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The legal status of the Virginia high school principal in maintaining pupil discipline

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THE LEGAL STATUS OF THE VIRGINIA HIGH SCHOOL PRINCIPAL IN MAINTAINING PUPIL DISCIPLINE

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INTRODUCTION

Statement of the Problem

This study will determine the legal position of a Virginia high school principal with respect to discipline. Is his position hindered continuously by court rulings? Many principals state that they cannot discipline effectively with the courts "breathing down their necks." (Vacca, 1971).

In comparing the questionnaires received from Virginia principals with a case law study of pupil control decisions, the question of legal limitations on the principal's authority may be resolved. Within the question of limitations, the determination of the legal points which either are not known or not understood by Virginia high school administrators can also be ascertained. As a result, the author may then arrive at the steps needed to be taken by the Virginia principal in order to avoid litigation over his control of pupil conduct.

Significance of the Problem

The high school principal's role is emerging as one of many facets other than that of just a teacher. In order to be sure of himself, he must realize his powers and limitations. In the area of discipline, the principal is in a tenuous position, not knowing whether his decisions will be favored or discounted. Being continuously confronted with student control, the administrator must be aware of his legal position.

Virginia itself is becoming a focal point of cases testing the validity of the principal's decisions in all areas, especially discipline. This situation confirms the need for an explanation of the Virginia high school administrator's legal status.

This paper, along with other papers dealing with the changing role of the high school principal, will provide him with a more complete view of his position. This clarification of his role should give the principal confidence in dealing with the legal implications of daily situations. He will, as a result, not feel the courts are hindering his judgment, but improving his disciplinary ability (Vacca, 1971).

Definition of Terms

The area of discipline has become quite stratified from the early days of this country when the hickory stick was its main method of application. Today, the main sources of debate are in the areas of expulsion, suspension, and pupil control regulations. Both "substantive due process" and "procedural due process" (Garber and Seitz, 1971, p. 253) are the catalysts for many legal claims in the above areas.

The term due process originated from the Fourteenth Amendment which governs correct procedures in dealing with criminal and civil cases (Sealy, 1971). In a more general meaning, due process is the use of correct and fair procedures in the development and usage of certain limitations set forth by authorities. These procedures may be found within the school in two forms. First, the foundations for pupil control regulations or limitations are to be developed from basic educational objectives. This is considered to be the substantive basis or procedure for policy determination. Therefore, when a student questions by court action a rule from this standpoint, he is disputing this necessary relationship of the policy to the objectives of both the school and the district. It then becomes the responsibility of the school authorities to demonstrate by

"burden of proof" or sufficient justifying evidence the necessary connection of the regulation to the objective (Nolte, 1971).

The subsequent means by which this policy is maintained is within the area of procedural due process. The regulation, although declared reasonable, may be questioned on the grounds of its illegal consequences. Therefore, provision must be made for proper and fair application of regulations. Also provisions for a hearing and appeal should be included in this area (Phay, 1971). This process of administrative remedies will also be a necessary component of substantive due process.

Along with the above terms, such words as vague or capricious appear in relationship to the characteristics of invalid regulations. Rules that are vague according to Grayned v. City of Rockford (1972) contain little provision for either substantive or procedural due process. Also a policy that is capricious is sometimes indicative of subjectivity on the part of the principal in using the regulation to his own advantage. Along with the above characteristics, vague regulations may be based upon ultra vires, i.e. the administrator transcending his authority in a situation (Harvard Law School, 1971). For example, a regulation based upon the in loco parentis doctrine, i.e.

a school official representing parental authority, may be invalid because of illegal limitations of student appearance which fall exclusively within parental control.

The above terms will be used in dealing with the various areas of pupil control, such as freedom of the press, pupil dress, student confrontation (demonstrations), marriage, search and seizure, and student activities (Garber and Seitz, 1971).

Definition of Limitations

Because of the limited number of cases within Virginia, many of the cases that have been reviewed are of national origin. By the nature of the federal and state court systems, many of the federal cases that are reviewed will apply to Virginia courts. The author will attempt to bring these cases into a direct relationship with Virginia's school situations so that the principal may view them in a clear perspective.

One might think that the appropriate target for the survey should have been the assistant principal, since it is generally his function to maintain discipline. However the final responsibility in this matter rests with the principal.

Survey of the Literature

Many of the periodicals and books used in this thesis were found by using the ERIC search of the North Carolina Science and Technology Research Center.

The principal gains his authority over pupil discipline from four sources:

1) provisions in the state constitution;
2) statutes of the state legislature;
3) decisions of state and federal courts (Encyclopedia of Education, 1971);
4) school board delegation of power and policies (Glenn, 1966).

The third source seems to be making itself known more today through its indirect influence on pupil control.

As one searches for evidence as to what legal role the principal plays in disciplining pupils, there appears to be some difference of opinion. Kenneth Ray and Robert Drury (1965, p. 47) present the principal's legal role as that of a teacher in discipline, stating that "teachers and administrators have the legal right to adopt reasonable rules in reference to methods of discipline." In both the Encyclopedia of Education (1971) and the Virginia School Laws (1969), one also finds nothing that would differentiate the legal boundaries of the principal and those of the teacher.

Dr. Richard Vacca (1971, p. 405) states in his article "The Principal as a Disciplinarian" in the High School Journal that "the ultimate responsibility of discipline is placed on the principal." As a result, the administrator must be accountable for his actions in court. In conclusion, Dr. Vacca states that principals should become more acquainted with their rights and with the general area of school law. In the more specific area of pupil dress and activity, M. Chester Nolte (1971, p. 30) states that "the burden of proof in court lies with the school board or principal that any pupil activity or wearing apparel is a disruption to the school environment." As a solution to this he gives several general legal guidelines for administrators to follow when dealing with dress codes. The concept of due process in handling disciplinary cases was covered by Ormon Ketchum (1970, p. 63), Judge of the District of Columbia Juvenile Court. He expresses the opinion that "it is important for school principals to be conscious of equal protection and due process." In this way, the principal may provide for a fairer doctrine of student control. Thomas Shannon (1970) also presents the principal's legal situation in one of the more pressing areas of student activities today--demonstrations. He indicates that the principal must judge reasonably what

legal method he will use to handle any form of demonstration.

In the area of school and non-school publications, Robert Ackerly (1969) feels that the high school administrator must take into account students' rights within the First and Fourteenth Amendments in order to justify his regulations. The more recent situation of search and seizure catapults the principal into the criminal realm. In "Search and Seizure in Public Schools" in the NOLPE School Law Journal Charles Wetterer (1971) implicates the necessity of administrative awareness as to implied student rights and due process in locker investigations. Other writers, such as Wallace Goode (1967), Joan Brown (1971), Harry Malois (1971), William Griffiths (1971), Edmund Reutter (1970), Dale Gaddy (1971), Robert Phay (1971), and William Buss (1971) concur with the above authorities on the significance of the principal's legal status in handling pupil conduct.

Since the question of the principal's legal authority is of such importance, as shown by the above writers, the author must conclude that to provide a special study for Virginia principals of their role would be just as informative. It must be realized that in the articles reviewed

above general guidelines for the principal's authority were given. Thus to investigate the legal status of a Virginia high school principal should not be repetitious.

Method of Study

The study consisted of the examination of four areas:

1) A questionnaire sent to the principals of all high schools in Virginia having from three to five grade levels. This survey consisted of both a pilot sampling and a principal project. The distribution of the questionnaires was broken down into four populations for the analysis. These divisions were determined by the size of the schools and the area characteristics. Basically, the breakdown consisted of small rural areas (1-499 students), rural and small suburban areas (500-999 students), small towns (1000-1499 students), and large suburban and city areas (1500 students and above).
2) An in-depth case law study of the national and and local court decisions dealing with discipline that affect Virginia high school administrators.
3) A survey of the literature, both legal and educational, dealing with discipline.

4) An interview with Mr. D. Patrick Lacy, Jr. and Mr. William G. Broaddus of the Virginia Attorney General's Office to determine relationships between the national case law study and Virginia's situations.

Summary

There is substantial evidence pointing towards a need for a clearer view of the principal's letal position on discipline. This is especially true of the Virginia high school administrator with the more recent upsurge of legal claims. Chapter II will present the national situation in this area.

CHAPTER II

REVIEW OF RELATED LITERATURE

Introduction

This chapter will review the related literature from both legal and non-legal sources. Court cases will be presented in summary form and in the event of truly precedent decisions the case will be reviewed. The information presented in this chapter will be used by the researcher in formulating guidelines for the Virginia administrator.

Pupils began realizing their rights in 1969 after the precedent decision of the United States Supreme Court in Tinker v. Des Moines Independent Community School District. (32 ALR 3d, 1970). The number of cases that entered the courts in all areas of pupil control after that point was voluminous. This deluge is still being encountered today in many states. The courts have just recently begun to turn again to insisting that they stay out of student affairs (Marcady, 1971). This was especially true after Karr v. Schmidt (1970, p. 593). In this case involving student grooming, Supreme Court Justice Black denied a motion for appeal by a student who was contesting

a hair regulation because he felt that the "Federal Constitution should not impose a burden of supervising hair length on the courts." Therefore the courts have requested that the administrators become more sensible in their handling of pupils (Reutter, 1970). At the present time "the tolerance limits for certain types of student behavior are being extended slowly" (Dolce, 1971, p. 3).

The question remains as to how the principal should deal with the various situations involving student rights. The administrator must realize that legal claims do not occur in just one type of school system. William G. Buss in the Legal Aspects of Crime Investigation in the Public Schools (1971) states that crimes exist most in the urban school systems and therefore many legal claims of criminal origin will develop there. This does not necessarily mean that other situations ripe for adjudication such as long hair, demonstrations, student publications, etc., and even crime cannot occur in other school systems. Mr. Pat Lacy (1972), Assistant Attorney General of Education for Virginia, stated in an interview that "no one school situation is more liable for legal claims than any other." Therefore the rural, urban, or suburban principal must become more aware of his tenuous situation in handling students.

How may this be accomplished? First the administrator should be knowledgeable of the legal implications of his

situation both from a constitutional and a judicial standpoint (Federation Ad Hoc Committee,1970). In dealing with the former, one encounters several constitutional amendments which have been the basis for many legal claims. A second tool of the principal should be his knowledge of state and local laws involving control of students (Griffiths, 1971). It is here that the Virginia school administrator derives his power to control students through the enforcement of "reasonable regulations governing the management and discipline of pupils in public schools" (Virginia School Laws, 1969, p. 56).

As explained in Chapter I, the principal needs to initiate pupil control regulations relative to substantive and procedural due process guidelines. Therefore the various disciplinary situations and their corresponding areas will be placed within these two divisions of due process.

Although substantive due process mainly involves the development of regulations, the regulations must also provide for reasonable disciplinary procedures. At the same time, procedures in carrying out these policies must be related to certain basic objectives of the school system. Since these two forms of due process are interrelated, it should not surprise the reader that overlapping of cases and conclusions exists.

Substantive due process will be presented first in

order for the reader to grasp the general objectives upon which pupil control regulations have been based. Following this discussion, resulting disciplinary procedures and appellate proceedings will be reviewed in the section on procedural due process.

A. Substantive Due Process

The term substantive due process implies the allowance for student rights in the development of school codes (Garber and Seitz, 1971). Many principals feel constrained by the necessity for according these rights in that their power over pupil control is lessened (Subcommittee on Student and Personnel Policies, 1969). This is especially true in the development of rules and regulations when the vested interest of students has been previously abused by authoritarian administrators (Nolte, 1971). The advent of pupil rights is most clearly demonstrated within student and faculty handbooks. As an example in "The Streak," the Harrisonburg High School Handbook (Harrisonburg High School, 1972) both substantive and procedural due process have been maintained from the right of student appeal on disciplinary matters to a statement of policy on search and seizure.

Carmelo Sapone (1969) indicates that more and more principals are trying to educate students of their rights. He uses the example of high school students; through

administrative, faculty, and community involvement; successfully revising the school's dress code using the correct channels of communication. In this way the student learns what is involved in democratic action. At the same time there is less chance for the use of subversive methods by the students to achieve their aims.

As explained in Chapter I, the burden of proof must be demonstrated by the student or adminstrator in order for a regulation to be valid or invalid. Superficial evidence of "health and safety violations, disruptive fear, discipline and moral factors, effeminacy syndrome (relating to long hair) and lack of performance will not hold up in court unless there is a definite relationship to the educational process" (Nolte, 1971, pp. 24-25). The principal must therefore balance "the rights of the individual student with the demands of the institution" in developing a school code (Griffiths, 1971, p. 355). Along with the establishment of the burden of proof the reasonableness of the regulation must also be developed. "Principals are authorized to make and enforce reasonable regulations governing the management and discipline of pupils in public schools" (Virginia State Department of Education, 1969, p. 56). This reasonableness is defined by Edmund Reutter (1970, p. 4) as "a rule of pupil conduct being related to educational objectives and the likelihood that the rule will help to achieve these goals." In many cases the delinea-

tion of reasonableness is also related to the equitable usage of the regulation. The legitimacy of various aspects of school codes will be discussed in the following paragraphs.

The original basis for pupil regulations was the right of in loco parentis by school authorities. This concept in previous years was the main reason for the unwillingness of courts to review cases of school origin (Phay, 1971). At present, though, there are two views on the usage of in loco parentis. Some authorities feel that the term's application to school situations has become irrelevent (Harvard Law School, 1971). Others imply that it can be used in a restricted sense (Wetterer, 1971). An example of this latter opinion would be its emergence in the principal's rights of search and seizure (Time, Dec. 25, 1972). In reviewing the cases involving in loco parentis, one may conclude that reasonable regulations promulgated by the principal on this basis may allow for valid limitations (Pervis v. La Marque Independent School District, 1971).

Student Appearance Regulations

Hair and grooming regulations have caused the greatest controversy in the area of substantive due process. Previous to Tinker v. Des Moines (32 ALR 3d, 1970) many hair and grooming regulations were very rigid. For example,

in one school the following regulation stated that "boys' hair should be trimmed above the eyebrows and off the ears. On the neck the hair should be neatly trimmed so that hair is above the collar line." (Berryman v. Hein, 1971, p. 617). As one may imagine, that particular regulation was quickly invalidated. Since then hair regulations have become more liberal if not non-existent. One is likely to see a regulation such as the following: "Students will be neat and clean. Dress must not cause any disruption of the educational process." (Harrisonburg High School, p. 15, 1972). Since there are so many conclusions arrived at in these cases, the following discussion will be divided into two parts. The first will cover the don'ts of hair and grooming codes. The second will cover what should be considered in forming regulations.

School policies on hair in many cases must not infringe upon the students' basic constitutional rights. The regulation must neither abuse the rights of free expression nor privacy under the First Amendment. The above conclusion was the result of adjudication in the following cases: Church v. Board of Education of Saline Area School District of Washtenaw County (1972); Parker v. Fry (1971); Dawson v. Hillsborough County, Florida School Board (1971); Freeman v. Flake (1970); King v. Saddleback Junior College District (1971); Jeffers v.

