DOCUMENT RESUME

ED 295 331 EA 020 098

AUTHOR Chapman, David W.; And Others
TITLE Public School Administrators' Knowledge of Recent Supreme Court Decisions Affecting School Practice.
PUB DATE Dec 86
NOTE 36p.; Assistance for the study was provided by the Capital Area School Development Association in Central New York.
PUB TYPE Reports - Research/Technical (143)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Administrator Attitudes; *Administrators; *Court Litigation; Federal Courts; Meditation; Public Schools; *School Law; School Surveys; Search and Seizure; Secondary Education
IDENTIFIERS *New York; *Supreme Court

ABSTRACT

Public secondary school administrators should deduce from the 1985 "New Jersey v. T.L.O." Supreme Court decision that searching students does not violate the Constitutional prohibition against unreasonable searches and seizures when there are reasonable grounds for suspicion. The "Wallace v. Jaffree" case, decided in the same year, implies that "moment of silence" policies do not violate the "establishment" clause of the Constitution so long as such policies support secular objectives and so long as other activities are specified if prayer is specified. In December 1985, questionnaires were sent to 139 administrators in central New York to assess their knowledge of these decisions and to identify their sources of legal information. Eighty-eight percent responded. In addition, selected print media were analyzed to examine how accurately popular and professional media reported these decisions and their implications for practice. According to the questionnaire results, more than 25 percent of the respondents did not know that evidence of misbehavior is required before searching a student; 20 to 25 percent had difficulty in applying legal procedures to actual situations; 52 percent reported that they had little or no information about the constitutionality of moment of silence policies; 21 percent thought that all moment of silence policies were unconstitutional; 29 percent were uncertain concerning their constitutionality; and the main sources of information were professional newletters and journals. The analysis of the sources revealed that the sources were generally both accurate and comprehensive, which suggests that the sources were not responsible for the administrators' misinformation. Included are 11 references and 6 tables. (RG)

PUBLIC SCHOOL ADMINISTRATORS' KNOWLEDGE OF RECENT SUPREME COURT DECISIONS AFFECTING SCHOOL PRACTICE

David W. Chapman
Gail Paulus Sorenson
Anna F. Lobosco

State University of New York at Albany

December, 1986

Appreciation is extended to Mr. Nelson Armlin and the members of the Capital Area School Development Association in Central New York for their help in making this study possible.

Mailing Address
Dr. David Chapman
325 School of Education
State University of New York at Albany
Albany, New York 12222

Public School Administrators' Knowledge of Recent Supreme Court Decisions Affecting School Practice

The implications of federal law and court decisions for school practice have bee.. a continuing source of confusion and misunderstanding for many school administrators (Sorenson & Chapman, 1985). One area of widespread concern is judicial rulings that have an impact on students' rights--particularly with respect to student discipline and students' expression of religious beliefs.

The present study investigated the extent to which public secondary school administrators were aware of and understood two recent Supreme Court decisions affecting students. The first, New Jersey v. T.L.O. (1985), concerned public school students' rights with respect to "search and seizure." The second, Wallace v. Jaffree (1985), concerned the constitutional legitimacy of providing a "moment of silence" for meditation in public schools. Both decisions address issues that have been the subject of considerable controversy in the popular press and, presumably, in many schools. Further, from discussions with educators, it would appear that in both cases the decision of the Court is widely misunderstood by both educators and the general public.

The study was conducted in two parts. The purposes of the first part were (1) to assess secondary school administrators' knowledge of these two Supreme Court decisions and their ability to apply these decisions to specific situations; (2) to determine the extent to which current school practice complies with these

decisions; and, (3) to identify the sources by which school administrators get their information about legal issues affecting the schools. Based, in part, on previous studies of school officials' legal awareness, it was expected that school administrators would be minimally familiar with the decisions and their implications for school practice (Sorenson & Chapman, 1985). This speculation was enhanced by three additional factors: (1) There are no systematic means by which judicial decisions affecting school practice are communicated to school administrators; (2) school administrators often lack the legal training necessary to locate and interpret judicial decisions; and, (3) the two Supreme Court decisions had been recently decided at the time of this study. Consequently, administrators' knowledge of these decisions would be due to recent experience with the issues under study, a systematic effort to stay informed on legal issues relevant to school practice, or information derived from popular and professional media.

The purpose of the second part of the study was to investigate the extent that popular and professional print media accurately reported the substance and implications of these decisions. The hypothesis of this portion of the study was that many school administrators lack the means to secure comprehensive information on recent judicial decisions affecting school practice and therefore rely on the popular press for their information. Furthermore, it was hypothesized that the information reported through the popular press would tend to misrepresent the impact of the decisions on school practice.

