

1981

A study of the relationship of selected federal court cases to student control policies found in Virginia school board policy manuals

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**A STUDY OF THE RELATIONSHIP OF SELECTED FEDERAL COURT
CASES TO STUDENT CONTROL POLICIES FOUND IN VIRGINIA SCHOOL
BOARD POLICY MANUALS**

The College of William and Mary in Virginia

Ed.D. 1981

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SELECTED FEDERAL COURT CASES TO STUDENT CONTROL POLICIES
FOUND IN VIRGINIA SCHOOL BOARD POLICY MANUALS

A Dissertation

Presented to

The Faculty of the School of Education
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree
Doctor of Education

by

Harold David Gibson, Sr.

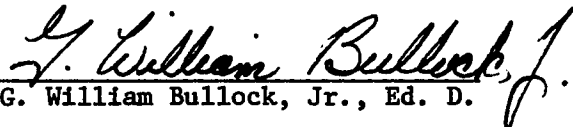
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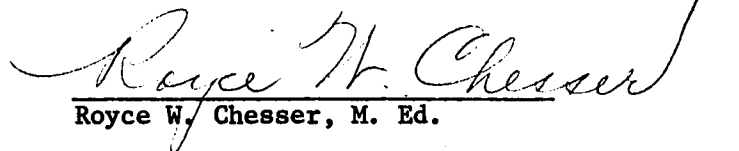
A STUDY OF THE RELATIONSHIP OF
SELECTED COURT CASES TO STUDENT CONTROL POLICIES
FOUND IN VIRGINIA SCHOOL BOARD POLICY MANUALS


by

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Approved January 1981 by


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Dedication

**To Joyce, whose love, patience, and encouragement
brought this study to a reality.**

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CHAPTER 1

THE PROBLEM

The environment for learning in schools is influenced by school officials. In that environment there exists what Reutter calls "the almost classic conflict between the rights and duties of students and the rights and duties of school authorities."¹ Reutter notes that for the past decade there seems to be an increased reliance on the judiciary to resolve conflicts between students and school authorities.² Such conflicts often revolve around issues of student control. Resulting court action may have far-reaching effects on students and administrators. Ackerly and Gluckman clearly state the problem related to the courts and student control policies.

. . . the efforts of school officials to cope with real or anticipated disruptions have resulted in a considerable number of court cases in which the authority of the school (in effect, the principal) to control student conduct is challenged. From these court proceedings are coming more explicit statements than were heretofore available regarding the constitutional limits of the school's powers over the student as an individual.³

Students, school administrators, parents, and school board members in Virginia and elsewhere are faced daily with questions related to rights and responsibilities: Do students have the same rights as adults? May schools adopt rules and regulations for student control which acknowledge rights on the one hand and responsibilities on the other?

Do the decisions of the courts, particularly the United States Supreme Court, affect student control policies at the local school board level? The answers to these and related questions may be found in part in the written policies of the local school board, the body with the legal power to establish policy for school division control and therefore student control.

School boards in all states have expressed and implied powers to adopt rules and regulations relating to student conduct.⁴ School administrators are guided by such rules as they work with students. Each day school officials encounter numerous situations which may require the application of court decisions in matters of student conduct as related to student rights and responsibilities. Without clear, written policies which reflect recent court decisions, school boards and school administrators are vulnerable under the law and may subject themselves to further litigation.

School officials need to have uniform, legally sound student control policies addressing such areas as student suspensions, due process procedures, drug abuse, student records, attendance, school property, search and seizure, verbal and physical abuse of teachers, alcohol, athletic activities, student publications, and more. Principals and other administrators need to have parameters of action established by school boards through the development of such policies.

The courts examine school board rules and regulations from several points of view, as follows: From a procedural standpoint, rules should follow constitutionally defined due process. Reutter comments that

procedural issues have in recent cases become more important than the rule and the penalty. Thus he says, ". . . if procedural due process is not granted by school authorities, a court will decide in favor of the student without reaching the question of validity of the rule."⁶ He believes that rules should prevent disruption of the school and help to promote a proper learning environment.⁷ The courts generally have supported the idea that punishable disruptive activities are those which (1) are disruptive of the climate of learning and/or (2) interfere with the rights of others in a physical way. Finally, school rules which are in conflict with the expressed wishes of parents are often subjected to more careful judicial scrutiny than other rules.⁸ Knowledge of student conduct court decisions and the implementation of that knowledge through school board policies is a responsibility of school boards and individual school administrators.

Purpose

The purposes of the study are the following:

1. To examine the policy manuals of the school boards of Virginia school divisions to determine the extent to which student control regulations are reflected in those policies.
2. To determine whether Virginia school board policy manuals are in agreement in their student control policies with recent selected federal court decisions on student rights and responsibilities.
3. To determine whether there are differences in the number of student control policy statements in relation to school division size.

Hypotheses

The following hypotheses form the basis of the study:

1. The content of the student control policies found in Virginia school division policy manuals reflects the categories listed in the Framework for Analysis and is therefore complete for all school divisions.
2. The content of the student control policies found in Virginia school division policy manuals agrees with the principles of law found in selected federal court decisions, 1965 to 1979.
3. The number of student control policies found in Virginia school board manuals varies with the size and location of the school division.
4. The content of the student control policies found in Virginia school division policy manuals reflects the student control statutes found in Virginia School Laws, 1978 and the 1979 Supplement.

Overview

The chapters to follow include a review of pertinent literature (Chapter 2), the design of the study (Chapter 3), the analysis of board policies and related court decisions (Chapter 4), and a statement of the summary and conclusions of the study (Chapter 5). In Chapter 2, particularly, the legal basis for student control is examined through a review of the literature concerning the courts and student conduct policies.

Notes to Chapter 1

¹E. Edmund Reutter, Jr., The Courts and Student Conduct (Topeka, Kansas: The National Organization on Legal Problems of Education, 1975), p. 1.

²Ibid.

³Robert L. Ackerly and Ivan B. Gluckman, The Reasonable Exercise of Authority, II (Reston, Virginia: The National Association of Secondary School Principals, 1976), p. 21.

⁴Reutter, p. 2.

⁵In re Gault, 387 U. S. 1, 13 (1967) and Goss v. Lopez, 419 U. S. 565 (1975).

⁶Reutter, p. 2.

⁷Ibid., p. 3.

⁸Ibid.

CHAPTER 2

REVIEW OF RELATED LITERATURE

In recent years the literature related to student control and student rights and responsibilities has been considerable. The proliferation of court cases at all levels of the judiciary involving student rights and responsibilities has also increased. The following areas will be examined for the related literature and research on this subject: (1) the legal basis for public education in the United States; (2) the legal basis for boards of education; (3) the legal basis for student rights and responsibilities; (4) the development of codes of student conduct; (5) rights and responsibilities students seem to have; (6) the attitude of the courts toward students and administrators; and (7) other similar studies done related to board policies and student control policies.

Legal Basis for Public Education

Even though the United States Constitution contains no reference to education, the federal government derives its authority over public education from implied powers. Of course, there is the "general welfare" clause in Section 8 or Article I:

The Congress shall have power to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defense and general welfare of the United States.¹

James Madison and Alexander Hamilton debated the proper exercise of the clause, and Congress has spent millions of dollars it could not have spent without the clause. Not until 1936, when the Supreme Court declared the Social Security Act constitutional, did lawyers see a direct relationship between the general welfare provision and assistance for education. Edwards says that some experts in school law seem to feel that the same rationale can be applied to education and that Congress can support education under the clause but not set policy for the several states.²

Hudgins and Vacca describe the influence of the federal government as growing through acts of Congress, agency regulations, and federal court decrees. They further point out that all three branches of the government are significantly influential on the daily activities of the schools. School finances, curriculum, personnel, and student control have all been influenced by Congress, the President, and federal judges.³

Congress has enacted many laws relating directly to education, Hudgins and Vacca write, which are based on Article I, Section I of the United States Constitution.⁴ One of the first acts by the Continental Congress was the 1787 Northwest Ordinance setting aside a portion of each township for the support of schools. A recent act of Congress having far-reaching effects on all public schools is Public Law 94-142, "The Education for All Handicapped Children Act." Upon penalty of loss of all current and future federal funding by a school division, P. L. 94-142 directs that a free public education be provided for all handicapped youngsters between the ages of three (3) and eighteen (18) years.⁵

It is not clear just how the President and the executive branch of the government would have much more than indirect influence on the schools. However, Hudgins and Vacca discuss the President's impact through his public statements, his messages to Congress, his veto power over funding, and his power of appointment to cabinet posts related to education. The President also appoints federal judges who through court decrees determine much of what is done or not done in such areas as finance, organizational control, curriculum, parental desires, and student discipline.⁶ The influence of the federal courts will be discussed later in this review.

The Tenth Amendment of the Constitution is generally regarded as providing the legal basis for making education a function of the states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are⁷ reserved to the States respectively, or to the people.

The amendment does not direct the states to assume the responsibility for education, but the effect has been the same. Each state through its constitution has provided for the establishment of a statewide school system. Some state constitutions offer detailed guidelines for organizing and maintaining a system of public education. In others, the authority to establish schools is delegated to the state legislature.⁸ State and federal courts, including the Supreme Court, have consistently ruled that the state is responsible for education.⁹ Virginia statutes relevant to pupil control are summarized in Appendix E.