Yuba Unified School District (1970); and Torvik v. Decorah (1972). Based upon these rights, the student has as much right to grow his hair long at school as he does at home in the absence of disruption. Neither may the regulation defy the basic rights of an individual under the Ninth Amendment (Dawson v. Hillsborough, 1971). Nor may a violation of the regulation incur a cruel and unusual punishment prohibited by the Eighth Amendment, such as suspension over length of hair and sideburns (Southern v. Board of Trustees for Dallas Independent School District, 1970; and Alexander v. Thompson, 14 ALR 3d. Supp., 1972). If the resulting punishment is one which does not deprive the student of his educational rights, it is valid under the Eighth Amendment (Christmas v. El Reno Board of Education, 14 ALR 3d. Supp., 1972). Along with the above, a regulation may not eliminate equal protection under the Fourteenth Amendment (Seal v. Mertz, 1972; Minnich v. Nabuda, 1972; Montalvo v. Madera Unified School District Board of Education, 1971; Berryman v. Hein, 1971; Freeman v. Flake, 1970; King v. Saddleback, 1971). This means that the regulation must be applied uniformly and not to any particular group of students.

In terms of the development of the regulation, its validity cannot be justified solely upon a school official's construction (Torvik v. Decorah, 1970). Nor can it necessarily be legally based upon a majority of students'

approving it (Arnold v. Carpenter, 1972, p. 943). As stated in the above case, just because "students, teachers and faculty draft a code" does not necessarily mean that the individual student can be denied his rights to assume a certain hair length.

Consideration of the origin of views relating to a school regulation is also important. A regulation used by the principal just to teach students to obey rules is not necessarily valid (Seal v. Mertz, 1972; Parker v. Fry, 1971). In this way the administrator is being subjective in the development of a hair regulation. In the same manner, a code based upon negative community views regarding long hair is also unconstitutional (Turley v. Adel Community School District, 1971).

Neither can a rule be valid on the basis of community or school officials' fear of disruption (Cordova v. Chonko, 1970; Seal v. Mertz, 1972; Minnich v. Nabuda, 1972; Parker v. Fry, 1971; Dawson v. Hillsborough, 1971; Martin v. Davison, 1971). There is much difference in degree between fear and probability of disruption (Lacy, 1972). Therefore the principal must judge the situation in terms of its disruptive possibilities in order to determine the reasonableness of the regulation (Martin v. Davison, 1971).

The regulation cannot be validly based upon disruption between students over hair length (Turley v. Adel,

1971). Only if the long hair of students in the school is causing a health or safety problem may there be a justification for the rule prohibiting long hair. The needed regulation must be narrow enough, though, to satisfy the particular problem (such as hair nets for students who wear long hair in shop) and not prohibition in general (Crew v. Cloncs, 1970; Massie v. Henry, 1972). This brings out the final restriction that requires hair regulations to be neither vague nor capricious in order to provide for their validity (Jeffers v. Yuba, 1970; Freeman v. Flake, 1970). "Generalities can no longer serve as standards of behavior when the right to obtain an education hangs in the balance" (Gaddy, 1971, p. 41). With reference to the positive conclusions on hair regulations, the following points are ones that the principal may wish to consider.

It is within the rights of the school to make and to enforce reasonable regulations (Crew v. Cloncs, 1970; Carter v. Hodges, 1970). Since this right is transferred from the school board (Deighton, 1971), the rules should be related to school board policies (Cordova v. Chonko, 1970). The school code should also be based upon the state's interest in the disciplining of students (Valdes v. Monroe County Board of Public Instruction, 1970; Laucher v. Simpson, 1970; Parker v. Fry, 1971; Whitsell

v. Pampa Independent School District, 1970). Along with the state, the code should relate to the goals of the individual school (Howell v. Wolf, 1971; GFell v. Rickelman, 1970).

In a previous paragraph, a code was not considered valid if it only taught students to obey rules (Seal v. Mertz, 1972; Parker v. Fry, 1971). In Mercer v. Lothamer (1971) a rule on hair was considered partially reasonable since it taught good grooming and etiquette. Therefore more explicit objectives, although not completely valid from the students' viewpoint, can justify a regulation.

Not only should a rule be reasonable in its context, but also in its operation (Valdes v. Monroe County, 1971; GFell v. Rickelman, 1970; Komadina v. Peckham, 1970). A regulation should be directly related to the elimination of disruption in order to be reasonable (Church v. Board of Education, 1972; Seal v. Mertz, 1972; Minnich v. Nabuda, 1972; Arnold v. Carpenter, 1972; GFell v. Rickelman, 1970; Dawson v. Hillsborough, 1971; Komadina v. Peckham, 1970; Martin v. Davison, 1971; Southern v. Board of Trustees, 1970; Montalvo v. Madera, 1971; Conyers v. Glenn, 1971; Pound v. Holladay, 1971). Even forseeen disruption (not fear) can be a valid basis for a rule (Berryman v. Hein, 1971). In Howell v. Wolf (1971) the regulation on hair was considered legal because it decreased the number of disciplinary problems over hair length that had developed

before the rule went into effect.

Another basis for the validity of a hair code was made by a judge in Stevenson v. Wheeler County Board of Education (Seitz and Garber, 1971). He agreed with the prohibition of long hair and beards just on the fact that other students who do not portray the above grooming qualities may feel disconcerted. Another specification for the validity of a hair regulation is the age of the student. In Carter v. Hodges (1970) a twenty year old student was not required to attend school. Since his school attendance was based on choice, a reasonable hair regulation was not considered an infringement on his rights.

Beard cases have been of a small number. In 1968, a Richmond Professional Institute regulation on beards was considered valid (Lacy, 1972). This was based upon the same reasoning as in Carter v. Hodges (1970). Another basis for the prohibition of beards is that they cannot be protected by various limitations as hair can be (Reutter, 1970).

Student Dress Regulations

In looking at pupil dress regulations and their validity, some of the same conclusions as stated in the previous section can be made. An important factor in cases dealing with dress regulations is "the extent to which a school regulation can infringe upon the rights of parents to control their children" (George Johnson, 1969,

p. 86). This relates to the doctrine of in loco parentis which was defined in Chapter I. In cases where there are reasonable rules, the rights of the parents are subdued (Hammonds v. Shannon, 1971). This reasonableness, again, is dependent upon the policy not violating certain constitutional rights of the student, such as the right of privacy under the First Amendment (Bannister v. Paradis, 1970). The right of expression under the First Amendment is not used as a test of fairness for non-symbolic apparel, such as a pantsuit (Press v. Pasadena Independent School District, 1971).

The regulation must be directly related to disruption and not a fear of disruption (Bannister v. Paradis, 1971). Therefore a dress code may exclude those who are immorally disruptive (scantily clad) in their appearance. In general the rule must neither be vague nor subject to the interpretation of the principal (Melton v. Young, 1971).

In terms of specific forms of dress it has been found that dungarees (Bannister v. Paradis, 1971) and slacks (Reutter, 1970) were found to be acceptable unless they would cause disruption or be harmful to the health and welfare of the student. Such apparel as pantsuits is still considered questionable and their acceptance is left up to the discretion of the principal. Since buttons and armbands are of a more symbolic nature, they will be considered in the section on free speech.

Free Speech Regulations

The main difficulty principals have had with publications has been establishing regulations for their review and dissemination. The specific criteria for review will be discussed later in the section on procedural due process. The justification for these regulations will be discussed in the following section.

In general, the regulation must be neither vague (Sullivan v. Houston, 1971) nor overbroad (Riseman v. School Committee of City of Quincy, 1971). Therefore, a regulation cannot necessarily control outside sources of publications. Publication policy must also be based upon actual disruption (Sullivan v. Houston Independent School District, 1971; Quarterman v. Byrd, 1971; Graham v. Houston Independent School District, 1970) not fear of disruption (Sullivan v. Houston, 1971). Thus the code, in general, can only be justified in its relationship to discipline and educational goals of the school (Egner v. Texas City Independent School District, 1972).

Another problem that administrators have been faced with is the use of profanity and controversial causes in publications. Courts have stated that a limitation placed on disseminated material must not infringe upon the First Amendment in its implications (Quarterman v. Byrd, 1971; Fujisma v. Board of Education, 1972). At the same time "the state has the power to suppress words that would

incite disruption" (Eisner v. Stanford Board of Education, p. 806). In the situation of profanity the nature of the words and their usage would become important. If the profanity were severe and caused disruption, then a regulation against this would be valid. In this situation the First Amendment would not be justified (Garber and Seitz, 1971). When the publication was somewhat obscene and disrespectful but did not cause disruption, the regulation prohibiting its dissemination on grounds of profanity alone was not valid (Garber and Seitz, 1971). "Expression within publications may never be limited merely because of disagreement with or dislike for its contents" by school authorities (Sealy, 1971, p. 7). In the area of controversial topics such as anti-war sentiment, the necessity of restrictions depends upon the degree of controversiality and previous reaction to such articles by school authorities (Reutter, 1970). In Zucher v. Panitz (Reutter, 1970) a regulation prohibiting an anti-war advertisement was held invalid since previous controversial issues covered by the school publication were not restricted.

In the area of free speech, regulations on buttons and armbands must relate to disruption (Guzich v. Drebus, 1970) or demonstrated disruption (Reutter, 1970). The situation itself may be a factor in the development of a code prohibiting buttons or armbands. If the majority

of the school population is composed of military families, one would try to avoid anti-war black armbands (Hill v. Lewis, 1971). If there were racial tensions within the school, one would not allow students to wear "Happy Easter Dr. King" on the anniversary of his death (Guzich v. Drebus, 1970). The regulation may not, of course, infringe upon the First Amendment (Hill v. Lewis, 1971). But,"as the non-verbal message becomes less distinct, the justification for the substantial protection of the First Amendment becomes more remote" (Sealy, 1972, p. 5). In other words, there is no need to concern oneself with freedom of expression in developing a regulation against pantsuits as opposed to the symbolic apparel (Press v. Pasadena, 1971). Also the regulation must be uniformly applied under the Fourteenth Amendment. Therefore the regulation in Guzich v. Drebus (1970) banning all buttons was valid. The area of buttons and armbands is closely related to the next subject,pupil demonstrations.

Confrontation Regulations

The application of the rights of free speech and assembly to students began with Tinker v. Des Moines (32 ALR 3d, 1970). With the enumeration of these rights, many systems are introducing "battle plans" or written regulations for handling demonstrations (Browder, 1970). In Virginia, it is suggested that the various systems

"have written guidelines for these situations in any event to prevent legal dispute" (Lacy, 1972). These regulations must not infringe upon the First Amendment rights of free speech (Dunn v. Tyler Independent School District, 1971). The exception to this conclusion is the existence of true disruption (Press v. Pasadena, 1971; Dunn v. Tyler, 1971; Grayned v. City of Rockford, 1972). The regulation is valid if it relates to true disruption and not a fear of disruption (Dunn v. Tyler, 1971). In Dunn (1971) the school code prohibited all forms of demonstrations whether they were disruptive or not. The rule, then, was both vague and based only upon fear. This caused the regulation to be considered invalid.

The regulation must always be viewed in terms of the situation in which it works. In Grayned (1972, p. 2304) the judge stated that "the nature of the place and the patterns of its normal activities dictate the kinds of regulations of time, place and manner of expressive activities which are reasonable." While noisy demonstrations may be considered proper in a football stadium during a game, they are not as applicable during school hours. When a demonstration is "incompatible with normal activity or develops disruption, it is wrong" (Grayned, 1972, p. 2304).

Fraternity and Sorority Regulations

Anti-fraternity and secret society regulations have

predominantly been supported by the courts (Bolmeier, 1970). Even though these regulations have been enforced, they still had to follow some of the same conclusions reached in other areas of pupil control. They must be based upon true disruption (Passel v. Fort Worth Independent School District, 1969). In Passel (1969) the secret society prohibition was valid since the society caused a certain amount of disruption not provoked by other school-sponsored organizations. The regulation, when it is in operation, should be reasonable and prevent disruption. The rule should also provide for the rights of the student under the First and Fourteenth Amendment (Robinson v. Sacramento City Unified School District, 1966).

One of the few cases that ruled in favor of fraternities is Healy v. James (Sandman, 1971). Mr. Lacy (1972) states that this case "prohibits the principal from banning these activities unless they are unusual. This is assuming that there are other activities going on within the school in which the student can participate." This case may be a deciding factor in the legality of fraternities in the high school.

Marriage Regulations

Marriage has also been an area in which very few cases have developed. Most of the regulations used to prohibit married students from attending school or participating

in extra-curricular activities were based upon the welfare of the student (George Johnson, 1969). Although a former policy of student expulsion or suspension for marriage has been considered illegal (Estay v. LaFourche Parrish School Board, 1969), the exclusion from extra-curricular activities was still being used until recently. Previously the courts have considered the latter exclusion valid since it discouraged young marriages. This was supplemented by the feeling that extra-curricular activities were not intrinsic to the curriculum. Therefore, it was not considered a violation of the student's right to exclude him from these activities. (Estay v. LaFourche, 1969). In a more recent case, Davis v. Meek (1972), a different point of view prevailed. Extra-curricular activities were considered to be an important part of the curriculum. In this case the student was to receive a scholarship to college for playing baseball. His subsequent marriage disqualified him from participation on the baseball team. As a result he lost his scholarship. The regulation, in effect, put a strain on his marriage. This rule violated his right of privacy under the First Amendment. The code was then considered unconstitutional. Looking at the regulation from another point of view the Assistant Attorney General (Lacy, 1972) contends that it would be invalid in violating the equal protection clause of the Fourteenth Amendment, since it prohibits one group from participating

in student activities. The Virginia School Laws (Virginia State Board of Education, 1969), in section 22-97 states that "the enforceability of such regulations against married students depends upon the situation."

Pregnancy Regulations

Exclusion of pregnant students, whether in or out of wedlock, has been supported in the past. Perry v. Grenada Municipal Separate School District (1969) was one of the first cases that contested this type of regulation. The expulsion of pregnant girls was invalidated based upon the infringement of their right to equal protection and the fundamental right of education. The court did require the school to investigate each unwed mother to determine whether or not she would be a disruptive influence in the school. If such was the case, then the girl could be excluded. In a more recent decision from the bench in Virginia (Eppart v. Wilkerson, 1972) the exclusion of pregnant pupils was also considered invalid. Mr. Lacy (1972) of the Virginia Attorney General's Office believed that the situation of exclusion must be viewed also in terms of the necessary educational recourse provided to the student by the school system.

