

The Tinker children and a friend, aware of the new policy, decided to wear armbands to school. Upon arriving at school, the principal asked the students to remove their armbands; the students refused and the principal suspended them until they agreed to return to school without their armbands. The parents of the children decided to sue the school district. Although the district court recognized the students' First Amendment right to free speech, the court refused to issue an injunction, claiming that the school officials' actions were reasonable in light of potential disruptions from the students' protest. As a result, the parents decided to appeal the case to the U.S. Supreme Court.

The U.S. Supreme Court decided in favor of the students and declared that the school district's actions were unconstitutional and that "in the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views." In delivering the opinion of the court, Justice Fortas wrote that the problem "lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities." Justice Fortas went on to write, "it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." In addition, the court ruled that where there is no finding and no showing that engaging in the forbidden conduct would "materially and substantially interfere with the requirements

of appropriate discipline in the operation of the school,” the prohibition cannot be continued.

When the U. S. Supreme Court declared that students retain their right to freedom of expression, it opened schools to the expression of a wide variety of viewpoints, including those viewpoints disliked by school officials and society. The Court of the 1960s viewed the school as an integral part of democratic society with students having a right to freedom of expression comparable to the right they enjoy in society at large (Imber & Geel, 2001).

However, while the *Tinker* decision granted protection to a large range of student expression, the Court recognized the school’s interest in maintaining an orderly environment. In order to create a balance between the needs of the school and the students’ right to freedom of expression, the Court created the *Tinker* test. The *Tinker* test requires that schools only prohibit student expression that causes, or reasonably could be expected to cause, material and substantial disruption of the school’s operations or invades the rights of others (Fischer, 1999; Imber & Geel, 2001).

Bethel School District v. Fraser (1986)

On April 26, 1983, Matthew Fraser, a student at Bethel High School in Pierce County, Washington, gave a speech intended to nominate his friend for office in the school’s student government as part of a school-sponsored educational program in self-government. During the entire speech, Fraser referred to his candidate in terms of an elaborate, graphic, and explicit sexual metaphor. A Bethel High School disciplinary rule stated, "Conduct which materially and substantially interferes with the educational

process is prohibited, including the use of obscene, profane language or gestures." As a result, the principal of the school suspended the student for three days.

The parent of Fraser filed suit and the U.S. District Court for the Western District of Washington held that the school's sanctions violated the respondent's right to freedom of speech under the First Amendment and that Fraser's speech was indistinguishable from the protest armband in *Tinker*. The court of appeals ruled in favor of Fraser, and rejected the school district's arguments that the speech, unlike the passive conduct of wearing a black armband, had a disruptive effect on the educational process, and that the school district had an interest in protecting an essentially captive audience of minors from lewd and indecent language. The court held that giving the school district "unbridled discretion" to determine what discourse is "decent" would "increase the risk of cementing white, middle-class standards for determining what is acceptable and proper speech and behavior in our public schools."

After hearing the case, the U. S. Supreme Court reversed the lower court's decision. The Court made a distinction between the political expression in *Tinker* and the sexual content in Fraser's speech to the school assembly. In addition, the court held "the process of educating our youth for citizenship in public schools is not confined to books, the curriculum, and the civics class; schools must teach by example the shared values of a civilized social order. Consciously or otherwise, teachers—and indeed the older students—demonstrate the appropriate form of civil discourse and political expression by their conduct and deportment in and out of class. Inescapably, like parents, they are role models." The decision of the Court narrowed the focus of *Tinker* and advised schools that the protections granted to students did not include the use of lewd language that

interfered with the rights of other students and interrupted the operation of the school (Permuth & Mawdsley, 2001).

Hazelwood School District v. Kuhlmeier (1988)

In May of 1983, a high school student on the school newspaper's staff wrote two articles for the newspaper that the school never published due to their suppression by the school's principal. One article concerned pregnancy in high school, and the other article dealt with the effects of divorce on children's performance in school. When the journalism teacher submitted page proofs to the principal, he objected to the pregnancy story because it could possibly identify the pregnant students and because he believed that the article's references to sexual activity and birth control were inappropriate for some of the younger students. The principal objected to the divorce article because it identified by name a student who complained of her father's conduct, and the principal believed that the staff should give the student's parents an opportunity to respond to the remarks or to consent to their publication.

Since there was not adequate time to make changes in the articles before the end of the school year, the principal decided not to publish the articles. Students who had been staff members filed suit in federal district court believing that the deletion of the articles was a violation of their First Amendment rights. The U.S. District Court of the Eastern District of Missouri found that the principal had the right to censor the articles. Upon appeal, the U.S. Court of Appeals for the Eighth Circuit reversed the decision, stating that the principal could not censor the newspaper because it was a public forum.

The U.S. Supreme Court overturned the decision of the Eighth Circuit, and ruled that the school did not violate the students' First Amendment rights. The Court ruled,

“the standard for determining when a school may punish student expression that happens to occur on school premises is not the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression,” and, therefore, the standard developed in *Tinker* did not apply. The Court also held that:

First Amendment rights of students in the public schools are not automatically coextensive with the rights of adults in other settings, and must be applied in light of the special characteristics of the school environment. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school.

Because of this decision, when it comes to school-sponsored activities, public school officials may control the content as long as their actions relate to legitimate educational purposes (Zirkel, 2002).

Recent Conflicts Involving Students' Freedom of Expression

Although the Court has worked to define students' right to freedom of expression, school officials and students often come into conflict regarding what is acceptable student expression at school. One of the difficulties for teachers and schools regarding freedom of expression is the variety of ways the students express themselves and the diversity of topics they wish to express. Students not only use speech, but also use clothing and the Internet to express themselves on topics such as homosexuality, abortion, complaints about their schools and teachers, opinions of other students, and politics (Zirkel, 1999; Martinson, 2000; Dowling-Sendor, 2001; Hills, 2001).

Political Expression

Joseph Frederick, a senior at Juneau-Douglas High School in Juneau, Alaska held up a sign that read “Bong Hits 4 Jesus” as the Olympic Torch Relay passed by the school. The principal of the school confiscated the banner and suspended Frederick for 10-days. Frederick appealed the suspension to the school board, but the board upheld the principal’s decision. Frederick filed suit and the judge ruled that students watching the torch relay were in a school-sponsored event and that the school could regulate speech that encouraged drug use. However, the U.S. Ninth Circuit of Appeals overturned the decision, and said that the school violated Frederick’s First Amendment right to freedom of speech. Relying on *Tinker v. Des Moines*, the Ninth Circuit ruled Frederick’s sign was not offensive and did not disrupt school functions; therefore, the school could not punish him because the sign promoted a message that differed from a message the school favored. The school district appealed the decision to the U.S. Supreme Court, which overturned the Ninth Circuit’s decision and ruled that the school did not violate Frederick’s right to free speech. In the majority decision in *Morse v Frederick* (2007), Chief Justice John Roberts wrote that the school did not violate Frederick’s rights because “schools may take steps to safeguard those entrusted to their care from speech that can reasonably be regarded as encouraging illegal drug use.”

Speech Insulting to Teachers and Staff

Alexander Smith, disagreeing with the school’s tardy policy, made a speech in the school’s cafeteria. Smith’s speech contained vulgar language such as “turd licking” and “skank.” The speech also questioned the sexual orientation of an assistant principal. After the school suspended Smith for 10 days under the code of conduct’s verbal abuse

policy, Smith sued the school for violating his right to free speech. However, the U.S. District Court for the Eastern District of Michigan upheld the suspension and ruled that his speech fell outside of the protection of the First Amendment because his speech was disruptive and interfered with school discipline (Hutton, 2003d).

Expression Through Clothing

Tyler Harper, a high school student in California, received a one-day, in-school suspension for refusing to take off a t-shirt that read, “Be Ashamed” and “Our School Embraced What God Has Condemned.” When Harper arrived at school, his teacher told him to remove the shirt or go to the office because he was in violation of the school’s dress code. On the previous day, when the school participated in a Day of Silence, a national event to protest against discrimination and harassment of homosexuals, Harper wore a shirt that read, “Homosexuality is Shameful” and referenced Romans 1:27 from the Bible, but neither the teacher nor school officials asked him to remove it. The Alliance Defense Fund filed lawsuit on Harper’s behalf (Gonzalez, 2004). The U.S. 9th Circuit Court of Appeals ruled that the t-shirt could cause injury to gay and lesbian students and interfere with their right to learn and, therefore, could be banned from schools (Weinstein, 2006).

A similar conflict took place in Rhode Island, when Daniel Goergen wore a sweatshirt with “Abortion is homicide.” on the front and the message, “You will not silence my message, You will not mock my God, and You will stop killing my generation” written on the back. Goergen removed the sweatshirt at the request of school administrators, but after the Thomas More Law Center threatened to sue, the school

allowed Goergen to wear the shirt to school (NN school agrees to let student wear pro-life sweatshirt, 2004).

Bretton Barber wore a t-shirt to a Michigan school that labeled President Bush an international terrorist. After an assistant principal told Barber to wear the shirt inside out for the rest of the day, he refused and left the school for the rest of the day. The American Civil Liberties Union filed suit on Barber's behalf, and a U.S. District Judge issued an injunction allowing Barber to wear the t-shirt to school. In the decision, the judge ruled:

The courts have never declared that the school yard is an inappropriate place for political debate, and students benefit when school officials provide an environment where they can openly express their diverging viewpoints and when they learn to tolerate the opinions of others (Shepardson, 2003, p.1).

Speech Related to Homosexuality

School administrators in North Carolina forced Jarred Gamwell, an openly gay high school student running for student body president, to remove his campaign posters with the slogans "Queer Guy for Hunt High" and "Gay Guys Know Everything." Gamwell enlisted the help of the ACLU, which believed removing the signs was a violation of Gamwell's First Amendment rights. A Wilson County Superior Court judge denied the ACLU's request to force the school to put the posters back on the walls. Gamwell ended up finishing last in the election (Waggoner, 2004).

Marcus Huff, a resident of Louisiana, while speaking to another student about his family, explained that his mother was gay. A teacher overhearing the conversation scolded Huff and sent a note home to his parents describing how Huff had "explained to

another child that you are gay.” The teacher underlined the word gay twice. Because of Huff’s conversation with another student, he was given in-school suspension where he was required to write several times, “I will never use ‘gay’ in school again.” The ACLU, after Huff’s mother contacted the organization, sent a letter to the school demanding an apology from the school board and the removal of the incident from Huff’s records (Stepp, 2003). In a five to three decision, the school board decided not to apologize to Marcus (Moller, 2003).

As part of their annual diversity week, the Gay/Straight Alliance student club in a Michigan high school organized a panel discussion of six clergy who shared the view that religion and homosexuality are compatible. Elizabeth Hansen, a student and member of the Pioneers in Christ student club, objected to this message and asked that she be able to either name a clergy member that shared her belief that homosexuality is not a valid lifestyle or speak on the panel herself. The school rejected her request, but invited her to speak at a general assembly on the subject of “what diversity means to me.” School officials reviewed all of the students’ speeches, and found some of Hansen’s speech objectionable. Hansen revised her speech but sued claiming violations of her First Amendment rights to free speech and free exercise of religion. The U.S. District Court for the Eastern District of Michigan ruled in favor of Hansen, and rejected the school’s argument that it restricted her speech because of legitimate pedagogical concerns (Hutton, 2003b).

Symbolic Speech

The principal of Kingswood Regional High School in New Hampshire suspended Paul Hendrickson Jr. for wearing an anti-Nazi patch on his clothing. The anti-Nazi patch

consisted of a red circle and diagonal line on top of a swastika. The school district filed suit and the U.S. District Court ruled in favor of the school. During the court proceedings, the principal explained that he suspended Hendrickson because he believed that the patch may lead to a violent disruption between two groups of students known as the “gay students” and the “rednecks” and described threats and taunts between the two groups. The judge ruled that because of the unique circumstances at the school, that the principal could censor Hendrickson’s speech based on the need to prevent violence (Whitson, 2006).

T.J. West, a middle school student in Kansas, drew a Confederate flag during mathematics class. Another student showed the picture to the teacher who gave it to the principal. As a result, the school suspended West for three days. Because of the history of racial tensions in the school and district, it was required that the students review a student handbook that contained the policy prohibiting them from possessing written material that is racially divisive or that creates ill will. The handbook listed examples such as articles or flags that denoted the Ku Klux Klan, Black Power, and the Confederacy. West’s father sued, alleging the school violated his son’s First Amendment right to free speech. The 10th U.S. Court of Appeals ruled unanimously in favor of the school district because given the history of racial incidents in the school, it was reasonable for school officials to fear that the drawing would cause substantial disruption of school activities (Dowling-Sendor, 2000).

School officials suspended two students in Ohio, Timothy Castorina and Tiffany Dargavell, for wearing Hank Williams Jr. t-shirts with the Confederate flag. The two students claimed they were wearing the t-shirts to celebrate Williams’ birthday and

express their southern heritage. The students filed suit, and a federal district court dismissed the case because wearing the t-shirts did not constitute expressive conduct. However, the Sixth Circuit Court of Appeals reversed the lower court's decision because the school did not prove the shirts would cause a disruption to school activities and the school did not ban other types of controversial clothing such as Malcolm X t-shirts (Student Press Law Center, 2001).

A principal in a Florida high school suspended two students for displaying a Confederate flag on school grounds. Previously, the principal had told the students that displaying the Confederate flag was against school rules. The students filed suit, claiming violation of their First Amendment free speech rights. Because testimony from school officials established the race-based nature of fights at the school prior to the principal's ban, the U.S. Court of Appeals for the Eleventh Circuit ruled that the principal's unwritten policy did not violate the students' rights (Brooks, 2004).

Student Speech on the Internet

While writing on his blog (a frequent, chronological publication of personal thoughts and Web links) at home, Nevada high school student Wesley Juhl typed "Kill Alaina!" referring to a friend from school. Juhl also wrote a derogatory comment about a teacher in the blog. A month later, he received an in-school suspension. During the disciplinary action, school officials realized that Juhl did not have a current zone variance and forced Juhl to attend a different high school (Bach, 2003). In a similar situation, a student at a Florida high school posted threats to a student on the Internet Web log community xanga.com. The threats consisted of taking vengeance on another student at the school. However, officials at the Florida school did not take any disciplinary action,

because they believed the code of conduct did not extend to the student's home where the threats were made (Garza, 2003).

Supreme Court Cases Dealing with Students' Freedom of Religion

Engel v. Vitale (1962)

The State Board of Regents, which had supervisory power over New York public schools, started a program of "moral and spiritual training" in the schools. This program required students to recite a prayer, written by the Regents, every morning in the presence of a teacher. The prayer stated, "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country" (p. 422). A group of 10 parents filed suit against the Board of Education of New Hyde Park, New York because the board directed the principals to adopt the Regents' program including the daily recitation of the prayer. The parents challenged the constitutionality of the program because it violated the First Amendment's Establishment Clause.

The U. S. Supreme Court ruled in favor of the parents and declared, "state officials may not compose an official state prayer and require that it be recited in the public schools." Justice Black, writing for the majority, did not agree with the school district's argument that because the prayer was nondenominational and students were not compelled to recite the program, it did not violate the Establishment Clause of the First Amendment. Justice Black explained the prohibition of school prayer by writing:

It is neither sacrilegious nor anti-religious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance. (p.435)

With the Engle decision, the U.S. Supreme Court established a strict standard against state-sponsored prayer in public schools (Demac, 1998; Fischer, 1999).

Abington School District v. Schempp (1963)

Abington School District v. Schempp (1963) involved a Pennsylvania law stating:

At least 10 verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian. (p. 205)

The Court ruled against the law requiring schools begin each day with readings from the Bible. According to Justice Clark, who wrote the majority opinion, “in light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause” (p. 205).

In addition to ruling the Pennsylvania law unconstitutional, Justice Clark established that the teachers could use the Bible in the classroom for educational purposes and the study of religion in the school curriculum does not violate the Constitution when he wrote:

It might well be said that one’s education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a

secular program of education, may not be effected consistently with the First Amendment. (p. 225)

Lemon v. Kurtzman (1971)

The U.S. Supreme Court heard two cases from Pennsylvania and Rhode Island that involved taxpayer assistance to private, and in some instances, religious schools. The Pennsylvania law in question provided for paying the salaries of teachers in private schools, as well as assisting in the purchasing of textbooks and other teaching supplies. In Rhode Island, the government paid 15% of the salaries of private school teachers. In both cases, the teachers were teaching secular, not religious, subjects.

The U.S. Supreme Court unanimously determined that direct government assistance to religious schools was unconstitutional. Because of the case, the Court created the "Lemon Test" for deciding if a law is in violation of the Establishment Clause. "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster an excessive government Entanglement with religion." The Lemon Test is important for educators because the courts use the test to evaluate the purpose and effects of a school's conduct, and, if the school's actions violate any of the three prongs, the action is unconstitutional (Kaiser, 2003).

West Virginia State Board of Education v. Barnette (1943)

The West Virginia Board of Education ordered the Pledge of Allegiance become a "regular part of the program of activities in the public schools, and all teachers and pupils shall be required to participate in the salute honoring the Nation represented by the flag." At the time the Pledge consisted of the following statement, "I pledge allegiance to the

flag of the United States of America, and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all.” If a student refused to salute the flag, the school could suspend the student for insubordination. Because of the order by the state board, schools expelled Jehovah Witness students and threatened their parents with prosecution for causing delinquency. A parent, Walter Barnette, filed for an injunction against the state board order.

The U.S. Supreme Court ruled in favor of Barnette. Justices Black and Douglas in a concurring opinion wrote, “the statute before us fails to accord full scope to the freedom of religion secured to the appellees by the First and Fourteenth Amendment.” After the Court’s decision, school officials could not make the Pledge compulsory (Taylor, 2003).

Recent Conflicts Involving Students’ Freedom of Religion

Student Distribution of Religious Materials

Robert Dowd went to school with “joy jars” he made to pass out to the rest of the students in his class. The decorated jars contained Bible excerpts and messages about Jesus. Dowd’s teacher alerted the principal to the contents of the messages. Afterwards, the principal removed the messages while the students were out of the room. On the same day, Dowd’s sister distributed similar jars to her classmates without interruption. Dowd’s parents filed suit in federal court claiming the school interfered with his First Amendment right to free exercise of his religion. The Mobile County Public School System policy prohibits the distribution of religious material on grounds that it violates the Establishment Clause of the First Amendment (Danborn, 2004).

Reading the Bible at School

During his school's "quiet reading time," Harrison Kravat chose to read the Bible. Upon discovering his choice of reading material, his teacher confiscated the Bible. The school based its policy on the mistaken belief that allowing students to read the Bible at school was a violation of the Establishment Clause of the First Amendment. After contact from the Alliance Defense Fund, which threatened a lawsuit, the school changed its policy and allowed Kravat to read his Bible (Hutton, 2003a).

Teaching about Religion

Brooke Carlin, a teacher at Excelsior School in Byron, California, had her students adopt roles as Muslims for three weeks as part of a unit on Islam. During the three-week unit, students used Muslim names, recited Islamic prayers, and simulated fasting for Ramadan by giving up candy or television for a day. The parents of two Christian students filed suit and claimed that the role-playing exercises were an unconstitutional endorsement of Islam. The U.S. District judge dismissed the suit because the purpose was not religious and that all the activities served an educational purpose. In addition, units on Muslim culture and religion are a statewide requirement for seventh-grade world history classes (Egelko, 2003).

Recitation of the Pledge of Allegiance

The American Civil Liberties Union sued the State of Colorado over a law that would make public school students and teachers recite the Pledge of Allegiance every day. A U.S. District judge agreed with the ACLU and blocked the state from enforcing the law and stated, "It doesn't matter whether you're a teacher, a student, a citizen, an administrator, or anyone else—it is beyond the power of the state or government to

compel the recitation of the Pledge of Allegiance.” The legislators agreed to rewrite the law (Abbot, 2003).

A U.S. District Court has upheld Virginia’s statutes that public schools hold daily recitations of the Pledge of Allegiance. The plaintiff in the case, Edward Myers, argued that the Pledge violated the Establishment Clause of the First Amendment. The District Court applied the Lemon test and rejected Myers’ argument because the Pledge is secular in purpose, does not promote religion, and does not create excessive entanglement (Hutton, 2003c).

Michael Newdow, the non-custodial parent of a child in California, filed suit over a school policy requiring teachers to lead students in the Pledge of Allegiance on grounds that it violates the First Amendment’s Establishment Clause. The U.S. Court of Appeals for the Ninth Circuit agreed with Newdow’s argument that the phrase “under God” in the Pledge means the policy is unconstitutional and violates the Establishment Clause of the First Amendment (Hutton, 2003e; Zirkel, 2004). According to Newdow, when teachers recite the Pledge of Allegiance with the words ‘under God’ they are not being neutral in regards to religion, and “what educator reads into the current Pledge that the denial of God’s existence is afforded equal status with the contrary view” (Newdow, 2003 p. 1). The U.S. Supreme Court ruled that Newdow did not have the legal standing to bring the case because of the current custody dispute between the parents of the child. As a result, the Court did not address the constitutional issue of the Pledge (Court dismisses Pledge case, 2004). However, Newdow re filed his lawsuit and the judge issued an injunction barring students in the Rio Linda Union School District from reciting the Pledge. The

judge stayed the injunction pending appeals, allowing the Rio Linda students to continue reciting the Pledge (Mears, 2005; Walsh, 2005).

A federal judge ruled a State of Florida's law requiring students to stand and recite the Pledge of Allegiance is unconstitutional. Cameron Frazier, the 17-year old junior that filed the lawsuit received \$32,500 from the Palm Beach County School District because of an agreement between the school district and Frazier. The 1942 law required students to recite the Pledge and could only be exempt if the student provided written permission from his or her parents. In addition, the law required all students to stand even if they had parental permission allowing them to be silent during the recitation of the Pledge. U.S. District Court Judge Kenneth Ryskamp ruled the law unconstitutional because it violated students' First and Fourteenth Amendment rights and that students may stay quietly seated during the Pledge (Travis, 2006).