State constitutions usually grant state legislatures the power to maintain and support a system of education for the entire state. Koenig emphasizes the role of the state legislature when he says:

State legislatures control or influence educational policy by the kinds of schools established, the systems devised for their support, the administrative procedures and curricula approved, and by the professional qualifications set for educators. There is no doubt that the establishment, maintenance, and governance of public education resides with state legislature.¹⁰

Koenig goes on to say that state legislatures must also act in conformity with federal enactments and court decisions, particularly federal courts.¹¹ Briefly, no law or rule formulated within a state can be in conflict with higher authority.¹²

Public education is a significant aspect of modern American life, and it is unusual that the framers of the Constitution apparently ignored such a vital area. Cubberly provides a partial response to that omission:

It is not surprising, however, when we consider the time, the men, and the existing conditions, that the founders of our Republic did not deem the subject of public education important enough to warrant consideration in the Constitution or inclusion in the document . . . were the Constitution to be reframed today there is little doubt but that education would occupy a prominent place in it.¹³

Legal Basis for Boards of Education

Each state has created local boards of education to aid in implementing the educational policies of the state.¹⁴ Known more often as local school boards, they are concerned with the state's function of education. Knezevich,¹⁵ as well as other writers such as Koenig and Edwards,¹⁶ have noted that school boards are controlled by the state in that they look to the statutes of the state for a definition of their powers. However, since the state controls education, local board

members represent the state and act as its agents. All local school officials, therefore, are agents of the state. Even with an active local school board, education is a state responsibility and not a local one. Legally, then, school boards exist to carry out the policies of the state legislature and its agencies.

Edwards discussed the limited power of local school districts:

Since school districts are purely creatures of the state, they possess no inherent local rights - no rights at all, in fact, except those which they are endowed by the legislature. Their powers are the mode of exercise of these powers as defined by legislative act and may be added to, diminished, or destroyed as the legislature may determine.¹⁷

The courts have defined the powers of a school board. They are the following: (1) those expressly granted by statute; (2) those fairly and necessarily implied in the powers expressly granted; and (3) those essential to the accomplishment of the objects of the corporation.¹⁸

Clayton noted that the power of school boards to adopt and enforce rules governing students is undisputable.¹⁹ A ruling by a New York court summarized the authority of boards of education when it said: "It is well settled that all laws of the Board of Education, if not in conflict with legislative enactment, have the force and effect of law binding upon the board as well as those affected thereby . . . and that interpretation by the Board of its own regulations is entitled to the greatest weight."²⁰

Rules and regulations of local school boards may not be in conflict with the United States Constitution. Clayton clarified this statement by saying: "So long as the legislature of a state operates within the

restrictions imposed by the Constitution, the courts will recognize the authority of school boards to formulate and enforce rules which are necessary for the successful operation of schools under their charge."²¹

Legal Basis for Student Control

A very early doctrine of student control was that which defined the relationship of educator to student as in loco parentis, in place of the parent. Blackstone explained the concept in his Commentaries:

A parent may also delegate part of his parental authority, during his life, to the tutor or school master of his child; who is then in loco parentis, and has such a portion of the power of the parents viz. That of restraint, and correction as may be necessary to answer the purposes for which he is employed.²²

Originally, the doctrine of in loco parentis gave educators almost unlimited authority in disciplining children. Students were subject to the rules of the school not only during the time they were in school, but also while they were on their way to and from school and at school activities away from school. The courts upheld teachers and administrators in using often questionable methods of exacting obedience, and intervened only when it was clearly evident that school personnel had acted "arbitrarily, capriciously, or unreasonably." With such unlimited authority, some actions by school officials were imprudent, but there was reasonable certainty that the actions would be upheld.²³

The courts have now clarified the concept of in loco parentis as defined by Blackstone as being far less influential than it once was. Recent court decisions have stated that school personnel cannot make arbitrary rules without the chance of being challenged by students and

their parents. Courts have further established the conditions under which actions by school boards, administrators, and teachers will be upheld. Some would say that the in loco parentis doctrine is dead. An examination of the most recent student rights court decisions would tend to confirm their assessment.

Hollander outlined the legal bases for rights and responsibilities of persons in educational institutions:

- (1) Constitutions (federal and state),
- (2) statutes and executive orders (federal, state, and local),
- (3) contracts between the parties,
- (4) professional standards recognized by the parties,
- (5) policies of governing boards, schools, and departments and
- (6) handbooks setting forth rules affecting students, faculty, and administrators.²⁴

Federal and state constitutions are sources of basic rights for persons in public institutions. Familiar sources of constitutional rights related to education are the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.²⁵

The First Amendment reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.²⁶

The courts have used the provisions of the First Amendment to grant some relief to students in the areas of student publications, symbolic expression by students, and student demonstrations.

The Fourth Amendment protects persons from unreasonable search and seizure and is often used by students to bar school officials from searching lockers and belongings. The Fourth Amendment reads:

The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.²⁷

In some recent court cases, the Fifth Amendment takes on some significance for students. It supports the student's contention that in refusing to testify against himself he cannot be condemned by school officials of admitting guilt.²⁸ The Fifth Amendment reads:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public dangers; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.²⁹

The Fourteenth Amendment, adopted in 1868 chiefly as a measure to safeguard the rights of newly-freed slaves, ensures that the rights and privileges of the federal Constitution are available to the citizens of all states. The United States Supreme Court has also ruled that the Fourteenth Amendment guarantees First Amendment rights to all citizens, including students, and nullifies the in loco parentis doctrine.³⁰ Nystrand and Staub said "the essence of the due process and equal protection clauses in the Fourteenth Amendment is that all states (or agents thereof, such as school districts) must treat all their constituents equally and fairly."³¹ Section I of the Fourteenth Amendment reads:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.³²

Federal statutes often have an impact upon educational institutions, their students, and their staffs. Some important federal statutes³³ affecting student rights and responsibilities are listed below:

1. Civil Rights Act of 1871, 42 U. S. C. Sec. 1983.
Prohibits denial of constitutional and statutory rights by public officials. Wood v. Strickland (1975) spoke to the personal liability and possible monetary penalties for school officials who deny students the kinds of rights mentioned in the cited case.³⁴
2. Civil Rights Act of 1964, Title VI.
Prohibits racial or ethnic discrimination in educational institutions receiving federal aid.
3. Education Amendments of 1972, Title IX.
Prohibits sex discrimination in education, e.g. in class assignments and extracurricular activities.
4. Family Educational Rights and Privacy Act of 1974 (Buckley Amendment).
Provides criteria for access by students and parents to students' records, and requires consent of student or parent to release such data to others.
5. Rehabilitation Act of 1973.
Prohibits discrimination against handicapped persons in education. Section 503 is of particular interest to educators.
6. Education For All Handicapped Children Act of 1976, Public Law 94-142.
Provides for a free public education for all handicapped children between the ages of three (3) and eighteen (18) years.

Administrative bodies, such as school boards, which are given the power to govern a system must develop policies by which that organization is to function. These policies may set forth goals, establish management patterns, and provide guidelines for subordinate bodies. Hollander noted that these policies may create legal rights and responsibilities for persons within the system.³⁶ Some of these rights may arise from rules set out in a handbook developed for the system; or for students, faculty, and administrators.

Misunderstanding, lack of knowledge of the law, or no knowledge of the legal rights of students can have serious consequences for the school administrator. The administrator might have incomplete knowledge or lack the ability to perceive what the courts have decided about student rights. The administrator also might be reluctant to face his students and meet their needs in the efficient operation of his school.³⁷

Hudgins and Vacca summarized the stand most boards want their administrators to take in the matter of student control:

When students are at school, they are expected to submit to school authority. This is necessary in order that teachers may teach and students may learn. In establishing and maintaining a climate conducive to teaching and learning, educators have considerable discretion in controlling student conduct.³⁸

Development of Codes of Student Conduct

What kind of conduct leads to development of rules and regulations? Rules must relate to the purposes for which schools are established. Therefore, conduct which is contrary to the educational mission of the school can be proscribed. For learning to take place schools need a proper atmosphere. Thus, any activity which disrupts the general

decorum of the school can be controlled. Further, any activity which interferes with the rights of others or subverts the rights of school personnel to control students is subject to regulation. Even conduct off school grounds can be controlled if it can be shown to be disruptive of the operation of the school.³⁹

What are the minimum essentials of enforceable rules? From an analysis of court cases Reutter selected the following characteristics:

1. The rule must be publicized to students. Whether it is issued orally or in writing, school authorities must take reasonable steps to bring the rule to the attention of students. A major exception is when the act for which a student is to be disciplined is obviously destructive of school property or disruptive of school operation.
2. The rule must have a legitimate educational purpose. The rule may affect an individual student's learning situation or the rights of other students in the educational setting.
3. The rule must have a rational relationship to the achievement of the stated educational purpose.
4. The meaning of the rule must be reasonably clear. Although a rule of student conduct need not meet the strict requirements of a criminal statute, it must not be so vague as to be almost completely subject to the interpretation of the school authority invoking it.
5. The rule must be sufficiently narrow in scope so as not to encompass constitutionally protected activities along with those which constitutionally may be proscribed in the school setting.
6. If the rule infringes upon a fundamental constitutional right of students, a compelling interest of the school in the enforcement of the rule must be shown.⁴⁰

In a recent survey of high school principals, it was found that two-thirds of those who responded had rules governing student dress and other activities. Ninety-nine (99) per cent had rules related to

responsibility for school property damage. Ninety-one (91) per cent prohibited or regulated smoking. Other rules listed by a large percentage of the schools dealt with the use of hall passes, closed campus for lunch, and disruptive students in class.⁴¹

Nolte recommended to school administrators that rules should be developed from the premise that, "Students both in and out of school ought to be allowed as much freedom as they can safely handle." He said that on the basis of such a concept, there should be a student constitution, a statement of student rights and responsibilities, and student involvement in making rules for their governance. The long-range value of a student code of conduct statement is summarized by Nolte:

One must begin by admitting in writing that students do have certain rights and then provide for setting up the machinery by means of which such rights can be exercised - grievance procedures, due process safeguards, and the rights to appeal decisions which are unacceptable to the student. One will look much more composed in court when the records show that a good faith effort has been made to implement student rights in practice as well as giving them lip service in theory.⁴²

Many school systems have developed or revised their school policies related to student rights and responsibilities.⁴³ Written policies outlining school regulations have been adopted by school systems in the belief that more clearly defined standards of student conduct can provide necessary guidelines for all persons in the school.