Search and Seizure Regulations

Search and seizure is becoming one of the most controversial areas of pupil control because of the criminal

implications. Although the cases have been few, their implications are staggering. As an example, Time magazine in December, 1972, revealed that principals have more rights to search lockers for drugs than police do because of in loco parentis. This statement is based upon several cases presented in the following section and is a very important premise to be considered by the principal today. The principal in many cases must search the student locker or be in serious difficulty. This right is not questioned in terms of bomb threats or lethal weapons that are potentially dangerous (Wetterer, 1971). It is when the administrator is searching for drugs which are theoretically dangerous to the student that the debate begins as to the infringement upon the Fourth Amendment right to be protected from unlawful search and seizure. Personal search regulations will be covered in the following section.

In the case Philips v. Johns (Wetterer, 1971) a student was bodily searched for money and became so embarrassed that the search was considered illegal. However, in Marlar v. Bill (Wetterer, 1971) the search was based upon proving the child's innocence, and was therefore considered legal. "The administrator must always search in the best interest of the child" (Wetterer, 1971, p. 21). In this way he will not be violating the student's rights against illegal search and seizure under the Fourth Amendment.

The more recent case of People v. Jackson (1971) has been used by several authorities to demonstrate valid search and seizure policies based upon the rights of in loco parentis. In this case a student was searched for drug paraphenalia by the coordinator of discipline of a high school. This occurred after a three block chase off school grounds which originated in the school. The case was won by the institution because the student was first apprehended within the confines of the school and subsequently ran away. As opposed to the validity of this situation, a school official could not apprehend a student he encountered on the street and search him.

Locker search regulations are not exclusive in their implications. In State of Kansas v. Stein (Garber and Seitz, 1971), the principal was given the right to search lockers "to prevent their use in illicit ways and illegal purposes" (Garber and Seitz, 1971, p. 277). The principal was supported in court because "although the student may have control of his locker as against his fellow student, his possession is not exclusive as against the school and its officials" (Wetterer, 1971, p. 25). In the above case the requirement of the Miranda warning given by the principal to the student was also invalidated. This refers to the case of Miranda v. Arizona (Wetterer, 1971, p. 26) in which "an individual held for interrogation should be informed of his constitutional rights to remain silent."

The fact that the Miranda warning was even brought into this case implies some disagreement as to the role being performed by the administrator when he searches lockers (Buss, 1971). There is a conflict of opinion over this matter among the authorities on school law. Some feel that the administrator is performing a policeman's function (Buss, 1971). Therefore, they imply the need for a search warrant to be obtained by the principal in each situation of search and seizure. Others require only the police to have a search warrant (Phay, 1971; Gaddy, 1971). Mr. Lacy of the Virginia Attorney General's Office (1972) states that "the principal is not in the position of a policeman as evidenced by the fact that anything accrued from his investigation may not be admissable in a criminal court." If one takes this point of view, then in certain instances of criminal origin the police would need to be brought into the situation. This seems to create more problems among the students who complain of this infringing upon their rights of privacy (Buss, 1971).

In People v. Overton (Buss, 1971) the police presented a warrant, the validity of which was later questioned, to open a student locker in order to search for marijuana. The assistant principal opened the locker, not on the basis of the warrant but as a result of his authority to open lockers. He was upheld by the courts for this reason. In this case then, the courts felt that the principal or

assistant principal had more right to open the locker than the police. This was also the basis of the ruling in the previous case of People v. Jackson (1971). If the police do need to be brought in, the pupil should be given his full rights as in Miranda v. Arizona (Buss, 1971). The search should also require a warrant and permission of the student. In these situations the legal use of the Fifth Amendment comes into consideration "if the possibility of criminal action against the student is evident" (Lacy, 1972). In general the legality of search and seizure must be viewed in terms of the situation. It is also important that the school have written rules encompassing the above conclusions for both administrative and governmental search and seizure procedures in order to be legally protected (Wetterer, 1971).

Regulations against drugs, whether a result of search and seizure or not, have been found valid because of the detrimental effect of drugs on the health, safety, and welfare of the student (Bastianelli v. Board of Education, Union Free School District #1, 1971; People v. Jackson, 1971). More of this area will be reviewed in the section dealing with suspension.

Review of Section

In concluding this section, the researcher emphasizes the need for the principal to look at his regulations in

terms of both state and federal limitations. It is important that he provide for the maximum of student rights within school policies. Drury and Ray (1967, p. 41) state that "the rules developed by the administrator must be reasonable under all conditions, and in their enforcement, due regard shall be given to the health, age, and comfort of the pupil." The enforcement of these policies, then, must also be reasonable. In the next section, the maintenance of the regulation will be examined under procedural due process.

B. Procedural Due Process

The maintenance and application of regulations involve both substantive and procedural due process. The reasonable way in which a regulation is handled will relate to the limitations or objectives upon which it is based. Therefore a demonstration regulation developed as the result of students transcending their rights of free speech must still be used with regard to the First Amendment.

This section may essentially be divided into two parts. In many cases pupil control policy is maintained by various disciplinary methods. The validity of these methods will be discussed in the first part. Also, specific procedures for carrying out regulations will be cited in areas that apply. As a final recourse the student has the right and the administrator has the

responsibility for appelate procedures. The necessary administrative remedies for the student will be examined in the second part of the section on procedural due process.

Expulsion Policies

Expulsion, being one of the most serious punishments, requires more of an allowance for essential due process and burden of proof than any other action taken by the administrator (Reutter, 1970). Therefore it entails more of a school board action than that of the administrator because of its permanence in its effect on the student (Harwood, 1969). In the Virginia School Laws section 22-231 (State Board of Education, 1969, p. 139), it is stated that "it shall be the duty of the school board to suspend or expel pupils when the welfare and the efficiency of the schools make it necessary." Fairfax School Board takes this a step further by asserting the requirement of a hearing as soon as possible after the need presents itself (Fairfax County School Board, 1971). If the expulsion is viewed valid by the board then the student has all avenues of appeal open to him, including the State Board of Education.

Expulsion must be based upon the context of each situation, rather than specific criteria (Martin v. Davison, 1971). In many situations the evidence must be of irrevocable conduct with considerable disruption

(Griffin v. Defelice, 1971; Pierce v. School Committee of New Bedford, 1971; Tucson Public Schools, District #1 of Pimaco v. Green, 1972; DeJesus v. Pemberthy, 1972). In turn this disruption must be alleviated by expulsion and not increased (Cook v. Edwards, 1972). Time limitations must also be set for expulsion or it will be considered unconstitutional.

The following situations have resulted in expulsion, whether valid or invalid: long hair (Whitsell v. Pampa Independent School District, 1970; Martin v. Davison, 1971; Bouse v. Hipes, 1970); alcohol (Cook v. Edwards, 1972); drugs involving search and seizure (Caldwell v. Cannady, 1972); demonstrations (Griffin v. Defelice, 1971); pregnancy (Perry v. Grenada, 1969); and general disorder (Pierce v. School Committee, 1971; Tucson Public Schools v. Green, 1972; DeJesus v. Pemberthy, 1972). Many of the above cases will be discussed further in the section on suspension since they contain conclusions on that method of discipline. The situations more germaine to this section are those of marriage, pregnancy, and drugs.

The expulsion of married students or unwed mothers has been abused in many situations. Unless the school system can provide for the following, the expulsion is invalid: evidence that the presence of the pupil would be detrimental to the welfare and efficiency of the school (Perry v. Grenada, 1969); provision of an equivalent

educational recourse (Cooley v. Board of School Commissioners of Mobile County, 1972). According to Mr. Lacy (1972), the exclusion or expulsion of pregnant pupils is unconstitutional, based upon Judge Bryant's decision from the bench in Eppert v. Wilkerson (1972). In certain situations, though, special classes or homebound instruction can be used as equivalent instruction. Expulsion and its related procedures should then be viewed within the context of the situation (Martin v. Davison, 1971). This is a key aspect in the verification of any school rule or procedure.

Expulsion for drugs under search and seizure conditions must be reasonable, providing for full due process (Caldwell v. Cannady, 1972). The case referred to above is special in its implications. The school board regulation which required the expulsion of students for possession of drugs was implemented when the police searched several students' cars and found marijuana. In two instances the police did not have warrants, so the expulsion was nullified. The other students were expelled because of legal evidence. Thus in order for the regulation to be validly enforced, the means by which it is achieved must also be valid. In this case expulsion was valid only if it did not abuse the Fourth Amendment which protects the individual against illegal search and seizure. The legal guidelines for search and seizure procedures will be discussed in the suspension section of this paper.

It may then be concluded that expulsion, because of its serious nature, must be used sparingly. Since there are few situations that warrant this punishment, they must be considered individually. If the situation results in expulsion the student must be given both full due process and sufficient educational recourse (Cooley v. Board of School Commissioners, 1972) for the limited period of time (Cook v. Edwards, 1972).

Suspension Policies

Suspension is another category which operates within the dominion of procedural due process. The fact that this punishment is less severe and more temporary places its direction within the authority of the principal (Harwood, 1971). There is still a requirement of due process but to a more moderate extent than that of expulsion (Lacy, 1972). "The Virginia principal may for sufficient reason suspend a pupil for a fixed period of time subject to review by the school board" (Virginia State Board of Education, 1969, p. 139). In reviewing the guidelines set by the school boards, the procedures for suspension vary throughout Virginia. In general, "the principal must report the facts in writing to the division superintendent and the parent or guardian of the child suspended" (Virginia State Board of Education, 1969, p. 139). The court conclusions that involve suspension will be reviewed in the following section.

There are various areas of pupil conduct which have resulted in suspension. Length of hair and general grooming of the student encompass the largest cause of pupil suspension within the schools. As a result, the adjudication emanating from this area is enormous. The following conclusions have originated from this segment of pupil control. Suspension over matters of grooming must be the result of true disruption, not a fear of disruption (Parker v. Fry, 1971; Dawson v. Hillsborough County, 1971; Church v. Board of Education, 1971; Conyers v. Glenn, 1971; Gere v. Stanley, 1971; Rumier v. Board of School Trustees for Lexington County District #1, 1971; Pound v. Holladay, 1971; Bishop v. Colaw, 1971; Black v. Cothran, 1970; Martin v. Davison, 1971).

Just as suspension may not be based upon fear, neither can it be the result of community views against long hair or a particular form of grooming (Dawson v. Hillsborough, 1971; Turley v. Adel, 1971). An example of disregard of the above point is the case Lambert v. Marushi, (1971) in which a student was suspended for wearing long hair. The District Court of West Virginia ruled that the regulation against long hair was based upon nothing but fear of disruption. To add to this, the court felt that a valid suspension of the student could have been based upon his continuous cutting of school classes. Suspension must be based then upon a reason that can be substantiated.

A fallacy that needs to be clarified is suspension based upon student disruption caused by long haired students. The suspension must be related to the condition of the hair from which the disruption emanates, not the friction between students over long hair (Turley v. Adel, 1971). For example, in Gere v. Stanley (1971) the student's suspension was approved by the court because the dirtiness of his hair caused health problems.

The individual student's rights must also be taken into account when deciding on suspension. Since in some cases the length of hair represents a symbolic feeling on the part of the student toward a cause (such as anti-war sentiment), then the freedom of speech portion of the First Amendment should not be infringed upon the administrator (Church v. Board of Education, 1972; Rumier v. Board of School Trustees, 1971; GFellv. Rickelman, 1970; Bishop v. Colaw, 1971; Freeman v. Flake, 1970). Along with the right of free speech, the right of privacy under the Ninth Amendment should not be denied (Jeffers v. Yuba, 1970; Dawson v. Hillsborough, 1971).

The hair cases have given the principals certain procedures for valid suspension. Students must be informed as to the consequences of the violation of any school rule regarding hair length (Rumier v. Board of School Trustees, 1971). In this way the student may not state that the regulation was vague in its consequences.

In the same manner there must be a reasonable period of time for the student to comply with the rule after being informed of its violation. If the student still has not abided by the regulation then he may be suspended for a definite period of time (Cordova v. Chonko, 1970) with appropriate due process. Suspensions that are indefinite may be considered vague and in violation of the Fourteenth Amendment. Another conclusion enumerated by the Virginia Attorney General's Office is the necessity of written suspension procedures so as not to be considered capricious (Lacy, 1972).

In the area of pupil dress many of the above judgments have been repeated. The researcher will use the same divisions that were used in the section on substantive due process, placing the more symbolic wearing apparel in the section on free speech.

There are some suspension situations in which apparel is not symbolic. For example, in Press v. Pasadena Independent School District (1971) a student's arbitration as to her right to wear a pantsuit in school was not considered to be within the realm of free speech. This case also presented the requirement of due process in that the student was informed of the pantsuit regulation and the consequences of her violation of this policy earlier in the year.

The validity of a suspension in some cases may not need to be directly related to the validity of the regulation. Based upon the principal's right to maintain discipline within the school even if a regulation on dress is unconstitutional, the suspension, if reasonable, will be considered valid (Melton v. Young, 1971). In this situation the suspension must be viewed in terms of its allowance for due process and fairness. This is achieved by sufficient administrative remedies being open to the students (Press v. Pasadena, 1971). These remedies will be discussed in detail in the due process section.

Freedom of expression can actually be divided into two parts: freedom of the press; and freedom of speech. The author will first consider freedom of the press. Underground newspapers and controversial student publications have spread in recent years. In some schools, at present, the principals are not exerting the degree of censorship on school newspapers as they have done in the past. This point of view can be considered the result of various cases that have originated in this area.

Again the element of disruption must be present for the suspension of students in this area (Sullivan v. Houston, 1971). In many cases the principal felt that possible disruption was the result of profanity within the publication (Reutter, 1971). The validity of this feeling is dependent upon the way in which the profanity

is being used. In Sullivan (1971) the profanity was used to spice up an article on the need for improvements in the school. The principal, in jumping to conclusions that any profanity was wrong, unconstitutionally suspended the student who wrote the article. On the other hand, profanity used for its own sake (Reutter, 1971) cannot be valid even in the given rights of free press under the First Amendment (Fujisma v. Board of Education, 1972). Suspensions for publications must then be based upon appropriate reasons (Quarterman v. Byrd, 1971). In the case of publications, the courts have found that the suspension's validity does directly relate to the regulation's validity (Quarterman v. Byrd, 1971; Sullivan v. Houston, 1971; Fujisma v. Board of Education, 1972).

At this point the author will list some procedures that can be used by the principal in order to review publications for their validity. These procedures are to be presented at this time for two reasons. First, the fact that procedural as opposed to substantive due process implies the necessary means to enforce regulations. Second, the validity of suspension of students for illegal publications depends upon these procedures.

In some instances the criteria for review seem to be subject to interpretation by school authorities (Quarterman v. Byrd, 1971; Eisner v. Stamford Board of Education, 1971; Baugham v. Freienmouth, 1972). In Eisner

(1971) certain criteria were put forth by the court to be used by the principal in working with student publications. The regulations must specify a period of time in which the publication is to be turned in for review. The regulation must also state who will review the publication. In Quarterman (1971) the need for criteria determining the quality of the publication was deemed necessary. There must also be a set time after which the principal would approve or disapprove the material (Braugham v. Freienmouth, 1972). In terms of its distribution, if the publication is valid, then it is to be disseminated before or after school hours with the least amount of confusion (Nations Schools, 1972, p. 84). With the above criteria and sufficient administrative remedies provided for the student (Egner v. Texas, 1972) the principal should be in a better position to determine what course to take in the control of publications.