Background

New Jersey v. T.L.O., decided January 15, 1985, was the Supreme Court's only decision directly addressing the constitutionality of searching public school students. Before deciding the merits of the particular dispute, the Court determined that the fourth amendment prohibition against unreasonable searches and seizures was applicable to administrative searches of students in public schools: "[S]chool officials act as representatives of the State, not merely as surrogates for the parents, and they cannot claim the parents' immunity from the strictures of the Fourth Amendment" (New Jersey v. T.L.O., 1985, p. 741). Clearly rejecting the applicability of the in loco parentis doctrine, the Court held that "school authorities are state actors" exercising "public authority" when searching students.

Because the fourth amendment precludes only unreasonable searches, the Court next balanced the general need for school searches against the invasion of students' personal privacy and security, concluding that the usual requirements of a warrant and "probable cause" were subordinated in the school context to "the dictates of reason and common sense."

> [T]he legality of a search of a student should depend simply on the reasonableness, under all the circumstances of the search. Determining the reasonableness of any search involves a twofold inquiry: first, one must consider "whether the ...action was justified at its inception," Terry v. Ohio, 392 U.S., at 20, 88 S.Ct., at 1897; second, one must determine whether the search as actually conducted "was reasonably related in scope to the circumstances which justified the interference in the first place," ibid. Under ordinary circumstances, a search of a student by a

> teacher or other school official will be "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction (New Jersey v. T.L.O., 1985, pp. 743-44).

Applying the reasonableness standard to the facts of the T.L.O. case, the Court held that the search of a high school girl's purse did not violate the fourth amendment where a teacher had reported that the girl (T.L.O.) had been smoking in the lavatory, the girl denied that she ever smoked, and an assistant principal subsequently searched her purse, looking for cigarettes. The vice principal's suspicion that T.L.O. had cigarettes in her purse, though not certain, was not an "unparticularized suspicion" but rather a "commonsense conclusion about human behavior." The cigarettes found in T.L.O.'s purse both undermined her credibility and provided additional evidence that she had engaged in unauthorized smoking in the lavatory.

More serious consequences for T.L.O. resulted from a further search of her purse, including closed compartments, that yielded marijuana and evidence of drug dealing. This further search was justified because rolling papers were retrieved in the first search for cigarettes, providing "reasonable suspicion" that marijuana also might be found. Because the searches were held to be reasonable under fourth amendment standards, the New Jersey Supreme Court's decision excluding the evidence from T.L.O.'s juvenile delinquency hearing was reversed.

The most important of T.L.O.'s implications for public school administrators are the following: (1) students are protected by the fourth amendment prohibition against unreasonable searches, and (2) although "[a] search of a child's person or of a closed purse or other bag carried on her person...is...a severe violation of subjective expectations of privacy," (New Jersey v. T.L.O., 1985, pp. 741-42) such a search can be effected under a standard of reasonable suspicion, based on evidence and not a mere hunch. Although not part of the holding, by drawing a distinction between the search of a person and the search of school property, the Court suggested particular solicitude for personal searches.

Almost five months after the T.L.O. case, the Supreme Court decided another case of special importance for public education. Wallace v. Jaffree, decided on June 4, 1985, provided significant guidance on the constitutionality of state-initiated, permissive or mandated "moments of silence" for mediation, prayer, contemplation, and the like. Although the particular Alabama statue in question violated the establishment clause (because of evidence that its sole purpose was to promote religion), a close reading of the opinions filed by members of the Court reveals that at least five Justices would support such statutes if a secular rather than a religious purpose were evident.[1] In fact, the opinion of the Court suggests that agreement on this issue might be unanimous: "The legislative intent to return prayer to the public schools is, of course, quite different from merely protecting every student's right to engage in voluntary prayer

during an appropriate moment of silence during the school day" (Wallace v. Jaffree, 1985, p. at 2479).

While the opinion of the Court does not address the constitutional propriety of otherwise neutral statutes that explicitly provide for "prayer," the two concurring and three dissenting opinions make clear that a majority of the present Court would approve such statutes. In an opinion concurring in the judgment of the Court, Justice O'Connor said that "[a] moment of silence law that is clearly drafted and implemented so as to permit prayer, meditation, and reflection within the prescribed period, without endorsing one alternative over the others," would not amount to state endorsement of religion. "Even if a statue specified that a student may choose to pray silently during a quiet moment, the State has not thereby encouraged prayer over other specified alternatives" (Wallace v. Jaffree, 1985, p.2499).

For those states or districts that may wish to implement a moment of silence statute or policy, the implications of the Wallace V. Jaffree case are as follows: (1) "Moment of silent meditation" statutes or policies should be enacted and implemented to support secular rather than religious purposes. (2) Where prayer is a specified activity, other activities such as meditation, reflection, contemplation, or introspection also should be specified to avoid the implication that prayer is a favored activity. And, (3) the legislative history or school board record surrounding the implementation of silent prayer and meditation statues and policies should contain evidence of their

secular purpose; sectarian declarations or other indications of a religious purpose must be avoided.