In another survey more than three fourths of the five hundred thirty-eight (538) responding school systems reported that they had developed written codes of discipline for secondary school students.

Large school districts (25,000 or more) were the most likely to have developed such a code; very small districts (300-2,999), the least likely. Of those with a written code, most districts had a single code for all district schools rather than a separate code for each school. Approximately one-fourth of the school systems which reported no written code declared an intention to develop one.⁴⁴

The same survey reported somewhat different responses in the matter of written codes of student rights. Slightly more than one-third of the respondents reported having a student rights code. Most codes were district-wide in nature. One-fifth of the districts not reporting a rights codes said they were considering developing one.⁴⁵

Included in the survey was a list of suggested procedures for developing codes of student conduct: (1) get input from many sources such as students, parents, and community members; (2) be aware of the law; (3) make guidelines clear and relevant; (4) put student codes in written form and disseminate them widely; and (5) re-evaluate them regularly.⁴⁶

The National Education Association Task Force on Student Involvement established in 1969 was given the responsibility to "develop a definitive statement on student rights and responsibilities." The report of the Task Force outlined the areas it felt should be included in a code of student rights and responsibilities:

1. The Institution's Relation to the Student (The Rights of Access to Education; The Right to Affect Organized Learning Activities; The Right to Confidentiality of Information).

2. Student Affairs (The Right to Freedom of Association; The Right to Participate in Institutional Government; The Right to Freedom of Inquiry and Expression).
3. Law, Discipline, and Grievance (The Right to Establish Standards for Discipline and Grievance; the Right to Just Enforcement of Standards).⁴⁷

The philosophy of the Task Force in developing a code of student conduct expressed the rationale which forms the basis for many school district codes:

The educational institution performs a necessary function in the society. It is in the school that young people learn and practice citizenship and humanity. They may learn what society says they must learn; or their lesson may be quite different. The school experience may give them practice in being independent citizens and creative individuals---or in being easily led, of little responsibility, and mindless. If students are to be the kind of people our society requires, the educational institution must respect the student's rights, and encourage him to exercise them. The community, for its part, must not require the schools to restrain students from any given action merely because it is locally or nationally unpopular. Educators must be free to practice their profession, not act as censors of student attitudes and expressions. Students must be free to practice living through school experiences.⁴⁸

Rights and Responsibilities of Students

Just what rights and responsibilities do students have today? A number of researchers have provided lists of such rights and in some cases, responsibilities.

Ackerly commented on ten (10) "positions" related to student rights. Briefly stated, they dealt with the following areas:

1. Freedom of expression.
2. Personal appearance.
3. Codes of behavior.
4. Student property.
5. Extracurricular activities.
6. Disciplinary and due process procedures.

7. Student government.
8. Student press.
9. Right to petition.
10. Drugs.⁴⁹

In a revised statement, produced under the auspices of the National Association of Secondary School Principals (NASSP), Ackerly and Gluckman expanded to fourteen (14) the number of positions in which students appeared to have rights and responsibilities:

1. Freedom of expression.
2. Student publications.
3. Personal appearance.
4. Religion and patriotism.
5. Civil rights.
6. Codes of behavior.
7. Student property.
8. Weapons and drugs.
9. Extracurricular activities.
10. Disciplinary and due process procedures.
11. Corporal punishment.
12. Participation in school governance.
13. Right to petition.
14. Student records.⁵⁰

Many school divisions have specified the rights afforded their students. A list from a Maryland school district might serve as a representative example of such rights:

1. Education: Right to an education; responsibility not to interfere with the education of others.
2. Expression: Right to express himself orally or symbolically; right to petition; responsibility for the effect of his expression.
3. Assembly: Right to assemble peacefully; responsibility not to interfere with the operation of the schools.
4. Religion: Right to practice his own religious beliefs; responsibility not to violate the rights of others in this regard.
5. Personal Appearance: Right to determine his pattern of dress and grooming; responsibility not to interfere with his own health and safety or the educational process of the school.

6. Student Activities: Right to participate in school activities regardless of race, religion, ethnic origin, or economic status.
7. Privacy: Right to protection of student permanent records by the county; right to freedom from search or seizure of student property.
8. Government: Right to air grievances, problems, and concerns through an elected representative student government.
9. Student Discipline: Right to due process procedures in matters of suspension or expulsion.⁵¹

The National Education Association Code of Student Rights and Responsibilities listed the following student rights:

1. Right of access to education.
2. Right to affect organized learning activities.
3. Right to confidentiality of information.
4. Right to freedom of association.
5. Right to participate in institutional government.
6. Right to freedom of inquiry and expression.
7. Right to establish standards for discipline and grievance.
8. Right to just enforcement of standards.⁵²

Gower identified twelve (12) "constitutionally protected rights" for all students in a study of school board policies in Washington State:

1. The right to freedom of religion.
2. The right to individual discretion in the matter of dress and grooming insofar as this privilege does not infringe on the rights of others or is disruptive of the educational process.
3. The right of redress of grievance.
4. The right to protection against unreasonable search and seizure.
5. The right to protection against double sanctions except as necessary for the protection of others or the educational process.
6. The right to freely and peaceably assemble.

7. The right to freedom of expression including the right to take stands and support causes, publicly and privately, orally or in writing.
8. The right to symbolic expression insofar as it is not disruptive or an infringement upon the rights of others.
9. The right to equal educational opportunity for married students.
10. The right to basic educational opportunities for pregnant students with some limitations regarding extracurricular activities.
11. The right to due process of law in disciplinary matters or other matters that could have serious effect on the later life of the student.
12. The right to substantive due process.⁵³

Another researcher, Mawdsley, mentioned four (4) selected student rights categories: personal appearance, student publications, pregnancy and marriage, and locker searches. The only one of the four (4) he classified as "well-defined" was student publications.⁵⁴ Schimmel and Fisher also examined the "civil rights" of students and discussed freedom of speech, freedom of the press, freedom of association, freedom of religion and conscience, personal appearance, segregation, sex discrimination, and due process of law.⁵⁵

Hudgins and Vacca selected certain areas of student rights for their recent study of law and education. They stated that the courts have grouped student rights into the following broad categories: (1) assignment and placement; (2) control and punishment; (3) expression; (4) religion; and (5) records.⁵⁶

The Attitude of the Courts Toward Students and Administrators

In a review of United States Supreme Court decisions affecting student rights and responsibilities, Lufler and Roth said the Supreme

Court has traditionally been hesitant about interfering in school affairs related to student rights.⁵⁷ As late as 1968, in *Epperson v. Arkansas*, the Court stated that "Public education in our nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems."⁵⁸ Some early decisions by the Court confirm the fact that it favored local control in matters involving student rights. In spite of Fourteenth Amendment challenges by students, the interests of local governments in protecting health,⁵⁹ forbidding fraternities,⁶⁰ and promoting good citizenship⁶¹ were upheld.

In 1943 the Court gave two opinions, the flag salute cases of *West Virginia v. Barnette* and *Taylor v. Mississippi*, which heralded a future change in attitude toward student rights versus those of state and local governments.⁶² Not clear is whether the Court was changing its approach to student rights or whether it was simply confirming its interest at the time in protecting fundamental rights against governmental influence. Since the U. S. Supreme Court did not decide another student rights case until 26 years later,⁶³ the latter interpretation may have some validity.

Indicative of the changes to come are these words from the *West Virginia v. Barnette* decision:

The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures---Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of constitutional freedom of the individual if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.⁶⁴

The 1967 In re Gault decision, although not a school case, held that due process rights are to be provided for those under as well as over the age of eighteen (18).⁶⁵ In the language of the Court, the importance of the decision to students is clear: "Whatever may be their precise import, neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."⁶⁶

In the first student rights decision since Barnette, the Court in 1969 upheld the right of students to express their First Amendment rights to belief and expression by wearing black armbands to symbolize their objection to the Vietnam War. The Tinker v. Des Moines decision⁶⁷ affected the Court's view in the next four student rights cases to be decided: Police Department v. Mosley, Grayned v. City of Rockford, Healy v. James, and Papish v. Board of Curators, all upholding First Amendment rights of students involving the right to picket,⁶⁸ the right to associate with others with similar interests,⁶⁹ and freedom of speech and the press.⁷⁰

Expansion of the procedural rights of students facing suspension from school was the outcome of the 1975 Goss v. Lopez⁷¹ decision of the U. S. Supreme Court. Students gained the right to receive notice and the right to be heard prior to suspension. Further strengthening of student procedural rights came with the Court's decision in the Wood v. Strickland⁷² case. The Wood holding also included the school official and stated that he is not immune to liability to monetary damages where the constitutional rights of students have been denied.

Two decisions of the Supreme Court in the area of corporal punishment offer insight into the attitude of the Court toward student rights

and responsibilities. With the presence of certain minimal procedural safeguards prior to its administration, corporal punishment was declared constitutional in the Baker v. Owen⁷³ case. Two years later in the 1977 Ingraham v. Wright⁷⁴ case the Court again upheld the right of schools to administer corporal punishment, but this time there was no requirement for any notice or hearing prior to beginning or maintaining it as a school division policy.