The author will now review the more symbolic area of freedom of speech. This area will be divided into button, armband and other symbolic apparel cases. The two most famous button cases were Burnside v. Byars (32 ALR 3d., 1970) and Blackwell v. Issaquena County Board of Education (32 ALR 3d., 1970). Several authorities have used these cases (Gaddy, 1971; Reutter, 1971; Nolte, 1971) to contrast valid and invalid suspensions over the same type of insignia. It was determined in the Blackwell

case (32 ALR 3d., 1970) that the students, who were distributing SNCC buttons which set the stage for disruptions, were validly suspended. On the other hand, Burnside (32 ALR 3d., 1970) students only wore the buttons, and therefore presented no problems. In this manner their suspension was considered unconstitutional. A more recent case based upon the above cases is Guzick v. Drebus (1972). Here the suspension of the student for wearing an anti-war button was considered to be valid because of his infringement upon a school rule prohibiting buttons. This rule was considered well founded on the basis of previous disruption before it went into effect.

The above case relates to the armband cases since the student Guzick based his defiance of the school rules on Tinker v. DesMoines (32 ALR 3d., 1970). In comparing Tinker (32 ALR 3d., 1970) with a more recent case, Hill v. Lewis (1971) one finds that in both cases a nexus between disruption and the wearing of anti-war armbands was to be established before any type of suspension could be considered valid. In Tinker (32 ALR 3d., 1970) the relationship was not established, therefore the student's rights under the First Amendment were not observed. Hill (1971) did show an association, therefore the suspension was sustained.

Confederate patches (Melton v. Young, 1971) and other racial symbols can be the cause of valid suspensions

if disruption has resulted. Their effect, though, will depend in many cases upon the racial make-up of the school.

As shown in two of the above cases, demonstrations within the school also have caused suspensions. Student demonstrations have been the result of several causes. Some of the reasons for student activism are dress codes (Press v. Pasadena, 1971; Farrell v. Joel, 1971); anti-minority songs (Tate v. Board of Education of Jonesboro Arkansas Special School District, 1972); unrepresentative elections (Dunn v. Tyler, 1971); anti-war apparel (Hill v. Lewis, 1971); general disruption (Tillman v. Dade County School Board, 1971); and other school policies (Gebert v. Hoffman, 1972; Cooley v. Board of School Commissioners, 1972).

Again, suspension must be based upon disruption (Cooley v. Board of School Commissioners, 1972; Dunn v. Tyler, 1971; Gebert v. Hoffman, 1972). Also, as stated before, the suspension must be based upon the context of the situation (Cooley v. Board of School Commissioners, 1972). In Tate v. Board of Education (1972) several black students had walked out of a pep rally because of the playing of "Dixie." Since "Dixie" was played and not sung this did not constitute a racial slur. Therefore the suspension with due process was considered valid because of the students' premeditated disruption.

Suspension must not infringe upon the rights of free speech under the First Amendment (Dunn v. Tyler, 1971; Tate v. Board of Education, 1972). This does not necessarily mean that "the rights of assembly and free speech are absolute" (Phay, 1971, p. 5). In Gebert v. Hoffman (1972) the students' disruption by not attending classes was indefensible through the use of the First Amendment. In the same case it was shown that suspension must be based upon the action of the participants in the demonstration, not the audience. This is interesting in relation to the basis for hair length suspension, which was the condition of the hair and not the friction between students over it (Turley v. Adel, 1971).

There is a repetition of some previous conclusions in the above demonstration cases. These include a time limitation on suspension, a need for equivalent educational recourse, and needed procedures of due process (Tate v. Board of Education, 1972 ; Cooley v. Board of School Commissioners, 1972; Dunn v. Tyler, 1971).

One of the areas of least arbitration is that of suspension based on membership in fraternities and sororities. It has been taken for granted that any regulation banning fraternities (secret societies) and their members from public secondary schools was valid (Bolmeier, 1970). The reasons enumerated for the suspensions were ones of disruption and the development of undemocratic

attitudes (Robinson v. Sacramento, 1966; Passel v. Fort Worth, 1972). The validity of these suspensions may begin to be questioned after Healy v. James (Sandman, 1971). This case concluded that banning these societies and their members was a form of discrimination. It will be interesting to see what effect this case will have on the principal's authority to suspend members of fraternities.

The areas of marriage and pregnancy are more controversial today than they were in the past. It was previously taken for granted that students could be suspended for marriage because of the possible immoral influence that they would have on other students (Reutter, 1971). Carrolton-Farmers' Branch Independent School District v. Knight (11 ALR 3d., Supp., 1972) contested this notion by stating that students could not be suspended just on the basis of marriage. The courts have backed up "the suspension of a married student during the period of pregnancy" (Bolmeier, 1968, p. 217) if the exclusion is for a limited time and there is an equivalent educational recourse (Lacy, 1972). As stated in parallel section in substantive due process, suspension of unmarried pregnant pupils will depend upon their effect on other students (Perry v. Grenada, 1972). Also the prohibition of married pupils from extracurricular activities has been refuted (Davis v. Meek, 1972).

Suspension for the possession of drugs whether or not as a result of search and seizure must allow for due process (Bastianelli v. Board of Education, Union Free District #1, 1971). Mr. Lacy of the Virginia Attorney General's Office (1972) states that "there is no doubt in the validity of suspension based upon a hard drugs crime if there is a firm basis of proof."

Certain procedures must be followed by the principal in order for him to carry out legal search and seizure. Many of these guidelines were given in the substantive due process section since they were essential to the justification of search and seizure regulations. The following is just a review of these procedures. Based upon a reasonable policy, the principal, suspecting drugs or weapons in a student's possession or locker, should try to carry out the search himself. If police need to be brought in for the search, they must have a warrant. The student should also be informed and given his full rights (Buss, 1971). In any case, "if the principal has reason to believe that a crime has occurred, he should contact the Commonwealth Attorney's Office for advice" (Lacy, 1972).

One sees then that suspension is valid if it is reasonable and the regulation under which it works is valid (Pervis v. La Marque Independent School District, 1971). One point that was not brought out in the above discussion of the various areas of suspension is the

allowance for suspension for a limited number of days (small in number) without due process (Jackson v. Hepinstall, 1971). This is becoming the exception and not the rule. Even when it becomes necessary for suspension to be immediate because of an impending dangerous situation, a hearing should be planned for the near future (Phay, 1971). Along with immediate suspension a principal may suspend a pupil for conducting activities off school grounds that "present a danger to himself, to others or to school property for a short period of time pending a hearing" (Garber and Seitz, 1971, p. 256). This right is given to Virginia principals in section 22-72 of the Virginia School Laws (Virginia State Board of Education, 1969). Mr. Lacy (1972) stipulated that in this situation an "independent investigation should be made by the principal of the incident, other than reading it in the newspaper." There still has to be a definite nexus between the reason for suspension and the educational process in order for it to be justified.

An area of pupil control which is not as directly connected to due process is the probation of students. By its mildness in comparison to the above forms of discipline, due process is normally not implicated. The only case reviewed relating to this area is Hasson v. Boothby (1970). In this case students were put on probation from athletics because of being intoxicated at a

party on the school campus. The court felt that the disciplinary action was reasonable even though there was no established rule stating this procedure. Also the court felt that punishments of a lesser degree (such as probation) do not necessitate a need for due process.

Corporal Punishment Policies

Just as expulsion is the most severe of permanent disciplinary policies, corporal punishment is its equivalent in temporary punitive measures. It is the general consensus that corporal punishment is disappearing from the educational scene (Virginia Journal of Education, 1972). Corporal punishment, where it is used, must be reasonable and not prohibited by state law (Ware v. Estes, 1971; Johnson v. Horace Mann Mutual Insurance Co. et al., 1970). This reasonableness is dependent upon several criteria:

1) the severity or nature of the punishment;
2) the age and size of the pupil;
3) the student's reaction to the punishment;
4) the nature of the student's conduct previous to the punishment;
5) the motive of the person administering the punishment (George Johnson, 1969);
6) the relationship between the person inflicting the punishment and the child;
7) premeditation on the part of the teacher (Johnson v. Horace Mann, 1970).

In light of the above, no one factor determines who is in the right (George Johnson, 1969). A possible misconception that educators have is in judging the unreasonableness of the punishment by the physical marks remaining on the student. If the disciplining of the student causes great embarrassment or mental depression then this also can be considered unjust (Drewry and Ray, 1967). Neither can corporal punishment deny a student his First (freedom of expression) or Fourteenth Amendment rights (Sims v. Board of Education of the Independent School District #2, 1971). Therefore the punishment, if used, must be applied uniformly to all students. Since corporal punishment is performed on the spot there is no need for due process unless the punishment is applied unreasonably. Another point that must be taken into consideration by the principal is his liability for actions by a teacher if the administrator is knowledgeable of the situation and does not take any action (Johnson v. Horace Mann, 1970, p. 589). In the above case the principal had no knowledge "of the dangerous manner in which the coach administered punishment" and therefore was eliminated from the indictment.

Due Process

Throughout this chapter the right of a student to appeal both regulations and procedures that have limited him has been referred to in many cases. In the first chapter the author stated that this right came from the due

process clause of the Fourteenth Amendment (Sealy, 1971). This privilege was not fully applied to students until the Gault v. Arizona case in 1967 (Gaddy, 1971). After that point much controversy arose as to the exact rights of students in the area of adjudication.

In Dixon v. Alabama State Board of Education (Phay, 1971) certain procedural rights were set down for students. The following is a summary of these rights that have held true for high school hearings.

"1) The student and parent must receive notice of charges and hearing.

2) The student may be represented by counsel.

3) He may adhere to the Fifth Amendment in criminal cases.

4) He may defend himself against the charge by use of witnesses and evidence.

5) His guilt must be determined by the burden of proof.

6) He may seek judicial review." (Hudgins, 1972, p. 47.)

Number two particularly has been the cause for a great deal of arbitration. Some authorities feel that "counsel" implies the use of attorneys at the formal hearing as developed in Madera v. Board of Education (Phay, 1971). Others feel that an attorney would provide an inequality to the hearing and place it in a more judicial realm. The

Virginia Assistant Attorney General (Lacy, 1972) did state that "counsel may include a friend, teacher, parent, or another student who may advise the student on how to handle the case.

The place of the principal in the appelate process has also been questioned. In Sullivan v. Houston (1971), it was felt that in order to allow for fair due process of the pupil, the administrator should not adjudicate the situation. Robert Phay (1971) gives a more neutral attitude by saying that an impartial hearing of the student may or may not involve the principal, depending upon his bias. The Virginia Attorney General's Office (Lacy, 1972) combines the above views by stating that "the person making the accusation against the student should not be on the hearing panel in any event whether it is the principal or not." The majority would probably agree that the major test of due process is fairness in all matters (Phay, 1971).

It is essential for the administrator to realize the necessity of administrative remedies within the school system (Frels, 1971). This need is being demonstrated, for example, through the implementation of procedures for appeal in Fairfax County (Fairfax County School Board, 1971) and the more recent rules of the Richmond Public Schools (Richmond School Board, 1972).

Summary

In reviewing this chapter there have been certain conclusions relating to the various aspects of pupil control

which appeared frequently.

The constitutional amendments which are the basis for students' rights will be reviewed in the following section.

The First Amendment is divided into three parts: freedom of speech; freedom of assembly or association; and freedom of privacy (Sealy, 1971). In the area of substantive due process, one finds regulations on hair and grooming, freedom of the press, demonstrations, secret societies and fraternities are affected by the free speech clause. The rights of free speech have appeared in suspension involving hair and grooming, pupil dress, freedom of press, and demonstrations. Corporal punishment should also provide for the rights of free speech. The freedom of assembly or association is mainly related to suspension and rules dealing with demonstrations. The final right under the First Amendment is that of privacy of oneself or home which is not to be disturbed. School codes covering hair, pupil dress, and marriage must allow for this. Suspension over hair length and pupil dress must maintain this ideal. Corporal punishment should also allow for this.

The Fourth Amendment deals with the legalities of search and seizure. Along with the Fourth, the Fifth Amendment is based upon the right of non-incrimination. Both of these are a basis for criminal search and seizure cases. The next amendment covered is the Eighth or cruel

and unusual punishment prohibition. The amendment, interestingly enough, was not dealt with in the cases reviewed on corporal punishment, but should be taken into account in this area. Regulations that produce harsh consequences for hair length infringe upon this amendment. Suspension over pupil dress, when considered an extreme punishment, may involve this amendment.

The Ninth Amendment deals with one's basic rights and the related rights of privacy under the First Amendment (Sealy, 1971). Regulations and suspensions dealing with hair length must provide for the enumeration of these privileges.

The due process clause of the Fourteenth Amendment, which provides for a proper hearing and other related matters, is probably the most used in procedural due process. Within the substantive due process section hair and grooming codes especially imply due process and the other areas follow the same procedures. Suspension and expulsion in all areas must allow for due process. Unreasonable corporal punishment should allow for this. The equal protection clause of the Fourteenth Amendment implies uniformity in the enforcement of regulations and procedures. Again it is expected that this will be used in both substantive and procedural due process. The equal protection clause mainly has been brought up in relation to regulations and suspensions in matter of grooming and secret societies. It has also been used in cases dealing with the expulsion of unwed mothers.

Within the cases reviewed, certain general conclusions were evident. The following list is based upon the frequency of occurrence of these conclusions:

Substantive Due Process (in order of frequency)

1) Regulation should be directly related to disruption (burden of proof).
2) Regulation is not valid based upon fear of disruption.
3) Regulation should not be vague in its connotations or in its operation.
4) Regulation should not be overbroad or capricious.
5) Regulation should be reasonable in its meaning and usage.
6) Regulation should be reviewed in terms of the situation in which it operates.

Procedural Due Process (in order of frequency)

1) Necessity of full due process.
2) Suspension or expulsion based upon disruption.
3) Suspension or expulsion to be set for a definite period of time.
4) Equivalent educational recorse offered during the exclusion from school.
5) Due process allowed for by providing students with information on the consequences of their violation of the rules.

6) Suspension or expulsion is to be based upon the individual situation.

Within the various areas in the control of pupil conduct one finds some general conclusions. To begin with, regulations and procedures within the school must be reasonable. "This reasonableness may be defined in terms of choosing alternatives to control problems of student conduct without infringing upon the student's constitutional rights" (Turley v. Adel, 1971, p. 964). Hair regulations must neither submit to disruption nor infringe upon students' rights (Ackerly, 1969; Parker v. Fry, 1971; Freeman v. Flake, 1970; Dawson v. Hillsborough, 1971; Martin v. Davison, 1971; Church v. Board of Education, 1972). Pupil dress must provide considerable latitudes limited by moral criteria (Dolce, 1971; Bannister v. Paradis, 1970; Hammonds v. Shannon, 1971; Press v. Pasadena, 1971).