Students' First Amendment Rights and Implications for Teachers

Teachers should be available and ready to help students become aware of their rights and accompanying responsibilities. A teacher cannot know when a situation involving student rights will arise in his or her classroom. That teacher should be prepared to turn the situation into a learning experience to help students analyze and interpret—and possibly improve—the human condition. (Henson, 1979, p. 33)

Students learn by example and if teachers set an example of intolerance for speech, denial of religious expression, or prejudice toward or against religion, this will become an unintended aspect of the school's curriculum (Hills, 2001; Kaiser, 2003).

Students' Freedom of Expression and Implications for Teachers

In addition to cases decided by the courts, Florida law places responsibilities on teachers regarding students' rights. The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida state that a teacher "shall not intentionally violate or deny a student's legal rights." Florida law requires teachers discuss the school's code of conduct, which must contain "an explanation of the responsibilities and rights of students" (Florida Statute 1006.07). Florida also requires additional responsibilities of teachers such as "posting a notice in a conspicuous place that the student has the right not to participate in reciting the Pledge of Allegiance" (Florida Statute 1003.44). In order to help teachers understand students' right to freedom of religion, the state distributes the "entire guidelines on Religious Expression in Public Schools published by the United States Department of Education" (Florida Statute 1002.205).

The cases decided by the Supreme Court have established tests for when teachers can limit the freedom of expression of students. However, the tests require teachers to understand the Court's decisions and apply that understanding to their unique situation. In order for a teacher's decision to limit students' freedom of expression to hold up in court, the expression must have been associated with the school, a true threat, obscene, or capable of causing a "substantial and material disruption" to school activities (Dowling-Sendor, 2001).

Expression that is associated with the school or sponsored by the school does not have the same protection as individual student expression and can be regulated by the school to ensure that the student expression does not interfere with the educational

mission of the school (Taylor, 2000). In regard to the curriculum, the courts have given teachers broad leeway to determine the nature of the curriculum (Fischer, 1999).

In the wake of deadly incidents such as the shootings in Columbine, schools have become more aware of threats made by students (Wheeler & Hutton, 2003). However, schools may overreact to this speech and infringe on a student's freedom of expression (Hudson, 2004). The courts have provided educators with various criteria to consider when determining whether student expression is a true threat. The criteria include whether the student has made similar statements in the past, whether school officials have reason to suspect the student might be violent, how the student made the threat, and whether the student communicated the threat directly to the person being threatened (Hills, 2001). In addition, even when a threatening statement is not a true threat, educators can respond out of fear of a disruption of school activities (Wheeler & Hutton, 2003).

With the decision in *Bethel v. Fraser* (1986), the U.S. Supreme Court established that schools can discipline for obscene speech, and that the Constitution does not prohibit schools from determining what modes of expression are appropriate (Stader, 2001). Teachers and schools can restrict the content of student expression because it is vulgar or obscene, and if the expression conflicts with the teaching mission of the school. However, teachers must be careful not to restrict expression just because they disagree with the student's message or viewpoint on a particular topic (Dowling-Sendor, 2001). In addition, educators can restrict expression that school officials consider fighting words. Fighting words consist of words that inflict injury by their very utterance or incense students to fight physically or verbally (Fischer, 1999).

While student expression may not be threatening or obscene, school officials can restrict the expression if the officials believe it will cause a disruption to school activities (Fischer, 1999). However, if the student challenges the restriction of expression in court, the school must provide evidence that a disruption would have occurred (Dowling-Sendor, 2001). As evidenced by decisions relating to the Confederate flag, the same expression can be restricted in one school and not restricted in another school. The courts will rule in favor of the school only if it can provide proof of a possible disruption to school activities, and that disruption outweighs the students' freedom of expression (Dowling-Sendor, 2000; Student Press Law Center, 2001).

School officials can also restrict student expression even if the expression took place off-campus. This is an important concept for school officials who discipline students for expression posted on the Internet while at home (Zirkel, 2001; MacFarlane, 2007). However, the restriction of expression outside of the school can be a complicated legal matter (Conn, 2001). Taylor (2000) suggested school officials ask themselves two questions when considering whether to discipline a student for expression contained on a personal Web site:

1. Is the expression in question associated with the school? Remember that expression associated with the school (for example, a Web page created on a school's computer) can be regulated in a reasonable manner to ensure it does not conflict with the educational mission of the school. In contrast, to be restricted lawfully by school officials, individual speech not associated with the school must create a substantial or material disruption of school activities.

2. Is the proposed punishment motivated by a mere desire to avoid the discomfort and unpleasantness that often accompanies unpopular viewpoints? The restriction must stem from something more than upset or dislike. Schools will have to show the student's conduct materially and substantially interfered with appropriate discipline in the operation of the school.

School officials can also restrict off-campus expression including Web sites if the officials consider the expression a true threat. The criteria for determining whether off-campus student expression is a true threat are the same as the criteria when analyzing on-campus student expression (Conn, 2001). Recent court cases have shown a trend toward limiting the rights of students and expanding the discretion of school personnel (DeMitchell et al., 2000).

Students' Freedom of Religion and Implications for Teachers

Every day parents from a variety of religious backgrounds entrust the education of their children to public school teachers, which is why teachers need to be informed about the constitutional issues dealing with religion in public education (Haynes, 1999).

One of the critical arenas for the issue of religious freedom in this country has been public education. It is in public schools that the conflict between private religious beliefs and the tradition of public secularism plays out with the most fervor, given that this is where the attitudes of the next generation of American adults are being shaped. (Demac, 1998, p.10)

Even though cases decided by the U.S. Supreme Court provide clear signals to teachers, violations of the First Amendment's protection of religion continue everyday (Imber, 2003). In spite of consensus about what the Court has decided is appropriate in

the classroom, many public school teachers remain confused about what kinds of religious expression are permissible in school (Marshall, 2003; Rozycki, 2003; Demac, 1999). One of the causes for the confusion and nervousness of teachers concerning religious matters is the fact that most teachers do not receive training in the appropriate way to handle religion in the classroom (Kaiser, 2003).

While teachers may be confused and nervous about religion in the classroom, growing numbers throughout the U.S. understand that study about religion in social studies, language arts, music, and art is an important part of a student's education (Haynes, 1999). Supreme Court Justice Clark, in *Abington v. Schempp* (1963), affirmed the principle that religion is an important aspect of the curriculum when he wrote, "It might well be said that one's education is not complete without a study of comparative religion or the history of religion to the advancement of civilization."

The State of Florida agrees with Justice Clark when it comes to including religion in the curriculum. The Florida Sunshine State Standards for Social Studies (Grades 9-12) specifically mentions religion seven times, and requires that students "know the significant ideas and texts of Buddhism, Christianity, Hinduism, Islam, and Judaism." The National History Standards recommends a study of Christianity, Confucianism, Daoism, Brahmanism, and Hinduism, as well as studying religious diversity and its impact on institutions and values in America (National Center for History in the Schools, 1996).

However, the policy requiring teachers to teach about religion, but not teach religion does not make clear what the policy permits or forbids (Rozycki, 2003). In an effort to "end much of the confusion regarding religious expression in our nation's public

schools,” the United States Department of Education developed a set of guidelines entitled “Religious Expression in Public Schools.” In regard to the confusion concerning teaching about religion and teaching religion the Department states:

Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible-as-literature, and the role of history of the United States and other countries all are permissible public school subjects. (Religious Expression in Public Schools, 1998, p.6)

In an effort to help teachers understand the role of religion in education, the State of Florida passed a law which states:

The Department of Education shall each year distribute for informational purposes to all district school board members, district school superintendents, school principals, and teachers, the entire guidelines on Religious Expression in Public Schools published by the United States Department of Education, as updated from time to time. (Florida Statute 1002.205)

In the classroom, although the subject may not be religion, students may choose to express their religious beliefs. According to A Teacher’s Guide to Religion in the Public Schools, “students may express their own religious views, as long as such expression is germane to the discussion” (Haynes, 1999, p. 3). In addition, students may express their religious views in the form of homework, artwork, and other assignments free of discrimination based on the religious content of their work (Marshall, 2003). However, “depending on the purpose and nature of the assignment a teacher can limit the religious content of a writing assignment” (Fischer, 1999). In some instances, students

may request the teacher excuse them from a lesson or assignment that they or their parents find objectionable on religious grounds. Schools and teachers enjoy substantial discretion in deciding whether to excuse the student, but according to the First Amendment Center, teachers should try to accommodate students when they object to assignments on religious grounds (Douglass, 2000).

In order for students to express their religious views, an increasing number of students are requesting permission to distribute religious material in class and on campus (Wayne, 1999). The distribution of religious materials by students puts teachers and schools in a precarious position between litigious groups: those who do not want children to bring home flyers from schools promoting religious views, and others who feel a school must not refuse the distribution of the flyers (Hutton & Burns, 2004). According to guidelines published by the U.S. Department of Education, “students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities” (Religious Expression in Public Schools, 1998, p. 6).

Since teachers represent the government, they have a duty to remain neutral to religion. Consequently, teacher expression of religion may violate the Establishment Clause of the First Amendment (Kaiser, 2003). For instance, teachers may not pray with or in the presence of students, but they are permitted to wear “non-obtrusive” jewelry such as the Star of David or a cross (Haynes, 1999).

Legislation that promotes patriotism in the schools has become prevalent in many states, including legislation dealing with the Pledge of Allegiance (Taylor, 2003). Most schools require students to recite the Pledge of Allegiance at the start of the school day

(Fischer, 1999). The State of Florida requires that “the Pledge of Allegiance to the flag shall be recited at the beginning of the day in each public elementary, middle, and high school in the state. The state law also requires that “each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge. Upon written request by his or her parent, the student must be excused from reciting the pledge” (Florida Statute 1003.44).

Conclusion

The review of the literature reveals that while the U.S. Supreme Court has decided a multitude of cases dealing with students’ First Amendment rights, students and parents continue to file lawsuits that deal with violations of these rights. The literature also shows that the number of court cases filed against schools and teachers has led to calls for teacher preparation programs to include an understanding of educational law in the curriculum.

The evidence used to justify an increase in the amount of instruction in educational law is largely anecdotal. The literature shows a small number of studies measuring practicing teachers’ knowledge of educational law. However, research is lacking that investigates pre-service teachers and how well teacher education programs are preparing them to deal with students’ First Amendment Rights in the classroom. This study fills gap in the research by studying pre-service teachers and not practicing teachers and will examine pre-service teachers’ knowledge of a particular area of educational law, students’ First Amendment rights.

Chapter III

Methods

The purpose of this study was to investigate the level of knowledge of students' First Amendment rights among pre-service teachers, as well as the pre-service teachers' confidence in their ability to deal with students' First Amendment rights in the classroom. As dictated by the standards for teacher preparation in the State of Florida, teachers must have an understanding of educational law, including students' First Amendment rights. However, there is a lack of research detailing the level of knowledge among pre-service teachers and their confidence in dealing with students' First Amendment rights before they enter their teaching careers. This chapter will review the methods and procedures the researcher used in conducting this study.

Use of Mixed Methods

In order to describe pre-service teachers' knowledge and confidence in dealing with First Amendment issues in the classroom, the researcher used a mixed methods study design to take advantage of the strengths of both qualitative and quantitative research methods. "Mixed methods research is the class of research where the researcher mixes or combines quantitative and qualitative research techniques, methods, approaches, concepts, or language into a single study" (Johnson & Onwuegbuzie, 2004). The researcher began the study by gathering data using a Web-based survey developed by the researcher. Using the data collected from the survey, the researcher used descriptive

statistics, including measures of central tendency and analysis of variance, to describe the level of knowledge and confidence of pre-service teachers at the university.

The researcher also conducted interviews to provide an understanding of how pre-service teachers acquire knowledge and confidence in dealing with First Amendment issues. According to Dexter (1970), an interview is a conversation with a purpose. The purpose of the interviews conducted by the researcher was to obtain “here and now constructions” of the participants about their preparation to deal with First Amendment issues in the classroom (Lincoln & Guba, 1985). Another purpose of the interview was to validate the findings from the survey instrument distributed to all the participants.

For the interviews, the researcher used a structured interview strategy. During the structured interview, the researcher had a list of questions prepared prior to the interview and asked each participant the same questions. This strategy is used when the researcher knows the questions that need to be answered and relies on the participants to provide the responses and the data (Lincoln & Guba, 1985). McCracken (1988) states that interviews of two to three hours are common. The interviews the researcher conducted for this study were 30-45 minutes in length given that the researcher had already collected the biographical questions through the survey instrument.

During the interviews, the researcher asked the respondents the following four types of questions developed by Patton (1980).

Experience/Behavior Questions – Questions that are aimed at eliciting descriptions of experiences, behaviors, actions, and activities that would have been observable had the observer been present

Opinion/Value Questions – Questions that try to find out what people think about the world or about a specific program

Knowledge Questions – Questions that find out what a respondent considers to be factual information regarding the research topic

Interpretive Questions – Questions in which the researcher advances a tentative interpretation of what the respondent has been saying and asks for a reaction

Setting and Background

The university that is the focus of this study is a major public research university located in the rapidly growing metropolitan area in the southeastern part of the United States. The university enrolls more than 41,000 students on four area campuses. The 41,000 students can choose from more than 200 undergraduate and graduate programs. On average, freshman entering the university in the fall of 2004 had a high school GPA of 3.74 and an SAT score of 1108. More than 25% of the student population is African American, Hispanic, Asian American, Native American, or other nationality (Quick Facts about USF, 2005).

The university has one of the largest metropolitan Colleges of Education in the nation and has enrolled more than 3,500 students in one of the many bachelors, masters, Ed.S, and PhD programs. The College of Education is accredited by the National Council for the Accreditation of Teacher Education (NCATE) and received over \$23 million in external funding to support the College's research and professional service efforts (USF College of Education, 2005).

Participants

The researcher asked 325 pre-service teachers to participate in the study. The participants in this study were secondary education pre-service teachers in mathematics, science, English, foreign language, and social studies. The pre-service teachers were students in the College of Education's Department of Secondary Education and were taking courses in one of the college's programs that lead to teacher certification in mathematics, science, English, foreign language or social studies. The degrees offered in the College of Education leading to teacher certification include a Bachelor of Science in Education and a Master of Arts in Teaching. Information regarding the admission requirements and required core courses in the College of Education can be found in Appendix D. Table 1 shows the number of pre-service teachers by subject area and academic level.

Table 1

Number of Pre-Service Teachers by Subject Area and Academic Level

	Social Studies	Math	Science	English	Foreign Language
Graduate (n=38)	22 (41%)	1 (14%)	8 (47%)	5 (17%)	2 (67%)
Undergraduate (n=72)	32 (59%)	6 (86%)	9 (53%)	24 (83%)	1 (33%)

Note. The researcher sent an e-mail with a link to the survey to 325 pre-service teachers asking them to participate in the study. Out of the 325 pre-services that received e-mails, 110 submitted surveys.

The researcher investigated if there was a statistically significant difference between the frequencies of graduate and undergraduate students in each subject area and found that the differences in the frequencies for each subject area were not statistically significant, $\chi^2(4, 110) = 8.57, p = 0.07$.

The first section of the Web-based survey required the pre-service teachers to provide background information including their gender, teaching experience, experience

with the law, and experience with educational law. Seventy-eight percent of the participants were female. Fifty-three of the survey participants responded that they had teaching experience; 36 of those participants responded that they had experience as a substitute teacher, and 17 participants responded that they had experience as a full-time teacher. Regarding experiences with the law, 14 participants responded that they had served on jury duty, 9 had been involved in a lawsuit, and 10 had worked in the law enforcement or legal profession. In addition, 47 participants responded that they had a family member involved in law enforcement or a legal profession.

Development of the Survey Instrument

All participants in the study received a Web-based survey (see Appendix A). The survey consists of background information, 10 questions based on classroom scenarios involving students' First Amendment rights, and seven questions about First Amendment concepts. The first section of the survey requires the participants to provide background questions such as age, gender, and academic experiences. In addition, the participants provided information about experiences that may have an effect on their level of knowledge about First Amendment issues that affect the classroom.

In the next section of the survey, the participants determined the constitutionality of the actions of teachers and school officials. The researcher developed the scenarios in the survey using court cases involving First Amendment issues in the classroom. The researcher used several criteria when selecting the cases for the survey. First, in each of the cases or examples, a judge provided a written decision about the constitutionality of the case and the decision was based on the guiding principles supplied by the Supreme Court that are not likely to change in the near future. The written decision provides the

researcher with a clear answer as to whether the school violated the First Amendment rights of students. Another criterion used by the researcher when selecting cases was that the action took place in a secondary classroom. The final criterion was that a classroom teacher initiated the conflict between the school and the student's First Amendment rights with a decision to take action. The researcher's goal in selecting the cases was to represent situations that teachers deal with around the country and that pre-service teachers may face in the future.

The final section of the survey instrument asks pre-service teachers about First Amendment concepts. These concepts such as the use of the Bible in the classroom, standing for the Pledge, and fighting words were based on standards developed by the United States Supreme Court.

The Use of Web-Based Surveys

Web-based surveys offer researchers a number of advantages, including lower costs, ease of survey development, speed of delivery and response, and ease of data cleaning and analysis (Umbach, 2004; Sills & Song, 2002). Even though many researchers have conducted research using the Internet, some researchers have concerns with using the Internet as a tool for gathering data. These concerns include low response rates, self-selectivity of Internet users, technological issues with the deployment of the research tool, and concerns over Internet security (Sills & Song, 2002). However, researchers have provided best practices for developing Web-based surveys. The best practices include keeping the design simple, creating a welcome screen that provides interest and clear directions, providing multiple items on a single page, including a progress indicator, and limiting the amount of scrolling by users of the survey (Umbach,

2004; Couper et al., 2001). By utilizing these best practices, it is possible to decrease errors and increase response rates (Umbach, 2004). In addition, for populations such as university students that regularly use the Internet in their daily lives, researchers have found that the Internet can be a sensible means for gathering data and achieving meaningful results (Porter, 2004; Sills & Song, 2002).

The use of Web-based surveys and assessments has led researchers to investigate the effect of test or survey mode on performance or quality of the data (Leeson, 2006; Denscombe, 2006; Choi & Tinkler, 2002; Bergstrom, 1992). In a literature review of the mode effect on the performance of participants on a Web-based test, Leeson (2006) found that there are several issues to contemplate when utilizing a Web-based test. The issues include:

- Slight differences between race/ethnicities;
- Slightly poorer performance by females on computer-based tests;
- Little difference between high and low computer users;
- A detrimental impact of scrolling on performance;
- No effect on performance whether participants have the option to go back and review their answers to previous items or not; and
- An increase errors and hurried responses when one item is presented per screen.

Many studies have been conducted with adult examinees to evaluate the comparability of scores obtained from computer-based tests versus those from paper-and-pencil tests. “In general, these studies concluded that the underlying constructs measured by both computer-based and paper-and-pencil versions of an instrument are not readily distinguishable, and the administration mode effects were typically small” (Choi &

Tinkler, 2002). In addition, Denscombe (2006) found that the benefits of Web-based questionnaires do not appear to come at the expense of consistency, and that “Web-based questionnaires appear to provide a reliable data collection method as measured against equivalent paper-based versions.”

Survey Monkey

The researcher used the online survey builder, Survey Monkey, to create the Web-based survey for this study. “Survey Monkey is an easy-to-use tool for the creation of online surveys. Its primary strength is its intuitive Web interface, which makes it easy for even non-technical folks to create surveys and export collected data” (Westin, 2005, p. 1). Survey Monkey has several important features that helped the researcher implement the best practices from the literature for designing the survey (Umbach, 2004; Couper et al. 2001). The software allows the designer to add a welcome screen and divide the survey into multiple pages to reduce scrolling. In addition, Survey Monkey provides over 20 types of questions including: multiple choice (with multiple selections), short answer, and long answers requiring text boxes. The software also allows the designer to require answers to certain questions, and prevents the participants from going back to previously answered questions to change answers. In order to help the researcher distribute the surveys, Survey Monkey creates a Web link that the researcher can send to participants via e-mail.

In addition to the design tools, Survey Monkey provided the researcher with a number of tools to help select participants for interviews and analyze the data. Survey Monkey allows the researcher to filter the data to select only participants who meet certain criteria. This feature helped the researcher select participants based on their

academic background and results on the survey. In addition, the researcher could review the individual results of the interview participants to help prepare for the interview. Survey Monkey also allowed the researcher to download the results from the survey into Microsoft Excel to help with analysis of the data.

Expert Review of Survey Instrument

In order to validate the survey, the researcher had it reviewed and analyzed by four experts in the field. The researcher chose the experts based on their experiences with teacher education and their experience with educational law. Three of the four reviewers are professors in teacher education who specialized in educational law, and one of the three professors has written extensively on First Amendment issues. The fourth reviewer is the editor of a weekly newsletter on court cases and issues dealing with educational law. The fourth reviewer provided the most feedback regarding the survey and became a consultant to the researcher for making changes to the survey.

The researcher sent each of the reviewers an expert review form (Appendix B). None of the reviewers suggested changes to the background or academic background questions. However, the consultant and another reviewer did make suggestions regarding potential changes to several questions in the survey. The first suggestion had to do with two questions regarding homosexuality. The consultant and another professor felt that while courts had ruled on these cases, some of the issues were emerging and could be decided differently in the near future by the Supreme Court. As a result, the researcher replaced these questions with questions based on the *Tinker* decision and the *Bethel* decision. Another suggestion made by the consultant dealt with the two questions regarding freedom of expression on the Internet. The consultant believed these two

questions could be replaced because the Supreme Court may reverse the lower court opinions in the future. However, after continued consultation, the researcher kept these two questions because many of the courts dealing with the issue have ruled using the same criteria and the literature suggests that the Supreme Court will not overrule the lower courts decisions when it comes to these cases. The final suggestion consisted of changing the word Christmas to holiday on one of the questions. The researcher made this change to the question that dealt with distributing religious messages.