Nystrand and Staub reported that school administrators and school board members are concerned about the increasing activity of the courts in educational matters:

Some (school officials) resent the increased time they must spend in court, in consulting legal counsel, and in maintaining the records necessary in the event they are called into court. Others worry that the absence of immunity explained by Wood may either jeopardize them personally or encourage them and their colleagues to be unduly concerned about legalisms in their day-to-day activities. Still others express concern that the courts are replacing local authorities as policy makers.⁷⁵

They also pointed out that the attitude of the courts and their role in educational policy making have been "essentially conservative, rooted in precedents, mindful of constitutional requirements, and respectful of the professional qualifications of educators."⁷⁶ The attitude of the Court is often reflected in the dissenting remarks of some justices. Dissenting in the Goss v. Lopez case, Mr. Justice Powell argued that the apparent inclination of the Court to extend due process rights to students who are suspended may logically lead to similar protection for the "student who is given a failing grade, who is not promoted, who is excluded from certain extracurricular activities, who

is assigned to a school reserved for children of less than average ability, or who is placed in the 'vocational' rather than the 'college preparatory' track."⁷⁷

Mr. Justice Black, dissenting vigorously in the *Tinker v. Des Moines* case, had some definite concerns about the Court's attitude toward students, teachers, parents, and school officials:

This case, therefore, wholly without constitutional reasons in my judgment, subjects all the public schools in the country to the whims and caprices of their loudest-mouthed but maybe not their brightest, students. I, for one, am not fully persuaded that school pupils are wise enough, even with this Court's help from Washington, to run the 23,390 public school systems in our fifty states. I wish, therefore, wholly to disclaim any purpose on my part to hold that the Federal Constitution compels the teachers, parents, and elected school officials to surrender control of the American public school system to public school students. I dissent.⁷⁸

Reutter, in a recent monograph, offered a summarizing statement which puts the court-student-administrator relationship in a somewhat sharper perspective:

The present American preoccupation with "taking the matter to court," rather than to the legislative or executive branch, seems to indicate that a substantial number of cases dealing with control of student activities are to be expected. The receptiveness of most federal courts to suits brought by parents and students under the revitalized Civil Rights Act of 1871 is a relatively new factor contributing to an upsurge in published judicial opinions in the area . . . Hopefully, better-selected and better-prepared cases in the future will more clearly define the blurred border between the rights of parents and pupils and the powers and duties of school authorities.

It would be naively idealistic to contend that the proclivities of individual judges are not discernible in decisions in cases concerning control of student activities. Indeed, a certain amount of subjectivity among judges is inevitable in an area as sensitive as

this. Yet the courts actually disagree little on fundamentals. Differing results come primarily from differing patterns of facts and arguments.

Legally, who wins the case is not nearly as crucial as why the decision was made. Educationally, who wins the case is not nearly as crucial as why the discipline situation could not have been resolved short of recourse to the public, adversary forum of a court.⁷⁹

Other Similar Studies Done

Gower examined school board policies as they relate to student rights in the State of Washington. The chief focus was directed toward defining the extent to which student protest and unrest were present in selected school divisions in the state. Gower also examined the degree of student participation in decision making in individual schools and districts. Gower found that rates of student unrest were low, and a significant number of school divisions involved students in the decision making process.⁸⁰

Bergum studied school board policies in Wisconsin school districts in an effort to develop policy guidelines concerning student rights.

The general guidelines he presented are listed below:

1. The balance of the rights of the individual and the rights of the majority should be assured in the development of student related policies.
2. Student related policies should be clearly written in compliance with legal principles.
3. Students and their parents should be made aware of existing student policies to legalize policy enforcement and to assure equal exercise of guaranteed rights.
4. Student involvement in policy development is desirable.
5. Individual student rights guaranteed by the United States Constitution should be protected through local school district policies.

6. Individual student rights guaranteed by state constitutional and statutory provisions should be protected through local school district policies.
7. Continual revision of school district policies is essential to incorporate changes in constitutional interpretations and statutory provisions.⁸¹

Badders did a content analysis of statements concerning student rights and responsibilities as contained in the policy manuals of governing boards of colleges and universities which are members of the National Association of State Universities and Land Grant Colleges.

Among his findings were the following items:

1. At least fifty-five (55), or 66 per cent, of the governing boards in the National Association of State Universities and Land Grant Colleges (NASULGC) had official written policies on student rights and responsibilities.
2. Almost two-thirds (62 per cent) of the manuals included a general philosophical statement on the need for student rights and responsibilities.
3. The sections on student publications and student records were definitely the lowest in terms of the number of boards including a policy in those categories.
4. Very few policies were concerned with student associations and organizations.
5. Fifty-three (53), or 96 per cent, of the boards made some comment about a code of conduct. Forty-one (41), or 75 per cent, of these boards made some statement on conduct due process.
6. A total of twenty-six (26) different categories of specific aspects of conduct standards was listed with the items mentioned most often being: dishonesty, fraud of records, alcohol, drugs, living or housing standards, and noncompliance with University officials.⁸²

An exhaustive search of dissertation abstracts, ERIC indexes, annotated bibliographies, periodical indexes, and university indexes has been conducted to determine whether a similar study has been done

elsewhere. As far as the writer can determine at this time, no such study has been made of local Virginia school board policy manuals and related court cases.

Summary

Although there is no specific reference to education in the United States Constitution, the federal government wields considerable influence through implied constitutional interpretation, Acts of Congress, agency regulations, and federal court decisions. Through the Tenth Amendment to the Constitution, the several states assume the responsibility for public education, and delegate it to boards of education within the states. The power of local school boards to adopt and enforce rules governing students is without question. However, local boards may not be in conflict with the United States Constitution--a situation which brings the federal courts into a direct relationship with local student control policies.

For many years, student discipline was founded in the doctrine of in loco parentis. School administrators had almost unlimited authority to act in place of the parent both at school and away from school. Court decisions in recent years have made it quite clear that students have the same rights as adults, rights derived from federal and state constitutions and statutes, policies of governing boards, and handbooks of rules of conduct. Among these are the right of freedom of expression, including personal appearance, oral or written speech, and symbolic expression; the right to assemble peaceably and freely; the right to be protected against unreasonable search and seizure; the right to due process in disciplinary proceedings; the right to equal educational

opportunities for married and/or pregnant students; the right to freedom of religion; the right to petition; the right to have access to school records; the right to freedom from sex discrimination; and the right to participate in the governance of the school. Certain amendments to the United States Constitution have particularly been applied by the Courts to student control issues and to student rights and responsibilities: the First, Fourth, Fifth, and Fourteenth Amendments. Federal statutes, such as Section 1983 of the Civil Rights Act of 1871, prohibit the denial of constitutional and statutory rights by public officials to the point that officials are monetarily liable for such denials.

One method for providing guidelines for student behavior is the development of a code of student conduct. Such codes are usually in writing and are widely disseminated to students and parents. Two (2) major kinds of punishable behavior are proscribed by most codes:

- (1) any activity which disrupts the general decorum of the school, and
- (2) any activity which interferes with the rights of others or subverts the rights of school personnel to control students.

Rules must be reasonably clear, have a rational relationship to the purposes of the school, and be narrow enough in scope so as not to include constitutionally protected activities. In a recent survey more than three-fourths of the five hundred thirty-eight (538) responding school systems reported they had developed written codes of discipline for secondary school students. Most codes were district-wide in nature and represented the policy of the local school board.

Until the 1969 *Tinker v. Des Moines* case, the United States Supreme Court had not decided a student rights case since the 1943 *West Virginia v. Barnette* flag salute issue. The In re *Gault* decision by the Court in 1967, although not a school case, did extend adult rights of due process to those persons under as well as over the age of eighteen (18). The decision in *Tinker v. Des Moines* permitted students to express their First Amendment rights to freedom of expression by wearing black armbands to symbolize their objection to the Vietnam War. Expansion of the procedural due process rights of students facing suspension from school was the outcome of the *Goss v. Lopez* case in 1975. The procedural rights of students were also strengthened by the Court's decision in the 1975 *Wood v. Strickland* case. Liability for monetary damages became the responsibility of school officials as a result of the *Wood* decision.

The attitude of the Court in favoring the student and his rights was further evident in the support by the Court of corporal punishment in *Baker v. Owen* (1975) and *Ingraham v. Wright* (1977). Nystrand and Staub indicated that the judiciary's role in educational policy making has been "essentially conservative, rooted in precedents, mindful of Constitutional requirements, and respectful of the professional qualifications of educators."⁸³ However, leading jurists were not pleased with the student-centered direction of the Court. For example, Justice Black dissented vigorously in the *Tinker v. Des Moines* case. He said in summary, "I wish, therefore, wholly to disclaim any purpose on my part to hold that the Federal Constitution compels the teachers,

parents and elected school officials to surrender control of the American public school system to public school students. I dissent."⁸⁴

Clearly, then, there is a relationship between the policies of the local school board and the activities of the courts. The effects of the courts' decisions on the policies of school boards nationally and particularly in Virginia deserve some attention. In Chapter 3, the design and methodology for such a study are outlined.

Notes to Chapter 2

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- ³H. C. Hudgins, Jr. and Richard S. Vacca, Law and Education: Contemporary Issues and Court Decisions (Charlottesville, Virginia: The Michie Company, 1979), p. 5.
- ⁴U. S., Constitution, art. I, sec. 1.
- ⁵Hudgins and Vacca, pp. 5-6.
- ⁶Ibid., pp. 7-8.
- ⁷U. S., Constitution, amend. X.
- ⁸Robert A. Koenig, The Courts and Education, Clifford P. Hooker, Editor, The Seventy-seventh Yearbook of the National Society for the Study of Education, Vol. 77:1 (Chicago: University of Chicago Press, 1978), p. 16.
- ⁹Dawson Hales, Federal Control of Education, cited in Robert A. Koenig, The Courts and Education, p. 16.
- ¹⁰Koenig, p. 17.
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- ¹⁴Koenig, p. 19.
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- ¹⁶Koenig, p. 19; Edwards p. 29.
- ¹⁷Edwards, p. 31.
- ¹⁸Ibid., p. 84.
- ¹⁹Elwood Melville Clayton, "Analysis of Federal and State Court Cases Concerned with Student Rights, 1960-1971" (Ph. D. dissertation, University of Utah, 1972), p. 17.
- ²⁰Lee O. Garber and E. Reutter, The Yearbook of School Law (Danville: The Interstate Printers and Publishers, Inc., 1968), p. 51.
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- ²³Hudgins and Vacca, p. 227.
- ²⁴Patricia A. Hollander, Legal Handbook for Educators (Boulder, Colorado: Westview Press, 1978), p. 5.
- ²⁵Ibid.
- ²⁶U. S., Constitution, amend. I.
- ²⁷U. S., Constitution, amend. IV.
- ²⁸Clayton, p. 18.
- ²⁹U. S., Constitution, amend. V.
- ³⁰Tinker v. Des Moines Independent School District 393 U. S. 503 (1969).