Student publications should be free of censorship except for normal restrictions of the national press (Ackerly, 1969; Quarterman v. Byrd, 1971; Eisner v. Stanford, 1971; Sullivan v. Houston, 1971). Nor should they be allowed to cause disruption (Nations Schools, 1972, 84; Graham v. Houston, 1970). Demonstrators should realize that theirrights under the First Amendment are conditional. Abuse of these privileges is cause for their denial (George, 1972; Guzick v. Drebus, 1970; Dunn v. Tyler, 1970; Grayned v. City of Rockford, 1972).

Although fraternities have been previously banned (Passel v. Fort Worth, 1969; Robinson v. Sacramento, 1966), the existence of these prohibitive regulations may become invalid (Lacy, 1972). Neither may a school board legally exclude married students from school (Bolmeier, 1968) nor from student activities (Davis v. Meek, 1972). It may exclude pregnant pupils only in special cases with full educational recourse implied (Reutter, 1970). Also the fallacy of unwed mothers being "tainted women" must not be used to exclude them from school (Perry v. Grenada, 1969).

The principal must also handle with care the legalities of search and seizure, especially in criminal situations (Ackerly, 1969). In the case of locker or personal search, the principal may use the doctrine of in loco parentis as long as he does not clearly abuse the Fourth Amendment (Sealy, 1971; Wetterer, 1971; People v. Jackson, 1971).

The next two chapters will look at the development and use of a questionnaire to determine the Virginia high school principal's feeling about the above area. The final chapter will compare this chapter with the findings of the questionnaire.

CHAPTER III

DESIGN OF THE STUDY

Development of the Data Gathering Instrument

The questionnaire was originally developed by the author from research in the various areas of pupil control (Garber and Seitz, 1970). Its basic structure evolved from an examination of a Master's thesis (Jones, 1970) and was developed according to a style manual (Best, 1970). The questionnaire was subsequently edited at the conclusion of its pilot distribution preceding the principal dissemination.

The form itself was composed of four basic sections. First, the administrator was questioned on personal information. The school's characteristics were also determined. This last part was optional because of an allowance for anonymity on the part of the principal. A third section, forming the main body of the survey, ascertained the opinion of high school principals on various aspects of

several factors. The two rural systems, Amherst and Prince George, were of small population representing the common characteristics of this type of school district. The suburban counties of Henrico and Fairfax were chosen to demonstrate the qualities of large and medium size county school systems. The urban areas of Newport News, Norfolk, Richmond, and Virginia Beach were of relatively large populations representing the qualities of city schools. The schools within the above systems were chosen either by their uniqueness (such as in the rural areas) or by random choice. The survey included an opening letter, a questionnaire, and a self addressed stamped envelope.

As expected, the pilot project required a certain amount of revision. Upon completion of the revision, the author sent the questionnaires to the two hundred thirty-two public secondary high school principals in Virginia. In both mailings the principal was given an option to receive the results of the questionnaire. This option was offered in order to increase the probability of a better sampling.

Pilot and General Study Returns

The researcher received seven of the eight questionnaires, or 87.5% of the pilot project. This was followed by one hundred thirty-two of two hundred thirty-two surveys

from the main distribution. Subsequently the author sent out a follow-up postcard to the one hundred eight principals who were not definitely known to have replied. As a result of the follow-up, eight more questionnaires were received, giving a total return of 60.3%. Two of the questionnaires were of unknown origin, reducing the return to 59.5%. Both the pilot and principal surveys will be broken down in more detail by a complete data analysis in the next chapter.

Method of Data Analysis

John Best's Research in Education (1970) was used as a basis for a statistical treatment of the questionnaires. The data were first tallied, then arranged in three forms for analysis. Sections I and II pertaining to personal information about the principal and his school, along with section IV pertaining to corporal punishment and suspension policies were presented in percentile form. A more descriptive format was used for section V, difficult pupil control situations. Sections III and VI, the opinion portion of the survey were presented in tabular form. These tables were the result of assigning weighted values to principal's opinions on various areas of pupil control. The weighted total of each pupil control section should lie within a

range of opinion from "most favorable to least favorable" (Best, 1970, p. 178).

Summary

The questionnaire was an important source for this paper since it revealed the views of the Virginia high school principal in relation to the topics presented in the second chapter.

CHAPTER IV

PRESENTATION AND ANALYSIS OF DATA

Introduction

This chapter contains two investigations. The analysis of the pilot project will set the stage for an in-depth review of the main return on the questionnaire. In each case both the data and resulting conclusions, whether helpful or problematical, will be set forth so as to present a realistic view of the Virginia high school principal and his relationship to pupil control today.

A. Pilot Study

As explained in Chapter III, this study accomplished two purposes: 1) to give the researcher suggestions for needed changes in the structure of his questionnaire; 2) to provide for a random view of principals' opinions on various matters of discipline. The first objective improved the instrument to a great extent. The researcher found that the success of the second purpose was possibly influenced by the selection of two principals whose feelings in some areas were more liberal than those of other administrators. Because of the limited sampling this seemed to affect the results to a certain extent.

As a point of reference, the study population was divided into four sections. The divisions were based upon the numbers of students in the high schools, as shown in Table I.

Personal Data

The total number of principals responding to the questionnaire was seven males, of which one or 14.28% was in group II, one or 14.28% was in group III, and five or 71.44% were in group IV.

The degrees held by the various principals ranged from a B.A. to a Ph. D. These along with the administrators' status of further studies will be included in Appendix B. It was felt that although these were interesting facts their relationship to the main purpose of the questionnaire was of secondary importance.

School Information

Table II shows the relationship of grade ranges to the various population sections. The reader should notice that the 8-12 and 9-12 schools were in the majority for the random sampling. This selection was based upon an overall analysis of the various grade levels in Virginia high schools before the pilot study was mailed. The number of schools would be the same as the number of principals in each section. For further information or clarification refer to the personal data section of Appendix B.

TABLE I

STUDY POPULATION BY SCHOOL SIZE
PILOT PROJECT, 1972

Group	Number of Students
I	1 - 499
II	500 - 999
III	1000 - 1499
IV	1500 and above

TABLE II

GRADE LEVEL RANGE BY GROUP
PILOT PROJECT, 1972

Grade Level	Group I Number	Group I Per cent	Group II Number	Group II Per cent	Group III Number	Group III Per cent	Group IV Number	Group IV Per cent	Total Number	Total Per cent
8 - 12	0	00.00	1	100.00	0	00.00	2	40.00	3	42.86
9 - 12	0	00.00	0	00.00	0	00.00	3	60.00	3	42.86
10 - 12	0	00.00	0	00.00	1	100.00	0	00.00	1	14.28
Totals	0	00.00	1	100.00	1	100.00	5	100.00	7	100.00

Opinion of the Rules

This section covers the basic structure of student control as developed in Chapter I. The researcher used a Likert scale (Best, 1970) as a tool for analysis in this section. Basically the opinions were classified as a) strict rules against the matter, b) allowance for certain cases, c) reasonable rules, d) relaxation of rules, and e) no rules. These were abbreviated as S, S-, R, R-, and NR. For mathematical purposes a scale composed of numbers from five to one was assigned to these choices. The opinions of the principals were then evaluated according to where they were situated on this scale.

The opinions of the principals within one of the groups was determined in the following manner. In the area of long hair, the opinion of each principal was assigned a certain numerical value based upon the above mentioned scale. A total value for the principal's opinions within the area of long hair was found. (For example, principal A's opinion of no rules was assigned a value of one, principal B's opinion of reasonable was assigned a value of three, and principal C's opinion of relaxation of rules was assigned a value of two. The total of all three opinions would be six.)

In order to determine the general opinion of the group of principals with respect to the area of long hair,

another scale was devised. This scale was based upon multiples of the basic scale. The multiple used was dependent upon the number of principals' opinions in the group. (Using the above example, three principals would indicate three times the original scale: 3x5 for strict rules; 3x4 for allowance for certain cases; 3x3 for reasonable rules; 3x2 for relaxation of rules; 3x1 for no rules. The opinion of the group was determined by where the total value was located on the scale. Based upon the above information, the opinion of principals A, B, and C, would be for relaxation of rules.

The same method was used to evaluate the composite opinion of all three principal groups. The consensus of opinion for each main pupil control section (such as appearance) was also determined by the above method. The tables for the nine situations will show only the abbreviated symbols for the various opinions and not the numbers.

Student Appearance

The regulations dealing with appearance seem to be "laissez-faire" in most cases, as indicated by Table III.

Student Dress

The one principal in group II did not answer the first four questions. The analysis took this into account by evaluating the principal's opinion on a scale based

TABLE III

STUDENT APPEARANCE REGULATIONS BY GROUP
PILOT PROJECT, 1972

Appearance	Group I	Group II	Group III	Group IV	Total
Long Hair	---	NR	NR	R-	NR
Beards	---	NR	R-	R-	R-
Mustaches	---	NR	NR	R-	NR
Totals	---	NR	NR	R-	NR

TABLE IV

STUDENT DRESS REGULATIONS BY GROUP
PILOT PROJECT, 1972

Dress	Group I	Group II	Group III	Group IV	Total
Miniskirts	---	---	NR	R-	R-
Sandals (males)	---	---	S-	R-	R-
Sandals (females)	---	---	NR	R-	R-
Slacks and jeans (females)	---	---	R	R-	R-
Shorts (males)	---	S-	S	R	R*
Shorts (females)	---	R-	S	R-	R-
Totals	---	R	R	R-	R-

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

* Results affected by principal's opinions in Group IV

upon his last two answers. The researcher had to do this in several sections on both the pilot and the main questionnaire in order to accommodate these situations. The strictness of rules became evident in this section when boys' sandals and shorts were considered. The effect of the liberal principals in Group IV becomes apparent when one looks at the area of male students wearing shorts. Mathematically, S-, S and R came out to R because the numerical sum was closer to R than to S-. The S- would be the opinion if one averaged the basic scale values of S-, S, and R together. In this section and others, the discrepancy is shown by an asterisk.

Emblems and Free Speech

Table V shows very strict rules in the area of U. S. and Confederate flat patches. One may notice that those principals from the larger schools (Group IV have more reasonable attitudes toward these patches. The principals exhibited a middle-of-the-road attitude toward newspapers and speakers in Table VI.

Fraternities and Sororities

In the majority of cases, the rules are strictly against secret societies. The results for this situation are found in Table VII.

TABLE V

EMBLEM REGULATIONS BY GROUP
PILOT PROJECT, 1972

Emblem	Group I	Group II	Group III	Group IV	Total
U. S. Flag	---	S	S-	R-	R*
Confederate Flag	---	S	S-	R-	R*
Other Flags	---	R	S-	R-	R
Other Emblems	---	R	S-	R-	R-*
Totals	---	S-	S-	R-	R*

TABLE VI

FREE SPEECH REGULATIONS BY GROUP
PILOT PROJECT, 1972

Free Speech	Group I	Group II	Group III	Group IV	Total
Underground Newspapers	---	R	R	R	R
Controversial Speakers	---	R	R-	R	R
Totals	---	R	R-	R	R

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

* Results affected by principal's opinions in Group IV

TABLE VII

FRATERNITY AND SORORITY REGULATIONS BY GROUP
PILOT PROJECT, 1972

Fraternities and Sororities	Group I	Group II	Group III	Group IV	Total
On school Grounds	---	S	S	S-	S
Off school Grounds	---	S	S	S-	S
Secret Societies	---	S	S	S-	S
Totals	---	S	S	S-	S

TABLE VIII

MARRIAGE REGULATIONS BY GROUP
PILOT PROJECT, 1972

Marriage	Group I	Group II	Group III	Group IV	Total
Boys	---	R	R	NR	R-*
Girls	---	R	R	NR	R-*
Totals	---	R	R	NR	R-*

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

* Results affected by principal's opinions in Group IV

Marriage and Pregnancy

The rules in the area of student marriage were of a reasonable character as shown in Table VIII. Again, the principals in Group IV had an appreciable affect on the overall opinion of the three groups.

Much stricter rules concerning pregnancy, according to Table IX, seemed to prevail in the less populated district (Groups II and III).

Confrontation

Viewpoints on confrontation provide an interesting contrast. In the more rural areas there is a more reasonable attitude toward confrontation, possibly based upon its lack of existence. The more urban areas have the same feeling but for different reasons, such as students' rights. The suburban areas, on the other hand, are more strict, as shown in Table X.

Locker Search

As mentioned in Chapter II, this is one of the more controversial areas developing today. The majority of principals were against free search and police search. Again in this situation, Table XI shows that some of the questions were not answered by all of the principals.

The composite analysis of the opinion section in the pilot project showed that the principals had a reasonable attitude in most cases.

TABLE IX

PREGNANCY REGULATIONS BY GROUP
PILOT PROJECT, 1972

Pregnancy	Group I	Group II	Group III	Group IV	Total
Married	---	S-	S	R-	R*
Unmarried	---	S	S	R-	R*
Totals	---	S-	S	R-	R*

TABLE X

CONFRONTATION REGULATIONS BY GROUP
PILOT PROJECT, 1972

Confrontation	Group I	Group II	Group III	Group IV	Total
Peaceful	---	R-	S	R-	R
Militant	---	R-	S	R-	R
Totals	---	R-	S	R-	R

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

* Results affected by principals opinions in Group IV

TABLE XI

LOCKER SEARCH REGULATIONS BY GROUP
PILOT PROJECT, 1972

Locker Search	Group I	Group II	Group III	Group IV	Total
Free Search	---	S	---	S-	S-
Permission of Student	---	NR	S	R	R
Permission of Parent	---	NR	---	R	R
Police Search	---	S	---	S-	S-
Totals	---	R	S	S-	S-

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

Corporal Punishment

The pilot project questionnaire had these two areas in the opinion section, but the use of a different form of analysis requires a separate treatment. In the majority of cases the use of corporal punishment was prohibited. Two schools, as shown in Table XII, have had it administered by the principal.

Suspension

Most schools in the random sampling notified the school board, filled out the appropriate forms, and informed the parents of the suspension before sending the student home. Two principals indicated a choice combining both answers c and d. Table XIII presents the data for this section.

Problem Situations and Solutions

Instead of a tabular format for this section, a description of the problems will suffice. None of the above sections was named more than once, possibly because of the limited number in the sampling. The situations classified as most problematic were those of free speech, pregnancy, and suspension policies. Along with these, the area of pupil attendance was a major problem for one principal.