It must be emphasized that neither the presence nor absence of the word *prayer* in moment of silence statutes or policies is dispositive on the issue of their constitutionality; the central concern is legislative intent. Although the Alabama statute that was declared unconsititutional in Jaffree contained the word *prayer* (which had been added to an existing moment of silence statute for the sole purpose of supporting religion),[2] a federal appeals court declared unconstitutional a New Jersey statute that did not contain the word *prayer* (May v. Cooperman, 1985). Despite the absence of the word *prayer*, the court found that the statute had no secular purpose and that its enactment was religously motivated. Nevertheless, the Supreme Court has suggested that moment of silence laws and policies need not violate the establishment clause, even if prayer is mentioned as one possible activity. What is needed to assure constitutionality is the clear manifestation, in both enactment and implementation, of a primarily secular purpose. Since courts will closely scrutinize intentions, a conservative approach would suggest elimination of the word "prayer" from proposed statutes and policies.

The Study

This study was conducted in two parts. Part I examined (a) the extent that school administrators were knowledgeable about Supreme Court rulings regarding search and seizure and the allocation of school time for student meditation, (b) their

ability to apply that knowledge to specific situations, and (c) their sources of information regarding these Supreme Court decisions. One hypothesis of the study was that many school administrators rely on the popular press for their information and that this source would tend to misrepresent the Court's decisions as they affect practice. Consequently, Part II of this study examined the extent to which the popular press accurately reported the rulings of the Court.

Part I

During December of 1985, secondary school administrators in an eleven county area of central New York state were contacted by mail and asked to complete a Legal Issues Questionnaire. The questionnaire collected information on (a) knowledge of the Supreme Court decisions regarding school searches and the allocation of school time for meditation, (b) respondents' ability to interpret and apply these decisions in specific situations, (c) their confidence in the adequacy of their knowledge of these legal issues, and (d) their sources of information about these court rulings.

The sample for this study consisted of 139 public secondary school administrators from schools belonging to the Capital Area School Development Association (CASDA). CASDA is an association of schools involved in eductional research and development, continuing in-service education, and staff development for school personnel; 85 percent of the public secondary schools in an eleven country area in central New York are affiliated with

CASDA. The questionnaire was sent to only one person in each school--usually the principal. In small districts, it was sent to the superintendent if that person was the designated CASDA representative. Usable responses were received from 122 of the 139 CASDA schools, for a response rate of 87.7%. Hence, a total of 74 percent of all public secondary schools in the eleven county area were included in the study.

Limiting the sample to one geographical area offered two advantages to the study. One source of information available to school administrators on current court decisions was posited to be their conversations with other school administrators. Intensively surveying one geographical area in which the predominant contact among school administrators would be with each other provided an opportunity to test the accuracy of this information source. Second, limiting the sample to one geographical area allowed a more complete content analysis of popular media, since regional newspapers available to the respondents could be included in Part II of the study.

The high level of participation (74% of all secondary schools in eleven counties) supports the generalizability of the results to the central New York region. No information is available on the extent that school administrators in this geographical area, as a group, differ meaningfully from administrators in other parts of the country in their knowledge of judicial decisions. However, the size and geographical range of the sample provide support for the wider relevance of the findings.

Part II

A content analysis was conducted of selected national, regional, and professional print media to investigate the extent that the popular and professional media accurately reported these two decisions and their implications for practice. Four sources of print media were employed: the National Newspaper Index, the Magazine Index, the IMS/Ayers Newspaper Reference Volume, and a survey of selected professional publications.

The National Newspaper Index covers five major daily newspapers (e.g., New York Times, Washington Post). The search, which was conducted by computer and limited to a two week period following each of the two court decisions, yielded 19 articles regarding search and seizure and 22 regarding a moment of silence.

The Magazine Index includes 400 popular magazines. The search was conducted by computer and limited to articles published during or since 1985. Five magazines contained relevant articles.

A manual search of IMS/Ayers Newspaper Reference Volume was conducted for articles appearing in six of the nine regional daily newspapers. The remaining three newspapers were dropped from the study because articles were not available on microfilm and the newspapers were unwilling to provide printed copy. The search was limited to articles appearing within a one week period following the relevant Supreme Court decision.

Professional journals were judged inappropriate as a data source for this study since the judicial decisions being examined were recent and professional journals tend to involve long time periods for manuscript review and publication. However, many professional associations have newsletters intended to provide members with rapid information on current events affecting their profession. Seven professional associations, which had newsletters identified in a review of the Oxbridge Dictionary of Newsletters, were judged appropriate for inclusion in this study. These seven published a total of twelve newsletters. Editors of these twelve newsletters were contacted by mail and asked to provide any information they had published in their newsletter concerning the two cases under study. While editors from three associations responded, only one association (National Association of Secondary School Principals, which publishes four newsletters) had published relevant articles. Nonresponse was taken as an indication that the newsletter had not published articles relevant to this study. A further library search of twenty professional newsletters, weekly newspapers, and digests (e.g., NOLPE Notes, Education Week, Education Digest) was conducted and yielded 12 additional articles.