Notes to Chapter 2 - continued

- ³¹Raphael O. Nystrand and W. Frederick Staub, The Courts and Education, p. 31.
- ³²U. S., Constitution, amend. XIV.
- ³³Hollander, pp. 202-204.
- ³⁴Wood v. Strickland, 420 U. S. 308 (1975).
- ³⁵Hudgins and Vacca, p. 6.
- ³⁶Hollander, p. 9.
- ³⁷Barney DeWayne Gower, "An Analysis of Selected School Board Policies and Procedures as They Affect Student Rights, Responsibilities and Conduct and the Legal Relationships That Exist Between and Among Students, Faculties, Administrators, and School Boards" (Ph. D. dissertation, Washington State University, 1972), p. 28.
- ³⁸Hudgins and Vacca, p. 226.
- ³⁹E. Edmund Reutter, Jr., The School Principal and The Law, Ralph D. Stern, Editor-in-Chief (Topeka, Kansas: The National Organization on Legal Problems of Education, 1978), p. 67.
- ⁴⁰Ibid., pp. 68-69.
- ⁴¹Susan Abramowitz and Ellen Tenebaum, High School 77, A Survey of Public Secondary School Principals (Washington: National Institute of Education of the United States Department of Health, Education, and Welfare, 1978), pp. 33-44.
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- ⁴³ERS Report, Codes of Student Discipline and Student Rights (Arlington, Virginia: Educational Research Service, 1978), p. 1.
- ⁴⁴Ibid.
- ⁴⁵Ibid.
- ⁴⁶Ibid., p. 5.
- ⁴⁷Code of Student Rights and Responsibilities, Developed by the NEA Task Force on Student Involvement (Washington: National Education Association, 1971), p. iii.
- ⁴⁸Ibid., pp. XI-XII.
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- ⁵⁴Ralph D. Mawdsley, The Courts and Education, pp. 163-174.
- ⁵⁵David Schimmel and Louis Fischer, The Civil Rights of Students (New York: Harper and Row, 1975), p. viii.
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- ⁵⁷Henry S. Lufler, Jr. and Michael A. Roth, A Digest of Supreme Court Decisions Affecting Education, Perry A. Zirkel, Editor (Bloomington, Indiana: Phi Delta Kappa, 1978), pp. 32-33.

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- 63 Lufler and Roth, p. 32.
- 64 West Virginia v. Barnette, 319 U. S. 624 (1943).
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- 66 In re Gault, 387, U. S. 1, 13 (1967).
- 67 Tinker v. Des Moines Independent Community School District, 393 U. S. 503 (1969).
- 68 Police Department v. Mosley, 408 U. S. 92 (1972) and Grayned v. City of Rockford, 408 U. S. 104 (1972).
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- 70 Papish v. Board of Curators, 410 U. S. 667 (1973).
- 71 Goss v. Lopez, 419 U. S. 565 (1975).
- 72 Wood v. Strickland, 420 U. S. 308 (1975).
- 73 Baker v. Owen, 395 F. Supp. 294 (M.D.N.C.), aff'd, 423 U. S. 907 (1975).
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- 78 Tinker v. Des Moines, 393 U. S. 503 (1969).
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CHAPTER 3

DESIGN

To achieve the proper atmosphere for learning, boards of education have the authority to make and to enforce rules and regulations for appropriate student conduct in the public schools. The operation of the schools would be nearly impossible without such student control policies. To be effective, rules and regulations must be related to the purposes of the school and promote its proper functioning. Therefore, student behavior which appears to be contrary to the educational goals of the school can be prohibited.

The control of conduct by school board rules frequently restricts some of the rights of students and their parents. The desire of parents to seek the resolution of conflict with the school over these restrictions often leads to litigation and as Reutter points out, "because most public school students are minors, suits involving school regulations generally are brought by parents or guardians either on their own behalf or on behalf of the students affected."¹

Boards of education have a continuing responsibility to develop their own rules and regulations for student conduct. The rules adopted by most school boards have their foundation in the state statutes which give the boards extensive powers and specific guidelines for student control policies. The courts have been reluctant to interfere with

the statutory authority of local school boards. As noted in a 1968 case, the Supreme Court stated its reluctance clearly:

Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint. Our courts, however, have not failed to apply the First Amendment's Mandate to our educational system where essential to safeguard the fundamental values of speech and inquiry and of belief. By and large, public education in our Nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems which do not directly and sharply implicate basic constitutional values. On the other hand, "The Vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools. . . ."2

One year later in 1969, in its first direct student conduct decision, the Supreme Court outlined the doctrine which would color its decisions about students for years to come: "First Amendment rights, applied in light of the special characteristics of the school environment, are available to . . . students. It can hardly be argued that . . . students . . . shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."3 Thus, the greatest problem for school administrators and school boards is to establish and enforce rules and regulations which do not infringe on the basic constitutional rights of students. It is in this area of constitutionality that the majority of the student rights cases have come before the courts at all levels of the judiciary.

An examination of the relationship of some of these court cases to the student conduct policies of boards of education, specifically Virginia public school boards, is the focus of this study. Three questions emerge as significant to the study:

1. What are the official, written, student control policies established by the school boards of each Virginia public school division?
2. Are these student control policies of school boards in Virginia public schools consistent or inconsistent with the principles of law arising from recent student conduct court decisions?
3. Do the size and location of the school division have any effect on the scope and depth of student control statements?

The answers to these questions will be considered in the analysis of the data provided by the study. This research study is a content analysis of statements concerning student control contained in the official written policies of the school boards of Virginia school divisions and the relationship of these policies to selected student conduct court cases.

Definitions of Terms

It is necessary to define several terms which will be used in the study:

Content analysis: Content analysis is a research technique for the objective, systematic, and quantitative description of the manifest content of communication.⁴

Court Cases: The cases selected are those decided by the United States Supreme Court and other Federal Courts for the period from 1965 to 1979, as listed in the National Court Reporter System.

Due process: This is the concept which ensures the protection of individual rights, the essential element of which is fair treatment.

Schools: Public schools in the United States, grades K through 12, are included.

School board: A school board is a body of lay members of the community, appointed in Virginia, and charged with the management and control of schools in a local school division.

School board written policies: These are written statements of policy, often printed or duplicated in handbook form which establish educational objectives and set up rules for the management and control of the schools.

Student rights and responsibilities: These are the rights and responsibilities assumed by students, as defined by the courts, state and federal constitutions, and statutes, and limited to those in the purview of this study.

Population

The population for the study consisted of all one hundred thirty-seven (137) school boards in the Commonwealth of Virginia. Basic data about the school divisions are listed in Appendix A.

All Virginia school boards, as a part of the Standards of Quality Program (Standard Number 12, "Standards of Quality and Objectives, 1978-80"), prepare a policy manual and place it on file with the State Department of Education. School boards update these manuals periodically.⁵ The researcher was given access to the manuals as needed so that each one could be examined using the Framework for Analysis Summary Rating Sheet as a guide. There were one hundred thirty-one (131) usable manuals.

Framework for Analysis

A Framework for Analysis was developed, based on a model by Badders.⁶ Written permission to use the model was requested and received

by the researcher.⁷ Badders says that the use of such a systematic analysis instrument will "provide a guide for synthesizing and analyzing the policies."⁸ Utilizing the procedures suggested by Berelson⁹ and Badders, the researcher developed the Framework for Analysis by various means: (1) a preliminary analysis of several school board policy manuals, (2) a review of the literature and research studies relating to student control policies, (3) a review of several school and school division student conduct handbooks, and (4) adapting the Badders model to school board policies. When the manuals were examined, some items were deleted for lack of relevancy while other content items were added to the Framework for Analysis.

Each of the written policy manuals on file with the Virginia State Department of Education was read and analyzed in relation to the categories of the Framework for Analysis according to procedures outlined elsewhere in this chapter. A separate summary rating sheet was used for each school division policy manual.¹⁰ If a board policy made any statement about the specific category listed, a score was marked on the summary sheet for that school board. Each category is more extensively defined in Chapter 4.

The Framework for Analysis categories are listed below:

I. General Policies

- A. Statement that the school board authorizes individual schools to develop student control handbooks and enforce rules and regulations.
- B. Statement on the general philosophy and necessity for student rights and responsibilities.
- C. Statement on nondiscrimination of policies and procedures.

II. Inquiry and Expression

- A. Statement that the student has the general right to engage in nondisruptive inquiry and expression.
- B. Statement that the student has the specific right to freedom of verbal inquiry and expression in the classroom.
- C. Statement that the student has the specific right to symbolic expression using such items as armbands and buttons.
- D. Statement that the student has the specific right to engage in nondisruptive physical inquiry and expression.
- E. Statement that any disruptive action will not be accepted.
- F. Statement on the policies governing the invitation and use of outside speakers.
- G. Statement on the general use of facilities by students.
- H. Statement prohibiting riots and disturbances.