TABLE XII

CORPORAL PUNISHMENT POLICIES BY GROUP
PILOT PROJECT, 1972

Use of Corporal Punishment	Group I Number	Group I Per cent	Group II Number	Group II Per cent	Group III Number	Group III Per cent	Group IV Number	Group IV Per cent	Total Number	Total Per cent
No use of it at all	0	00.00	1	100.00	1	100.00	3	60.00	5	71.42
Administered only by principal	0	00.00	0	00.00	0	00.00	2	40.00	2	28.58
Reasonable use	0	00.00	0	00.00	0	00.00	0	00.00	0	00.00
Free use of it	0	00.00	0	00.00	0	00.00	0	00.00	0	00.00
Totals	0	00.00	1	100.00	1	100.00	5	100.00	7	100.00

TABLE XIII

SUSPENSION POLICIES BY GROUP
PILOT PROJECT, 1972

Suspension Policies	Group I Number	Group I Per cent	Group II Number	Group II Per cent	Group III Number	Group III Per cent	Group IV Number	Group IV Per cent	Total Number	Total Per cent
A. Notify school board, fill out forms, notify parents	0	00.00	0	00.00	1	100.00	3	60.00	4	57.14
B. Notify super-intendent, fill out forms notify parents	0	00.00	0	00.00	0	00.00	0	00.00	0	00.00
C. Fill out forms Notify parents by phone or child	0	00.00	0	00.00	0	00.00	0	00.00	0	00.00
D. Fill out forms Notify parents by phone or mail	0	00.00	1	100.00	0	00.00	0	00.00	1	14.28
E. Fill out forms send child home	0	00.00	0	00.00	0	00.00	0	00.00	0	00.00
F. Parts C. and D.	0	00.00	0	00.00	0	00.00	2	40.00	7	28.58
Totals	0	00.00	1	100.00	1	100.00	5	100.00	7	100.00

The final section of the questionnaire dealt with the principals' opinions of possible programs to improve the knowledge of his status. Also any suggestions could be filled in by the administrator. The data in this section were analyzed in a way similar to that used in the other section on opinions. The principal was given a choice of a) I agree, b) I partially agree, c) I am undecided, and d) I disagree. This was abbreviated as F (For), F-, A-, and A (Against). Mathematically, as before, the letters were assigned numbers: F (1); F-(2); A-(3); A(4). The numerical arrangement was opposite that of the scale in Section III in order to preserve the same relationship of number to opinion value. In most cases, as shown by Table XIV, the principals were in favor of these programs.

Conclusion to the Pilot Study

The data received were very helpful in developing a general view of the Virginia situation, although two of the principals affected the study with a more liberal slant. The main purpose, which was achieved, was to change the first questionnaire into a better instrument. The main data section will give a more realistic view of the Virginia high school principal's situation.

B. Main Study

On the basis of the same dimensions of population, the return of the general sampling was composed of fifteen

TABLE XIV

OPINIONS OF SUGGESTED PROGRAMS BY GROUP
PILOT PROJECT, 1972

Programs	Group I	Group II	Group III	Group IV	Total
In-service courses in school law	---	---	F	F-	F
Prerequisite of one course in school law for principals	---	F	F	F-	F
Legal Counsel	---	F	F-	F	F
Totals	---	F	F	F-	F

F = I agree F- = I partially agree A- = I am undecided
A = I disagree

principals or 10.87% in Group I, fifty-three principals or 38.41% in Group II, and thirty-five principals or 25.36% in Groups III and IV. This totalled one hundred thirty-two responses of the two hundred thirty-two questionnaires mailed, giving a return of 59.48%. The major portion came from Group II, the rural, suburban, and small city areas. The one female high school principal did not respond. Tables showing the breakdown by degree and further education will be found in Appendix B.

School Information

Table XV shows the comparative breakdown by grade levels of the four populations. Again, the 8-12 and 9-12 groups were in the majority.

Opinion of Rules

The researcher will use the same technique as was used in the pilot project. In Appendix B the reader will find a sample breakdown by principal's degree of one of the following sections.

Student Appearance

A reasonable attitude seemed to prevail in all areas of student appearance in the four groups. The rural and suburban areas seemed to lean more to the liberal side than the urban area in this section, as shown in Table XVI.

Student Dress

Table XVII shows also a reasonableness and in many

TABLE XV

GRADE LEVEL RANGE BY GROUP
MAIN STUDY, 1972-73

Grade Level	Group I		Group II		Group III		Group IV		Total	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
8 - 12	8	53.33	31	58.49	9	25.91	2	5.71	50	36.23
9 - 12	4	26.67	12	22.64	14	40.00	20	57.14	50	36.23
10 - 12	3	20.00	10	18.87	12	34.29	13	37.14	38	27.54
Totals	15	100.00	53	100.00	35	100.00	35	100.00	138	100.00

TABLE XVI

STUDENT APPEARANCE REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Appearance	Group I	Group II	Group III	Group IV	Total
Long hair	R-	R-	R	R	R-
Beards	R-	R-	R	R	R-
Mustaches	R-	R-	R	R	R-
Total	R-	R-	R	R	R-

TABLE XVII

STUDENT DRESS REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Dress	Group I	Group II	Group III	Group IV	Total
Miniskirts	R-	R-	R-	R-	R-
Sandals (males)	R-	R-	R-	R-	R-
Sandals (females)	R-	R-	NR	R-	R-
Slacks and jeans (females)	R-	R-	R	R-	R-
Shorts (males)	S-	R	R	R	R
Shorts (females)	S-	R	R-	R-	R
Totals	R	R-	R-	R-	R-

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

cases a complete relaxation of rules involving student dress. The more rural areas had a more stringent attitude toward the wearing of shorts by both sexes.

Emblems

Rules in this area have become more temperate in all regions, as shown in Table XVIII.

Free Speech

The rural areas provided for more stringent rules regarding newspapers and speakers. Table XIX shows that the other three groups of principals were again reasonable in their handling of these situations.

Fraternities and Sororities

Repetitious of the pilot project, this area seems to arouse the most negative opinion in comparison to the rest of the survey. The only evidence of reasonable rules is apparent in Group II, the rural/suburban areas. Table XX represents the opinions of administrators in this area.

Marriage and Pregnancy

Table XXI shows a reasonable attitude upon the part of Virginia principals toward marriage. Table XXII shows a similar attitude toward pregnancy. This seems ironic, considering the amount of controversy within other school systems in the U. S. over pregnancy policies (Warren, 1972).

TABLE XVIII

EMBLEM REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Emblem	Group I	Group II	Group III	Group IV	Total
U. S. Flag	R-	R	R-	R-	R-
Confederate Flag	R-	R-	R-	R-	R-
Other Flags	R-	R-	R-	R-	R-
Other emblems	R-	R-	R-	R-	R-
Totals	R-	R-	R-	R-	R-

TABLE XIX

FREE SPEACH REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Free Speech	Group I	Group II	Group III	Group IV	Total
Underground Newspapers	S-	R	R	R	R
Controversial Speakers	S-	R	R	R	R
Totals	S-	R	R	R	R

Nr = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

TABLE XX

FRATERNITY AND SORORITY REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Fraternities and Sororities	Group I	Group II	Group III	Group IV	Total
On school grounds	R	R	S-	S-	R
Off school grounds	R	R	S-	S-	R
Secret societies	S-	R	S-	S-	S-
Totals	R	R	S-	S-	R

TABLE XXI

MARRIAGE REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Marriage	Group I	Group II	Group III	Group IV	Total
Boys	R	R-	R-	R-	R-
Girls	R	R-	R-	R-	R-
Totals	R	R-	R-	R-	R-

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

Confrontation

Because of the increasing number of incidents involving student demonstrations, the attitude toward confrontation has become adamant. One will notice in Table XXIII that particularly in the suburban and urban areas the rules dealing with militant activities are strict.

Locker Search

Table XXIV reflects a reasonable attitude toward the search of lockers by principals. As a result of many administrators answering only one or two of the questions in this section the researcher had to accommodate for this in the analysis in order to reflect a true evaluation of the opinions. It also can be observed that most principals felt the need for either parent and/or student permission for the search.

The overall analysis of the rules for Groups I, II, and IV was reasonable. Group III leaned toward a more liberal attitude.

Corporal Punishment

In the majority of cases the principals were against corporal punishment. Group II provided a positive reaction to punishment that is reasonable and in front of witnesses. Table XXV shows the responses in numbers and percentages of the total response.

TABLE XXII

PREGNANCY REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Pregnancy	Group I	Group II	Group III	Group IV	Total
Married	R	R	R	R	R
Unmarried	R	R	R	R	R
Totals	R	R	R	R	R

TABLE XXIII

CONFRONTATION REGULATIONS BY GROUP
MAIN STUDY, 1972-73

Confrontation	Group I	Group II	Group III	Group IV	Total
Peaceful	R	R	R	R	R
Militant	R	S-	S-	S-	S-
Totals	R	R	R	R	R

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this matter

TABLE XXIV

LOCKER SEARCH REGULATION BY GROUP
MAIN STUDY, 1972-73

Locker Search	Group I	Group II	Group III	Group IV	Total
Free Search	R-	R	R	R	R
Permission of Student	R-	R	R	R	R
Permission of Parent	R	R-	R-	R-	R-
Police Search	R	R	R-	R	R
Totals	R	R	R	R	R

NR = No rules R- = Relaxation of rules R = Reasonable rules
S- = Allowance for certain cases S = Strict rules against this metter

TABLE XXV

CORPORAL PUNISHMENT POLICIES BY GROUP
MAIN STUDY, 1972-73

Use of Corporal Punishment	Group I Number	Group I Per cent	Group II Number	Group II Per cent	Group III Number	Group III Per cent	Group IV Number	Group IV Per cent	Total Number	Total Per cent
No use of it at all	6	40.00	18	33.96	20	58.82	26	74.29	70	51.09
Administered only by principal	0	00.00	6	11.32	2	5.88	0	00.00	8	5.84
Administered by principal in presence of witnesses	5	33.33	16	30.19	7	20.59	8	22.86	36	26.28
Reasonable use	3	20.00	13	24.53	5	14.71	1	2.85	22	16.06
Free use of it	1	6.67	0	00.00	0	00.00	0	00.00	1	0.72
Totals	15	100.00	53	100.0	34	100.00	35	100.00	137	100.00

Suspension

Table XXVI reflects the policies which most Virginia high school principals use in suspending students. In 44.82% of the cases, the principal notifies his superintendent, fills out the appropriate forms, and contacts the pupil's parents before sending the pupil home. The contact in many situations is by phone or mail.

Problem Situations and Solutions

The following is a list of the situations that give the Virginia high school principals the most problems. They are listed in order of frequency.

1. Student Dress
2. Student Appearance
3. Pregnancy
4. Emblems
5. Confrontation
6. Free Speech
7. Marriage
8. Suspension
9. Locker Search
10. Fraternities and Sororities
11. Corporal Punishment

Along with the above, the following situations were named as student activities which provide problems for the principal.

TABLE XXVI

SUSPENSION POLICIES BY GROUP
MAIN POLICIES, 1972-73

Suspension Policies	Group I Number	Group I Per cent	Group II Number	Group II Per cent	Group III Number	Group III Per cent	Group IV Number	Group IV Per cent	Total Number	Total Per cent
Notify school board, fill out forms notify parents	2	13.33	9	16.98	3	9.09	3	8.57	17	12.50
Notify super-intendent, fill out forms notify parents	7	46.67	28	52.83	13	39.39	12	34.28	60	44.12
Notify ass't superintendent fill out forms notify parents	1	6.67	2	3.77	3	9.09	8	22.86	14	10.29
Fill out forms notify parents by phone or child	0	00.00	5	9.43	3	9.09	5	14.29	13	9.56
Fill out forms notify parents by phone or mail	4	26.66	6	11.32	8	24.24	7	20.00	25	18.38
Fill out forms send child home	1	6.67	3	5.66	3	9.09	0	00.00	7	5.15
Totals	15	100.00	53	100.00	33	100.00	35	100.00	136	100.00

1. Attendance
2. Disrespect for teachers and property
3. Fighting
4. Smoking

In the sixth section the principals exhibited a positive feeling toward the suggestions made to improve their legal situation. Table XXVII demonstrates this view.

The following suggestions were made for the improvement of the principal's knowledge:

1. Laws defining principals' rights;
2. Information disseminated on court cases;
3. Backing of the school board;
4. Elimination of out-dated laws;
5. More direct legal aid through the school board;
6. Close support from principals' organizations such as NASSP.

Summary

This chapter has presented an analysis of the opinions of Virginia high school principals on matters of pupil control. The author can use this information along with that of the second chapter to determine certain guidelines for the administrator in Chapter V. The samplings, although not complete, gave a good picture of the administrative position. In observing the reasonableness of rules in many areas that several years ago would have been stringently upheld, there is an indication of the progress

TABLE XXVII

OPINIONS OF SUGGESTED PROGRAMS BY GROUP
MAIN STUDY, 1972-73

Program	Group I	Group II	Group III	Group IV	Total
In-service courses in school law	F	F	F	F	F
Prerequisite of one course in school law for principals	F	F	F	F	F
Legal counsel	F	F	F	F	F
Totals	F	F	F	F	F

F = I agree F- = I partially agree A- = I am undecided
A = I disagree

toward students' rights made by Virginia school systems.

The data were presented in a form that should be easy to read. This was especially true in the major portion of the project. The researcher felt it would be better to report this type of information either descriptively or by simple letter tables than by a mass of numerical data. In the sections where percentages and numbers were involved, the data were given as realistically as possible. The numerical error was accommodated in most cases, but these errors must be accepted wherever one is dealing with statistical samplings of large groups.

Chapter V will give a comparison of the data presented in this chapter with the research in Chapter II.

CHAPTER V

GUIDELINES AND CONCLUSIONS

Introduction

Since the conception of this thesis, several events have brought this topic to the forefront of both state and local news. Earlier in this year, the Richmond Times Dispatch (Jan. 28, 1973) published a survey of the various problems in discipline occurring within Virginia. In the article, feelings of despair were expressed by the rural, urban, and suburban districts toward student problems. The urban and suburban administrators felt a need for better curricular programs that accommodated all types of students. The survey also determined that many administrators were in fear of court action derived from their handling of students.

More recently two principals from the Richmond (Times Dispatch, March 28, 1973) and Hanover (News Leader, Feb. 19, 1973) school systems were indicted for corporal punishment. The Richmond Afro American (April 2, 1973) made public the

hearing of the Richmond case in which the elementary school principal was found innocent based upon insufficient evidence of injury. A case of more national import (Glaser v. Marrieta, 1972), also ruled in favor of a junior high school assistant principal who administered corporal punishment under carefully controlled conditions. This may indicate that the courts are becoming more understanding of the principal's predicament.

In the area of rules and regulations, the Richmond Public Schools are developing stricter regulations for searches of students for dangerous weapons (News Leader, Feb. 28, 1973; Richmond School Board, paragraph 9-31, 1972).