Field Test of Survey Instrument

In addition to the expert review, the researcher field-tested the survey instrument with pre-service teachers at the university that is the focus of this study. The researcher conducted a field test of the Web-based survey with pre-service teachers through the university's e-mail system. All of the participants in the field test were in the teacher education program, but not enrolled in an internship or the methods course for their particular discipline.

Seventeen pre-service teachers from a variety of subject areas participated in the field test. In order to measure the difficulty of the questions, the researcher calculated a difficulty index for each item. The results of the difficulty index can be found in Appendix E. The difficulty index for seven of the scenario questions was between .58 and .76. For three of the scenario questions, the difficulty index was above .80. Two of the three questions dealt with students creating Web pages at home (.88 and .94), and the third question dealt with the Pledge of Allegiance (.82). Even though these questions were above .80, the researcher decided to include the questions because of their value in investigating pre-service teachers understanding of these two issues. For the seven

concept questions, four of the questions were above .80. The three questions included the questions regarding expression at a school-sponsored activity (.94), fighting words (1.0), the Pledge of Allegiance (.82), and stopping student prayers (.88). The researcher decided to keep the questions in the survey because they provided the researcher with more data about the pre-service teachers understanding of First Amendment issues. However, the researcher did make a slight change to the wording for the question regarding fighting words. In addition to conducting the difficulty index, the researcher tested for reliability using Cronbach's alpha (.50).

Field Test of Structured Interview Questions

In order to field test the structured interview questions and orient the researcher to conducting the interviews, the researcher selected two participants for pilot interviews. The researcher chose one participant from the two comparison groups of the mathematics, science, English, and foreign language group of participants and the social studies group of participants. While conducting the pilot interviews, the researcher made several discoveries that would help while conducting interviews for the study. The first discovery was the importance of warm-up questions and reviewing the informed consent form. The interview participants had never participated in a study before, so reviewing the informed consent form and describing the study helped the researcher and the interview participant get to know each other. In addition to the informed consent, providing the interview participants with the \$50 gift certificate also helped with getting them comfortable with the interview process.

During the first interview, the researcher started by reviewing the interview participant's answers to the survey instrument and then moved to the questions on the

structured interview. However, during the second interview, the researcher began the interview by asking several of the structured interview questions, then reviewing the survey instrument, and then finishing the interview with the remaining structured interview questions. The strategy of reviewing the survey in the middle of the structured interview questions elicited more thoughtful responses by the second participant. It also allowed the researcher to come back to some of the structured interview questions during the interview process. In addition, the researcher was able to illicit responses from the participant by asking the respondent to explain his or her answers and confidence to the questions on the survey instrument.

Conducting the Study

Phase One: Distribution of the Survey Instrument

The researcher distributed the Web-based survey to the participants during the pre-service teachers' internship and in their subject area methods course. For the pre-service teachers conducting their internship, the researcher contacted participants via e-mail explaining the purpose of the study and the need for their participation. The e-mail contained a link to the Web-based survey, which was hosted on Survey Monkey. For the pre-service teachers in their subject area methods courses, the participants took the survey in a computer lab during the scheduled class time. The survey was distributed to 325 pre-service teachers and 110 pre-service teachers participated in the study.

Phase Two: Statistical Analysis of Survey Instrument Data

The quantitative methods used to analyze the data from the survey and answer the research questions consisted of measures of central tendency, analysis of variance, and effect size.

1. Is there a significant difference between the scores of undergraduate and graduate secondary pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?

After the researcher distributed the survey to all the participants, the researcher calculated the mean for undergraduate and graduate students. In order to determine if there was a statistically significant difference between the two groups, the researcher conducted an analysis of variance.

2. Is there a significant difference between the scores of mathematics, science, English, and foreign language pre-service secondary teachers and the scores of social studies pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?

The researcher calculated the mean for the mathematics, science, English, and foreign language pre-service teachers and the social studies pre-service teachers. Using a two-way analysis of variance (ANOVA), the researcher determined if there was a statistically significant difference between the two groups. The two-way ANOVA also provided information about any statistically significant interaction effects of subject area (math, science, English, foreign language and social studies) and level of degree (graduate and undergraduate). The researcher also conducted a test for homogeneity of variance because of the differences in the number of pre-service teachers in each cell of the design and calculated the effect size to determine the practical significance of the results.

3. What experiences throughout the lives of secondary pre-service teachers, including their academic experiences, do they feel have prepared them for dealing with students' First Amendment rights?

During the interviews with the participants, the researcher asked the pre-service teachers about their experiences at the university and any other courses they may have taken that have helped prepare them for dealing with First Amendment issues in the classroom. During the interviews, many of the pre-service teachers explained their experiences with First Amendment issues while elaborating on their answers to the questions on the survey. In addition, the researcher asked the pre-service teachers about experiences outside of the classroom that they believe might have helped prepare them for First Amendment issues in the classroom.

4. Are secondary pre-service teachers confident they are prepared for dealing with students' First Amendment rights at school?

After the researcher distributed the survey to all the participants, the researcher calculated a confidence score for each participant based on his or her responses from the survey. The researcher calculated the mean, median, and mode of the confidence scores and used the confidence scores to classify students into high, average, and low confidence groups. Using a two-way analysis of variance, the researcher determined if there was a statistically significant difference between the confidence levels of the two groups. The two-way ANOVA also provided information about any statistically significant interaction effects of subject area (math, science, English, foreign language and social studies) and level of degree (graduate and undergraduate) on the level of confidence. The researcher also conducted a test for homogeneity of variance because of

the differences in the number of pre-service teachers in each cell of the design and calculated the effect size to determine the practical significance of the results.

Phase Three: Selection of Participants for Interviews

Once the researcher completed the data analysis from the surveys, the researcher utilized stratified purposeful sampling to select participants for interviews. The researcher used this sampling strategy of selecting participants at defined points of variation to examine the characteristics and variations of the different groups. The defined points of variation included high, average, and low scores and high, average, and low confidence levels among the pre-service teachers. The researcher classified the participants who scored within one standard deviation from the mean as average scorers. The participants who scored one standard deviation or more above the mean were classified as high scorers, and the participants who scored one standard deviation below the mean were classified as low scorers. The researcher used the same method for grouping students based on their confidence totals. The number of participants in each group is provided in Table 2.

Table 2

Number of Pre-Service Teachers in Score and Confidence Groups

		Confidence Level on the Survey		
		High	Average	Low
Knowledge Score on the Survey	High	1	8	3
	Average	17	57	10
	Low	1	9	4

Note. The researcher used standard deviations to classify the pre-service teachers into high, average, and low groups. For both the scores and confidence, participants who were at least one standard deviation above the mean were classified as high, and participants who were at least one standard deviation below the mean were classified as low.

The stratified purposeful sample included 10 participants who volunteered to be interviewed. Each volunteer supplied his or her e-mail address on the Web-based survey. The researcher's purpose in selecting the 10 participants was to select those who represented the population of pre-service teachers and to understand the similarities and differences among the population in their acquisition of knowledge and confidence in dealing with First Amendment issues in the classroom. Table 3 shows the academic level, subject area, score level, and confidence level of each interview participant.

Table 3

Selection of Interview Participants Based on Score and Confidence Level

Level	Subject Area	Score	Confidence Level
Graduate (n = 5)	Social Studies	High	Average
	Social Studies	Low	Average
	Social Studies	High	High
	English	High	Average
	Foreign Language	Average	Average
Undergraduate (n = 5)	Science	Average	Low
	Social Studies	Average	High
	Mathematics	Low	High
	Social Studies	Average	Low
	Mathematics	Low	Low

Note. Ten pre-service teachers were chosen for interviews from 37 volunteers. Interview participants were selected based on subject area, academic level, score, and confidence level. High, average, and low classifications for both score and confidence level were determined using standard deviations.

Phase Four: Interviews

The researcher asked each participant the same questions (see Appendix C). The researcher began the interview process by reviewing the informed consent document that needed the participants' signature and explaining that their actual names would not be used when reporting the results. The first two questions in the structured interview were not designed to answer any of the research questions, but were used by the researcher as "grand tour" questions, which gave the participant and the interviewer the opportunity to

get comfortable with each other, the interview process, and the interview topic (Lincoln & Guba, 1985). The researcher used the other questions to obtain data to answer the research questions.

After the grand tour questions, the researcher began by asking the pre-service teachers general questions about the survey, including their opinion on the difficulty of the questions on the Web-based survey. Next, the researcher reviewed the interview participants' answers to the questions on the survey. The researcher asked the pre-service teachers why they selected the answers that they selected and to explain their level of confidence for each answer. The researcher also asked follow-up questions so the pre-service teachers could further explain their reasons for choosing their answers and their confidence level in their choices. The researcher concluded the interview by asking the interview participants about the importance of teaching First Amendment issues to pre-service teachers, and how they would incorporate those issues into the curriculum.

Phase Five: Analysis of Data from Interviews

In qualitative research, data analysis and collection are concurrent activities (Merriam, 1988). The data analysis began during the interviews with the researcher keeping a log of important quotes and ideas (See Appendix G for an example of the researcher's log). The researcher's log consists of three columns. The researcher recorded significant quotes and phrases from the interview in the middle column. The researcher used the left column to record the time of the quote, and the right column for notes about the quote (Merriam, 1988).

In addition to keeping a log during the interviews, the researcher recorded and transcribed each interview to preserve the data for analysis. Transcriptions from two

interviews can be found in Appendix H. Once the transcriptions were complete, the researcher gathered all the data including the surveys, the statistical analysis, interview log, and the interview transcripts. The researcher reviewed all the data, making notes in order to isolate the most important (Merriam, 1988). As the researcher conducted the interviews and analyzed the notes, the researcher looked for certain words, phrases, and ideas that began to emerge from the data. The process of integrating emerging themes developed during the study is a characteristic of inductive analysis used in qualitative research (Bogdan & Biklen, 1992).

The researcher used the notes to create what Lincoln and Guba (1985) describe as units of information. A unit of information is any phrase, comment, or paragraph that reveals information about the phenomenon being studied. The researcher recorded all the units of information on a spreadsheet, and using the comparative technique developed by Lincoln and Guba (1985), the researcher developed categories and themes. The technique consists of the following steps:

1. Read the first unit of information. This first unit of information is the first unit of the first category.
2. Read the second unit of information. If the researcher believes it is similar or it “feels alike” to the first unit, the researcher will place it with the first unit in the first category. However, if the unit is not similar the researcher will put it a second category.
3. Continue with the remaining units of information, deciding if it is a feels alike to previous units that the researcher has placed into categories or if it represents a new category.

4. After a number of units have been processed, the researcher may feel that a new unit neither fits any of the previous categories nor seems to form a new category. The researcher will place these in a miscellaneous category for later review.

In order to check the value of the categories, the researcher used guidelines developed by Holsti (1969) (Merriam, 1988).

1. Each category must reflect the research goals and questions.
2. Every relevant item in the data must be placed into one of the categories.
3. No unit of information can be placed into more than one category.
4. All categories should be independent.
5. All categories should be developed from the same classification principles.

Through transcribing the interviews, reviewing the notes, separating the data into units of information, the researcher was able to find new themes and confirm the previously identified themes. In order to validate the themes, the researcher enlisted four teacher educators to review the units of information and classify the units of information in the themes identified by the researcher.

The researcher provided each of the four teacher educators with an Excel spreadsheet that contained a description of the study, seven themes with a brief description of each, and 23 units of information. The researcher chose these themes to test whether or not the themes were comprehensive and to ensure that units could not fit into two different categories. The results of the analysis by the teacher educators can be found in Appendix F.

After completing the categories and themes, the researcher wrote a preliminary report and conducted a data workshop with the major professors of the committee. The workshop involved the professors' review of the units of information, categories, and the preliminary report.

Validity of the Study

According to Gall, Borg, and Gall (1996), "the criterion of internal validity is not applicable to descriptive research because it does not seek to identify causal patterns in phenomena" (p. 571). Therefore, internal validity does not need to be considered in this study.

However, the researcher used triangulation as checks on the external validity of this study. Triangulation consists of using multiple methods for collecting data. The rationale for triangulation is that the imperfections of one method are often the strengths of the other, and by mixing methods, a researcher can achieve the best of each, while overcoming their unique deficiencies (Merriam, 1988). The multiple methods used in this study include statistical analysis of the data from the surveys and the interviews conducted by the researcher. The researcher compared the findings and conclusions from each method and looked for any inconsistencies in the data.

The responsibility of generalizing findings of this study is placed on the readers and not the researcher. Readers will need to determine if the study's findings can be applied to their particular situations. The descriptions of the university, the teacher education program, and participants provided by the researcher will help the readers determine the generalizability of the study to their situation or teacher education program (Gall, Borg, & Gall, 1996).

Reliability can be problematic in descriptive research. However, the use of a survey instrument and a structured interview reduce the threats to the reliability of the study (Gall, Borg, & Gall, 1996). Researchers who wish to investigate student teachers' knowledge and confidence in dealing with First Amendment issues in the classroom can use the research from this study to develop their own survey instrument and interview questions.

Chapter IV

Results

Introduction

The purpose of this study was to investigate the knowledge and confidence of pre-service teachers in dealing with First Amendment issues in the classroom. The researcher collected data for this study using a Web-based survey distributed to pre-service teachers and interviews conducted with a sample of the survey participants.

Participants in this study were pre-service teachers currently enrolled in the College of Education. The data from the Web-based survey were analyzed using measures of central tendency and analysis of variance. Using data gathered from the interviews, the researcher identified units of information and organized the units into themes.

Results from the Survey

Fourteen respondents received staff development training in educational law. Forty-two participants responded to the question, “Have you taken a course in your program that deals with school law or the First Amendment rights of students? If yes, please provide the title of the course.” A list of the specific courses and the number of students that identified that course as dealing with educational law is provided in Table 4.

Table 4

Courses Identified by Pre-Service Teachers that Dealt with First Amendment Issues

Course	Number of Pre-Service Teachers
Social Foundations	13
Classroom Management	3
Introduction to Education	3
Social Studies Course (e.g. Political Science)	3
Social Studies Methods	4
Did not provide specific course	1

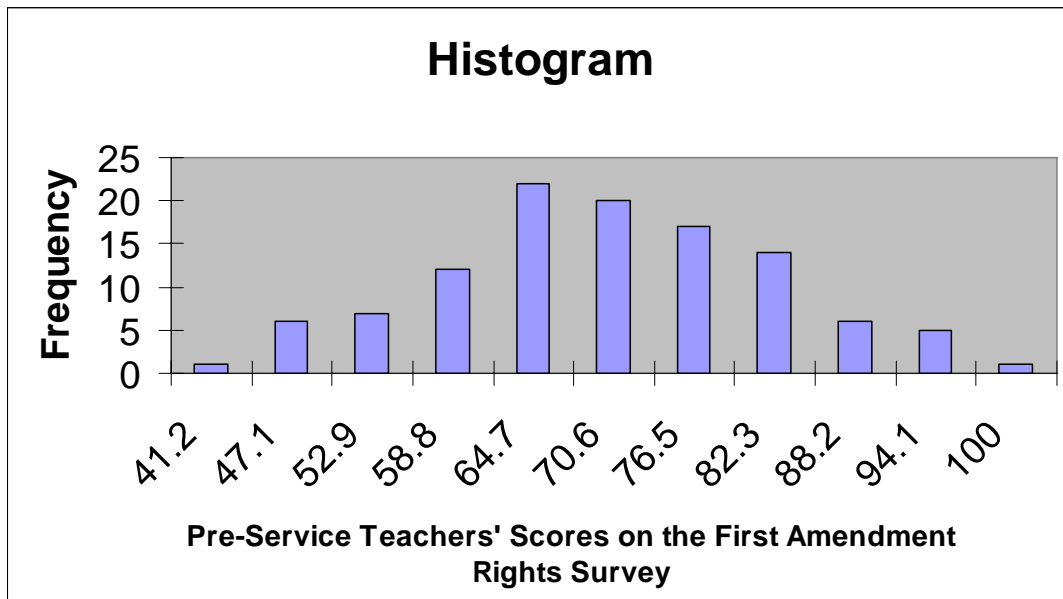
Note. Fifteen participants answered the question with “no” or a similar answer (Not while I was awake), and 27 participants responded that they had taken a course that dealt with school law or First Amendment rights of students. The 27 participants provided information on the course or courses (two students identified two courses) that dealt with school law or the First Amendment rights of students.

The scores on the survey instrument ranged from 41.2% (7 questions answered correctly), to one student who scored a 100% (all 17 questions answered correctly).

Figure 1 shows a histogram of the pre-service teachers’ scores on the Web-based survey.

Figure 1

Histogram of Pre-Service Teachers' Scores on the First Amendment Rights Survey



The mean score for all the participants on the Web-based survey was 70.16 ($SD=12.35$). The mean, median, and mode for the social studies participants, math, science, English, and foreign language participants, and the graduate and undergraduate participants can be found in Table 5.

Table 5

Mean, Median, and Mode Scores for Each Group of Pre-Service Teachers on the Test of Knowledge from the Students' First Amendment Rights Survey

Group of Pre-Service Teachers	Mean	Median	Mode
Overall	70.16	70.6	64.7
Graduate	68.47	64.7	64.7
Social Studies	67.89	64.7	64.7
Math, Science, English, and Foreign Language	69.90	67.5	64.7
Undergraduate	70.71	70.6	82.3
Social Studies	72.59	70.6	76.5
Math, Science, English, and Foreign Language	70.30	70.6	82.3

Note. One-hundred ten participants took part in the Web-based survey. The survey consisted of 17 questions about First Amendment rights. The questions included 10 scenarios based on court cases and seven questions based on First Amendment concepts.

The first 10 questions on the survey presented the pre-service teachers with a scenario in which they needed to decide if the school or teacher in the scenario violated the students' First Amendment rights. The next seven questions asked the pre-service teachers about various First Amendment concepts.

The participants scored more highly on the concept questions than the scenario questions. For the concept question dealing with controlling expression at a school-sponsored activity, 91.2% of the participants answered the question correctly, while 88% of the participants answered the question regarding student use of fighting words correctly. However, only 61.5% of participants answered the question regarding the use

of the Bible as a historical and literary resource in the classroom correctly. Table 6 shows the percentage correct for each of the concept questions.

Table 6

Percentage Correct for Each Concept Question on the Survey Instrument

Concept Questions	% Correct
School-sponsored activity	91.8
Off-campus expression	56.7
Fighting words	86.6
Permission for the Pledge	71.1
Bible use in the classroom	57.7
Student prayer	93.8
Religious holidays	80.4

Note. The average score for the 110 pre-service teachers that participated in the survey was 70.16%.

The scenario questions that the pre-service teachers most often answered incorrectly were: the question about a student wearing an anti-Bush t-shirt (47.0% incorrect), the question about displaying the Confederate flag (48.2% incorrect), and student distribution of religious messages in class (49.4% incorrect). The scenario questions that the pre-service teachers most often answered correctly were the questions regarding student Web pages (77.1% and 89.2%) and the question about the Pledge of Allegiance (75.9% correct). Table 7 shows the percentage of pre-service teachers that answered each scenario question correctly as well as the mean and standard deviation of the confidence level for each scenario question on the knowledge portion of the survey instrument.

Table 7

Percentage Correct and Confidence Mean and Standard Deviation for Each Question on the Survey

Scenario Questions	% Correct	Confidence Score	
		Mean	Standard Deviation
Armband protest	70.1%	2.74	.80
Confederate flag	49.5%	2.55	.79
Vulgar speech at assembly	71.1%	2.65	.74
Web site with jokes and criticism	74.2%	2.75	.84
Web site with hitman for teacher	88.7%	2.87	.84
President Bush terrorist t-shirt	52.6%	2.74	.76
Candy canes with religious notes	50.5%	2.75	.76
Standing for the Pledge	74.2%	2.93	.85
Paper about Jesus	56.7%	2.86	.80
Student religious comment	55.7%	2.74	.72

Note. The average percent correct was 70.16 and the average confidence level was 2.78 for the 110 pre-service teachers that took the survey. The response scale for confidence was 1 (Not at all Confident) to 4 (Extremely Confident).

In order to determine if there was a correlation between the pre-service teachers' scores on the knowledge and confidence-level portions of the survey instrument the researcher calculated correlation coefficient and only a slight positive correlation (0.14) between the pre-service teachers' scores and their confidence level.

The researcher calculated Cronbach's alpha to examine the internal reliability of the knowledge (0.55) and confidence (0.86) portions of the survey instrument. After conducting an analysis of variance using data from all questions on the survey, the researcher conducted another analysis to verify the results of the study after removing questions with low item-to-total correlations. After removing the questions with lower item-to-total, the researcher found similar results. Detailed results of the analysis after removing questions with low item-to-total can be found in Appendix I.

Data from the Interviews

The researcher conducted 10 interviews with a sample of the pre-service teachers. The researcher selected the interview participants based on their scores on the survey instrument and their level of confidence in their answers. During the interviews, the researcher kept a log to capture important ideas and quotes. An example of the researcher's log can be found in Appendix G. In addition to keeping a log, each interview was transcribed. Examples of two interview transcripts can be found in Appendix H.

The researcher used the logs and transcripts to create units of information. The units of information consisted of quotes and phrases from the pre-service teachers. The units of information were placed into an Excel spreadsheet, and the researcher created themes based on the units of information. Table 8 presents examples of units of information and the themes based on the units of information.

Table 8

Themes and Units of Information from Interviews With the Pre-Service Teachers

Offensiveness	Right Thing to Do	Apprehension	Policy
They are not allowed to wear the anything the Confederate Flag because it is considered offensive	It was just kind of a value judgment on a lot of them, so it was not too bad.	Just because that could get the school in so much trouble an all those things, save a big lawsuit.	Depending on the district or whatever is in the handbook might take away some of the rights that you have
Keeping people from begin offended	Well, just I think that people should be able to say what they want, Freedom of expression, and I completely believe that.	It could cause a lot more tension, depending on the topic.	Then it is not violating the students' First Amendment rights because they know that the policy is there for a reason.
Some of the other students in the school might have found it offensive.	I think that students have every right to voice their opinion about that.	The teacher is the one that has to face it first, and if they know how to handle it correctly then they will be able to avoid having the court involved or anything else.	Since the school had already mentioned that you couldn't wear them, I felt like they couldn't wear them.
I don't think they were offending anybody, they were not. I mean for the Amendment right, they had a right to express themselves.	I think you have a right to state your opinion and even if it is about a religious issue.	I am guessing that if you violate students First Amendment issues that can go to the parents and then come back at you and cause larger problems	If it is a school policy it has to be followed, because it's a school policy
The school kind of limits that because it does disrupt the school and it might offend some people.	Adults do that all the time, why wouldn't they be able to do it, that is just not right.	You might have trouble with the school board.	I thought the rights would go through the Pinellas County District, they set up their own standards.