III. Student Publications

- A. Statement on the general status of publications within the school division.
- B. Statement on specific policies and procedures for approval of copy.
- C. Statement on the purpose of having school publications.
- D. Statement on the specific procedure for selecting and removing editors and other staff members.
- E. Statement on the specific procedure for selecting and removing sponsors.
- F. Statement on the specific policies for the financing of publications.
- G. Statement on the specific policies concerning the use of questionnaires or surveys related to school publications.

- H. Statement that the board does not sanction "underground" student publications.
- I. Statement on the rights of access of other students to student publications.

IV. Personal Appearance

- A. Statement on the general status of dress codes in the school division.
- B. Statement that specific dress code rights are limited by consideration of health and safety.
- C. Statement that specific dress code rights are limited by possibilities of disruption of classroom activities.
- D. Statement that nondisruptive dress and grooming will generally be accepted.
- E. Statement by the board which restricts hair length or condition, especially for boys.
- F. Statement that dress codes are related to social events such as dances, banquets, and others.

V. Religion and Patriotism

- A. Statement on the general status of local board feeling on religion and patriotism.
- B. Statement on school prayer restrictions.
- C. Statement on Pledge of Allegiance restrictions.
- D. Statement on the use of the National Anthem in relation to school activities.
- E. Statement on what the board will permit to be used in the classroom in lieu of school prayer.
- F. Statement requiring the flying of the Virginia and United States flags.
- G. Statement that there will be no released time for religious instruction.

VI. Civil Rights

- A. Statement on the general philosophy of the board of education on student civil rights.
- B. Statement in reference to the Bill of Rights and/or the Fourteenth Amendment.
- C. Statement on the specific policies regarding the attendance of married students.
- D. Statement on the specific policies regarding the attendance of pregnant students, married or unmarried.
- E. Statement on the specific policies regarding the implementation of Title IX regulations.

VII. Code of Behavior: General Policies and Procedures

- A. Statement on the general need for a code of conduct.
- B. Statement on the specific procedure for development of the code of conduct.
- C. Statement on the publication and distribution of the code.
- D. Statement on the jurisdiction or enforcement responsibility for the code.
- E. Statement on the sanctions or types of punishments imposed for violation of the code.
- F. Statement that the code applies to all students, and all students shall receive a copy in writing.
- G. Statement of detention policies and procedures.
- H. Statement of suspension policies and procedures.
- I. Statement of expulsion policies and procedures.

VIII. Code of Behavior Standards: Values

- A. Reference to dishonesty or cheating.
- B. Reference to fraud of records or forgery.
- C. Reference to theft.

- D. Reference to gambling.
 - E. Reference to immoral, indecent or obscene conduct (drawings and literature possession included).
 - F. Reference to lying.
 - G. Reference to vandalism.
 - H. Reference to disobedience or defiance of authority.
 - I. Reference to verbal abuse.
 - J. Reference to leaving school grounds without permission.
 - K. Reference to extortion of money or property.
 - L. Reference to truancy and skipping classes.
- IX. Code of Behavior Standards: Health and Safety
- A. Reference to alcohol.
 - B. Reference to drugs.
 - C. Reference to weapons and explosives.
 - D. Reference to traffic, motor vehicles.
 - E. Reference to smoking regulations.
 - F. Reference to fighting and/or assault.
 - G. Reference to conduct which constitutes physical danger to others.
 - H. Reference to general safety regulations.
 - I. Reference to hazing.
 - J. Reference to bus conduct.
 - K. Reference to arson.
- X. Code of Behavior Standards: Administrative Oriented
- A. Statement on the unauthorized occupancy of any part of a school building.
 - B. Statement on the willful disruption of class activities.

- C. Statement on trespassing.
- D. Statement on threatening to bomb, burn, or otherwise destroy a building or portion thereof.
- E. Statement on noncompliance with school rules.
- F. Statement on violation of local, state, and federal laws.

XI. Code of Behavior: Specific Aspects of Due Process

- A. Statement on the need for and the general provisions of due process.
- B. Statement on the need for and procedures of informing a suspected student of the charges against him.
- C. Statement on the right of parents of students to be informed of charges and rights to a hearing.
- D. Statement on the right of the student to have witnesses and to face accusers.
- E. Statement on the right of the student to have an advisor or legal counsel at a hearing.
- F. Statement on the format of procedures of the hearing itself.
- G. Statement on the record of the hearing.
- H. Statement on the appeal or review procedures.
- I. Statement on the status of the student pending final action.
- J. Statement on the specific right of the student to have written notification of the decision rendered at the hearing.
- K. Statement that a direct appeal by a student is recognized by the board.

XII. Student Property

- A. Statement on the general provisions of a search and seizure policy.
- B. Statement that the board and principal has the authority to search student lockers where there is reasonable cause.

- C. Statement that the school principal has the authority to search a student where there is reasonable cause.
- D. Statement that the board has the authority to seize and hold student property which constitutes a hazard to others.
- E. Statement that the police may interrogate students when the principal is present.

XIII. Weapons and Drugs

- A. Statement on the violation of local, state, and federal laws for possession or use of drugs or alcohol.
- B. Statement on the violation of local, state, and federal laws for possession of weapons or explosives.
- C. Statement of penalties and enforcement provisions for violations of rules related to drugs, weapons and explosives.
- D. Statement on the status of the student with school board authorities in relation to civil penalties.

XIV. Extracurricular Activities

- A. Statement on the need for and the development of clubs and activities.
- B. Statement on the criteria for creation of new clubs and their recognition by the school principal.
- C. Statement on the procedures for selecting and removing faculty sponsors.
- D. Statement on the relationship between out-of-school activities and those within the school.
- E. Statement on the specific application of school rules to extracurricular activities.
- F. Statement there are to be no secret societies or organizations.

XV. Corporal Punishment

- A. Statement that the school board prohibits the application of corporal punishment as a disciplinary procedure.

- B. Statement that the board permits corporal punishment in selected cases or under certain circumstances.

XVI. School Governance

- A. Statement on the basic role of student government.
- B. Statement on the specific procedures for student participation in decision making.
- C. Statement on the make-up of student advisory committees.
- D. Statement on the matter of student petitions.

XVII. Student Records

- A. Statement on the general need for student records.
- B. Statement on the specific types of information to be kept on permanent file.
- C. Statement on the specific personnel who have access to records.
- D. Statement on the specific procedures for release of information in records.
- E. Statement that the board complies with the Family Educational Privacy Act of 1974.
- F. Statement that student directories are permitted when they are used for educational purposes.
- G. Statement that records are maintained in accordance with the rules and regulations of the Virginia State Department of Education.

As each policy manual was examined to determine whether it contained a statement of policy dealing with the seventeen (17) categories related to student control listed in the Framework for Analysis, a scoring system was used to simplify the recording of data and to facilitate its subsequent tabular presentation in Chapter 4. A score of "one" (1) was given to a school board that included a given category or subcategory, while a score of "zero" (0) was given to a board that failed to include

that category or subcategory. The information thus coded on the summary analysis sheets for each school board was summarized on master sheets as necessary to provide for an organized arrangement of the content data.

Hypotheses Restated

The content analysis of Virginia School Board policy manuals in their treatment of student control policies as related to selected court cases is based on the following hypotheses:

1. The content of the student control policies found in Virginia school division policy manuals reflects the categories listed in the Framework for Analysis and is therefore complete for all school divisions.
2. The content of the student control policies found in Virginia school division policy manuals agrees with the principles of law found in selected federal court decisions, 1965 to 1979.
3. The number of student control policies found in Virginia school board manuals varies with the size and location of the school division.
4. The content of the student control policies found in Virginia school division policy manuals reflects the student control statutes found in Virginia School Laws, 1978 and the 1979 Supplement.

Content Analysis Procedures

Content analysis, the research method used in this study, has been defined in a number of ways:

. . . a research technique for the objective, systematic and quantitative description of the manifest content of communication.¹¹

. . . a systematic technique for analyzing message content and message handling . . . the analyst is concerned not with the message per se, but with the larger questions of the process and effects of communication.¹²

Carney agrees with the latter definition that a major concern of content analysis must relate to the drawing of inferences. He goes on to say that it is this characteristic that distinguishes content analysis from merely indexing the subject matter of inquiry. The basis of inference is the fact that, "content analysis always involves relating or comparing findings to some standard, norm or theory."¹³ This leads to a different definition:

Content analysis is any technique for making inferences by objectively and systematically identifying specified characteristics of messages.¹⁴

Others prefer to emphasize the coding aspects of content analysis procedures:

. . . Content analysis . . . involves the construction and application of coding schemes designed to translate verbal or other nonmathematical symbolic statements into overall indexes of what has been said or more generally portrayed.¹⁵

Content analysis, the method used to examine Virginia school division policy manuals, is assumed to be an appropriate procedure for the task. Nachmias and Nachmias address this point when they say:

Data analyzed from archival records and documents can be more systematically analyzed with the method of content analysis. One can analyze the content of diaries, newspaper articles, minutes of meetings, and the like. Content analysis is a method data analysis as well as a method of observation. Instead of observing people's

behavior directly, or asking them about it, the researcher takes the communications that people have produced and asks questions of the communications. The content of communication serves as the basis of inference.¹⁶

Researchers may examine communication content in order to test hypotheses about (1) characteristics of the text; (2) antecedents of the message; or (3) effects of the communication.¹⁷ Holsti points out that these three questions differ in the kinds of questions asked of the communication content, the scope of the material examined, and the design of the research.¹⁸

History and Development of Content Analysis

Although there is evidence of early studies which appear to use the techniques of content analysis, the techniques described here resulted in part from studies of newspapers by students in journalism schools. The Country Newspaper was the title of a major study in 1926 by Willey of the School of Journalism at Columbia University. The categories in such studies were subject matter oriented such as politics, crime, divorce, sports, labor, and others.¹⁹