From the above information, it can be inferred that school districts are becoming more conscious of their problems from a realistic point of view. Therefore they are beginning to take action and not just feel sorry for themselves. With the present state of affairs, it becomes mandatory for further guidelines to be introduced in order that the above actions may be directed in the most efficient manner. This chapter will be used both to contrast the results of chapters two and four and to present general and specific guidelines for Virginia administrators to use in developing their procedures of dealing with students.

Restatement of Problem and Procedures

In Chapter I, the main tenet of this thesis was proposed. What is the general nature of a Virginia High school principal's status in the maintenance of discipline? It was felt that the administrator should know his position in order to carry out this difficult task with the greatest efficiency and security. The researcher approached this problem basically from two levels. First, in order to determine what the administrator should do in many situations, a careful survey of both legal and non-legal sources was performed. In this way the principal could view his role in comparison to state and national conclusions on the subject. Secondly, a survey was taken of Virginia principals' opinions in this area to determine what was being done. The analysis of this survey revealed both strengths and weaknesses in the various regulations controlling pupil activities within Virginia schools. Now a comparison of the two findings will be made.

Contrast of the Results

As shown in Chapter IV, the only situations in which there were strict rules across the board were in the areas of secret societies and militant confrontation. This attitude in terms of fraternities will possibly be changed

considering the Healy v. James decision (Sandman, 1971). In most other situations the more stringent rules came from the rural area with reference to the wearing of shorts, underground newspapers, and controversial speakers. For the rest of the sections reasonable rules seemed to prevail.

The use of corporal punishment was prohibited in most sections of the state. Only in the small rural and suburban areas was there any type of positive reaction. Even in these cases the punishment was restricted to being reasonable and administratively oriented. Suspension policies also seemed reasonable in comparison to national guidelines. All measures for due process were provided the student. The only point of distinction was in regard to the communication channels. In the smaller districts the school board or superintendent would be directly involved in the process. The larger systems assign an assistant superintendent to this matter, as in the Richmond Public Schools. The reader possibly wonders why expulsion policies were not surveyed. In most cases, as stated in Chapter II, expulsion is a function of the school board and not the administrator.

It is interesting to notice the list of problematic situations for Virginia administrators. The control of student dress in particular is a very difficult problem.

Several administrators in Virginia have recently felt the influence of the courts in this area (Southampton County, 1972). In large cities such as Richmond, dress regulations have become almost non-existent. Such court decisions as Eppert v. Wilkerson (1972) will cause more litigation over the pregnancy situation. Emblems have also caused problems, particularly Confederate patches and black power symbols (South West Virginia, 1970). Confrontation, underground newspapers, and marriage have not really caused any adjudication in most parts of Virginia. Suspension, locker search, and fraternities, although low on the list, may become problematic in the future. This may particularly be true of search and seizure policies. Richmond and the northern areas have provided for certain guidelines in carrying out locker searches. These policies are being tested presently in terms of possession of dangerous weapons in Richmond. Their validity or invalidity will then be determined by student reaction. It may therefore be concluded that the list of problems will fluctuate as time passes. At this future point, the policies of Virginia school systems will reach a level of reasonableness which is sufficient to meet the standards of student conduct. Whether this goal is reached will depend upon a continuous evaluation by the school districts and their administrators of their policies

in comparison to the realistic situations within the schools. It seems that from reviewing the data that the Virginia principal is adopting more reasonable policies.

The survey also determined a desire by the administrators to be informed on their legal standing through either direct or indirect legal aid. This need for guidelines by the Virginia principal is a good introduction to the next section.

Guidelines for the Virginia Principal

This section will be divided basically into two parts. First, the Virginia principal needs to know the various locations of information which will keep him up to date on the influences that affect his authority. Secondly, the administrator should follow certain guidelines for policy formation. The sources of information for the principal will be discussed in the following section.

Based upon the survey of literature in Chapter II, it becomes the responsibility of the principal to be aware of all state laws and school board policies. Also it becomes necessary for him to have a clear view of community and district attitudes on various areas of student activities. In this way he will know what restrictions may be placed upon the various regulations that will be developed by him. He should also be aware of any information that is

published by state and national principals' organizations on legal and non-legal aspects of discipline. Another source of information could be the State Attorney General's Office. Through this organization, the administrator may receive legal information and possible suggestions for regulation development. Another that is possibly not known by the Virginia principal is NOLPE, the National Organization on Legal Problems in Education, which disseminates for members and non-members legal case information. This gives the administrator a continuous updating on recent court decisions in all phases of education.

In terms of further sources of information for the Virginia high school principal, the researcher feels that it is imperative that all principals be acquainted with school law. This may take the form of a minimum prerequisite of one course in school law for these individuals. Also, seminars in educational law and legal information from Commonwealth attorneys are quite necessary. In too many situations the principal has less knowledge of the law than his students have. It is also essential that the principal is confident of full legal backing in the use of reasonable regulations by both Virginia school boards and administrative organizations. By providing this backing the above groups will become responsible for providing

the principals with all necessary information in order that they may make wise decisions regarding these policies.

Once the principal gains an insight into the constraints in which his rules must lie, then he may develop the policies. This brings about the second group of guidelines covering the development of pupil control regulations. Instead of going into the specific areas of discipline, certain general characteristics will be stated. These rules must be written with complete clarity. In order to provide for partial due process, they must be disseminated and explained to the student body. The policies must provide for other due process characteristics such as exact definition of punishment resulting from violation of these rules and channels of appeal. The regulations must be based upon disruption in order to be justified. There also must be an allowance for all of the rights of students. Probably the two most important guidelines are the following:

1) the justification of regulations by the situation in which they are to be developed and used;
2) the continuous evaluation of policies by the principal.

The first guideline is most important to realize in looking at each particular state, district, and school regulation. What may be a reasonable policy in Virginia may be unconstitutional in New York. Also among the

schools and districts in Virginia, many regulations may differ depending upon the attitudes and conditions existing in the community. The situation in which the regulation is being applied may also affect its validity. As shown by several cases in Chapter II, a regulation may be supported in one case and not in another, based upon its use. As a result, it becomes essential for the principal to view the circumstances in order to determine the need for a policy.

The second guideline of evaluation may result from both the usage of the regulation and from student input. It is important that students have the knowledge that they are playing a part in the development of regulations since they are the ones to live within the bounds of these policies. Also, community and school board attitudes toward the regulations should be taken into account as mentioned in the beginning of this section.

Along with the above general recommendations, the Virginia high school principal should analyze his policies in areas with which he is having the most difficulty. If his main problem is pupil dress, for example, he should determine the reasonableness of regulations concerning this area in terms of present day standards. In many cases dress that would be offensive to the principal may not be to the student body. Here is where the administrator must

not be subjective in his decisions. Only if the dress is disruptive can the regulation be accounted for and even then the degree of disruption must be reviewed.

Rural areas, in particular, must not feel immune to litigation. As shown in Chapter IV, their rigidity of regulations in certain areas should possibly be relaxed in order to provide for student rights. For example, shorts on students, unless disruptive, cannot be banned in terms of the situation. Student activism of late in Virginia is becoming more than incidental. It becomes the responsibility of the principal to review the basis for these activities and determine whether the feelings of the students are reasonable. Many times the ideas of students can be used to help the school run more efficiently. Fraternities must also be viewed in terms of their relationship to the school environment. Based upon Healy v. James (Sandman, 1971), if they do not cause the alienation of the student body and disruption by their activities, they should possibly be allowed. This is especially true of fraternities operating outside of the schools. In many cases the actions of these societies cannot be differentiated from some of the organizations that are sponsored by the high school. Therefore, their prohibition would be a fair cause of discriminatory complaints.

In all cases the Virginia principal must not be caught in the trap of complete relaxation of rules. In many cases, this is much worse than stringent rules since there is no basis for the restrictions placed by truly disruptive activities. There should be a middle-of-the-road attitude, which although difficult to achieve may provide for fewer disciplinary problems than what is observed at present in many schools. It is also up to the student to realize that the freedoms and rights he has are not to be taken for granted. Therefore the pupil must be responsible for his actions. As a result, he should accept any reasonable punishment given to him when his actions abuse these freedoms.

Conclusions

As with any academic endeavor, this thesis' proof is in the use of the results and conclusions. The researcher feels that if the Virginia high school principal employs the information set forth in this chapter and the rest of the thesis, the administrator will be helped in his day-to-day handling of student problems. This does not mean that this paper is the ultimate panacea for the problem. No researcher could honestly have that attitude. As stated in the first chapter, this thesis will give the Virginia administrator a more complete picture of his situation. It

may be interesting as further research, to determine, the changes made by the Virginia principal in dealing with students. Also, a more in-depth study of the regulations themselves may be useful in order to determine more specific needs.

It may be concluded that although the administrator feels that he is being placed continuously on the firing line, he will change from the defendant to the defender of the freedom of the student. In this way the main goal of the educational process--realization of self-potential -- will come to the forefront again.

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APPENDIX A

COVER LETTER, PILOT QUESTIONNAIRE

MAIN QUESTIONNAIRE

475 Westover Hills Boulevard
Apartment 205
Richmond, Virginia 23225

Dear

I am at the present time a graduate student in educational administration at the University of Richmond. As part of my degree requirements I am writing a thesis dealing with "The Legal Status of the Virginia High School Principal in Maintaining Pupil Discipline." In this paper a great deal of emphasis will be placed on data derived from a survey of the high school principals of Virginia in this subject area.

The resulting information from this questionnaire will provide the foundation for suggested guidelines to be used by the principal in facing disciplinary situations. In my opinion it would be beneficial to both of us if you would complete the following questionnaire and return it in the enclosed stamped envelope.

Thank you very much.

Cordially,

Barry J. Last

QUESTIONNAIRE

I. Personal data:

1. Male _____ Female _____
2. Baccalaureate degree held _____
   Graduate degree held _____
3. Are you working toward any degree at the present time?
   No _____ Yes _____ Degree _____

II. School information:

1. Name of school of which you are principal (optional)

   _____
2. Circle the grades which you have taught 6 7 8 9 10 11 12
3. County or city in Virginia _____
4. Size of student body _____

III. The following situations have been found to be the most common areas of judicial discussion. Please answer each question with the letter which indicates your standing in regard to the handling of these situations.

A. Strict rules regarding this matter.
B. Allowance for certain cases.
C. Reasonable rules with the student, teacher, and principal in mind.
D. Relaxation of rules.
E. No rules for this situation.

1. Appearance
   a. Long hair (males) _____
   b. Beards _____
   c. Mustaches _____
2. Dress
   a. Miniskirts _____
   b. Sandals (males) _____ (females) _____
   c. Slacks and jeans (females) _____
   d. Shorts (males) _____ (females) _____
3. Emblems on clothing
   a. U. S. flag _____
   b. Confederate flag _____
   c. Other flags _____
   d. Other emblems _____
4. Free speech
   a. Underground newspapers _____
   b. Controversial speakers _____
5. Fraternities and sororities
   a. On school grounds _____
   b. Off school grounds, but carrying on certain activities on school grounds _____
   c. Secret societies _____
6. Marriage
   a. Married boys _____
   b. Married girls _____

7. Pregnant girls in school
   a. Married _____
   b. Unmarried _____
8. Student confrontation
   a. Peaceful _____
   b. Militant _____
9. Locker search
   a. Free search of lockers by principal permitted at all times _____
   b. Search permitted only with permission of student _____
   c. Search permitted only with permission of parents _____
   d. Search by civil authorities (police) permitted at all times _____

For the following two questions, check the statement which most closely describes your policy.

10. In the area of corporal punishment, your policy is:
   a. No use of it at all _____
   b. Punishment administered only by the principal _____
   c. Reasonableness of punishment dependent on severity of infraction _____
   d. Free use of punishment by all professional staff _____
11. In order to suspend a student from your school for a week, you would:
   a. Notify school board of suspension, fill out appropriate forms, and notify parents before sending child home _____
   b. Notify superintendent of suspension _____
   c. Fill out the appropriate forms and notify parents either through a phone call or a note sent home with the child _____
   d. Fill out the appropriate forms and notify parents either by a phone call or a note sent by mail _____
   e. Fill out the appropriate forms and send the child home _____

IV. From the above list of situations, list the five with which you have had the most difficulty, legal or otherwise, with number one being the most difficult.

1. _____
2. _____
3. _____
4. _____
5. _____

V. Give your opinion on the following programs to improve the principal's knowledge of his legal status in the above areas.

A. I agree
B. I partially agree
C. I am undecided
D. I partially disagree
E. I disagree

1. In-service courses in school law _____
2. Prerequisite of at least one course in school law for principals _____
3. Legal counsel and assistance for principals in every area of Virginia _____
4. Other suggestions _____

_____

VI. If you wish to receive the results of this survey, please write to the following address and they will be sent to you when compiled.

Mr. Barry J. Last
475 Westover Hills Boulevard
Apartment 205
Richmond, Virginia 23225

QUESTIONNAIRE

I. Personal data:

1. Male _____ Female _____
2. Baccalaureate degree held _____
   Graduate degree held _____
3. Are you working toward any degree at the present time ?
   No _____ Yes _____ Degree _____

II. School information:

1. Name of school of which you are principal (optional)

   _____

2. Circle the grades which are taught in your school:
   8 9 10 11 12
3. County or city in Virginia _____
4. Size of student body _____

III. The following situations have been found to be the most common areas of judicial discussion. Please answer each question with the letter which indicates your standing in regard to the handling of these situations.

A. Strict rules against this matter.
B. Allowance for certain cases.
C. Reasonable rules with the student, teacher, and principal in mind.
D. Relaxation of rules.
E. No rules for this situation.

1. Appearance
   a. Long hair (males) _____
   b. Beards _____
   c. Mustaches _____
2. Dress
   a. Miniskirts _____
   b. Sandals (males) _____ (females) _____
   c. Slacks and jeans (females) _____
   d. Shorts (males) _____ (females) _____
3. Emblems on clothing
   a. U. S. flag _____
   b. Confederate flag _____
   c. Other flags _____
   d. Other emblems

III. continued

A. Strict rules against this matter.

B. Allowance for certain cases.

C. Reasonable rules with the student, teacher, and principal in mind.

D. Relaxation of rules.

E. No rules for this situation.

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4. Free speech
   a. Underground newspapers _____
   b. Controversial speakers _____
5. Fraternities and sororities
   a. On school grounds _____
   b. Off school grounds, but carrying on certain activities on school grounds _____
   c. Secret societies _____
6. Marriage
   a. Married boys _____
   b. Married girls _____
7. Pregnant girls in school
   a. Married _____
   b. Unmarried _____
8. Student confrontation
   a. Peaceful _____
   b. Militant _____
9. Locker search
   a. Free search of lockers by principal permitted at all times _____
   b. Learch permitted only with permission of student _____
   c. Search permitted only with permission of parents _____
   d. Search by civil authorities (police) permitted at all times _____

IV. For the following two questions, check the statement which most closely describes your policy.

1. In the area of corporal punishment, your policy is:
   a. No use of it at all _____
   b. Punishment administered only by the principal _____
   c. Punishment administered only by the principal in the presence of a witness _____
   d. Reasonableness of punishment dependent on severity of infraction

e. Free use of punishment by all professional staff _____

2. In order to suspend a student from your school for a week, you would:

a. Notify school board of suspension, fill out appropriate forms, and notify parents before sending child home._____

b. Notify superintendent, fill out appropriate forms, and notify parents before sending child home _____

c. Notify assistant superintendent, fill out appropriate forms, and notify parents before sending child home_____

d. Fill out appropriate forms and notify parents either through a phone call or a note sent home with the child _____

e. Fill out appropriate forms and notify parents either by a phone call or a note sent home by mail _____

f. Fill out appropriate forms and send the child home _____

V. From the above list of situations, list by number or description the five with which you have had the most difficulty, legal or otherwise, with number one being the most difficult.