Note. The table provides examples of the 11 themes and 140 units of information created from interviews with 10 pre-service teachers regarding their knowledge and confidence in dealing with First Amendment issues.

Research Questions

Research Question 1

Is there a significant difference between the scores of undergraduate and graduate secondary pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?

After the pre-service teachers completed the survey, the researcher conducted statistical analyses to determine if there was a significant difference between the scores of undergraduate and graduate pre-service teachers on the knowledge portion of the survey. Table 9 shows the mean, standard deviation, range, skewness, and kurtosis of the undergraduate and graduate pre-service teachers' scores on the knowledge portion of the survey instrument.

Table 9

Pre-Service Teachers' Percent Correct on the Students' First Amendment Rights Survey by Academic Level

	<i>M</i>	<i>SD</i>	Minimum	Maximum	Skewness	Kurtosis
Total (<i>n</i> = 110)	70.16	12.35	41.2	100	0.02	-0.34
Undergraduates (<i>n</i> = 72)	70.42	11.33	41.2	100	-0.09	-0.06
Graduate (<i>n</i> = 38)	70.12	14.11	47.1	94.1	0.12	-0.67

Note. The 110 participants answered 17 questions on the knowledge portion of survey. The 17 questions consisted of 10 scenario questions and seven questions based on First Amendment rights concepts.

Table 9 shows that the scores were approximately normally distributed. Results of the Levene's test indicated that there was not a violation of the assumption of homogeneity of variance $F(3,106) = 1.86, p = .14$.

In order to determine if the differences between the scores on the knowledge portion of the survey instrument of undergraduate and graduate pre-service teachers were statistically significant, the researcher conducted an analysis of variance (ANOVA). The analysis of variance showed that there was not a significant difference, $F(1,110) = 0.02$, $p = .89$, between the scores of graduate and undergraduate students on the knowledge portion of the survey instrument.

Research Question 2

Is there a significant difference between the scores of mathematics, science, English, and foreign language pre-service secondary teachers and the scores of social studies pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?

After the pre-service teachers completed the survey, the researcher conducted an analysis of variance to determine if there was a significant difference between the scores of social studies pre-service teachers and the scores of math, science, English, and foreign language pre-service teachers on the knowledge portion of the survey instrument. Table 10 shows the mean, standard deviation, range, skewness, and kurtosis of the scores of the social studies, math, science, English, and foreign language pre-service teachers' scores on the knowledge portion of the survey instrument.

Table 10

*Pre-Service Teachers' Percent Correct on the Students' First Amendment Rights Survey
by Subject Area*

	<i>M</i>	<i>SD</i>	Min.	Max.	Skewness	Kurtosis
Total (<i>n</i> = 110)	70.16	12.35	41.2	100	0.02	-0.34
Social Studies (<i>n</i> = 54)	71.70	13.19	41.2	100	-0.09	-0.68
Math, Science, English, and Foreign Language (<i>n</i> = 56)	68.55	11.34	47.1	94.1	0.04	0.33

Note. The 110 participants answered 17 questions on the knowledge test portion of survey. The 17 questions consisted of 10 scenario questions and seven questions based on First Amendment rights concepts.

Table 10 shows that the scores were approximately normally distributed. In addition, the researcher used Levene's test to find that there was not a violation of the assumption of homogeneity of variance $F(3,106) = 1.86, p = .14$.

In order to determine if the differences between the scores of social studies and math, science, English, and foreign language pre-service teachers were statistically significant, the researcher conducted an analysis of variance. The analysis of variance showed that there was not a significant difference, $F(1,110) = 1.89, p = .43$, between the scores of social studies pre-service teachers and math, science, English, and foreign language pre-service teachers. In order to investigate the possible interaction between the academic level and the subject area, the researcher conducted a two-way analysis of variance. The interaction between level of degree and subject area was nonsignificant $F(3, 106) = 0.71, p = .40$.

The researcher calculated the effect size to examine the relationship between scores of the pre-service teachers and their subject areas and their level of degree. In

addition, the researcher calculated the effect size for the relationship between the pre-service teachers' scores and the interaction between the pre-service teachers' subject area and level of degree. Using Cohen's descriptions of effect sizes, the effects of level of degree, subject area, and the interaction on the pre-service teachers' scores on the survey were all very small. The results of the analysis of variance with the effect sizes can be found in Table 11.

Table 11

ANOVA Summary Table for Differences Between Scores on the Survey Instrument

Source	Df	F	H
Level of Degree (A)	1	0.02	0.01
Subject Area (B)	1	1.89	0.13
A x B Interaction	1	0.71	0.08
S within group error	106		

Note. The level of degree (A) was a comparison of the means of graduate (n = 72) and undergraduate pre-service teacher (n = 38). The subject area (B) was comparison of the means of social studies (n = 54) and math, science, English, and foreign language (n = 56) pre-service teachers.

Research Question 3

What experiences throughout the lives of secondary pre-service teachers, including academic experiences, do they feel have prepared them for dealing with students' First Amendment rights?

The pre-service teachers who participated in the interviews for this study cited a number of experiences from which they gained knowledge about First Amendment issues. These experiences included experiences while at school, experiences while participating in internships, background experiences, and their courses at the university. Stacie (the researcher did not use actual names in reporting and discussing the results of

this study) based her answer to the Confederate flag question on her experience in an internship:

At the school I am at, the rule is that you can stand, you have to stand, everybody has to stand. But, you don't have to do the actual pledge itself, so I would say that they need to stand up, but they don't have to salute, they don't have to say the word.

Shirley also based her answer to the Confederate flag question on her experiences during her internship:

I have been in school, I mean, the first three weeks of school they really bogged down on what students are wearing and what is appropriate and not appropriate. I saw that they are not allowed to wear bandanas.

The pre-service teachers described background experiences as another resource for knowledge about First Amendment issues. Michael stated that his time in the military provided experiences dealing with First Amendment issues and a desire to understand the guarantees of the Constitution. Carrie, describing her upbringing, said that "I was raised in a very liberal home and I have strong feelings towards, you know, First Amendment rights and how the Government should act towards its citizens," and that these feelings would influence how she handled First Amendment issues in the classroom. Edward explained how background experiences shaped his answer to the questions on student Web pages with, "I watch a lot of television, so I see a lot of CSI and stuff like that."

Several of the students based their answers on experiences they had while in school. Jennifer cited an experience while in high school when discussing her answer to a question about the anti-Bush t-shirt with her experience in high school, "The high

school that I went to had a policy that if you wore a t-shirt that was offensive to other students, then you had to wear the t-shirt inside out for the entire day. It was a rule.”

Michael explained his answer to the Pledge question with, “I don’t think I have ever had a teacher that made the people stand up and say it. They may have made them stand up, but they never made them recite it.” Pamela explained her answer to the question about religious messages by saying “the only reason I put that because when I was in high school, I was told that we were allowed to do those of sorts of things.” Beth based her answer on experiences she had with her daughter’s education, in particular, her answer to the question of the teacher telling the student that her comment on the Holy Land was inappropriate:

In the classes my daughter is in, these are very much allowed to be spoken and you are allowed to speak the other side. You do not have to sit silent and listen to her opinion alone. My daughters have not really been in the classroom where that’s happened, where you are not allowed to speak because you are in favor and you are allowed because you are opposed. It’s been equal for anyone.

The coursework that the pre-service teachers referred to most often during the interviews were the Social Foundations and Classroom Management courses, and one of the social studies pre-service teachers identified a methods course. While the pre-service teachers mentioned the courses, they could not recall many details. For instance, Carrie while discussing what she learned in Social Foundations stated:

The only education course that I had that touched on it, as far as First Amendment issues would have been Social Foundations, and a lot of those were from the

1800s, so I mean I know a little bit about the First Amendment rights that they discovered back then, but nothing current at all.

However, one student who recently took a social studies methods course mentioned that First Amendment issues were covered in the course when students were given a group assignment to present a lesson on something that they thought would be important to beginning teachers. The group decided that students' First Amendment rights was an important topic and taught a lesson using the case study method with First Amendment court cases.

All of the participants interviewed believed it was important to include dealing with students' First Amendment rights in the teacher preparation curriculum. Stacie summed up her feelings about the importance of adding First Amendment issues to the curriculum when she said:

I think it would be a good idea to include it in the program here at the school, to have some kind of educational law program be part of the program. Because as I was filling out the survey, I was thinking to myself, wow I really know less about this than I thought I did and I think that it could be very beneficial.

The interview participants also believed that if there was a problem with a student's First Amendment rights, the teacher would have to face the problem and that it could possibly lead to the teacher "getting into trouble."

Even though the interview participants agreed that First Amendment issues should be included in the teacher education curriculum, they differed as to how. Many of the participants did not want to add another class and would only want a course on educational law "if it replaced another class." Two of the interview participants believed

that adding a class on educational law would be a good idea and were under the impression that other teacher education programs did require pre-service teachers to take a course on educational law. When asked about integrating educational law and First Amendment issues into a current course, most of the interview participants cited the Social Foundations and Classroom Management courses. They believed Social Foundations and Classroom Management were the proper courses in which to include First Amendment issues because they covered material similar to educational law and because all of the students in the teacher education program were required to take it.

Research Question 4

Are secondary pre-service teachers confident they are prepared for dealing with students' First Amendment rights at school?

Using the responses the pre-service teachers provided on how confident they were in their answers to the questions on the Web-based survey, the researcher calculated a confidence score for each of the participants. Table 12 shows the mean, standard deviation, range skewness, and kurtosis of the pre-service teachers' confidence level on the survey instrument.

Table 12

*Pre-Service Teachers' Confidence Level from the Students' First Amendment Rights**Survey by Academic Subject Area and Academic Level*

	<i>M</i>	<i>SD</i>	Min.	Max.	Skewness	Kurtosis
Total (<i>n</i> = 110)	2.78	0.55	1.6	4	-0.14	0.29
Social Studies (<i>n</i> = 54)	2.82	2.79	1.6	3.9	0.02	-0.12
Math, Science, English, and Foreign Language (<i>n</i> = 56)	2.78	0.49	1.6	4	0,08	-.01
Graduate (<i>n</i> =38)	2.72	0.53	1.9	3.9	-0.39	0.36
Undergraduate (<i>n</i> =72)	2.81	0.57	1.6	4	-0.07	-0.23

Note. The lowest score possible was a 1.0 (Not at all Confident for every question), and the highest score possible was 4.0 (Extremely Confident for every question).

Table 12 shows that the scores were approximately normally distributed. In addition, the researcher used Levene's test to find that there was not a violation of the assumption of homogeneity of variance $F(3, 106) = .31, p = .81$. The researcher conducted a two-way analysis of variance to determine if there was a statistically significant difference between the confidence level of social studies pre-service teachers and the confidence level of math, science, English, and foreign language pre-service teachers. The researcher also used the two-way analysis of variance to determine if there was a statistically significant difference between the confidence scores of graduate pre-service teachers and undergraduate pre-service teachers.

The analysis of variance showed that there was not a statistically significant difference, $F(1,110) = .00, p = .98$, between the confidence scores of social studies pre-service teachers and the confidence scores of math, science, English, and foreign language pre-service teachers. The analysis of variance also showed that there was not a statistically significant difference, $F(1,110) = .46, p = .98$, between the confidence scores

of graduate and undergraduate pre-service teachers. In addition, the analysis of variance showed that there was not a statistically significant interaction, $F(1,110) = .46, p = .50$ between the subject area and academic level of the pre-service teachers.

The researcher calculated the effect size to examine the relationship between confidence level of the pre-service teachers and their subject areas and their level of degree. In addition, the researcher calculated the effect size for the relationship between confidence level and the interaction between the pre-service teachers' subject area and level of degree. Using Cohen's descriptions of effect sizes, the effects of level of degree, subject area, and the interaction on the pre-service teachers' confidence level on the survey are all very small. The results of the analysis of variance with the effect sizes can be found in Table 13.

Table 13

ANOVA Summary Table for Differences Between Confidence Levels on the Survey

Instrument

Source	<i>df</i>	<i>F</i>	η
Level of Degree (A)	1	0.46	0.06
Subject Area (B)	1	0.00	0.00
A x B Interaction	1	0.46	0.06
S within group error	106		

Note. The level of degree (A) was a comparison of the means of graduate ($n = 72$) and undergraduate pre-service teacher ($n = 38$). The subject area (B) was comparison of the means of social studies ($n = 54$) and math, science, English, and foreign language ($n = 56$) pre-service teachers.

The participants were most confident in their answer to the question regarding the Pledge of Allegiance. On the Pledge question, 72.3% of the participants indicated that they were either Confident or Extremely Confident in their answer to the question.

Overall, the participants were least confident in their answer to the question about displaying the Confederate flag, on which 45.8% of the participants indicated that they were either Not at all Confident or Slightly Confident in their answer.

The pre-service teachers provided several reasons for their confidence when they explained their responses to these questions. When interview participants answered that they were confident, one of the reasons they gave was that they believed the action depicted in their answer was the “right thing to do.” For a number of the interview participants, the questions were “just kind of a value judgment on a lot of them,” and if they had strong feelings about that value, they would have more confidence in their answer. Beth, explaining her answer to the question regarding a student’s expression about the Holy Land, said she felt confident, “because that young lady is entitled to her opinion. She’s entitled.” Shirley, explaining her answer to the question regarding a student creating Web page that criticized the school, said:

I put Extremely Confident on this one because adults do that all the time. Why wouldn’t they be able to do it? That is just not right. They are voicing their opinion, that is what they are supposed to do.

Another reason why the interview participants responded that they were confident in their answer was because they had a similar experience either within or outside of their teacher education program. Carrie explained the confidence in her answer to the Confederate flag question by saying:

Actually a little bit before someone in class had a discussion about how South Carolina has the Confederate flag in their state flag. I figured if a state in the U.S.

has it in their state flag, then there is no reason why a student should not be able to.

Three of the interview participants explained that experiences in their internship had shaped their confidence in their answer. Stacie, explaining her confidence in her response to the Confederate flag question, stated:

Because with the Confederate flag issue, based on the school that I am at now, they are not allowed to wear anything with the Confederate flag because it is considered offensive, but they are also not allowed to wear the Puerto Rican flag or things of any other flags. I was thinking more along the lines of my specific school.

In addition to teaching experiences, the pre-service teachers often referred to background experiences during their responses. Beth, when describing why she responded Confident in some answers and Slightly Confident in other answers, explained, “I don’t know if that was correct or not, but I knew from personal experience, and in others I was just, I was very iffy.” Jennifer, who was confident in her answer to the anti-Bush t-shirt question explained:

In high school there was a kid and—this is post 9-11—that wore, that is why I put that answer, wearing an Osama Bin Laden shirt that had a target, that had a gun target, so I assumed that since he wasn’t sent home, and it was freedom of expression how he felt that that would be the same thing.

Pamela, explaining her confidence in her answer to the questions regarding distribution of candy canes with religious messages, said that she was confident “because that’s what I was told by my high school teachers. I was hoping that they knew.”

When the interview participants discussed why they selected Slightly Confident or Not at all Confident they cited several reasons for their lack of confidence. The first reason they were less confident was that they believed the answer was a “judgment call” and that both answers could have been correct. Stacie explained, “With some of them it just kind of seemed like it could go either way and I could, or some could, find a way to argue for it or against it based on what I knew.” Another reason the interview participants explained why they were less confident was because of something in the question that made them less confident. Regarding the question about vulgar speech, Angela explained that she was slightly confident “because of that little disclaimer that you put where it didn’t offend anyone. They weren’t extremely vulgar, so that’s why I wasn’t sure.”

The interview participants also cited a lack of preparation as a reason for their lack of confidence. Edward said that he “didn’t feel comfortable with the amount of education that they give student teachers,” and that pre-service teachers “are left in the dark about it until we violate it, and then we are in trouble.” Carrie stated it would be “nice to have some idea of what you are going to see and some idea of how to handle it, so I don’t feel like I have gotten a lot.”

Additional Findings

The data show that pre-service teachers use several criteria when determining whether teacher or school actions would violate students’ First Amendment rights. The first criterion that pre-service teachers use is school or school board policy. During interviews with the pre-service teachers, a frequent response was “it depends on the school’s policy.” School policy was cited in explanations to the questions dealing with

wearing armbands as a protest, the Confederate flag, the anti-Bush t-shirt, and the Pledge of Allegiance. For the question regarding the Pledge, some of the students believed that whether or not the school violated the students' First Amendment rights was based solely on the school's policy about standing for the Pledge. For instance, Michael explained his answer to the Pledge question by saying, "First of all I would have to know if there is a school policy, if the school policy was that you could not force anybody to say something if they do not want to say something." Stacie believed that the school board determined students' rights and that "depending on the district or whatever is in the handbook might take away some of the rights that you have."

The second criterion the pre-service teachers use to guide their decisions regarding First Amendment issues was their belief as to what was "right" or "wrong" to do in that situation. Three of the interview participants characterized the questions as "value judgments" and felt that teachers and schools could make the decisions based on their own personal opinions. Carrie believed that students "should be able to say what they want, freedom of expression, and I completely believe that." Shirley, while explaining her answer to the question about students distributing candy canes with religious messages, stated, "if the person doesn't want to read it, don't take the candy, but the teacher shouldn't, that is not right."

Jennifer, discussing her answer to the question about the speech with sexual innuendos, believed that it was wrong to suspend the student because:

As an English teacher, we give them literature filled with sexual innuendos. So you're telling the students, as far as suspending him, you are giving him literature to read filled with sexual innuendos, and he's gonna give a speech filled with

sexual innuendos. He may have done it on purpose. But, he may have done it because this is what he was taught in his English class as okay. This is something that he has read, and this is not something to suspend him for. He didn't realize he was even violating any sort of anything. I don't know if the First Amendment rights were violated, but suspending him, to me, was completely wrong.

Another criterion the pre-service teachers used to guide their decision was offensiveness. When the pre-service teachers explained why the teacher or school was justified in limiting student expression, they believed that the standard was offensiveness to other students or teachers. When asked about the differences between the rights of adults and rights of students, Stacie explained that the school could limit students expression to "keep people from being offended." Edward believed that the school was justified in telling the student to remove the anti-Bush t-shirt because:

Well, it is kind of offensive and some people might take offense to it, such as if there is a student in the school that is completely the opposite side of the fence, they feel that he isn't a terrorist, he is doing a good job.

Edward also believed that the teacher did not violate the students' First Amendment rights on the question where the student expressed her beliefs about the Holy Land. He believed the teacher was justified because:

It is kind of just stopping any—possible like she said at the end—it might offend some other students. And really, she has the right to cut off comments that are going that might cause that in the classroom especially if it is going off topic.

Michael answered that he believed the principal in the Confederate flag case did not violate the students' First Amendment rights because "some of the other students in

the school might have found it offensive, and then there could have been something that started because of that.”

The final criterion pre-service teachers use to guide their decisions is apprehension and concern about “getting into trouble.” Michael, while explaining why it was important to teach pre-service teachers about First Amendment rights, said, “The teacher is the one that has to face it first, and if they know how to handle it correctly, then they will be able to avoid having the court involved or anything else like that.” Edward was also fearful of the consequences of making students stand for the Pledge and said that as a teacher, “You don’t want to get in trouble for making your students stand up for taking the Pledge, its kind of one of those things, ok there are a lot of other things that I could get in trouble for.”

Apprehension was also an issue when the participants discussed their answers to the questions regarding religion, especially the questions about the distribution of religious messages and using the Bible in the classroom. Kimberly explained why she would be reluctant to use the Bible in the classroom by saying:

I, personally, probably wouldn’t because I am not familiar. I grew up as a Christian, so the Bible would be the religious text that I am familiar with. I am not familiar with the Koran or Torah or the other religious artifacts, so to just keep religion out of the classroom, I wouldn’t.

Many of the pre-service teachers felt that religion would be more difficult to deal with because of the controversy and emotion of religious issues. They perceived that there would be more problems with parents and administrators if they violated a students’

freedom of religion or offended a students' religious beliefs. Carrie summed up her feelings by stating:

I would say it is probably harder to deal with freedom of religion because I think that a lot of people, especially other students and maybe other teachers have strong opinions about religion and might get fired up about someone else expressing their opinion of their religion, it could cause a lot more tension, depending on the topic.

In addition to the criteria that pre-service teachers use to make decisions, the data show that pre-service teachers lack an understanding of the standards the Supreme Court has prescribed for teachers and schools when dealing with First Amendment issues. This lack of understanding was evident when the pre-service teachers explained their answers to the questions on the survey instrument. For instance, none of the pre-service teachers identified the speech in the armband or anti-Bush t-shirt questions as political speech. For the question regarding the Confederate flag, only one of the pre-service teachers identified the history of violence at the school as influencing her answer. For the question about the speech, none of the pre-service teachers identified the fact that the speech took place during a school-sponsored activity as relevant to the decision. Finally, when discussing the need for schools to keep order and prevent disruption, only one student cited the Supreme Court's standard of material and substantial disruption.

Summary of Findings

This study sought to investigate the knowledge and confidence of pre-service teachers in dealing with First Amendment issues in the classroom. The data show pre-

service teachers' knowledge and confidence in dealing with First Amendment issues is related to their experiences inside and outside of the teacher education program.