In the late 1930's Lasswell's work in propaganda and public opinion introduced new problems, new procedures, and new categories into the field. At the same time Lazarsfeld was studying radio communication through content analysis for the Bureau of Applied Social Research at Columbia University.²⁰

The use of content analysis in World War II varied from the analysis of major newspapers to conduct a "World Attention Survey" to the Organization and Propaganda Analysis Section of the Special War Policies Unit, Department of Justice, which used content analysis methods in

investigating the propaganda output of suspected individuals or organizations. Also during the 1940's content analysis went commercial with a regular private subscription report analyzing editorial opinion expressed in a sample of the nation's newspapers.²¹

More research using content analysis was published in the 1950's (1950-1958) than during the whole first half of the twentieth century.²² The topics pursued then and into the 1960's and 1970's varied widely:

They include evidence introduced in court for criminal sedition trials (Lasswell, 1949); analysis of changing trends in popular religion (Schneider and Dornbusch, 1958); motivation reflected in suicide notes (Osgood and Walker, 1959); assessment of the salient issues of the 1960's (Funkhouser, 1973); the content of comic strips and fiction novels (Berelson and Salter, 1946, and Spiegleman et al., 1953); correlates of the concerns of 17th Century English Scientists (Merton, 1957); as well as many others.²³

Recently, the use of the electronic computer for content analysis has led to the development of a system known as the General Inquirer program, which greatly speeds up counting and tabulating, and enhances the reliability of the method.²⁴

Validity and Reliability of Content Analysis as a Research Method

The technical problems of validity, reliability, and sampling are to some extent the same with content analysis as with other social science research methods.

Validity - Berelson comments that validity is "no problem at all" in many studies using content analysis as the research method. For example, an analyst looks for the frequency of occurrence of references to "communism" and counts the number of references to the term and its synonyms. Berelson concludes that "assuming there is no doubt about the

synonyms, there is no doubt about the validity of the analysis." To state it another way, in those instances where there is strong agreement on the meanings of the relevant categories, it is not difficult to achieve validity in content analysis data.²⁵

Of course, when the definitions are not clear and the category is difficult to define (such as "emotionalism"), validity may not be so easily accomplished. Berelson sums up his feelings about the problem of validity by saying:

. . . in most cases validity does not seem to be a major problem in content analysis. Most of the time, careful definition of categories and judicious and alternative selection of indicators will take care of the matter.²⁶

Reliability - Every effort must be made to insure that content analysis be objective and consistent. The analyst's subjective nature must be minimized in an attempt to obtain an objective view of the content of a particular body of communication. Reliability in content analysis, according to Berelson, is a two-part problem:

. . . the analysis of communication content rests upon two (2) kinds of consistency: (1) consistency among analysts; that is, different coders should produce the same results when they apply the same set of categories to the same content; and (2) consistency through time; that is, a single coder or a group of coders should produce the same results when they apply the same set of categories to the same content but at different times.²⁷

Berelson further comments that few studies have reported on the reliability of the analysis procedures. Those which do revealed uniformly high reliability percentages. Other studies cited by Berelson concluded that the simpler the categories, the more detailed the coding rules, the more experienced the coders, and the fuller the illustrations (content itself), the higher the reliability.²⁸

The research method of content analysis used in this study has been summarized by North as follows:

First, the research question, theory, and hypotheses are formulated. The sample is then selected, and the categories are defined. Next the documents are read and coded, and the relevant content is condensed onto special data sheets. After coding, items placed in each category may be scaled, whereupon counts in frequency or intensity are made. Finally interpretations of the findings are made in light of the appropriate theory.²⁹

This description could almost qualify as the outline of the procedures used in the present study in determining the student control policy content of Virginia school board manuals. Additionally, some of the analysis seeking answers to the questions raised by the hypotheses was based on the following relationships suggested by Berelson:

1. Trend comparisons.³⁰ Using the Framework for Analysis categories, this study examined all of the policy manuals of Virginia school boards and compared them with selected court cases (1965-1979) on the subject of student control.

2. Intra-content comparisons.³¹ A rank-order examination of selected categories for each policy manual was undertaken on the basis of quantity or intensity of each item.

3. Comparison of different bodies of content.³² The content of one school board policy manual was compared to that in other manuals. Additionally, the boards of certain political subdivisions (e.g., county boards) were compared with other boards (e.g., city boards) to determine whether there were differences in bodies of content geographically and sociologically. The content of all board policies was compared to the

content of the Virginia Code, Virginia School Laws, 1978 with 1979 Supplement.

4. Comparison of content with a standard.³³ Where student control policies and legal principles are involved, there is no one standard. The 1976 position statement by The National Association of Secondary School Principals (NASSP) is the most comprehensive attempt at a standard.³⁴ Thus, the content of the policy manuals and the legal principles of selected court cases were compared with the categories of the NASSP statement. These categories are reflected in the Framework for Analysis.

What the researcher has used in the content analysis procedures described is not inconsistent with what other researchers have used in similar content analysis studies. Badders did a study of college policy handbooks in which an analysis reference instrument was used to guide his reading of the materials.³⁵ The analysis framework used in the present study was modeled after Badders' work. Bergum,³⁶ Clayton,³⁷ and Gower³⁸ also used similar methods to analyze materials comparable to the policy manuals examined in this study.

Analysis of Court Cases

The following sources and methods were used for identifying and analyzing court cases related to student control policies as outlined in the Framework for Analysis:

1. Legal encyclopedias, legal digests, school law textbooks, commentaries on legal relationships, law reviews, and legal periodicals

were among the publications studied as a background to the issues of student control addressed by the courts.

2. Corpus Juris Secundum, American Jurisprudence, and American Law Reports were examined to find concerns and court cases applicable to student control issues.

3. The American Digest System, particularly the Seventh Decennial Digest (1971) and the Eighth Decennial Digest (1976), was the primary source for identifying court cases and legal principles.

4. The National Reporter System was used to examine the details of the selected cases. Court cases selected for inclusion in the study met at least one of the following criteria:

- a) The central issue in the case was directly involved with a conflict between student and board in the area of conduct or student control.
- b) The central issue in the case concerned alleged violations or denial of the Federal Constitutional rights of students.
- c) The central issue in the case addressed one of the categories in the Framework for Analysis.³⁹

The court cases selected for the study were examined to determine the legal principles which could be identified as applicable to student control policies. A matrix for court case analysis was used to tabulate the cases, the date of the case, the Framework for Analysis category or sub-category, and the principles pertinent to student control. The following matrix⁴⁰ format was designed for the court case tabulation:

MAJOR CATEGORY
(e.g., Legal Principles for Court Cases
concerning Inquiry and Expression)

FFR Category	Year	Court Cases	Legal Principles

Examining the selected court cases helped to provide the legal principles for comparison with board policy analysis results. Cases selected were limited to years 1965 to 1979.

The analysis of board policies in relation to selected student control cases was based on the degree of agreement or lack of agreement of the principles in the cases with policy content. If most boards, had statements in agreement with the related legal principles, those boards were rated as consistent or highly consistent in reflecting recent student control court decisions. If the boards had few policies or none in agreement with the related legal principles, those boards were rated as partially consistent or not consistent in reflecting recent student control court decisions. A rating scale was developed to clarify the degree of agreement of policy content with legal principles: Not Consistent (or No Policy), 0 to 25 per cent of boards with the item; Partially Consistent, 26 to 50 per cent; Consistent, 51 to 75 per cent; Highly Consistent, 76 to 100 per cent; and No Applicable Court Case, NACC.

Summary

The purpose of the study was to develop a content analysis of statements concerning student control policies as contained in the official school board policy manuals of Virginia school divisions. A further purpose was to analyze the relationship of school board policy statements to the issues found in selected student control court cases for the years 1965 to 1979.

A Framework for Analysis was developed based on a model by Badders,⁴¹ using the issues outlined in the 1976 NASSP statement by Ackerly and Gluckman.⁴² Policy manuals from all the public school

boards in Virginia comprised the pool of data for analysis. A summary rating sheet was developed and completed for each board manual and was coded according to the absence or presence of a particular policy in relation to the Framework of Analysis categories and subcategories.

The selection of court cases was based on an examination of legal digests and related documents in light of the criteria of board-student conflicts and questions of Federal Constitutional rights. Selected cases were then analyzed to identify legal principles pertinent to the issues of student control. The resulting principles were then matched with board policies to determine the extent to which they agreed or did not agree with the official policies. The board policies were also compared with Virginia School Laws in order to determine their agreement with the Virginia Code.

The research method used in the study was content analysis. Olson defined content analysis in a way that has particular application to this study. He said that the method "involves the construction and application of coding schemes designed to translate verbal . . . statements into . . . indexes of which has been said or more generally portrayed."⁴³ Content analysis was first used extensively to examine the content of newspapers. In recent years content analysis procedures have been translated into data processing programs to enable the researcher to broaden the scope of his investigation as well as to increase the speed of the analysis itself.

The general analysis of the policy manuals is in Chapter 4. The relationship of selected court cases to the policy statements is also reported in Chapter 4.