A total of 73 articles were identified through this search and were included in the subsequent content analysis. Each article was rated on accuracy and comprehensiveness. The consideration of accuracy included accuracy of the headline, the first paragraph, and the full content of the article. Comprehensiveness included whether the decision of the Court was

reported, whether implications of the decisions for school practice were discussed, and whether the discussions related the findings to local school issues. The analytic scheme reflects the three levels often used in reading the popular press: (1) a quick scan of the headlines, (2) a reading of the first paragraph for a summary of the issues under discussion, and (3) a reading of the entire article.

Results and Discussion

The legal issues survey provided information about administrators' knowledge of the relevant judicial decisions, their ability to apply those decisions to specific situations, and a description of current practice in their schools. These issues are analyzed separately for each of the two Supreme Court decisions.

Search and Seizure

A total of 339 searches were reported to have been conducted during the first semester of the 1985-86 school year in the 122 schools represented in the survey. The number of searches per school ranged from 0-9 and averaged 2.78. While no searches had been conducted in 28 schools, five or more searches had been conducted in 31 of the schools. Approximately half of the schools (46%) had written policies governing student searches (Table 1). In most schools, searches were conducted by the principal. In about half the schools, an assistant or associate principal also conducted searches. It was relatively rare for a school counselor or teacher to conduct a search.

Nearly all respondents knew that students have a constitutional right to be free from unreasonable search and seizure and that reasonable suspicion of wrong-doing is required before school personnel search a student (Table 1). Yet, more than one of every four respondents did not know that some evidence of wrong-doing is required before school personnel search a student. One of every five respondents incorrectly believed that probable cause and a warrant were required before school personnel search a student.

The twenty percent of administrators who believed that probable cause and a warrant were necessary prerequisites to a constitutional search were clearly wrong in assuming that such high standards are applicable to public school searches. School administrators and teachers have a "substantial interest" in "maintaining discipline in the classroom and on school grounds" (New Jersey v. T.L.O., 1985, pp. 733 & 742) and this interest "requires a certain degree of flexibility in school disciplinary procedures..." (New Jersey v. T.L.O., 1985, p. 743). Nevertheless, students' reasonable expectations of privacy cannot be lightly disregarded; close to a third of school administrators who said some evidence of wrong-doing was not required before school personnel search a student need to know that reasonable grounds derive from at least some evidence. The evidence often will be provided by teacher or student informants, or will be based on personally observed behavior and, although it need not be conclusive, it must be sufficient to support a rational,

common-sense conclusion that the student has violated the law or school rules.

The response pattern suggests that 20-25 percent of school administrators were confused about the application of judicial guidelines to daily practice. The respondents' confusion regarding the basis for a reasonable search was further confirmed in the three search and seizure application questions (see Table 1). All three questions were designed to test administrators' judgment of what constitutes a reasonable search, with the first two questions focusing on reasonable suspicion.

We believe that a principal would have the legal right to search a student's pocket based upon an eyewitness report that the student possessed concealed marijuana. In the absence of information suggesting that the eyewitness was unreliable, such a search is based on far more conclusive evidence than the undocumented accusation of a remote theft suggested by the second question (i.e., the calculator from the bookbag). However, over a quarter of the respondents did not believe or were unsure that a student's report of seeing another student put marijuana in his pocket, conveyed to the principal by an experienced teacher, was sufficient cause for the principal to conduct a search of the accused student's pockets.

In answer to the second question, only about half of the respondents correctly believed that a mother's accusation that a student stole a calculator from her child probably would not give the principal a sufficient basis to search the accused student's bookbag. Because the theft was remote in time, there is little

reason to believe the accused student would still have the calculator--even if the accusation were correct. In addition, a calculator is not inherently dangerous like a readily transmissable drug.

While the reasonableness standard is flexible, respondents demonstrated confusion in applying it to the examples on the questionnaire. Such confusion can be ameliorated by understanding that the standard entails observed evidence of prohibited behavior or the possession of prohibited things; second-hand reports of such observation are not necessarily unreliable, but must be evaluated in conjunction with other relevant information.

Respondents were split on the additional question of whether more evidence of wrong-doing is required to search a person than a locker. Nearly half the respondents were unsure or did not believe that more evidence of wrong-doing is required to search a person. Even though the Supreme Court has not definitely answered this question, dicta in the T.L.O. decision suggest special solicitude for personal privacy (New Jersey v. T.L.O., 1985, pp. 733 & 742, note 55). In addition, many lower federal court decisions have given a higher degree of protection to intrusions of personal privacy, (Horton v. Goose Creek Independent School District, 1982) with some courts saying that extraordinarily intrusive searches (such as strip searches) should be conducted only when absolutely necessary and, even then, only when based on the higher probable cause standard (Doe v. Renfrow, 1980 and Belliner v. Lund, 1977).