The study investigated the differences between the scores of undergraduate and graduate pre-service teachers to find out if there was a statistically significant difference between the two groups. The researcher conducted an analysis of variance and found that there was not a statistically significant difference between the two groups in their scores on the knowledge portion of the survey. The study also investigated the differences between social studies pre-service teachers and mathematics, science, English, and foreign language pre-service teachers. The researcher conducted an analysis of variance and found that there was not a statistically significant difference between the scores of social studies pre-service teachers and the scores of mathematics, science, English, and foreign language pre-service teachers on the survey. In addition, the researcher conducted an analysis of variance to compare the confidence scores of undergraduate and graduate pre-service teachers and found that there was not a statistically significant difference between the two groups. The researcher also found that there was not a statistically significant difference between the confidence scores of social studies and math, science, English, and foreign language pre-service teachers.

During the interviews, the pre-service teachers explained their answers to the questions on the survey. Many times the pre-service teachers identified an experience in their background that led them to their answer. These experiences included experiences as students, teaching or internship experience, experiences outside of the classroom, and coursework at the university. A number of the pre-service teachers dealt with the Confederate flag, the Pledge, and student religious expression while substituting or

during their internship. In addition, many of the pre-service teachers relied on their experiences while they were in school when answering the questions. Courses at the university also were an influence on the pre-service teachers' answers. Several of the pre-service teachers explained how they learned about First Amendment issues during their Social Foundations, Classroom Management, or other courses.

While the pre-service teachers were discussing their confidence in their answers, they cited reasons why they were confident and reasons why they were less confident. One of the reasons pre-service teachers responded that they were confident in their answers was because they had a strong belief in what the right thing to do was in that situation. In addition, background experiences played a large role in determining their confidence. Many of the pre-service teachers responded that they were confident because they had a similar experience in life, such as while they were in school or a similar experience while they were teaching.

The pre-service teachers also indicated there were several reasons why they were less confident in their answers. A number of pre-service teachers indicated that the questions on the survey were judgment calls and that both answers could be correct. The pre-service teachers also indicated that they were less confident in their answers because of a perceived lack of preparation in First Amendment issues.

Pre-service teachers use several criteria when making decisions regarding students' First Amendment rights. These criteria include school policy, offensiveness, a sense of right or wrong, and apprehension. During interviews with the researcher, the pre-service teachers often cited school policy as the basis for their answer to the scenario questions. They believed that by following school policy they could not violate students'

First Amendment rights. In addition to school policy, many of the pre-service teachers identified offensiveness as the standard for deciding whether to limit students' expression. The pre-service teachers also discussed their sense of right and wrong as a criteria for their decisions regarding First Amendment issues. The final criterion pre-service teachers identified as influencing their decision-making was apprehension about the consequences of making a mistake in dealing with First Amendment issues.

Chapter V

Conclusions and Recommendations

This final chapter summarizes the purpose, limitations, methods, and findings of this study. In addition, the chapter discusses the significance of the study and conclusions that can be drawn from the research. Finally, the chapter discusses implications for teacher preparation and recommendations for future research.

Purpose of the Study

The purpose of this study was to investigate the knowledge and confidence of pre-service teachers regarding First Amendment issues in the classroom. This study reviewed the literature regarding the need for educational law in teacher preparation, historical cases providing guidance to teachers regarding students' First Amendment rights in the classroom, and recent court cases involving conflicts between students and schools regarding students' First Amendment rights. Using a mixed-methods approach, the researcher investigated pre-service teachers' knowledge regarding First Amendment issues in the classroom and their confidence in dealing with such issues when they become teachers. This information offers insight into how pre-service teachers learn about First Amendment issues and their confidence in dealing with First Amendment issues in the classroom. Using this information, teacher educators can develop a curriculum to prepare pre-service teachers for First Amendment issues when they arise in their classroom.

Research Questions

The research questions that guided this study were:

1. Is there a significant difference between the scores of undergraduate and graduate secondary pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?
2. Is there a significant difference between the scores of mathematics, science, English, and foreign language pre-service secondary teachers and the scores of social studies pre-service teachers on a survey designed to assess pre-service teachers' knowledge of students' First Amendment rights?
3. What experiences throughout the lives of secondary pre-service teachers, including academic experiences, do they feel have prepared them for dealing with students' First Amendment rights?
4. Are secondary pre-service teachers confident they are prepared for dealing with students' First Amendment rights at school?

Significance of the Study

“Contemporary educators, whether they are embarking on a career or are well-established in their profession, cannot afford to be ignorant of the law” (Sametz & McClaughlin, 1984, p.115). This study is significant in that it provides information to teacher educators about what pre-service teachers know about students' First Amendment rights and their confidence in their abilities to deal with First Amendment issues in the classroom. In addition, the study provides information on how pre-service teachers learn about First Amendment issues and how what they have learned impacts their confidence in handling those issues. When teacher educators debate the inclusion of educational law

in the teacher education program and First Amendment issues in particular, this study can provide information on not only the need to include it in the curriculum, but also how pre-service teachers think it should be included in the curriculum. By using this information, teacher educators can adequately prepare pre-service teachers to deal with First Amendment issues, prevent the violation of students' First Amendment rights, and save school districts valuable resources by eliminating conflicts and litigation.

Limitations

While the study provides useful information, there are several notable limitations of the study. The first limitation of the study was the small number of scenario questions on the Web-based survey. Some of the issues were complex, and one question regarding the issue did not present an ideal picture of a pre-service teacher's understanding of that issue. A pre-service teacher may have answered the question correctly, but not have an adequate understanding of why his or her answer was correct. However, the complexity of the issue was explored with the pre-service teachers that were interviewed for the study.

Another important limitation is that the researcher conducted all interviews. To protect against researcher bias, the researcher transcribed each interview and reviewed the transcriptions with colleagues familiar with the issues in the study. In addition, once the thematic analysis of interview data was underway, the researcher scheduled a data workshop with the researcher's major professors to explain the categorizations employed in the analysis. In addition, the researcher provided the units of information to a group of fellow researchers and educators to verify the themes established by the researcher.

Another limitation of the study is that all of the interview participants were volunteers. The volunteers may have had more interest in students' First Amendment rights, and that is why they chose to volunteer for the study. The final limitation is that the research only investigated one teacher education program. As a result, the findings and recommendations are limited; however, similar programs may be able to find the recommendations helpful when making decisions about preparing pre-service teachers to face First Amendment issues in the classroom.

Methods

The researcher distributed a Web-based survey to pre-service teachers during their internship and in their subject-area methods course. The researcher invited 325 pre-service teachers to take the survey, 110 of whom participated in the survey. The quantitative methods used to analyze the data from the survey consisted of measures of central tendency and analysis of variance. The researcher conducted an analysis of variance to determine if there was a statistically significant difference between the scores of graduate and undergraduate pre-service teachers and the scores of social studies and mathematics, science, English, and foreign language pre-service teachers.

Once the researcher completed the data analysis from the surveys, the researcher utilized stratified purposeful sampling to select participants for interviews. The purpose of this sampling strategy was to get a representative sample of all the pre-service teachers, understand how the pre-service teachers gain knowledge of First Amendment issues, and examine what influences their confidence in dealing with First Amendment issues in the classroom. The stratified purposeful sample included 10 participants who volunteered to be interviewed. The researcher selected participants from the volunteers

based upon their scores on the assessment instrument and their level of confidence in the answers.

The researcher asked each participant the same set of questions (see Appendix C). The data analysis began during the interviews with the researcher keeping a log of important quotes and ideas. In addition to keeping a log during the interviews, the researcher recorded and transcribed each interview to preserve the data for analysis. Transcripts from two of the interviews can be found in Appendix H. Once the transcriptions were complete, the researcher gathered all the data, including the surveys, the statistical analysis, interview log, and the interview transcripts. The researcher reviewed all the data, making notes in order to isolate the most important information.

Once the researcher placed all the units of information into categories, the researcher defined and described each category, and conducted a data workshop with the major professors of the committee to discuss the units of information and the themes. In addition to the data workshop, the researcher sent the units of information and themes to a group of teacher educators to verify the themes identified from the data. After verifying the themes, the researcher wrote a preliminary report of the findings. Next, the researcher discussed the preliminary report with the researcher's major professors, and revised the findings based on the discussion with the major professors.

Findings

The study investigated the differences between the scores of undergraduate and graduate pre-service teachers and the differences between the scores of social studies and mathematics, science, English, and foreign language pre-service teachers on a survey designed to assess their knowledge of First Amendment issues. The researcher

conducted an analysis of variance and found that there was not a statistically significant difference between the scores of undergraduate and graduate pre-service teachers and that there was not a statistically significant difference between the scores of social studies and mathematics, science, English, and foreign language pre-service teachers. The researcher conducted another analysis of variance and found that there was not a statistically significant difference between the confidence scores of undergraduate and graduate pre-service teachers and the social studies and math, science, English, and foreign language pre-service teachers.

When explaining their answers to the questions on the survey instrument, many pre-service teachers identified an experience that influenced why they chose their answer. These experiences included experiences while in school, teaching or internship experiences, experiences outside of the classroom, and coursework at the university.

The study identified several reasons why the pre-service teachers were confident or less confident in their answers to the survey questions. The pre-service teachers were confident in their answers when they had a strong belief in what the right thing to do was in that situation described in the question, when they had a similar background or teaching experience, or when they recalled something they had learned during their courses in their teacher education program.

The pre-service teachers also indicated there were several reasons why they were less confident in their answers. A number of pre-service teachers indicated they were less confident because the survey questions were judgment calls. In addition, pre-service teachers indicated that they were less confident because of a lack of preparation in dealing with First Amendment issues.

When pre-service teachers make decision regarding students' First Amendment rights, they use several criteria including school policy, offensiveness, a sense of right or wrong, and apprehension. The pre-service teachers often cited school policy as the basis for students' rights in the classroom and believed that by following school policy they could not violate students' First Amendment rights. In addition, many of the pre-service teachers identified offensiveness as the standard for deciding whether to limit students' expression.

The pre-service teachers also relied on their individual sense of what was the right or wrong thing to do in certain situations when making decisions. Finally, apprehension played a large role in the decision-making of pre-service teachers because they were concerned about the consequences of making the wrong decision regarding students' First Amendment rights.

Discussion of Findings

Research Question 1

The findings in this study are similar to the findings by Sametz and McClaughlin (1984). In that study, the researchers found that "prospective teachers demonstrated an uncertain knowledge about their professional responsibilities in relation to children's freedom of speech, press, and religion" (p. 115). The data show that graduate and undergraduate pre-service teachers have the same level of knowledge regarding First Amendment issues in the classroom. The knowledge that pre-service teachers have acquired regarding First Amendment rights comes from background experiences, teaching experiences, and coursework. For the graduate and undergraduate pre-service teachers in this study, many of those experiences were similar. For instance, the

background experiences that graduate and undergraduate pre-service teachers identified the most were experiences that they had while they were in school. However, when the pre-service teachers could recall an experience from school, it did not necessarily lead them to the correct answer. This occurred equally between the graduate and undergraduate students. The same was true for experiences from teaching during their internship or while they substituting. The graduate and undergraduate pre-service teachers both identified similar experiences at their schools that influenced their knowledge about First Amendment issues. Again, while the graduate and undergraduate pre-service teachers could identify an experience, it did not always lead to answering the question correctly on the survey.

Regarding their coursework, undergraduates and graduates identified a number of courses that discussed First Amendment issues including the Social Foundations course, the Classroom Management course, and methods courses. However, on the survey, the majority of undergraduates identified the Social Foundations course as dealing with First Amendment issues, while the graduate pre-service teachers were more likely to identify the Classroom Management and methods courses. When asked to describe these experiences, both the undergraduate and graduate pre-service teachers could only recall small details such as reading a case about the Confederate flag or having a discussion about student expression. Even though the graduate and undergraduate pre-service teachers identified different courses as covering First Amendment issues, the experiences were similar for both groups.

Research Question 2

The data show the social studies pre-service teachers and mathematics, science, English, and foreign language pre-service teachers have the same level of knowledge regarding First Amendment issues. While four of the social studies pre-service teachers identified their methods course as covering First Amendment issues and none of the mathematics, science, English or foreign language pre-service students identified their methods course as covering First Amendment issues, this did not have a significant impact on their scores on the Web-based survey.

Only one of the social studies pre-service teachers mentioned a social studies course outside of the College of Education that discussed First Amendment issues. When asked to provide details, she could only remember that the case involving student distribution of candy canes was covered in a class about religion and politics. However, having discussed a similar case did not help her answer the question correctly. While social studies teachers are more exposed to courses dealing with constitutional issues, these experiences do not give them an advantage over other pre-service teachers when dealing with First Amendment issues. In light of these findings, it is evident that teacher education programs should provide instruction regarding First Amendment issues in courses required by all academic levels and subject areas.

Research Question 3

Lortie (1975) found that pre-service teachers enter teacher education programs with beliefs about teaching based on their experiences, and Volkman and McMahon (1999, p. 3) found that “students readied by the university to practice their profession rely more heavily on information they have gleaned through personal experience than through

instruction received in the teacher education programs” (Volkman & McMahon, 1999). Experiences as students and teachers are the major source of knowledge for pre-service teachers when it comes to First Amendment issues in the classroom. However, these experiences did not always lead the pre-service teachers to answer questions correctly and could lead the pre-service teachers to violate students’ First Amendment rights. A study by Holt-Reynolds (1992) that investigated pre-service teachers’ prior knowledge found that pre-service teachers enter teacher education programs with “personal history-based lay theories” about good practice, and that:

It is altogether possible that these personal history-based lay theories could indeed act as helpful schemata that pre-service teachers can expand as they pursue their formal studies of teaching. There are, however, times when students’ lay concepts are not quite contextualizing, illuminating, and helpful so much as they are powerful, potentially misleading, and unproductive as resources for learning the principles we hope to teach. (Holt-Reynolds, 1992, p. 327)

While pre-service teachers enter teacher education programs with experiences that influence how they define good teaching, they also enter teacher education programs with experiences that influence their ability to deal with First Amendment issues. The data suggest that the impact of experiences with First Amendment issues on pre-service teachers’ ability to deal with such issues is similar to the impact their experience as students has on learning to teach. In some cases, the experiences help pre-service teachers by providing guidance on a situation that is similar. However, the opposite is also likely to be true: that the pre-service teachers use their prior experience to make decisions that may lead to a violation of students’ First Amendment rights.

Teacher educators must understand that pre-service teachers enter the teacher education program with pre-conceived notions about First Amendment issues in the classroom and that their internship and teaching career will offer them additional experiences regarding First Amendment issues that may help or hinder their dealing with students' First Amendment rights. In order to prepare pre-service teachers to deal with First Amendment issues, teacher educators need to provide instruction to the pre-service teachers so that they do not rely on these experiences when confronted with a situation involving students' First Amendment rights.

Research Question 4

Pre-service teachers generally have a high level of confidence in their abilities (Brookhart & Freeman, 1992; Kagan, 1992). The findings of this study provide evidence that when pre-service teachers have experience with a particular First Amendment issue, the pre-service teachers have confidence in their ability to deal with that issue in the classroom. In a study of the relationship between pre-service teachers beliefs about education and discipline, Wither et al. (2002) found that the pre-service teachers in their study were predominantly interventionists who tended to take immediate action to control student behavior. During the interviews, the pre-service teachers were asked what action they would take if one of the scenarios from the survey was to happen in their classroom. For the majority of the pre-service teachers in this study, when they had confidence in dealing with a particular issue, the pre-service teacher was also an interventionist.

When the pre-service teachers believed that the teacher's actions in a scenario did not violate the First Amendment, they often answered that they would take some sort of disciplinary action if they were in a similar situation. The disciplinary action ranged

from sending the student to the office, having the student change his t-shirt, confiscating the candy canes, or not allowing a student to express her religious beliefs. However, students who were less confident were more likely to seek advice from a fellow teacher or an administrator before taking any disciplinary action. When pre-service teachers believed that the students had a First Amendment right to do what they were doing in the particular situation, they were also less likely to take any action or consult another teacher or administrator.

The confidence level of pre-service teachers is important because according to Bandura (1994), teachers with high assurance in their abilities tend to take more risks, feel capable of making choices that are challenging, and better prepare themselves for the challenge, while those with low assurance in their ability avoid activities and situations that they find stressful or that are above their coping capabilities. While teacher educators strive to instill confidence in pre-service teachers' ability to manage the classroom without the need for intervention, that may not be the case for First Amendment issues. In the case of First Amendment issues, teacher educators should strive to educate pre-service teachers so that they can recognize situations in the classroom that have First Amendment implications and notify the appropriate administrator.

Additional Findings

The findings from this research study support findings that many public school teachers remain confused about what kinds of expression are permissible in school (Marshall, 2003; Rozycki, 2003; Demac, 1999). When making decisions about whether or not the action in the scenarios violated students' First Amendment rights, the pre-

service teachers relied on four criteria: school policy, offensiveness, a sense of right or wrong, and apprehension. These criteria were influenced by their experiences as students and teachers and concern about the consequences of making the wrong decision.

Many of the pre-service teachers identified school policy as the most important source for making decisions about First Amendment issues and felt that it was the school that decided what rights students had in the classroom. When asked about some of the questions on the survey, the pre-service teachers referred back to the policy at their high school or at the school where they interned. However, the pre-service teachers had inferred what the school policy was and did not remember the particular policy or how they learned about that policy. In addition, the pre-service teachers seemed to think that school policies were somewhat universal and that a policy at one school would apply to different situations. While investigating school policy before taking action would be beneficial, it seems that many of the pre-service teachers would act on what they perceived the school policy to be for that situation. However, their belief was based not on reading the school policy, but based on their experiences and what they inferred was the school's policy from their own observations. Brookshire and Klotz (2002) found similar results that inaccurate perceptions of teachers may result in the violation of students' rights even though the teacher intended to follow policy.

In addition to school policy, pre-service teachers identified offensiveness as a criterion for making decisions regarding students' First Amendment rights. Many of the pre-service teachers believed that if a student's expression could offend other students, then they were justified in restricting that expression. The pre-service teachers were concerned about offensiveness because of its disruption to the classroom, as well as the

consequences of students being offended in the classroom. Because of the disruption or the repercussions of students being offended, many of the pre-service teachers would take action based on their belief that offensiveness was the standard for determining whether student expression could be restricted. The pre-service teachers' standard for disruption was any disruption to the classroom, not the material and substantial disruption standard that the U.S. Supreme Court has prescribed. Using the offensive and disruption standards instead of legal standards, many pre-service teachers would violate students' First Amendment rights.

Pre-service teachers used their sense of right and wrong as another criterion for deciding what to do when confronted with an issue involving students' First Amendment rights. When some of the pre-service teachers were explaining their answers, they would identify that the expression should be allowed because it was the "right thing to do," or if the teacher violated a student's rights, then it was "just wrong." The pre-service teachers believed that some of these decisions were value judgments, and the values of the individual teacher determined whether the expression was permissible or not. By using individual values as a guide to make these decisions, the amount of expression allowed to students would vary from classroom to classroom, students would be confused as to their First Amendment rights, and the pre-service teacher's actions could lead to violations of the First Amendment.

The final criterion pre-service teacher used when making decisions regarding First Amendment issues was concern about the consequences of student expression. In some situations, this apprehension would lead the pre-service teacher to not violate students' First Amendment rights, and in other situations it would lead pre-service teachers to

violate their rights. For instance, a pre-service teacher's apprehension might lead to them not forcing a student to stand for the Pledge, not because the teachers know that would be a violation to force a student to stand, but because they were apprehensive about the consequences. On the other hand, that same pre-service teacher might restrict student distribution of messages based on the religious content because of the perceived consequences. Without proper preparation, pre-service teachers will be guided by these criteria and not by the standards that have been set by the Constitution and the U.S. Supreme Court.

If the pre-service teachers do not understand the proper standards, then not only will they be more susceptible to violating students' First Amendment rights, but they will not be able to defend their actions properly when discussing their actions with fellow teachers, administrators, and parents. In addition, teachers have a responsibility to be able to discuss with students their First Amendment rights, and if pre-service teachers do not understand these standards, they cannot adequately inform students of their rights and the limits of those rights at school.

Implications for Teacher Education

Starting in the late 1970s and early 1980s a number of researchers and teacher educators began calling for educational law to be included into the teacher education curriculum (Dunklee & Shoop, 1986; Hazard et al., 1977; Henson, 1979; Sametz, 1983). Continuing through the 1990s researchers were calling for a discrete course in educational law to be added to the curriculum for undergraduate and graduate pre-service teachers in order to avoid violations of students' First Amendment rights and the potential of costly litigation (Gullatt & Tollet, 1997a). The findings from this study

confirm previous findings that pre-service teachers need better preparation in educational law, specifically in the area of First Amendment issues, and that the preparation needs to be systematic and program-wide in order to be effective in not only helping pre-service teachers avoid lawsuits, but also to avoid violation of students' First Amendment rights (Schachter, 2007; Sametz, 1983; Gullatt & Tollet, 1997b; Wagner, 2007).

The majority of the pre-service teachers in this study could not identify a course in their teacher preparation that discussed First Amendment issues in the classroom. The pre-service teachers who identified a course that discussed First Amendment issues, identified a variety of courses. For instance, some pre-service teachers identified the Classroom Management course as having discussed First Amendment issues, and other pre-service teachers identified the Social Foundations course as having discussed First Amendment issues. The interviews with the pre-service teachers revealed that instruction in First Amendment issues varied by instructor or class discussions and that there was no systematic approach to instructing students about First Amendment issues throughout the teacher education curriculum.

While the courses identified varied, the experiences in these courses were similar in that the pre-service teachers discussed court cases that dealt with First Amendment issues in the classroom. The pre-service teachers read the cases and discussed the outcomes. From these cases that were discussed in class, pre-service teachers often inferred their own standards for making decisions regarding First Amendment issues. Without systematic instruction in First Amendment issues in the teacher education curriculum, teacher educators can expect similar results to this study: that pre-service

teachers will have an inadequate knowledge of First Amendment issues which will lead to violations of students' First Amendment rights.