1. _____
2. _____
3. _____
4. _____
5. _____

VI. Choose the letter which represents your opinion on the following programs to improve the principal's knowledge of his legal status in the above areas.

A. I agree
B. I partially agree
C. I am undecided
D. I disagree

1. In-service courses in school law _____
2. Prerequisite of at least one course in school law for principals _____
3. Legal counsel and assistance for principals in every area of Virginia _____
4. Other suggestion _____

VII. Check here if you wish to receive the results of this questionnaire when they are compiled. _____

If you choose to remain anonymous, and have not listed the name of your school, send a postcard to:

Mr. Barry J. Last
475 Westover Hills Boulevard
Apartment 205
Richmond, Virginia 23225

Include your name and address and mail separately from this questionnaire.

Virginia Commonwealth University

School of Education
May 22, 1972

To Whom It May Concern:

The purpose of this letter is to lend my support to Mr. Barry Last, the graduate student who is conducting the enclosed survey. It is my opinion that the results of Mr. Last's thesis study will be beneficial to practicing school administrators and teachers.

Sincerely,

Richard S. Vacca
Assistant Dean

Academic Center • Richmond, Virginia 23220

APPENDIX B

SUPPLEMENTARY TABLES

APPENDIX B

Pilot Project Study

Degree Status of Principals

The majority of principals responding had a Masters of Education degree. Table XXVIII shows that two had a doctorate degree. It was difficult to obtain a random effect in this area since their degrees could not be obtained from the Virginia Educational Directory (State Department of Education, 1971).

In terms of advanced degrees, all administrators involved were not participating in some advanced program.

General Study

Degree Status of Principals

Table XXIX reflects the majority of Virginia high school principals with a Masters of Education degree. The second largest number of principals had Masters of Arts Degrees. In some cases the principals had credits beyond a particular degree or an advanced certificate. They would be placed either in the M.A. + or the M. Ed. + category.

TABLE XXVIII

DEGREE STATUS OF PRINCIPALS BY GROUP
PILOT PROJECT, 1972

Degree	Group I Number	Group I Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
M. Ed.	0	00.00	1	100.00	0	00.00	4	80.00	5	71.44
Ed. D.	0	00.00	0	00.00	0	00.00	1	20.00	1	14.28
Ph.D.	0	00.00	0	00.00	1	100.00	0	00.00	1	14.28
Totals	0	00.00	1	100.00	1	100.00	5	100.00	1	100.00

TABLE XXIX

DEGREE STATUS OF PRINCIPALS BY GROUP
PILOT PROJECT, 1972

Degree	Group I Number	Group I Per cent	Group II Number	Group II Per cent	Group III Number	Group III Per cent	Group IV Number	Group IV Per cent	Total Number	Total Per cent
B.A.	1	6.67	0	00.00	0	00.00	0	00.00	1	.72
M.A.	1	6.67	7	13.21	13	39.39	12	34.28	33	23.91
M.A.+	0	00.00	2	3.77	0	00.00	3	8.57	5	3.62
M. Ed.	7	46.67	31	58.49	10	27.56	12	34.28	60	43.48
M. Ed.+	0	00.00	0	00.00	0	00.00	1	2.85	1	.72
M.S.	4	26.66	7	13.21	10	27.56	3	8.57	24	17.39
Masters not Specified	2	13.33	6	11.32	2	5.88	2	5.88	12	8.70
D. Ed.	0	00.00	0	00.00	0	00.00	1	2.85	1	.72
Degree not Specified	0	00.00	0	00.00	0	00.00	1	2.85	1	.72
Totals	15	100.00	53	100.00	35	100.00	35	100.00	138	100.00

+: Hours more than particular degree

Status of Advanced Work

In the main study, the majority in advanced course work were in Group II, or the suburban areas. This data is shown in Table XXX.

Sample Breakdown

Table XXXl is a example of the principals' opinions concerning student appearance. The table also reflects the degree held by the principal and the particular population section of which he is a member. The researcher took this table from a breakdown of viewpoints within Group III on appearance. Further information required by the reader may be obtained by contacting the researcher.

TABLE XXX

STATUS OF ADVANCED WORK BY GROUP
MAIN STUDY, 1972-73

Status of Advanced Work	Group I		Group II		Group III		Group IV		Total	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
No	11	73.33	33	66.00	29	82.86	27	81.82	100	75.19
Yes	4	26.66	17	34.00	6	17.14	6	18.18	33	24.81
Totals	15	100.00	50	100.00	35	100.00	33	100.00	133	100.00

TABLE XXXI

STUDENT APPEARANCE REGULATIONS IN GROUP III

MAIN STUDY, 1972-73

Appearance	M.A.	M. Ed.	M.S.	Masters Unspecified	Total
Long Hair	NR	NR	R-	S-	R
Beards	NR	NR	R-	S-	R
Mustaches	NR	NR	R-	S-	R
Totals	NR	NR	R-	S-	R

NR = No rules R- = Relaxation of rules R = Reasonable rules S- = Allowance for certain cases S = Strict rules against this matter.

APPENDIX C

INTERVIEW WITH THE VIRGINIA

ASSISTANT ATTORNEY GENERAL

Interview with Mr. Pat Lacy, Assistant Attorney General of Education for Virginia (Mr. Broaddus joined us during the interview).

1. a) Q. In my case law study, I found only one earlier case in school discipline for Virginia (1927). Are there more recent cases in Virginia of which you have knowledge? (In my review of the questionnaires I found a Southampton High School case in which the Fourth District Court invalidated a regulation on hair length in April, 1972).

A. In 1968 an RPI regulation prohibiting beards was backed up. Also Judge Wadner ruled in favor of a regulation prohibiting long hair in the School for the Deaf and Blind. With blind students, hair length can be a great impediment, especially working in shop classes. This ruling was significant in that there was no true relationship to discipline implied. In Eppart v. Wilkerson (Arlington, 1972) a regulation requiring exclusion of pregnant pupils was declared unconstitutional.

b) Q. Do you feel that the Virginia high school principal will become more involved in litigation than he has in previous years?

A. Yes.

2. Q. In your opinion, does any one type of school system-rural, urban, or suburban-or location in Virginia by its characteristics lend itself more to legal claims?

A. No one situation is more liable than any other. If one was to choose, possibly the large metropolitan areas.

3. Q. Principals find themselves on a "tightrope" when trying to set up reasonable regulations. The rules must both apply to the majority of students but at the same time not endanger the individual's rights (Harwood, 1964). The regulations should also conform to the criteria of neither being too vague nor too specific. (Nolte, 1971). Can you suggest some general criteria for the Virginia principal in developing reasonable regulations?

A. Other than what was stated in the question, the use of Tinker v. DesMoines (1969).

4. a) Q. Do you feel that specific school dress codes are

a thing of the past as a result of the large number of legal claims involving these regulations?

A. They are a thing of the past because of court rulings.

b) Q. It has been stated in many cases that the basic burden of proof of a hair or dress regulation is the resulting disruption or a "forecast of disruption." What is the delineation between a "forecast of disruption" and a "fear of disruption"?

A. Possible and probable would be key points here. Also Tinker (1969) may be used in this situation.

c). Q. If a Virginia principal established a dress code on the basis of previous problems in discipline related to appearance in school, would he be backed up in court (case in point-Guzick v. Drebus)?

A. This is valid if the dress code is reasonably related to previous disruption.

5. Q. Would a Virginia high school principal be within his legal rights to set up rules prohibiting the distribution of any underground or controversial

newspaper independent of disruption?

A. No.

6. Q. It seems apparent that fraternities and sororities are prohibited in many high schools in Virginia. At the same time many off-campus societies are carrying on their activities in the schools. Can a principal prohibit these activities or must disruption be shown?

A. According to Healy v. James (1970) he cannot prohibit these activities unless they are unusual. This is assuming that there are other activities going on in the school.

7. Q. It has been stated that the exclusion of a student from school is valid if there is equivalent educational recourse (Cooley v. Board of School Commissioners, 1972). In Virginia School Laws, section 22-231 (State Department of Education, 1969) the various school boards may exclude pregnant pupils depending upon the circumstances. Is the existence of homebound instruction and special schools a justifiable educational remedy for this exclusion?

A. Broaddus: According to Eppart (1972) there can

be no exclusion of pregnant pupils.

Lacy: In special situations, you can justify special classes or homebound instruction in Virginia. (This justification will depend upon the situation).

8. Q. With the realization that extracurricular activities are an important part of the educational process (Davis v. Meek, 1972) do you feel that the exclusion of married high school students from these activities will become invalid in Virginia?

A. They will be invalid, not necessarily in reference to the importance of these activities, but because of the Equal Protection clause.

9. Q. Several school districts in California have already set up procedures for dealing with demonstrations, from the most complex to very simple guidelines (Browder, 1970). Do you feel it has become necessary for school boards in Virginia to set up similar procedures as a preventative measure?

A. You ought to have written guidelines for these situations in any event to prevent legal dispute.

At the present time these regulations are not really in use.

10. a) Q. It seems that the high school principal is in a bind when he is confronted with a criminal search of lockers. He is in many cases required to call in outside authorities which makes the student involved more resentful because of the restrictions on his privacy and fundamental rights (Buss, 1971). What are some guidelines that a Virginia principal may use to determine the need for police intervention in search and seizure?

A. If the principal has reason to believe that a crime has occurred, he should contact the Commonwealth Attorney.

b) Q. It has been questioned as to whether or not the principal holds the position of a policeman when he conducts a criminal search (Buss, 1971). If you agree with this position, is it then necessary for a Virginia high school principal to obtain a search warrant and provide the student with the Miranda (1966) warning for a search?

A. He is not in the position of a policeman as evidenced by the fact that anything accrued from

the investigation would not be admissable in a criminal court. The Fourth Circuit Court has not ruled on the search and seizure situation as of yet.

c) Q. May a student adhere to the Fifth Amendment during a criminal search and seizure situation by the principal and be within his rights?

A. Yes, if possibility of criminal action against the student is evident.

11. a) Q. The in loco parentis doctrine has become less formidable than it used to be in the schools (Phay, 1971). Would you say that the principal could still use this doctrine as a basis to develop reasonable rules and regulations in the areas of dress codes, search and seizure, etc.?

A. Yes, but not necessarily related to in loco parentis.

b) Q. If a school has found out that a student was arrested and charged with a crime, is it within the school's power to suspend the student until the time of trial?

A. This depends upon the situation itself. Independent investigation should be made by the principal

of the incident, other than reading it in the newspaper (e.g. reviewing the arresting officer's report). There is no doubt of suspension in a hard drugs crime if proven. This has a definite nexus with the educational process, which is necessary for its justification.

12. a) Q. In Fairfax County School Board Rules of Discipline, there is a considerable amount of due process involved in the suspension and expulsion of pupils. Do you feel that it will become necessary for all the school boards in Virginia to do this?

A. There must be full due process. School boards should formulate a written procedure to be legally justified.

b) Q. Will all the rights of due process also be necessary for suspensions of short duration, such as three days, or can this matter be disregarded except at the request of a student?

A. There must be some modicum of due process. It may be a lesser form of due process than for expulsion. The principal should at least make some form of investigation of the situation.

13. a) Q. What is your opinion on the student right of

counsel during a school hearing in Virginia? Would this depend upon the formality of the hearing, such as was questioned in Madera v. Board of Education of New York (1967)?

A. We must draw a line between a student being represented by an attorney and by a friend (teacher, parent, student, etc.). The student must have the right of an advisor but there is no constitutional right of an attorney. Therefore the student can use a friend for his advisor. The key to this matter is the necessity of equality of due process for which the power of attorney on either side could not be afforded.

b) Q. It has been questioned as to whether or not the principal should be a part of the hearing of students for suspension because of his possible bias (Phay, 1971). Legally, do you feel that as a school officer he may be an integral part of this process, or could he be replaced by a student or a teacher?

A. The principal may suspend a student until the next school board meeting in which there can be a hearing (State Department of Education, section

22-231, 1969). The person making the accusation (the principal in this case) should not be on the panel, in any event.

14. Q. Do you feel that it is necessary for school systems in Virginia to have individual legal counsel other than the Commonwealth Attorney?

A. No. Counties and cities use their Commonwealth Attorneys.

15. Q. Is there any service that the Attorney General's Office can provide for principals to keep them up to date with the current court decisions?

A. The Attorney General's Office renders opinions and sends these to the State Board of Education and the Department of Education where they are disseminated to the superintendents. It is felt that disseminating all the judicial opinions would be too cumbersome.

VITA

VITA

Barry Jason Last, son of Dr. and Mrs. Emanual Mark Last, was born in Brooklyn, New York, June 24, 1946. When he was three, the family moved to Richmond, Virginia. He attended elementary and secondary school in Richmond City and Henrico County. He graduated from Douglas Southall Freeman High School in 1964 and received his Bachelor of Arts degree in mathematics and physics from the University of Richmond in 1968.

He was married to the former Joanna Englehart Chambers in 1968. At the present time they live in Richmond, Virginia.

Mr. Last taught in the Hanover County School System from 1968-1970. In 1970 he transferred to the Richmond Public School System. At the present time, he teaches mathematics at East End Middle School in Richmond, Virginia.

Mr. Last is a member of the Richmond Education Association, Virginia Education Association, and the National Education Association. He has served as both faculty representative and member of the Board of Directors of the Richmond Education Association.

He tutors part time at the Langner Learning Center, and serves as Alumni Advisor for Alpha Phi Omega, a service fraternity at the University of Richmond.

Mr. Last is a member of Kappa Delta Pi honorary education fraternity and Alpha Psi Omega honorary dramatic fraternity. As a member of the University of Richmond Summer School Honor Council for the 1971 and 1972 summer sessions, he served as chairman for the 1972 session.

He has been enrolled in the Graduate School of the University of Richmond from 1970 to the present. Mr. Last has been pursuing a course in Educational Administration which culminates in a Master of Education degree.