These results suggest a lack of information or a substantial degree of misunderstanding about the application of current legal standards regarding search and seizure. This finding stands in contrast to respondents' self-perceptions of how well informed they were--82 percent of the respondents believed they were extremely or very well informed about the implications of federal search and seizure decisions on their school's practice.

Moment of Silence for Meditation

A 1985 Associated Press/Media General (AP/MG) survey reported that 87 percent of all adults favored schools' scheduling a time for students to have silent meditation during the school day (Media General, Inc., 1985). However, only about ten percent of the schools represented in our study required or encouraged a moment of silence for meditation (Table 2). In most of the schools (84%), no special moment of silence was observed. This finding indicates a sharp contrast between public sentiment on the issue and current school practice.

The AP/MG Survey also reported that 63 percent of all adults in the nation favored encouraging students to pray. Because the AP/MG survey made no distinction between public schools and private schools (where there is no constitutional prohibition against encouraging prayer), it might be assumed that the five percent of the adults in the AP/MG study with children in private schools might favor both a moment of silence and the active encouragement of silent prayer. Even if this five percent were excluded, however, 82 percent of all adults would still favor a moment of silence and 58 percent would favor the encouragement of

prayer. Again, school practice in central New York appears to be in sharp contrast to public sentiment.

Further, though the majority of schools we surveyed observed no special moment of silence, 73 percent of the school administrators reported that they approved of their schools' practices and only four percent of the administrators reported community controversy over the moment of silence question. Thus, despite the practice reportedly favored by adults generally, it appears that the opposite practice is favored by school administrators and has caused little or no controversy in the respondents' communities.

Although it is possible for moment of silence statues and policies to be enacted and implemented in accord with constitutional principles, results of our study indicate considerable confusion among administrators about what the establishment clause requires and/or permits; 52 percent of the administrators we surveyed said that they had little or no information about the constitutionality of moment of silence laws and policies. Indeed, this perception is corroborated in the low scores administrators received on the knowledge items.

It is probable that some moment of silence laws and policies are constitutional, even if they mention prayer among possible silent activities. Nevertheless, 21 percent of those surveyed thought that probably all moment of silence laws/policies/ practices were unconstitutional, with an additional 29 percent unsure of their constitutionality. In addition, only five percent of the respondents correctly understood that mentioning

prayer would probably not, in and of itself, vitiate moment of silence laws and policies. On the other hand, if moment of silence laws were to specify prayer as the only activity, they clearly would evidence the unconstitutional purpose of favoring religion. Nevertheless, 23 percent of the respondents either thought such laws and policies would be constitutional or were unsure of their constitutionality.

Nearly a third of the respondents did not know that the constitutional principle of separation of church and state does not apply to the actions of private school officials. Since only public officials, including public school administrators and teachers, are precluded from establishing religion (leaving private persons and schools to deal with religion as they see fit), the principle of nonestablishment is relevant only in the public sector.

Sources of Information

Across both issues, approximately a quarter of the respondents were poorly informed about the substance and implications of the relevant Supreme Court decisions. A substantial number of respondents appear to have inadequate sources of information about these legal issues or rely on sources that are themselves incorrect. Table 5 reports the importance respondents assigned to eleven sources as bases of information about legal issues affecting education.

The most important source of information was professional newsletters and journals, followed by district administrators,

the attorney for the local school board, personal reading of the laws/court decisions, conversations with other educators, and local professional meetings. School administrators do not appear to rely heavily on the popular press--newspapers and news magazines.

These data suggest that personal conversations with other educators--in their own and other school districts--play an important role as a source of respondents' knowledge about the law. This finding is of concern since about a quarter of the respondents--administrators in nearby districts--were themselves misinformed about the court decisions and their implications for practice. Consequently, a further analysis was conducted to determine the extent to which those respondents who thought they were extremely or reasonably well informed about these cases were nonetheless wrong.

Overestimation of Legal Knowledge

Table 3 reports the extent to which school administrators felt well informed about the implications of the two cases for school practice. Over 80 percent of the respondents believed they were well informed about federal search and seizure decisions; nearly 45 percent felt they were well informed regarding "moment of silence" laws/ policies.