The findings from this research study confirm the findings of Reese and Funk (1998) that teachers believe instruction in educational law should be a part of the teacher education curriculum. However, the opinions of the pre-service teachers do not support the literature's call for adding a course specifically for educational law. During the interviews with the pre-service teachers, the researcher asked the participants how they would recommend educational law and students' First Amendment rights be integrated into the curriculum. Only two of the interview participants thought that creating a mandatory educational law class would be the best solution. One of those interview participants believed that an elective course in educational law would be the best solution. The remaining pre-service teachers agreed with Wagner (2007), that the material should be integrated into courses that are presently being taught in the teacher education program. They believed that the Social Foundations course or the Classroom Management course would be the ideal course for inclusion of educational law and students' First Amendment rights.

“Attention to the beliefs of teachers and teacher candidates should be a focus of educational research and can inform educational practice in ways that prevailing research agendas have not and cannot” (Pajares, 1992, p. 307). When discussing how to include students' First Amendment rights into the curriculum, the pre-service teachers believed that the case study method would provide the best strategy for teaching them how to deal with the First Amendment issues. However, the data from this study suggest that providing pre-service teachers with experiences through cases may give them a false

sense of confidence. While some of the pre-service teachers remembered reading about cases similar to the cases presented on the survey, they still answered the corresponding question incorrectly, though the experience increased their confidence.

In addition, exposing pre-service teachers to current cases may not be an ideal situation because of the complexity of First Amendment issues in the classroom. As evidenced by the Supreme Court's recent decision in *Morse v. Frederick*, First Amendment issues are highly complex and often change based on the decisions of the courts (Bathon & McCarthy, 2007). Given this complexity and possibility of changes, exposing pre-service teachers to current cases may increase their confidence and therefore make it more likely that pre-service teachers will violate a student's First Amendment rights. By providing pre-service teachers with limited and sporadic experiences in dealing with First Amendment issues, teacher educators are taking the approach that will lead to the most violations of First Amendment issues in the classroom. In this study, there was a slight positive correlation between knowledge and confidence. However, the danger for pre-service teachers lies in the negative correlation where the instruction does not increase the pre-service teachers' knowledge, but increases their confidence. Providing limited and sporadic exposure does not increase pre-service teachers' capabilities in dealing with First Amendment issues, but it does increase their confidence and, therefore, the likeliness that they will take action and possibly violate students' First Amendment rights.

In order to avoid increasing the likeliness that pre-service teachers will violate students' First Amendment rights, First Amendment issues need to be consistently integrated into the teacher education curriculum. When integrating students' First

Amendment rights into a course, teacher educators should start by dealing with pre-service teachers' preconceived beliefs about First Amendment issues. Teacher educators should have pre-service teachers share their beliefs, provide critical discussion about those beliefs, and encourage the pre-service teachers to evaluate those beliefs (Holt-Reynolds, 1992).

In addition, when teacher educators develop their curriculum to prepare pre-service teachers to deal with First Amendment issues, their definition of "prepared to deal with First Amendment right issues" should emphasize five points. First, pre-service teachers need to be aware of issues that have First Amendment implications. By being aware of issues that have First Amendment issues, they can separate these issues from classroom management issues that do not have larger consequences for the school. Second, pre-service teachers need to understand that First Amendment issues in the classroom are often complex and can vary over time and environment. If pre-service teachers understand the complexity of First Amendment issues, they will be less likely to rely on their experiences when dealing with First Amendment issues in their own classroom. Third, educators should discuss the need for new teachers to investigate and learn their schools' policies regarding First Amendment issues and how they are enforced in their particular school or school district. Pre-service teachers need to understand the difference between actual school policy as opposed to their perception of the school's policy regarding First Amendment issues.

Fourth, educators should discuss how the decisions of the Supreme Court have established standards regarding First Amendment issues and how those standards are the basis for many school policies regarding First Amendment rights. The pre-service

teachers in this study developed standards based on their own perceptions and experiences. However, the pre-service teachers need to understand that these perceptions and experiences can lead them to violate students' First Amendment rights and that the legal standards decided by the courts determine how to deal with First Amendment rights in the classroom.

Lastly, the best course of action is to seek assistance from administrators before taking any action that might violate students' First Amendment rights. By creating a curriculum that emphasizes these five points, teacher educators can not only protect the pre-service teachers from making decisions that will hurt their career, but also protect the First Amendment rights of students.

Implications for Social Studies Teacher Education

This study found that there was not a statistically significant difference between the scores of social studies pre-services teachers and the scores of math, science, English, or foreign language pre-service teachers. The lack of a difference is important for social studies teacher education because social studies teachers need to have an adequate understanding of First Amendment issues since they are likely to deal with such issues within their curriculum when they are teaching about controversial topics or events, citizens rights and responsibilities in a democratic society, and about religion.

According to the Florida Sunshine State Standards, social studies teachers are responsible for students' understanding "the rights and responsibilities of the individual under the U.S. Constitution and...the importance of civil liberties." In addition, the Florida Sunshine State Standards uses the word "religious" seven times in describing the concepts students need to understand when they complete high school. Given their

unique responsibility of educating students about their rights and responsibilities as citizens, as well as the impact of religion on history and society, social studies teachers need to have an adequate understanding of students' First Amendment rights and how these issues impact the classroom.

The findings from this study are similar to other research findings that “many teachers remain confused about what kinds of religious expression are permissible in school” (Demac, 1999, p. 11). In addition, this research confirms the findings of Kaiser (2003) that of one of the causes for the confusion and nervousness of teachers concerning religious matters is because they do not receive adequate preparation to handle religion in the classroom. One of the notable outcomes of the data was that over half (51%) of the social studies pre-service teachers believed that teachers cannot use the Bible as a historical or literary resource in the classroom. In addition, 42% of the social studies pre-service teachers believed that the teacher was justified in not letting students express their religious beliefs during a class discussion on the Middle East. During the interviews, the social studies pre-service teachers indicated that they would not use the Bible, or did not want to discuss religious issues, because they were apprehensive about the consequences. They believed that students or parents would be offended, and that could lead to complaints or “getting into trouble.”

“Since much of the policy about religion in public schools has been determined by the courts, teachers have been understandably leery of introducing religious topics in the classroom” (Marshall, 2003 p. 242). The data suggest that not only should all pre-service teachers understand First Amendment issues in the classroom, but that social studies pre-service teachers need to be taught to understand the difference between

teaching religion and teaching about religion. It seems that without understanding this difference between teaching religion and teaching about religion, social studies teachers may select a third option, removing the study of religion from the curriculum.

Recommendations for Future Research

The results of this study show that there is not a statistically significant difference between graduate and undergraduate pre-service teachers or between social studies and mathematics, science, English, and foreign language pre-service teachers regarding students' First Amendment rights. An extension of this study can investigate pre-service teachers' understanding of the complexities of the issues involved in students' First Amendment issues. In order to conduct future research with the survey instrument, several revisions need to be made to make the survey instrument more effective. First, adding more questions about the same issue would increase the reliability of the instrument and help the researcher gather additional data about the participants' knowledge of that particular issue. As the survey is currently constructed, participants can answer the question correctly without sufficient understanding of the complexities of the issue. Additional revisions would include asking the students to provide the level of confidence to the concept questions and to describe why they chose their answers. Finally, the Web-based survey could make participants apply the standards set by the Supreme Court, such as the school-sponsored activity or appropriate use of the Bible. By improving the survey, the researcher will be able to gather more data about pre-service teachers' knowledge and their ability to deal with First Amendment issues in the classroom.

An area of research that needs to be explored is how specific instruction in First Amendment issues influences pre-service teachers' knowledge and confidence in dealing with these issues in the classroom. This study has found that teachers have experiences and perceptions regarding First Amendment issues, and research is needed to determine if instruction in First Amendment issues changes these perceptions and increases their knowledge of such issues. In addition, this research should study how instruction in First Amendment issues influences pre-service teachers' confidence in dealing with First Amendment issues and investigate the ramifications of influencing pre-service teachers' confidence in dealing with these issues. This study found that when teachers were confident in their knowledge, they were more likely to take action in the classroom. Research needs to be done that will determine if increased instruction increases knowledge and if this increase in knowledge would result in pre-service teachers being more willing to take action when faced with First Amendment issues in the classroom.

Another extension of this research can investigate not only the role of the teacher in preventing the violation of students' First Amendment rights in their individual classrooms, but also the role of the teacher in being a leader in matters of First Amendment rights. Researchers can investigate teachers' roles in preventing the violation of students' rights at school and in the classrooms of other teachers.

Future researchers can investigate potential differences between experienced teachers' and pre-service teachers' knowledge of First Amendment issues. In addition, researchers can investigate how experienced teachers attain their knowledge of First Amendment issues. The data also suggests that pre-service teachers rely heavily on their interpretation of school and district policy. An investigation of teachers' perceptions of

school policy regarding students' First Amendment rights and the actual policy would provide insight into educating both pre-service and experienced teachers.

Another area of research would be to investigate how First Amendment issues affect the social studies curriculum. The data suggest that some pre-service teachers are reluctant to include religion in the curriculum because it may offend students or that it might lead to conflicts with parents or administrators. Future research can investigate if this reluctance leads social studies teachers to ignore or reduce the amount of instruction they provide on the topic of religion.

A final area of research can investigate teacher educators' perceptions on the need for students' First Amendment rights issues to be included in the curriculum. As a component of this, research can investigate how to best prepare pre-service teachers within a teacher education curriculum that is already full with subjects crucial to the development of pre-service teachers.

Final Thoughts

This study has provided information about the knowledge of pre-service teachers regarding First Amendment issues and their confidence in dealing with those issues in the classroom. In addition, this study has provided information regarding the experiences of pre-service teachers and how those experiences shape their knowledge and confidence in dealing with First Amendment issues in the classroom.

The teaching profession requires that teachers make many important decisions quickly. Like many of these quick decisions, issues regarding the First Amendment rights of students can have long-lasting consequences for the student, school, and the teacher. The findings from this research study confirm the findings of Henson (1979)

that because of the possible consequences, it is important that teacher educators prepare pre-service teachers to deal with the First Amendment issues in the classroom.

Interviews with pre-service teachers show that they use a variety of criteria when deciding what actions are appropriate when dealing with First Amendment issues. However, these criteria can lead pre-service teachers to make poor decisions in their classroom. Teacher educators need to understand the prior knowledge of pre-service teachers so that they can educate future teachers on how deal with the situation when it happens during their career.

Many of the pre-service teachers in this study felt that they would like to have more preparation in educational law and the First Amendment rights of students. While the pre-service teachers did think more educational law should be included in the curriculum, they felt it should be incorporated into existing courses without adding another class. Teacher educators, by the incorporating the directives of the courts, research, and the ideas of pre-service teachers, can prepare future teachers to deal with the complex First Amendment issues that will likely occur in the classroom during their career, reduce costly lawsuits, and, more importantly, protect students' First Amendment rights to freedom of speech and freedom of religion.

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Appendices

Appendix A. Students' First Amendment Rights Survey

Secondary Pre-Service Teachers' Knowledge and Confidence in Dealing with Students' First Amendment Rights in the Classroom

Dear Student:

My name is Ian Call and I am a doctoral candidate at the [REDACTED] in Tampa, FL. The focus of my research is the level of knowledge of students' First Amendment rights among pre-service teachers and their confidence in dealing with First Amendment issues in the classroom. The purpose of this letter is to request your assistance in gathering these data.

The survey will take only 10 to 15 minutes to complete. Your participation is completely voluntary and may be discontinued at any time without penalty or prejudice to you. Completion and return of the survey will be considered permission to use the information you provided in the study. Completed surveys will only be reviewed and utilized by the researchers working on this study.

Although there will be no direct benefit to you for your participation in this study, your participation may add to the research in teacher education. Thank you in advance for taking time to assist me with my research project. If you have any questions about this study, please feel free to contact me at (727) 341-4115 or e-mail icall@mail.usf.edu. It is my hope that this study will be of value to the field of education. Your assistance in this project is greatly appreciated.

Sincerely,

Ian Call
Doctoral Candidate, USF

Students' First Amendment Rights Survey

This survey will gather information regarding your background, academic experiences, and knowledge and confidence in dealing with students' First Amendment right in the classroom. Please darken in the circle for the responses that best fit your personal and professional thoughts and practices.

First Amendment of the United States Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Background Information

What is your gender? Male Female

What is your age? _____

Have you ever been employed in a school or school district in one of the following occupations? Please check all that apply.

- Substitute Teacher
- Full time teacher
- Clerical/Administration
- Paid Internship

Have you ever been involved with any of the following experiences? Please check all that apply.

- Serving on jury duty
- Participated in a lawsuit either as a defendant or plaintiff
- Employed in law enforcement
- Employed in the legal profession other than law enforcement (lawyer, paralegal, etc.)

Do you have a family member that is involved in law enforcement or the legal profession? If yes, please describe how the person is related to you.

- No Yes, _____

As part of your job, have you received any staff development training in educational law?

- Yes No

Academic Background Questions

Are you an undergraduate or graduate student?

- Undergraduate
- Graduate

If you are a graduate student, what was your undergraduate major?

What is your Teaching Field?

- Mathematics
- English
- Science
- Social Studies
- Foreign Language

Please check any of the following courses you have taken as part of your academic program (including general education requirements).

American History _____
Political Science _____
Constitutional History _____
Criminal Justice _____
Educational Law _____

Have you taken a course in your program that deals with school law or the First Amendment rights of students? If yes, please provide the title of the course below.

As part of this research project, the researcher needs to interview 11 participants. The interviews will be conducted at a location and time convenient for the participant. In addition, a gift card will be provided to each interview subject to compensate for their time. The interview will last approximately 1 hour.

If you are willing to participate in an interview for this study, please provide the following information.

Name: _____
Telephone Number: _____
E-mail Address: _____

Students' First Amendment Rights Questions

Directions: Please read each of the following scenarios and decide whether the school official in the given scenario did or did not violate the student or students' First Amendment Rights of freedom of expression or religion. After you have answered the question, provide your level of confidence that your answer is correct. Please circle your choices.

First Amendment of the United States Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

1. In order to protest the Iraqi War, two high school students decided to publicize their opposition by wearing black armbands to school. Having heard of the students' plans, the principal of the school adopted and informed students of a new policy concerning armbands. This policy stated that any student who wore an armband to school would be asked immediately to remove it. A student who refused to take off his or her armband would be suspended until agreeing to return to school without the band. When students arrived to school the next day, the children were asked to remove their armbands. They did not remove the armbands and were subsequently suspended until they returned to school without their armbands.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

2. Before school starts, two high school students arrive in the school parking lot with a Confederate flag displayed on their car. The on-duty teacher told the students to remove the flag but they refused. Previously, the principal had warned the students about displaying the Confederate flag because the school had a history of racial conflict and violence; however, the students felt they were within their rights to display the flag. As a result, the principal suspended the students for three days.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

3. A senior in high school spoke to a school assembly to nominate a classmate for vice president of the student government. The students in the audience were required either to attend the assembly or go to study hall. The text of the speech was filled with sexual references and innuendoes, although it contained no obscenities or vulgarities. The students in the assembly responded to the speech with hoots, cheers, and lewd motions. The next day the principal suspended the student from school for three days.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

4. At home, a student created a webpage with material topics such as a discussion of the upcoming election, jokes about the high school's official website and criticisms of how teachers and administrators treated students. She also encouraged visitors to email school officials and complain about the school's website. When a teacher reported other students were accessing the webpage on campus to the principal, he suspended the student who created the webpage for 10 days because the webpage was inappropriate and slanderous.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

5. A ninth grade student, at home, decided to create a web site entitled "Teacher Sux." The web site made offensive comments about the student's mathematics teacher. The web site also asked for money to buy a hit man and included a picture of the mathematics teacher with a severed head that morphed into Adolph Hitler. After visiting the web site, the mathematics teacher requested a leave of absence for emotional stress, and the school board expelled the student.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

6. A high school student arrives to school wearing a t-shirt that labels President Bush an “international terrorist.” The student’s teacher sent him to the office where an assistant principal told the student to remove the t-shirt or go home. The student chose to go home for the remainder of the day.

In this case, the school did NOT violate the student’s First Amendment Rights.

In this case, the school did violate the student’s First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

7. During the holiday season, six high school students, who were members of the school’s Bible Club, decided to distribute candy canes with Christian messages attached during homeroom. The teacher prohibited the distribution of the messages because of the religious content and confiscated the candy canes. Previously, the teacher allowed students to distribute material during homeroom that did not have religious content.

In this case, the school did NOT violate the student’s First Amendment Rights.

In this case, the school did violate the student’s First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

8. During a high school's homeroom recitation of the Pledge of Allegiance one student in class refused to participate. The teacher asked the student why she chose not to participate, and the student replied that she thought it was stupid. The teacher told the student that in order to be excused from the Pledge, she must have a written request from her parents. Without the written request, the student would receive work detail for every day that she did not recite the Pledge. The next day the student did not have a written request and still refused to recite the Pledge. The teacher sent her to the office and the principal gave her work detail.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident Slightly Confident Confident Extremely Confident

9. A ninth grade English teacher required her students to write a research paper on a topic that was interesting, researchable, and unfamiliar to the student. The teacher required the students to use at least four sources for information and get the teacher's approval of the topic. When a student submitted an outline titled "The Life of Jesus Christ" for the paper without getting the topic approved, the teacher rejected it. The student refused to write on another topic and she received a grade of zero.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident Slightly Confident Confident Extremely Confident

10. During a class discussion on the role of the United States in the Middle East, a student claims that the United States is obligated to protect the Holy Land because America is a Christian nation. The teacher tells the student that her comment was inappropriate because it is not appropriate for her to discuss her individual religious beliefs while the teacher is teaching and that she may offend other students with her assertion that America is a Christian nation.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident **Slightly Confident** **Confident** **Extremely Confident**

Yes/No Questions regarding Students' First Amendment Rights at School

Do schools have greater latitude in controlling student expression if the expression is within a school-sponsored activity?

- Yes**
- No**

Schools can punish off campus expression if the expression causes a material and substantial disruption.

- Yes**
- No**

Can students use fighting words, words that by their very utterance inflict injury, at school?

- Yes**
- No**

In the state of Florida, if a student does not want to recite the Pledge of Allegiance, do they need parental permission?

- Yes**
- No**

Can teachers use the Bible as a literary and historical resource in the classroom?

Yes

No

Can teachers stop students from praying individually or in groups?

Yes

No

Can schools acknowledge religious holidays if it serves an educational purpose and the school does not endorse the religious nature of the holiday?

Yes

No

Appendix B. Survey Instrument Expert Review Form

Survey Instrument Expert Review Form

Secondary Pre-Service Teachers' Knowledge and Confidence in Dealing with Students' First Amendment Rights in the Classroom

Dear Name:

My name is Ian Call and I am a doctoral candidate at the University of South Florida in Tampa, FL. The focus of my research is the level of knowledge of students' First Amendment issues in the classroom. The purpose of this letter is to request your assistance reviewing an instrument I have created to measure pre-service teachers knowledge and confidence in dealing with students' First Amendment rights in the classroom.

The survey will take only 10 to 15 minutes to complete. Completion and return of the survey will be considered permission to use the information you provided in the study. Completed surveys will only be reviewed and utilized by the researchers working on this study.

Although there will be no direct benefit to you for your participation in this study, your participation may add to the research in teacher education. Thank you in advance for taking time to assist me with my research project. If you have any questions about this study, please feel free to contact me at (727) 341-4115 or e-mail icall@mail.usf.edu. It is my hope that this study will be of value to the field of education. Your assistance in this project is greatly appreciated.

Sincerely,

Ian Call
Doctoral Candidate, USF

Students' First Amendment Rights Survey

This survey will gather information regarding your background, academic experiences, and knowledge and confidence in dealing with students' First Amendment rights in the classroom. Please darken in the circle for the responses that best fit your personal and professional thoughts and practices.

First Amendment of the United States Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Background Information

What is your gender? Male Female

What is your age? _____

Have you ever been employed in a school or school district in one of the following occupations? Please check all that apply.

- Substitute Teacher
- Full time teacher
- Clerical/Administration

Have you ever been involved with any of the following experiences? Please check all that apply.

- Serving on jury duty
- Participated in a lawsuit either as a defendant or plaintiff
- Employed in law enforcement
- Employed in the legal profession other than law enforcement (lawyer, paralegal, etc.)

Survey Review Questions

Please darken in the circle that represents your answer to the following questions.

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

Do you have a family member that is involved in law enforcement or the legal profession? If yes, please describe how the person is related to you.

- No Yes,

As part of your job, have you received any staff development training in educational law?

- Yes No

Academic Background Questions

Are you an undergraduate or graduate student?

- Undergraduate
 Graduate

If you are a graduate student, what was your undergraduate major?

What is your Teaching Field?

- Mathematics
 English
 Science
 Social Studies
 Foreign Language

Please check any of the following courses you have taken as part of your academic program (including general education requirements).

- American History _____
Political Science _____
Constitutional History _____
Criminal Justice _____
Educational Law _____

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

This question is
 Relevant
 Not Relevant

Have you taken a course in your program that deals with school law or the First Amendment rights of students? If yes, please provide the title of the course below.

This question is
 Relevant
 Not Relevant

If you are willing to participate in an interview for this study, please provide the following information.

This question is
 Relevant
 Not Relevant

Name: _____

Telephone Number: _____

E-mail Address: _____

Survey Review Questions

What (if any) background information should be collected by the researcher?

If you indicated not relevant for any questions, please describe why?

Students' First Amendment Rights Questions

Directions: Please read each of the following scenarios and decide whether the school official in the given scenario did or did not violate the student or students' First Amendment Rights of freedom of expression or religion. After you have answered the question, provide your level of confidence that your answer is correct. Please circle your choices.

First Amendment of the United States Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

1. A high school student arrives in class wearing a t-shirt with the words “Homosexuality is Shameful” and references Romans 1:27. The school does not have a history of conflicts between students over issues of homosexuality and once a year the school participates in a Day of Silence, a national event to protest against discrimination and harassment of homosexuals. The student’s teacher told the student to remove the t-shirt because it did not comply with the school’s dress code that prohibited clothing that “promotes or portrays violence or hate behavior including derogatory connotations directed toward sexual identity.” When the student refused to remove the t-shirt, the teacher sent the student to the office and the principal decided to suspend the student for three days.