The questionnaire contained seven search and seizure items and five moment of silence items which were judged to have a correct answer under current legal interpretations. For each set, respondents were grouped by the number of items they

answered correctly. As indicted in Table 4, only six respondents (4.8%) missed more than four out of seven search and seizure items. Still, 21 percent of the respondents who thought they were well informed missed at least three of the seven items. Similarly, 57 percent of all respondents missed at least three of the five moment of silence items; eight school administrators missed all five items. Moreover, 56 percent of the respondents who thought they were well informed about moment of silence missed at least three out of five items. These results suggest that a sizable minority of school administrators overestimated their knowledge of these issues and therefore have the potential to pass along incorrect advice and information with much greater sureness than their knowledge warrants. These findings highlight the need for in-service legal training of school administrators--even for administrators who believe they are well informed.

Content Analysis

Professional newsletters and journals were regarded as the most important source of information about legal issues affecting education, with 83 percent of the respondents rating them extremely or very important (Table 5). Popular print news media were rated as less important, but still were rated as extremely/very important by 42 percent of the respondents. Their impact actually may be greater, since respondents who rely on their conversations with other educators may be getting their information from the popular news media indirectly. Moreover, regardless of the information sources used by school

administrators, the popular press is the primary source of information available to local citizens on the nature and implications of legal decisions affecting school practice. Incorrect or misleading media reports of legal decisions can contribute to local controversy even when the school administrators are correctly informed of the decisions. Table 6 summarizes the results of the content analysis separately for articles regarding search and seizure and those regarding a moment of silence.

Thirty-three articles that reported the Supreme Court decision in N.J. v. T.L.O. (1985) were identified. Nearly all articles were judged accurate in their overall content, though five of the 33 had misleading headlines and the first paragraphs of a third of the articles either did not present the facts or the findings of the decisions or did so inaccurately. Figure 1 presents examples of headlines judged accurate and those judged inaccurate.

Forty articles discussing the Jaffree v. Wallace (1985) decision were identified. Nearly all the articles accurately reported the holding of the Court and the implications of the decision. While most headlines were either accurate or neutral, eight of the 40 were judged to be misleading. In addition, newspaper articles frequently discussed issues only tangentially related to the decision, such as the controversy surrounding a constitutional amendment favoring prayer in school or the federal administration's support for school prayer; this suggests the need for critical and objective reading of the print media.

Overall, the information available to school administrators through the popular and professional media tended to be both comprehensive and accurate. The articles generally stated the Court's rulings, the facts associated with each case, and the implications of the decisions for school practice.

While newsletters and journals were rated as the single most important source of legal information, only two professional association (National Association of Secondary School Principals and National Organization on Legal Problems of Education) appear to have published information in their newsletters concerning the two cases under study. Those newsletter articles were found to be comprehensive and accurate, suggesting that the misinformation and confusion of respondents on the legal issues were not due to inaccurate information from an information source judged particularly important. Although professional journals were not included in this study because of publication lag, the importance the respondents assigned to professional publications suggests a mechanism to help increase the legal awareness of school personnel.

Conclusion

The legal issues under investigation in this study have received wide public attention and will continue to be important concerns of daily practice in the schools. For example, there is growing public concern about drug use and crime in the schools and a willingness to have school officials address these problems (A.M. Gallup, 1985 and G.H. Gallup, 1984). Results of the 1985

Gallup Poll of the public's attitudes toward education found that 78 percent of the public supports the right of school authorities to open students' lockers or to examine their personal property for contraband. Parents are even more in favor of granting this authority than are non-parents (A.M. Gallup, 1985). The T.L.O. case is directly relevant to these concerns and to the constitutional legitimacy of recent drug-testing proposals.

Similarly, a 1984 Gallup Poll found that the public favors a constitutional amendment that would allow prayer in public schools. Of those who favor this amendment, 95 percent favor it strongly (G.H. Gallup, 1984). Further, the 1984 Gallup Poll of Teachers found that 52 percent of all teachers favor an amendment to allow prayer in schools (A.M. Gallup, 1984). In the absence of successful initiatives to "return prayer to the public schools," the case of Wallace v. Jaffree assumes special importance as a possible accommodation between strict separationists and religionists.

Despite the public interest and recent litigation surrounding the issues of student searches and religious expression in the school, school administrators demonstrated a substantial degree of confusion and misinformation. Results of this study support five observations:

1. Many school administrators lacked information and/or substantially misunderstood legal issues affecting school practice. Across both issues, approximately 25 percent of the respondents were incorrectly informed about the substance and

implications of the relevant judicial decisions. Even when school administrators appeared to know the legal principles involved, they had trouble applying those principles to specific situations.

2. Many school administrators overestimated how well informed they were about legal issues affecting school practice.

3. The legal issues involved in the search and seizure decision were more salient to school administrators in central New York than those related to a "moment of silence" for meditation. School administrators generally did not see a "moment of silence" as a controversial issue in their districts, even though the practice of most of the schools ran counter to the preference of a majority of citizens nationally.

4. Few professional associations have published information about these legal decisions or their implications for practice. This is particularly unfortunate since school administrators reported that professional publications were their most important source of information on these topics.

5. Although newspaper headlines were occasionally inaccurate or misleading, the popular press generally provided accurate information on the substance and implications of the Supreme Court rulings. This suggests that, if read critically, items from

the popular print news media can be a valuable source of information on legal issues affecting public education.

Footnotes

[1] See the opinions of Powell, p. 2495; O' Connor, pp. 2499 & 2501; Burger, pp. 2505 & 2507-8; White, p. 2508; and Rehnquist, p. 2520.

[2] See also Walter v. West Virginia Bd. of Educ., 610 F. Supp. 1169 (D. W.Va. 1985), suggesting that the word "prayer" indicates the lack of a secular purpose.

Reference List

Belliner v. Lund, 438 F. Supp. 47 (N.D.N.Y. 1977).

Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980).

Gallup, A.M. (1984). The Gallup Poll of teachers' attitudes toward the public schools." Phi Delta Kappan, 66(2), 97-107.

Gallup, A.M. (1985). The 17th annual Gallup Poll of the public's attitudes toward the public schools." Phi Delta Kappan, 67(1), 35-47.

Gallup, G.H. (1984). The 16th annual Gallup Poll of the public's atitudes tward the pblic schools." Phi Delta Kappan, 66(1), 23-38.

Horton v. Goose Creek Independent School Distrist, 690 F.2d 470 (5th Cir. 1982).

Jaffree v. Wallace, 105 S.Ct. 2479 (1985).

May v. Cooperman, 780 F.2d 240 (3d Cir. 1985).

Media General, Inc., (1985). Survey of a representative sample of 1,412 adults across the nation living in telephone households. Richmond, VA: Author.

New Jersey v. T.L.O., 105 S.Ct. 733 (1985).

Sorenson, G. P., & Chapman, D. W. (1985). School cmpliance with federal law concerning the release of student records. Educational Evaluation and Policy Analysis, 7, 9-18.

Search and Seizure	Moment of Silence
Accurate	Accurate
"Students May Be Searched if School Has Reasonable Grounds High Court Orders" (Wall Street Journal)	"Court Sees Official Sponsorship, Not Prayer, as the Mischief" (Los Angeles Times)
Misleading	Misleading
"Schools Get Wide Power to Search: Court Cites Drug Use" (Washington Post)	"Court Block Silent Prayer in Schools" (Christian Science Monitor)
"Teachers Can Search Students" (Troy Times Union)	"Silence, No Prayer" (Education, U.S.A.)
Neutral	Neutral
"High Court Search Ruling Praised by School Officials" (Los Angeles Times)	"Frustrated by Ruling on Prayer, Backers Try Other Avenues" (Newsweek)

Figure 1: Sample Headlines and Titles of Articles Included in the Content Analysis

Table 1

School Administrators' Knowledge of and School Practice Regarding Search and Seizure

Items	% yes	% no	% don't know	N
Knowledge Questions				
Students have a constitutional right to be free from unreasonable search and seizure.	95	5	–	122
Probable cause and a warrant are required before school personnel search a student.	19	78	2	122
Reasonable suspicion of wrong-doing is required before school personnel search a student.	96	4	–	122
Some evidence of wrong-doing is required before school personnel search a student.	72	27	1	120
Application Questions				
An experienced teacher tells the principal that a student reported seeing Student B put marijuana in his pocket. Does the principal have the right to search Student B's pocket?	74	22	4	122
A parent calls to complain that her child's calulator was stolen and accuses another child of the theft. Does the principal have the right to search the bookbag of the accused student?	39	54	8	119
More evidence of wrong-doing is required to search a person than to search a locker?	53	41	7	120
School Practice				
My school is subject to a written policy governing student searches.	46	50	4	119
In my school, searches are usually conducted by:				
the principal	94	6	–	122
the assistant/associate principal	54	45	1	122
the school counselor	6	94	–	122
any teacher	4	96	–	122
other	13	87	–	120

Underlined responses are judged to be correct answers under current law.

Table 2

School Administrators' Knowledge of and School Practice Regarding A Moment of Silence for Meditation

Items	% yes	% no	% don't know	N
Knowledge Questions				
"Moment of silence" laws/policies are probably unconstitutional if they mention prayer.	74	5	20	122
Probably all "moment of silence" laws/ policies are unconstitutional.	21	50	29	121
"Moment of silence" laws/policies that specify prayer as the only alternative are probably unconstitutional.	77	4	19	121
My school is subject to a state law regarding a "moment of silence" for meditation.	28	33	39	121
The interpretation of constitutional provisions regarding a "moment of silence" for meditation apply equally to both public and private schools.	8	69	23	121
School Practice				
My school is subject to a local written policy regarding a "moment of silence" for meditation.	7	82	11	121
Has the "moment of silence" issue caused controversy in your community in the last three years?	4	87	9	121
In my school, a "moment of silence" for meditation				
-is required	4.4%			
-is encouraged but not required	5.3%			
-is allowed by not encouraged	6.1%			
-is forbidden	2.6%			
-no special "moment of silence" is observed	81.6%			

Underlined responses are judged to be correct answers under current law.