A. In this case, the school did NOT violate the student’s First Amendment Rights.

B. In this case, the school did violate the student’s First Amendment Rights.

How confident are you that your answer is correct?

- Not at all Confident Slightly Confident Confident Extremely Confident

Survey Review Questions

Please answer the following questions about the Students’ First Amendment Rights Questions.

Question 1

The question is clear and unambiguous.

- Agree
 Do not Agree

2. Before school starts, two high school students arrive in the school parking lot with a Confederate flag displayed on their car. The flag violated the principal's unwritten policy of banning the Confederate flag on school grounds. Previously, the principal had warned the students about displaying the Confederate flag; however, the students felt they were within their rights to display the flag. As a result, the principal suspended the students for three days.

A. In this case, the school did NOT violate the student's First Amendment Rights.

B. In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident Slightly Confident Confident Extremely Confident

3. The Gay/Straight Alliance Student Club at Eastern High School organized a panel discussion as part of the school's annual diversity week. The panel chosen for the discussion consisted of clergy members who believed that homosexuality and religion are compatible. However, another student and member of the Pioneers in Christ student club, attempted to either name a clergy member who believed homosexuality is not a valid lifestyle or participate in the panel discussion herself. The school rejected her request and did not allow her or the clergy member to participate in the panel discussion.

A. In this case, the school did NOT violate the student's First Amendment Rights.

B. In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident Slightly Confident Confident Extremely Confident

Question 2

The question is clear and unambiguous.

- Agree
 Do not Agree

Confident

Question 3

The question is clear and unambiguous.

- Agree
 Do not Agree

Confident

4. Over the weekend, a student decided to create a webpage on her home computer. Among topics such as the upcoming election, she used the webpage to poke fun at the high school's official website and criticized how teachers and administrators treated students. She also encouraged visitors to email school officials and complain about the school's website. When the principal learned other students were accessing the webpage on campus, she suspended her for 10 days because the principal believed the webpage was inappropriate and slanderous.

A. In this case, the school did NOT violate the student's First Amendment Rights.

B. In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

- Not at all Confident
 Slightly Confident
 Confident
 Extremely Confident

5. An eighth grade student, at home, decided to create a web site entitled "Teacher Sux." The web site made offensive comments about the student's mathematics teacher. The web site also asked for money to buy a hit man and included a picture of the mathematics teacher with a severed head that morphed into Adolph Hitler. After visiting the web site, the mathematics teacher requested a leave of absence for emotional stress, and the school board expelled the student.

A. In this case, the school did NOT violate the student's First Amendment Rights.

B. In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

- Not at all Confident
 Slightly Confident
 Confident
 Extremely Confident

Question 4

The question is clear and unambiguous.

- Agree
 Do not Agree

- Not at all Confident
 Slightly Confident
 Confident
 Extremely Confident

Question 5

The question is clear and unambiguous.

- Agree
 Do not Agree

- Not at all Confident
 Slightly Confident
 Confident
 Extremely Confident

6. A high school student arrives to school wearing a t-shirt that labels President Bush an “international terrorist.” The student’s teacher sent him to the office where an assistant principal told the student to remove the t-shirt or go home. The student chose to go home for the rest of the day.

A. In this case, the school did NOT violate the student’s First Amendment Rights.

B. In this case, the school did violate the student’s First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident Slightly Confident Confident Extremely Confident

7. During the Christmas season, six high school students who were members of the school’s Bible Club, decided to distribute candy canes with Christian messages attached. Previously, school officials warned the students not to distribute the messages because school policy prohibited students from distributing any material that did not relate to the curriculum. After the students distributed the candy canes, the school suspended the students for three days.

A. In this case, the school did NOT violate the student’s First Amendment Rights.

B. In this case, the school did violate the student’s First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident Slightly Confident Confident Extremely Confident

Question 6

The question is clear and unambiguous.

Agree
 Do not Agree

Confident

Question 7

The question is clear and unambiguous.

Agree
 Do not Agree

Confident

8. While a middle school principal recited the Pledge of Allegiance over the school's intercom system one student in class refused to participate. The teacher asked the student why she chose not to participate, and the student replied that she thought it was stupid. The teacher told the student that in order to be excused from the Pledge she must have a written request from her parents. Without the written request, the student would have to recite the Pledge. The next day, the student did not have a written request from her parents and the teacher sent her to the principal's office. As a result, the principal called the student's parents. The parents believed that their daughter should recite the pledge and refused to give written permission. The principal and the parents agreed that the student would receive work detail for every day that she did not recite the pledge.

A. In this case, the school did NOT violate the student's First Amendment Rights.

B. In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident
 Slightly Confident
 Confident
 Extremely Confident

9. A ninth grade English teacher required her students to write a research paper on a topic that was interesting, researchable, and unfamiliar to the student. The teacher required the students to use at least four sources for information and get the teacher's approval of the topic. When a student submitted an outline titled "The Life of Jesus Christ" for the paper without getting the topic approved, the teacher rejected it. The student refused to write on another topic and she received a grade of zero.

A. In this case, the school did NOT violate the student's First Amendment Rights.

B. In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident
 Slightly Confident
 Confident
 Extremely Confident

Question 8

The question is clear and unambiguous.

Agree
 Do not Agree

Question 9

The question is clear and unambiguous.

Agree
 Do not Agree

10. During a class discussion on the role of the United States in the Middle East, a student claims that the United States is obligated to protect the Holy Land because America is a Christian nation. The teacher tells the student that her comment was inappropriate because it is not appropriate for her to discuss her individual religious beliefs while the teacher is teaching and that she may offend other students with her assertion that America is a Christian nation.

In this case, the school did NOT violate the student's First Amendment Rights.

In this case, the school did violate the student's First Amendment Rights.

How confident are you that your answer is correct?

Not at all Confident Slightly Confident Confident Extremely Confident

Question 10

The question is clear and unambiguous.

Agree
 Do not Agree

Yes/No questions regarding Students' First Amendment Rights at School

11. Do schools have greater latitude in controlling student expression if the expression is within a school-sponsored activity?

Yes
 No

12. Schools can punish off campus expression if the expression causes a material and substantial disruption.

Yes
 No

13. Can students use fighting words, words that by their very utterance inflict injury, at school?

Yes
 No

14. In the state of Florida, if a student does not want to recite the Pledge of Allegiance, do they need parental permission?

Yes
 No

Question 11 question is clear and unambiguous.
 Agree
 Do not Agree

Question 12 question is clear and unambiguous.
 Agree
 Do not Agree

Question 13 question is clear and unambiguous.
 Agree
 Do not Agree

Question 14 question is clear and unambiguous.

Appendix C. Structured Interview Questions

Warm-Up Questions

Where are you from? Where did you go to High School? Why did you decide to become a teacher?

1. Before seeing the text of the First Amendment, did you know what rights were included in the Amendment?
2. Can you describe the difference between the rights of adults and the rights of students at school?
3. Do you think it is important or not important to prepare pre-service teachers to deal with First Amendment issues in the classroom? (Why or why not?)
4. How difficult were the questions on the survey instrument?
5. Why did you indicate that you were confident (not confident) in many of your answers on the survey?
6. Do you think the academic program at the university, including your teacher preparation coursework, has prepared you for dealing with First Amendment issues in the classroom?
7. Have First Amendment issues ever been discussed in any of your college courses?
8. Can you describe any experiences in your teacher preparation program or coursework outside of the College of Education that may help you deal with First Amendment issues in the classroom?
9. Have you ever learned about First Amendment issues from reading the newspaper, internet, or other resources?
10. Did you enroll at the university immediately after graduating from high school?
11. What do you think would be the best way to prepare pre-service teachers to deal with First Amendment issues in the classroom?

Appendix D. College of Education Admission Requirements and Core Courses

In order to be accepted by the College of Education, students must have completed the liberal arts requirements and passed Florida's College Level Academic Skills Test (CLAST), the Praxis I, or the General Knowledge Test. In addition, each student must have taken the following three credit education courses:

EDF 2005 Introduction to Education

Introductory survey course required for admission into the College of Education. A broad overview of the history, sociology and philosophy of education in the United States focuses on education as a field of study and teaching as a profession. Includes lecture and field experience.

EDG 2701 Teaching Diverse Populations

Introductory survey course required for admission into the College of Education. Places schools and teaching within the context of the U.S. as a pluralistic society. Topics include: the demographics of diversity; prejudice; elements of culture; American heritage of diversity and its value; and barriers to cultural understanding. Includes lecture and field experience.

EME 2040 Introduction to Educational Technology

Designed as an introduction to computer technology and its role in teaching and learning processes. Topics include educational software, ethical and social issues, hardware, interactive multimedia, models for integrating technology into instruction, productivity tools and telecommunications.

In addition to the three required courses prior to acceptance by the college, the pre-service teachers are required to take the following core courses prior to their internship experience (USF Course Catalog).

EDF 3214 Human Development

Application of respondent and operant learning principles to classroom learning, teaching models for different instructional goals, analysis of teacher behavior, micro-teaching.

EDF 4430 Measurement for Teachers

Concepts and skills related to designing and developing classroom tests; evaluating tests, instruction, and student progress; and communicating student achievement. Including application of performance assessment techniques and computer applications for measuring and assessing pupil progress.

FLE 4365 ESOL Competencies and Strategies

Designed to enable participants to meet the special limitations and cultural educational needs of LEP students in content area classes. Designed to provide a theoretical and practical foundation for ESOL competencies and strategies.

ESE 4322 Classroom Management

Focuses on classroom management in secondary schools including classroom climate, specific strategies to address management issues, school safety, violence, diversity, ethics, and educational law.

EEX 4070 Integrating Exceptional Students into Reg. Classrooms

Designed for non-special education majors. Includes basic identification techniques and strategies to promote academic and social integration and interaction of “mainstreamed” exceptional students. Concurrent field experience projects are included.

EDF 3604 Social Foundations of Education

Social, economic and political context within which schools function and the values which provide direction for our schools.

Appendix E. Difficulty Index for Items on the Web-Based Survey

In order to determine the difficulty of each item on the Web-based survey, the researcher calculated a difficulty index for each item. The researcher conducted the difficulty index for each question by dividing the number of participants that answered the question correctly by the total number of participants. The difficulty index for each question can be found in Table 14.

Table 14

Difficulty Index for the Web-Based Survey Questions

Survey Question	Difficulty Index
1. In order to protest the Iraqi War, two high school students decided to publicize their opposition by wearing black armbands to school. Having heard of the students' plans, the principal of the school adopted and informed students of a new policy concerning armbands. This policy stated that any student who wore an armband to school would be asked immediately to remove it. A student who refused to take off his or her armband would be suspended until agreeing to return to school without the band. When students arrived to school the next day, the children were asked to remove their armbands. They did not remove the armbands and were subsequently suspended until they returned to school without their armbands.	.76
2. Before school starts, two high school students arrive in the school parking lot with a Confederate flag displayed on their car. The on-duty teacher told the students to remove the flag but they refused. Previously, the principal had warned the students about displaying the Confederate flag because the school had a history of racial conflict and violence; however, the students felt they were within their rights to display the flag. As a result, the principal suspended the students for three days.	.58
3. A senior in high school spoke to a school assembly to nominate a classmate for vice president of the student government. The students in the audience were required either to attend the assembly or go to study hall. The text of the speech was filled with sexual references and innuendoes, although it contained no obscenities or vulgarities. The students in the assembly responded to the speech with hoots, cheers, and	.64

- lewd motions. The next day the principal suspended the student from school for three days.
4. At home, a student created a page with topics such as a discussion of the upcoming election, jokes about the high school's official website and criticisms of how teachers and administrators treated students. She also encouraged visitors to email school officials and complain about the school's website. When a teacher reported other students were accessing the webpage on campus to the principal, he suspended the student who created the webpage for 10 days because the webpage was inappropriate and slanderous. .88
 5. A ninth grade student, at home, decided to create a web site entitled "Teacher Sux." The web site made offensive comments about the student's mathematics teacher. The web site also asked for money to buy a hit man and included a picture of the mathematics teacher with a severed head that morphed into Adolph Hitler. After visiting the web site, the mathematics teacher requested a leave of absence for emotional stress, and the school board expelled the student. .94
 6. A high school student arrives to school wearing a t-shirt that labels President Bush an "international terrorist." The student's teacher sent him to the office where an assistant principal told the student to remove the t-shirt or go home. The student chose to go home for the remainder of the day. .71
 7. During the holiday season, six high school students, who were members of the school's Bible Club, decided to distribute candy canes with Christian messages attached during homeroom. The teacher prohibited the distribution of the messages because of the religious content and confiscated the candy canes. Previously, the teacher allowed students to distribute material during homeroom that did not have religious content. .50
 8. During a high school's homeroom recitation of the Pledge of Allegiance one student in class refused to participate. The teacher asked the student why she chose not to participate, and the student replied that she thought it was stupid. The teacher told the student that in order to be excused from the Pledge, she must have a written request from her parents. Without the written request, the student would receive work detail for every day that she did not recite the Pledge. The next day the student did not have a written request and still refused to recite the Pledge. The teacher sent her to the office and the principal gave her work detail. .82
 9. A ninth grade English teacher required her students to write a research paper on a topic that was interesting, researchable, and unfamiliar to the student. The teacher required the students to use at least four sources for information and get the teacher's approval of the topic. When a student submitted an outline titled "The Life of Jesus Christ" for the paper without getting the topic approved, the teacher rejected it. The student refused to write on another topic and she received a grade of zero. .52

10. During a class discussion on the role of the United States in the Middle East, a student claims that the United States is obligated to protect the Holy Land because America is a Christian nation. The teacher tells the student that her comment was inappropriate because it is not appropriate for her to discuss her individual religious beliefs while the teacher is teaching and that she may offend other students with her assertion that America is a Christian nation.	.58
11. Do schools have greater latitude in controlling student expression if the expression is within a school-sponsored activity?	.94
12. Schools can punish off campus expression if the expression causes a material and substantial disruption.	.52
13. Can students use fighting words, words that by their very utterance inflict injury, at school?	1.0
14. In the state of Florida, if a student does not want to recite the Pledge of Allegiance, do they need parental permission?	.82
15. Can teachers use the Bible as a literary and historical resource in the classroom?	.70
16. Can teachers stop students from praying individually or in groups?	.88
17. Can schools acknowledge religious holidays if it serves an educational purpose and the school does not endorse the religious nature of the holiday?	.94

Appendix F. Validation of Themes Using Alternate Reviewers

In order to validate the themes and ensure that the units of information accurately reflected those themes, the researcher provided 23 units of information and seven themes to colleagues in teacher education. The seven themes consisted of experiences, confidence, policy, offensiveness, apprehension, and sense of right or wrong. The researcher chose these themes to verify that the themes were comprehensive and that units could not fit into two different categories.

The researcher provided each reviewer with a spreadsheet containing eleven columns. The first four columns contained the 23 units of information. The remaining seven columns were for the seven themes identified by the researcher. The researcher provided a one-sentence description of each theme and asked each reviewer to read the units of information and place the unit of information into one of the thematic columns.

The researcher sent the spreadsheet to four reviewers. Two of the reviewers misplaced four units. One of the reviewers misidentified three units and one reviewer misidentified five units. For the most part, the reviewers misplaced units from the confidence and experience columns and the apprehension and importance of First Amendment rights columns. The misplacement of units between confidence and experiences was due to the fact that the pre-service teachers discussed experiences in relation to explaining their answers and how they learned about First Amendment issues, as well as why they were confident in their answers to the survey. While the researcher believes these two themes are unique, they are also closely related.

After reviewing the reviewers' placement of the units, the researcher separated the apprehension aspect of the units from the importance aspect. For instance, the unit "think

it's extremely important because say you have behavioral problems and you want to write a referral you need to know exactly where you should stand on the issue," became two units of information. The researcher reviewed the remaining units of information and found instances where units of information contained information that could be classified into different themes. The researcher either divided these units into separate units, or decided that the unit was in the proper theme.

Appendix G. Example of Researcher's Interview Log

Name: [REDACTED]
Date: [REDACTED]

TIME	QUOTE	NOTES
:30	Questions were value judgments	
5:27	Mentions Finke case	
8:55	Based answer on threatening life (web #2)	-Not off campus
11:41	Offensive	(Not substantiated)
12:58	Mentions disruption	(Mentioned Cl. Merges)
13:48	No discussion of students' rights	
15:28	Sets teacher up for trouble	
17:26	Mention separation of church and state	
23:05	Teacher has the right to approve.	(Stipulation was important)

Name: [Signature]
Date: [Signature]

TIME	QUOTE	NOTES
30:57	Go with principals	-Not advocate
32:00	Enough classes / put it in cl. Management	
34:00	News — Columbia Flg	-Did not remember outcome.

Appendix H. Examples of Interview Transcripts

Carrie

Carrie's is a 23-year old mathematics undergraduate pre-service teacher. Her score on the survey instrument put her in the low group. She missed several of the scenario questions and several of the concept questions on the survey. The majority of the questions Carrie answered incorrectly were the questions dealing with freedom of religion including the questions regarding distribution of religious content, the content of a research paper, the use of the Bible in school, and acknowledgement of religious holidays. However, Carrie did answer most of the freedom of expression questions correctly. On her survey, Carrie answered that she was confident in all her answers except the question regarding vulgar language.

Q: Why did you decide to become a teacher?

I like math and I like the educational system, always wanted to be involved with it.

Q: You like math?

Yes

Q: You like the educational system? So you have good experiences when you were younger?

Yeah, and I have some family members that were involved with education. I was always around schools and teachers.

Q: Were your parents teachers?

My mom is an assistant to the principal.

Q: Did you go to the school where she worked?

Yes I did (laughter) it was interesting.

Q: Let me ask you some questions about the survey. Did you think that the questions on the survey were difficult or easy?

Some of them were kind of difficult because of my views of the First Amendment and my views as a teacher and would I want going on in my classroom kind of conflicted in some parts, but on the whole I tried to go with, my first instinct.

Q: You said your views of the First Amendment, what are your views of the First Amendment?

Well, just I think that people should be able to say what they want, Freedom of expression, and I completely belief that.

Q: As a teacher and educator than you would be in favor of giving more latitude to students?

Right

Q: Before, seeing the text of the First Amendment did you know what rights were included in the Amendment?

I had a general idea and my family they all have very liberal views and I have been around it my whole life, so I have always heard a little bit and seen a little bit. So I had a general idea so that kind of confirmed it.

Q: Can you describe the difference between the rights of adults and the rights of students at school?

I think that the rights might be compromised a little bit, they can express themselves freely, because it's a disruption, and even though I think people should be able to express themselves, I think in that kind of context its not always the proper thing to do, its not always possible.

Q: The school can limit their rights based on disruptions, any other reason why schools can limit their rights?

Mostly, just the disruptions and how its going to affect the classroom and the climate of the school.

Q: Do you think it is important or not important to prepare teachers to deal with First Amendment issues? I would say it is important, because it is issues they are going to run into, and it is nice to have some idea of what you are going to see and some idea of how to handle it so, I don't feel like I have gotten a lot, not to bash USF.

Q: When you say that you have gotten a lot, does that mean you have not got any..?

I think there was a little in my social foundations, I think a couple of classes have touched on it, but on a whole, I don't think they taught about the politically correct way to handle a lot of situations that are going to happen.

Q: Have you gone to USF the whole time?

Yes,

Q: What about in your general education courses, did they talk about First Amendment issues?

I took some Sociology classes and they touched on it a little.

Q: Do you think different areas, like Social Studies would have more of a background, would be better prepared to deal with?

I would say probably so, all my core classes have been Math and it never comes up whatsoever.

Q: So a course in Constitutional law or Government would better prepare teachers?

Yea something like that adapted to their needs?

Q: Now on the survey the first question was, In order to protest the Iraqi War, two high school students decided to publicize their opposition by wearing black

armbands to school. Having heard of the students' plans, the principal of the school adopted and informed students of a new policy concerning armbands. This policy stated that any student who wore an armband to school would be asked immediately to remove it. A student who refused to take off his or her armband would be suspended until agreeing to return to school without the band. When students arrived to school the next day, the children were asked to remove their armbands. They did not remove the armbands and were subsequently suspended until they returned to school without their armbands. You put the school did violate the students' First Amendment rights, why?

I don't think that something like armbands would be such a distraction and I think that students have every right to voice their opinion about that.

Q: So you used that it was a distraction, lets say that some students had parents that are fighting in Iraq at the time and they are upset about the armband, they threatened violence, would that be enough to restrict the armbands.

This is where it gets confusing, I think with the threat of violence or something a little serious like that then there is a little bit of justification.

Q: You put you were confident, why?

Probably because if I were a student I would have done the same thing even with the risk of suspension or expulsion.

Q: So you put yourself in the mindset of the student?

Yeah, I can understand where the principal is coming from, but I think I would have sided with the student.

Q: Next question, before school starts, two high school students arrive in the school parking lot with a Confederate flag displayed on their car. The on-duty teacher told the students to remove the flag but they refused. Previously, the principal had warned the students about displaying the Confederate flag because the school had a history of racial conflict and violence; however, the students felt they were within their rights to display the flag. As a result, the principal suspended the students for three days. You put in this case the school did violate the students' First Amendment Rights?

Actually a little bit before someone in class had a discussion about how South Carolina has the Confederate Flag in their state flag, I figured if a state in the US has it their state flag then there is no reason why a student should not be able to.

Q: You put you were confident, why?

Mostly because that, because you can't do that and then tell students that they can't do that. It makes no sense whatsoever.

Q: There were two questions about students making web pages. The first was at home, a student created a webpage with material topics such as a discussion of the upcoming election, jokes about the high school's official website and criticisms of

how teachers and administrators treated students. She also encouraged visitors to email school officials and complain about the school's website. When a teacher reported other students were accessing the webpage on campus to the principal, he suspended the student who created the webpage for 10 days because the webpage was inappropriate and slanderous. The second question was a ninth grade student, at home, decided to create a web site entitled "Teacher Sux." The web site made offensive comments about the student's mathematics teacher. The web site also asked for money to buy a hit man and included a picture of the mathematics teacher with a severed head that morphed into Adolph Hitler. After visiting the web site, the mathematics teacher requested a leave of absence for emotional stress, and the school board expelled the student. On the first question you said that it did violate Students' First Amendment Rights on the second it did not violate students' First Amendment rights, why?