Table 3

Extent school administrators felt well informed about federal decisions concerning search and seizure and moment of silence

	% extremely well informed	% very well informed	% somewhat well informed	% not well informed
How well informed do you feel about implications of federal search and seizure decisions on your school's practice?	2.5	79.5	15.6	2.5
How well informed do you feel you are regarding "moment of silence" laws/ policies?	1.7	43.1	42.2	12.9

Table 4

Distribution of Respondents by Total Score Correct and Extent to Which Respondents Who Believed They Were Well Informed Correctly Answered Knowledge and Application Items

Item	well informed N	well informed %	poorly informed N	poorly informed %
How well informed do you feel you are regarding:				
Search and seizure (total possible score=7)				
missed more than 3 items	3	3	3	14
missed 3 items	18	18	2	9
missed 2 or fewer items	79	79	17	77
total	100		22	
Moment of silence* (total score possible=5)				
missed more than 3 items	6	12	6	9
missed 3 items	23	44	17	27
missed less than 3 items	23	44	41	64
total	52		64	

Score distribution of all respondents

Search and Seizure total score correct	Respondents N	Respondents %	Moment of Silence total score correct	Respondents N	Respondents %
7	13	10.7	5	0	0
6	33	27.0	4	13	10.7
5	50	41.0	3	40	32.8
4	20	16.4	2	44	36.1
3	2	1.6	1	17	13.9
2	2	1.6	0	8	6.6
1	2	1.6			
0	0	0			

* 6 respondents did not answer all portions of this question

Table 5

School Administrators' Ratings of the Importance of Selected Information Sources

Source	N	Importance % extr. 1	% very 2	% some what 3	% not 4	Mean Rating
Newspapers	119	13.7	27.9	41.8	14.8	2.60
News magazines	119	9.0	21.3	49.2	18.0	2.78
Teachers' union publications	112	6.6	19.7	32.0	33.6	3.01
Professional newsletters/ journals	121	39.3	43.4	14.8	1.6	1.79
Attorney for local school board	116	52.5	19.7	11.5	11.5	1.83
Conversations with other educators	118	18.9	49.2	27.0	1.6	2.12
District administrators	120	37.7	42.6	15.6	2.5	1.83
National professional conventions	113	8.2	18.9	32.8	32.8	2.97
Local professional meetings	117	32.8	40.2	24.6	7.4	2.16
Personal reading of law/ decisions	122	33.6	39.3	20.5	6.6	2.00
School board members	114	1.7	6.1	34.8	56.5	3.50

Table 6

Summary of Results of Content Analysis of Professional and Popular Media

Criteria	SEARCH AND SEIZURE national newspapers	local newspapers	journals/ newsletters	over all	MOMENT OF SILENCE national newspapers	local newspapers	journals/ newsletters	over all
Number of articles	19	4	10	33	22	8	10	40
Comprehensiveness								
1st Paragraph states holding of Court								
stated	6	0	3	9	8	6	6	20
not stated	10	4	4	18	12	1	3	16
reported later	3	0	3	6	2	1	1	4
Full Article states holding of Court								
stated	18	4	9	31	17	8	9	34
not stated	1	0	0	2	3	0	1	6
not applicable*	0	0	1	0	2	0	0	2
Implications								
stated	18	4	9	31	18	6	9	33
not stated	1	0	0	1	2	2	0	4
not applicable*	0	0	1	1	2	0	0	2
Local Issues								
discussed	7	2	1	10	6	1	1	8
not discussed	12	2	9	23	16	7	9	32
Accuracy**								
Headline/Caption								
accurate	5	2	7	14	7	0	4	11
misleading	3	2	0	5	1	5	2	8
neither	11	0	3	14	14	3	4	21
1st Paragraph								
accurate	13	3	6	22	14	7	8	29
not accurate	3	1	1	5	2	0	1	3
neither*	3	0	3	6	6	1	1	8
Full Article								
accurate	19	4	9	32	20	8	10	38
not accurate	0	0	0	0	0	0	0	0
not applicable*	0	0	1	1	2	0	0	2
Holding of Court								
accurate	6	0	3	9	17	8	5	30
not accurate	0	0	0	0	4	0	1	5
Implications								
accurate	18	4	9	32	18	6	9	33
not accurate	0	0	1	1	0	0	0	0

* - Purpose of article was not to report substance, e.g., an interview with the plantiff in one of the cases.

** - Within each catagory, the number of articles rated for accuracy cannot exceed the number of articles in which it was discussed.