I would take the second one as whether he was kidding or not, I would take it as a direct threat, yea you can voice your opinions, if you do it tactfully. And you I mean it sounds like the first student didn't make any threats just kind of criticized, you are allowed to criticize, the direct threat is a different thing.

Q: It was the threat that made it unconstitutional.

Yea

Q: Both were off-campus, did that factor in your thinking?

The fact that they were on their personal time and it was you know, just probably not, it was mostly the difference in the threat.

Q: Let say that the first student had done the webpage at school. Do you think it would have been ok to suspend them?

In a sense it is not what they're there for, it is not what the school is to be used for, so it could justified in that case.

Q: Next question, during a high school's homeroom recitation of the Pledge of Allegiance one student in class refused to participate. The teacher asked the student why she chose not to participate, and the student replied that she thought it was stupid. The teacher told the student that in order to be excused from the Pledge, she must have a written request from her parents. Without the written request, the student would receive work detail for every day that she did not recite the Pledge. The next day the student did not have a written request and still refused to recite the Pledge. The teacher sent her to the office and the principal gave her work detail. You put that the school did violate the student's First Amendment Rights.

The student wants to choose not to and it wasn't instruction to the rest of the class, I don't know maybe it was in that case. I think they have every right to do it if they want to or not, I mean it's a free country. I think that is one of those things.

Q: The next question says a ninth grade English teacher required her students to write a research paper on a topic that was interesting, researchable, and unfamiliar

to the student. The teacher required the students to use at least four sources for information and get the teacher's approval of the topic. When a student submitted an outline titled "The Life of Jesus Christ" for the paper without getting the topic approved, the teacher rejected it. The student refused to write on another topic and she received a grade of zero. You put that the school did violate the student's First Amendment Rights.

I think as long as they are completing the assignment and they are supporting their ideas then they can't really be wrong if its an impending paper.

Q: Lets say you are a math teacher, you say that you give them an assignment to write a Math person, some famous math person and they come back with Jesus? Do you say no?

If they could support it, which I think would be very difficult, but if they prove to me that they really worked on it and they really tried to support their ideas then I would let them.

Q: Let say if you didn't do you think it would be a violation of their rights?

Mmmmm, I don't know in that context, if they could prove to them that he did something mathematically significant then I would definitely go along with it, but I can't say if I knew if he did or not, so but if they could prove to me that that was so, then I would go with it.

Q: Last question from the survey. During a class discussion on the role of the United States in the Middle East, a student claims that the United States is obligated to protect the Holy Land because America is a Christian nation. The teacher tells the student that her comment was inappropriate because it is not appropriate for her to discuss her individual religious beliefs while the teacher is teaching and that she may offend other students with her assertion that America is a Christian nation. You said that the teacher did violate the student's First Amendment rights.

I don't agree with it, but it is a pretty popular opinion out there and I don't think you should hush it just because you don't agree with it.

Q: Do you think it is a free speech issue or a freedom of religion issue?

Both, I think you have a right to state your opinion and even if it is about a religious issue.

Q: You put you were confident in all your answers, why did you put you were confident?

I think it was just the way I was raised, in a very liberal home and I have strong feelings towards you know First Amendment rights and how the Government should act towards its citizens.

Q: Do you think the fact that your family is involved in education does that give you more experience in dealing with it, or is it the liberalness of your family?

I think just the liberalness, because I say what I think in this, but if it actually happened in the classroom, I mean, I don't know what my first instinct would be what I really think, so.

Q: Lets take the one with the student comes to school wearing a t-shirt that say President Bush is an international terrorist, and its homeroom and you see this shirt, and you see some students looking at it, what would you do in that situation.

To be honest, I wouldn't say anything unless it became an issue and then I might try to intervene in some way, but if they did not bring it up or cause a discussion about it, then I would probably just sit back and not do anything.

Q: Lets say if the student moved on to second period and a teacher has a real problem with the shirt and sends him to the office would you say anything to that... before they send them to the office and you share an office with the teacher and the teacher says that they are going to send the student to the office, what would you do?

I would probably ask if it was a disruption, and you know if it really was then it if really was an issue in their class then I might tell them that is the right thing to do, but if it wasn't a disruption and it was just the teacher singling them out while they are sitting their doing work then I would tell her that it is perfectly fine for him to be doing that and he didn't do anything wrong.

Q: What if she says I am still going to send him to the office and the principal sends the student home?

I would probably talk to the principal and bring up the point, was it a disruption, it wasn't a disruption in my class and they didn't say anything about it, if it wasn't a disruption then he should have every right to wear it and continue the day.

Q: So you would advocate on the part of the student?

As long as it wasn't a disruption as long as it wasn't becoming an issue and interfering with the lesson.

Q: Lets take the Confederate Flag issue, the student comes into your room and wearing a shirt with the Confederate Flag on it and students are kind of looking at it and you get a feeling that there is some racial conflict within the school you are teaching at. Now so what would you do in that case?

Probably try to get a second opinion real quick. Maybe talk to another teacher that has been there a little bit longer and tell them the situation and ask them how they would handle it.

Q: What do you think is more difficult to deal with in the classroom issues of freedom of expression or freedom of religion?

I would say it is probably harder to deal with freedom of religion because I think that a lot of people, especially other students and maybe other teachers have strong opinions

about religion and are not necessarily might get fired up about someone else expressing their opinion of their religion, it could cause a lot more tension, depending on the topic.

Q: Do you think student teachers should have more exposure to learning about students' First Amendment issues?

I think so, because the only education course that I had that touched on it, would have been my as far as first Amendment issues would have been social foundations and a lot of those were from the 1800s, so I mean I know a little bit about the First Amendment rights that they discovered back then, but nothing current at all.

Q: Lets say I was the Dean of the College of Education and I am worried about student teachers and their lack of knowledge about educational law in general, and I asked you how we should fix this problem what would your recommend?

Either incorporating it into an existing course or maybe setting up a new one, I know I don't want to take any extra courses. Maybe incorporating into an existing course something like these scenarios and what you should you do and what best way to handle it and if you don't know what to do and talk to them and just giving them a general overview of what might pop-up and the best way to handle it.

Q: What course would you put it into?

I would put it in the social foundations.

Q: So if you had to choose between including educational law into a course and creating a new course you would add it into social foundations.

I would probably advocate for putting it in the social foundations because I think that a lot of students really don't want to take an extra course especially in something like that I mean they need to know what is going to happen and what is could come up, but I don't think they have too much interest in it.

Q: If the Dean said he was going to make it an elective do you think students would be interested?

I would be interested in it, and I can think of a few more that probably would, but I think most of the people I know at the College wouldn't be interested in it at all.

Q: Can you think of any other course besides Social Foundations where it should be included?

I am not sure, maybe in your methods classes touching upon it, I think that in the Intro to Ed or the teaching diverse populations I don't think that it would really get through to the people because you are not really far along in the program its not going to really have that much an impact on you, you are not really think about teaching, you are thinking about the next three years.

Q: Have you taken the classroom management course?

I am taking it over the summer, my last one.

Q: Do you ever remember seeing about First Amendment issues in the newspaper or on the Internet?

I am sure I have, but I can't think of anything off hand right now.

Stacie

Stacie is a 24-year-old Social Studies graduate student. Her score on the survey instrument put her in the average group and her answers about her confidence put her in the average confidence group.

Q: In your opinion how difficult were the questions on the survey instrument?

I would say fairly difficult.

Q: Why would you say fairly difficult?

It was difficult to apply the First Amendment to the specific situations, because it could kind of go either way. I could see it going one way or the other way, knowing what I know about the First Amendment so I wasn't always in confident in my answer.

Q: Before seeing the text of the First Amendment did you know what was included in the Amendment?

Yes

Q: Can you describe the difference between the rights of adults and the rights of students at school?

I can try, the rights of adults they are not any under any institution, but when you are a student some of the rights are different because depending on the district or whatever is in the handbook might take away some of the rights that you have, the safety of other students and the functioning of the school.

Q: So the school or school board can limit students' rights based on safety and what else?

Safety I am trying to think of, cultural can think of the word I apologize, diversity trying to protect diversity and or something along those lines keeping people from begin offended. I am having difficulty finding the proper word.

Q: Any other reason why they might be able to restrict the rights of students?

They're minors. Based on past events or something that have happened.

Q: On a lot of your answers you put that you were slightly confident, why?

Because I thought they might be right, but I wasn't really sure, so I didn't want to put down that I was very very confident, but I don't know, I tried to apply what I thought based on my interpretation what my answer would be.

Q: I want to ask you about the specific questions on the survey. Lets start with the first question. I will read it to you. In order to protest the Iraqi War, two high school students decided to publicize their opposition by wearing black armbands to school. Having heard of the students' plans, the principal of the school adopted and informed students of a new policy concerning armbands. This policy stated that any student who wore an armband to school would be asked immediately to remove it. A student who refused to take off his or her armband would be suspended until

agreeing to return to school without the band. When students arrived to school the next day, the children were asked to remove their armbands. They did not remove the armbands and were subsequently suspended until they returned to school without their armbands. You put that the school did not violate the students' First Amendment rights.

Trying to remember, lets see, maybe because it was against dress code and it went against what was in the student handbook.

Q: Lets say you are in your internship and tomorrow, students come in wearing armbands to protest the Iraqi war and the principal suspends them, and that really does not violate their Constitutional rights?

I don't know, now that I am thinking about it, I starting to want to change my answer which is where that slightly certain thing came in or not quite certain.

Q: Why would you want to change your answer?

It is one of those things that could go either way, it could be a violation of their rights, they are not doing anything that is threatening to other individuals it is a non-threatening issue and an armband in of itself is not offensive directly it does not it is not racially or culturally offensive. If it wasn't violating their rights, I don't know, I was thinking more about the dress code.

Q: Next question. Before school starts, two high school students arrive in the school parking lot with a Confederate flag displayed on their car. The on-duty teacher told the students to remove the flag but they refused. Previously, the principal had warned the students about displaying the Confederate flag because the school had a history of racial conflict and violence; however, the students felt they were within their rights to display the flag. As a result, the principal suspended the students for three days. You put that the school did violate the students' First Amendment rights.

I put that they did, I wonder if I was answering these, I don't know if I misread them or something.

Q: If you think they did not, why not..

Because with the Confederate Flag issue, based on the school that I am at now, they are not allowed to wear the anything the Confederate Flag because it is considered offensive, but they are also not allowed to wear the Puerto Rican Flag or things of any other Flags. I was thinking more along the lines of my specific school. Does it violate their rights. I think their rights, the First Amendment rights would be violated because I think it would be under your Freedom of Speech, but I was just going based on my school, so I don't know how they really came to that basis.

Q: There were two questions about students creating web pages. The first question was At home, a student created a webpage with material topics such as a discussion of the upcoming election, jokes about the high school's official website and

criticisms of how teachers and administrators treated students. She also encouraged visitors to email school officials and complain about the school's website. When a teacher reported other students were accessing the webpage on campus to the principal, he suspended the student who created the webpage for 10 days because the webpage was inappropriate and slanderous. The second question was A ninth grade student, at home, decided to create a web site entitled "Teacher Sux." The web site made offensive comments about the student's mathematics teacher. The web site also asked for money to buy a hit man and included a picture of the mathematics teacher with a severed head that morphed into Adolph Hitler. After visiting the web site, the mathematics teacher requested a leave of absence for emotional stress, and the school board expelled the student. You said both did not violate students' First Amendment Rights why?

I just hearing everything with myspace and all that stuff recently, I had heard stories about students posting things about teachers, negative comments, and there being tried for it so that's why I was kind of thinking along those lines, that maybe with the cyber bullying then it fell somewhere underneath that subject and that is why I put that. And on the second one, because of the violence, the threat of violence and everything and the teacher safety.

Q: Next question. A high school student arrives to school wearing a t-shirt that labels President Bush an "international terrorist." The student's teacher sent him to the office where an assistant principal told the student to remove the t-shirt or go home. The student chose to go home for the remainder of the day. You put the school did violate the student's First Amendment Rights

Just because I don't think that wearing a t-shirt would be more of a dress code issue and not a First Amendment issue.

Q: Let say the t-shirt did not violate the dress code, then it would be a violation of the students' First Amendment rights?

Yes, I think so, that is what I was thinking along that lines, because it wasn't something that was threatening, and as an adult you are allowed to wear shirts like that.

Q: Did any of your courses in undergrad, any courses, any Social Studies courses and courses here do you think the academic program has prepared you for dealing with First Amendment issues in the classroom.

Maybe not so much in the classroom, I think personally and actually I was going to say this to you, I think it would be a good idea to include it in the program here at the school to have some kind of educational law program, be part of the program, because as I was filling out the survey, I was thinking to myself, wow I really know less about this than I thought I did and I think that it could be very beneficial.

Q: Had you ever thought about that before you took the survey, that wow I don't know that much about educational law.

Maybe a little bit, discussing it in other classes, and then with the Confederate Flag issue I was at the school I am interning at, that being outlawed, made me kind of think about it,

what are you allowed to wear and what are you not allowed to wear, and things like that, so I thought about it, but I never really given much thought to it, because it had not been relevant yet in my life, anything I had learned with the First Amendment it had been more along the lines with adults.

Q: In your College courses, have you ever discussed First Amendment issues..

Classroom management it was discussed I think along the lines of about what students if you were to come across a note or something what would be considered allowed for them or what could be considered criminal or threatening violence. And then I took a religion in politics class and that candy cane example that was on there was something that we talked about. And we had talked a little bit about students rights but it was more focused on the First Amendment with more like religion tied in, in that class, but it really hasn't been much of a discussion in the classes I have taken here.

Q: Lets look at the question about the Pledge of Allegiance. During a high school's homeroom recitation of the Pledge of Allegiance one student in class refused to participate. The teacher asked the student why she chose not to participate, and the student replied that she thought it was stupid. The teacher told the student that in order to be excused from the Pledge, she must have a written request from her parents. Without the written request, the student would receive work detail for every day that she did not recite the Pledge. The next day the student did not have a written request and still refused to recite the Pledge. The teacher sent her to the office and the principal gave her work detail. If you were a teacher and one of the your students did not stand, what would you do?

At the school I am at the rule is that you can stand, you have to stand, everybody has to stand, but you don't have to do the actual pledge itself, so that, I would say that they need to stand up, but they don't have to salute, they don't have to say the words. They can opt out in the actual reciting of it and hold the hand across the chest, but they are required to stand during that time.

Q: A ninth grade English teacher required her students to write a research paper on a topic that was interesting, researchable, and unfamiliar to the student. The teacher required the students to use at least four sources for information and get the teacher's approval of the topic. When a student submitted an outline titled "The Life of Jesus Christ" for the paper without getting the topic approved, the teacher rejected it. The student refused to write on another topic and she received a grade of zero.

I put that because I had always learned that it was ok to discuss religion as long as you weren't trying to convert another person or practice it at the school. But if it was a research paper it is perfectly acceptable to use the Bible as a reference in the classroom, you can talk about he Bible in the classroom. So that is where my reasoning behind that is coming, I didn't think it was violating, I thought that the teacher was violating because the student wasn't doing it along religious lines, it was more like a research paper.

Q: What do you think would be the best way to prepare pre-service teachers to deal with First Amendment issues in the classroom?

I think it would be have some form of educational law course would be a great idea even specific to the student rights would be even if you were to narrow the course. I don't know I like law, it seems like it would be interesting to me, in addition, I think it would be very helpful it would give new teachers protection for themselves and for their students, they would know if they were to come across the situation in the classroom they would know what their rights are and what the rights of the students were instead of playing guessing games with that. I don't know, I was kind of surprised that USF does not have a class like that here.

Q: What if students came into your classroom wearing armbands, what would you do?

If I was a first year teacher, I, you know administrators can be a little intimidating. But I would like to think that I would at least want to if especially if it was one of my students. I would probably be in correspondence with the administrator about it and I think I would maybe let the administrator know that just wearing the armband in and of itself if it is not violating the dress code or some other kind of rule that it is not directly threatening anybody else,. So I don't know, I would say that I would think that they should be allowed to wear them as long as it was not causing any kind of disturbance. I don't know approaching an administrator can be testy.

Q: What if it was another teacher?

If it was another teacher yea, department head, then I don't know maybe. But, if it was just some other teacher, then I would definitely let them know how I felt. Especially if I was aware that it was protected under the constitution if I had that awareness just because that could get the school in so much trouble an all those things, save a big lawsuit, I would definitely want to let them know.

Q: Do you think a teacher should be an advocate for the student?

Yea, I think, and the classes that I teach I am all about letting them express what they want to say and a lot of we disagree we are on completely different sides other political spectrum. But, they are always willing, allowed to share their opinions and their beliefs and everything as long as it does not offend anyone or it does not using vulgarity. I think it is very important for students to have freedom of expression and be able to talk that way.

Q: During the holiday season, six high school students, who were members of the school's Bible Club, decided to distribute candy canes with Christian messages attached during homeroom. The teacher prohibited the distribution of the messages because of the religious content and confiscated the candy canes. Previously, the teacher allowed students to distribute material during homeroom that did not have religious content. You put in this case, the school did not violate the students' First Amendment rights why?

I said that because I have heard about the case before, but I couldn't remember which way that it went, which one was the right answer. But, because it was, more along the preaching lines, like passing out the messages with the Christian messages on their I think there was a story with something about Christmas on their, with the candy canes I thought that it wasn't violating their rights because it wasn't just saying that I am Christian, it was putting it too much out there. If they had wanted to pass out the candy canes themselves, that would have been acceptable since the teacher had allowed other students to distribute things but because it had the religious message on their, I did not know what the rules were for being able to distribute religious materials and school and I though maybe that might be illegal underneath the First Amendment

Q: Why did you put you were confident?

I put it I was confident because it I like the good middle of the road because if I got it right then yea, looks like I was confident, but if I get it wrong, then I covered myself, I don't know. With some of them it just kind of seemed like it could go either way and I could, and some could find a way to argue for it or against it based on what I knew.

Appendix I. Analysis of Variance After Limiting the Questions Based on Reliability

After conducting an item analysis for the knowledge portion of the survey instrument, the researcher decided to limit the number of items with low reliability to investigate if this would change the results of the analysis of variance. The researcher removed seven questions from the survey. The researcher removed the questions that had item-to-total correlations ranging from -0.24 to 0.82. The remaining ten questions had item-to-total correlations ranging from 0.12 to 0.45. Table 15 shows the mean, standard deviation, range skewness, and kurtosis of the pre-service teachers' scores on the survey instrument after limiting the questions.

Table 15

Pre-Service Teachers' Scores on the Students' First Amendment Rights Survey by Academic Subject Area and Academic Level

	<i>M</i>	<i>SD</i>	Min.	Max.	Skewness	Kurtosis
Total (<i>n</i> = 110)	70.55	17.18	20	100	-0.54	-0.08
Social Studies (<i>n</i> = 54)	69.06	13.19	20	100	-0.52	-0.47
Math, Science, English, and Foreign Language (<i>n</i> = 56)	71.92	19.44	30	100	-0.38	0.07
Graduate (<i>n</i> = 38)	70.51	19.59	20	100	-.087	-0.04
Undergraduate (<i>n</i> = 72)	70.57	15.96	30	100	-0.21	-.32

Note. The above table is from 10 questions on the knowledge portion of the survey instrument. The ten questions consisted of 6 scenario questions and 4 concept questions.

Table 15 also shows that the scores were approximately normally distributed. In addition, the researcher used Levene's test to find that there was not a violation of the assumption of homogeneity of variance $F(3, 106) = .162, p = .19$.

The researcher conducted a two-way analysis of variance to determine if there was a statistically significant difference between the scores of social studies and math, science,

English, and foreign language pre-service teachers, as well as between the scores of graduate and undergraduate pre-service teachers. The analysis of variance showed that there was not a significant difference, $F(1,110) = .01, p = .93$, between the scores of social studies pre-service teachers and the scores of math, science, English, and foreign language pre-service teachers. The analysis of variance also showed that there was not a significant difference, $F(1,110) = .76, p = .39$, between the scores of graduate and undergraduate pre-service teachers. In addition, the analysis of variance showed that there was not a significant interaction, $F(1,110) = .01, p = .94$ between the subject area and level of the pre-service teachers. The researcher calculated the effect size to examine the relationship between scores of the pre-service teachers and their subject areas and their level of degree. In addition, the researcher calculated the effect size for the relationship between scores and the interaction between the pre-service teachers' subject area and level of degree. Using Cohen's descriptions of effect sizes, the effects of level of degree, subject area, and the interaction on the pre-service teachers' scores on the survey are all very small. The results of the analysis of variance with the effect sizes can be found in Table 16.

Table 16

ANOVA Summary Table for Differences Between Scores on the Survey Instrument After

Eliminating Questions with Low Reliability

Source	<i>df</i>	<i>F</i>	H
Level of Degree (A)	1	0.01	0.01
Subject Area (B)	1	0.76	0.08
A x B Interaction	1	0.01	0.01
S within group error	106		

Note. The level of degree (A) was a comparison of the means of graduate ($n = 72$) and undergraduate pre-service teacher ($n = 38$). The subject area (B) was comparison of the means of social studies ($n = 54$) and math, science, English, and foreign language ($n = 56$) pre-service teachers.

About the Author

Ian Call received his Bachelor's in History and Master's Degree in Social Studies Education from the University of Florida. Prior to entering the Social Studies Education PhD program at the University of South Florida, Mr. Call was a middle and high school social studies teacher for four years and taught Geography, World History, and Psychology courses. Mr. Call currently works at St. Petersburg College developing curriculum to train emergency responders.

While completing his PhD at the University of South Florida, Mr. Call taught middle school methods and technology courses. Mr. Call made several presentations at national conferences including the National Council for the Social Studies (NCSS) and Society of Information Technology and Teacher Education (SITE). Mr. Call also became active in the Florida Council for the Social Studies (FCSS) making presentations at the annual conference and serving as the design editor for Trends and Issues, FCSS' quarterly publication.