Notes to Chapter 3

- ¹E. Edmund Reutter, Jr., The Courts and Student Conduct (Topeka, Kansas: The National Organization on Legal Problems of Education, 1975) p. 6.
- ²Epperson v. State of Arkansas, 393 U. S. 97, 89 S. Ct. 266, 270 (1968).
- ³Tinker v. Des Moines Independent Community School District, 393 U. S. 503, 89 S. Ct. 733, 736 (1969).
- ⁴Bernard Berelson, Content Analysis in Communication Research (Blengoe, Illinois: The Free Press, 1952) p. 18.
- ⁵Standards of Quality and Objectives for Public Schools in Virginia 1978-80.
- ⁶See Appendix B for a copy of the Framework for Analysis.
- ⁷See Appendix C for a copy of the letter of permission from Frederick T. Badders.
- ⁸Frederick Toliver Badders, "A Content Analysis of Statements Concerning Student Rights and Responsibilities Contained in Policy Manuals of Governing Boards of Public Higher Education" (Ph. D. dissertation, Florida State University, 1970), p. 40.
- ⁹Berelson, pp. 147-168.
- ¹⁰See Appendix B for a copy of the Framework for Analysis Summary Sheet.
- ¹¹Berelson, p. 18.
- ¹²Richard W. Budd, Robert K. Thorp, and Lewis Donohew, Content Analysis of Communication (New York: The MacMillan Company, 1967) pp. 2 and 4.
- ¹³T. F. Carney, Content Analysis (London: B. T. Batsford, Ltd., 1972) p. 5.
- ¹⁴Berelson, p. 14.
- ¹⁵Sheldon R. Olson, Ideas and Data: The Process and Practice of Social Research (Homewood, Illinois: The Dorsey Press, 1976) p. 159.
- ¹⁶David Nachmias and Chava Nachmias, Research Methods in the Social Sciences (New York: St. Martin's Press, 1976) p. 132.
- ¹⁷Ibid.
- ¹⁸Ole R. Holsti, "Content Analysis" cited in Nachmias and Nachmias, p. 132.
- ¹⁹Berelson, p. 22.
- ²⁰Berelson, pp. 22-23.
- ²¹Berelson, pp. 23-24.
- ²²Ole R. Holsti, Content Analysis for the Social Sciences and Humanities (Reading, Massachusetts: Addison-Wesley Publishing Company, 1969) p. 20.
- ²³Olson, pp. 159-160.
- ²⁴Philip J. Stone, et al., The General Inquirer: A Computer Approach to Content Analysis (Cambridge, Massachusetts: The M.I.T. Press, 1966).
- ²⁵Berelson, p. 169.
- ²⁶Ibid., p. 171.
- ²⁷Ibid., p. 172.
- ²⁸Ibid., pp. 172-174.

Notes to Chapter 3 - continued

²⁹Badders, p. 32, citing Robert C. North, et al., Content Analysis (Evanston, Illinois: Northwestern University Press, 1963), p. 38.

³⁰Berelson, p. 189.

³¹Ibid., p. 190.

³²Ibid.

³³Ibid., p. 35, 190.

³⁴Robert L. Ackerly and Ivan B. Gluckman, The Reasonable Exercise of Authority, II (Reston, Virginia: The National Association of Secondary School Principals, 1976), p. iii.

³⁵Badders, p. 32.

³⁶Bergum, p. 19.

³⁷Elwood Melville Clayton, "Analysis of Federal and State Court Cases Concerned with Student Rights, 1960-1971" (Ph. D. dissertation, University of Utah, 1972), p. 42.

³⁸Barney DeWayne Gower, "An Analysis of Selected School Board Policies and Procedures as They Affect Student Rights, Responsibilities and Conduct and the Legal Relationships That Exist Between and Among Students, Faculties, Administrators, and School Boards" (Ph. D. dissertation, Washington State University, 1972), p. 9.

³⁹After a study by William D. Bergum, "An Analysis of Students Rights Court Decisions: Implications for School Board Policy Making K-12" (Ph. D. dissertation, The University of Wisconsin, 1972), p. 21.

⁴⁰Ibid.

⁴¹Badders, p. 40.

⁴²Ackerly and Gluckman, p. iii.

⁴³Olson, p. 159.

CHAPTER 4

ANALYSIS OF RESULTS

In Chapter 3 a plan was outlined to use content analysis to examine the school board policy manuals of each Virginia school division to determine the extent of student control policies. The plan also included an examination of selected student conduct court cases to see how much they agree or disagree with the identified board policies. Also included in the plan was a study of the Code of Virginia as it applies to the public schools in relation to the identified policies.

A summary is given in this chapter of the data obtained from the school board policy manuals through content analysis. The relationship of Virginia school boards' student control policies to recent selected court cases and to the school laws of Virginia is also summarized.

General Information About Virginia School Boards and Their Policy Manuals

All Virginia School Divisions are listed in Appendix A. Basic data about the school divisions and the manuals themselves are outlined in tabular form. The population for the study was all school divisions in Virginia. The most recent annual report of the Superintendent of Public Instruction lists one hundred thirty-seven (137) divisions.¹ Of this number, since some school divisions are combined under one board, there were one hundred thirty-one (131) available and usable policy manuals.

One hundred three (103) of the boards, or 79 per cent, of the number examined, had manuals with the effective date of 1974. This was the date established under the Virginia Standards of Quality Program for divisions to have a system policy manual. Other manuals were dated earlier; some later. Eleven (11) of the boards, or 8 per cent, had manuals with dates earlier than 1974; seventeen (17) boards, or 13 per cent, had manuals with dates later than 1974.

Three (3) titles for the manuals occurred more frequently than others. Forty-nine (49) board manuals, or 37 per cent, were titled "Policy Manual." Thirty-three (33) manuals, or 25 per cent, were called "Policies and Regulations." Another 10 per cent of the manuals, or thirteen (13), had the title "Policies, Rules, and Regulations." Other titles are listed in Appendix A.

Most of the boards used one (1) volume to list all their policies. Eleven (11) per cent, or fourteen (14), of the boards used two (2) volumes. Two (2) boards used three (3) volumes for the policies.

Findings Related to Hypothesis Number One and Question Number One

Each document on file with the Virginia Department of Education was examined to determine whether it contained a statement of policy dealing with the one hundred fifteen (115) categories relative to student control which were listed in the Framework for Analysis. The data presented for each category serve as partial response to Hypothesis One and Question One:

Hypothesis One: The content of the student control policies found in Virginia School Division policy

manuals reflects the categories listed in the Framework for Analysis and is therefore complete for all school divisions.

Question One: What are the official, written, student control policies established by the school boards of each Virginia public school division?

The score of "one" (1) was given to a board that included a specific category while a score of "zero" (0) was given to a board that failed to include that category. Procedures for defining the categories and the scores for each are outlined in the sections to follow.

Section I: General Policies.

A summary of the scores for each of the one hundred thirty-one (131) policy manuals for Section I is presented in Table 4.1. A review of the scores reveals that four (4), or 3 per cent, of the manuals had policies on each of the items within this section while thirty-four (34), or 26 per cent, of the manuals failed to have a policy statement on any of the categories. Ninety-six (96), or 73 per cent, of the manuals list at least one policy item in this section. The mean score of items per board for the general policy section was 1.05 which is 35 per cent of the maximum possible score of 3.0.

Item IA. General: Statement that the school board authorizes individual schools to develop student control handbooks and enforce rules and regulations. This item was scored "one" (1) if within the policies there was either a direct statement or reference to the board authorizing an individual school to prepare a handbook of rules and

TABLE 4.1

SUMMARY OF SCORES FOR SECTION I

GENERAL POLICIES

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
I A. Board Handbook Authority	8	6
I B. General Philosophy	57	44
I C. Nondiscrimination	72	55
	TOTAL	137
	MEAN	1.05*

Boards With Statements on All Items	4	3
Boards With Statements on One or More Items	96	73
Boards With No Statement on Any Item	35	27
n = 131 boards		

* The number of items found per board for Section I. If each board had all items for this section, the mean score would be 3.00.

regulations for students. Eight (8), or 6 per cent, of the one hundred thirty-one policy manuals contained such a statement. If the statement merely noted that school authorities were to enforce student control board policies, the item was scored "zero" (0).

Item IB. General: Statement on the general philosophy and necessity for student rights and responsibilities. Fifty-seven (57), or 44 per cent, of the boards had either a direct statement of philosophy or preamble concerning the necessity for school board recognition of student rights and responsibilities.

Item IC. General: Statement on nondiscrimination of policies and procedures. Seventy-two (72), or 55 per cent, of the boards made a specific statement prohibiting discrimination as part of the student policies.

Section II: Inquiry and Expression.

The scores from Section II are summarized in Table 4.2. Only two (2) boards had policies on all of the categories; and five (5), or 4 per cent, failed to make any statement concerning inquiry and expression. One hundred twenty-six (126) of the boards, or 96 per cent, made one or more statements of policy about student inquiry and expression. The mean score of 2.25 is 28 per cent of the maximum possible score of 8.0.

Item IIA. Inquiry and Expression: Statement that the student has the general right to engage in nondisruptive inquiry and expression. This item was scored "one" (1) if there was a very general statement on the right of students to take part in nondisruptive inquiry and expression and if the statement did not include the specific statements

TABLE 4.2

SUMMARY OF SCORES FOR SECTION II
INQUIRY AND EXPRESSION

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
II A. General Nondisruptive Expression	41	31
II B. Classroom Expression	16	12
II C. Symbolic Expression	5	4
II D. Physical Expression	4	3
II E. Disruptive Expression	9	7
II F. Outside Speakers	38	29
II G. Use of Facilities	115	88
II H. Riots and Disturbances	67	51
TOTAL	295	
MEAN	2.25*	

Boards With Statements on All Items	2	1
Boards With Statements on One of More Items	126	96
Boards With No Statement on Any Item	5	4
n = 131 boards		

* Items per board for Section II. If each board had all items for this section, the mean score would be 8.00.

identified in IIB., IIC., and IID. Forty-one (41), or 31 per cent, of the manuals received a score of "one" (1) on this category.

Item IIB. Inquiry and Expression: Statement that student has the specific right to freedom of verbal inquiry and expression in the classroom. Only sixteen (16), or 12 per cent, of the policy manuals addressed this item.

Item IIC. Inquiry and Expression: Statement that student has specific right to symbolic expression using such items as armbands and buttons. This item was included since there have been United States Supreme Court First Amendment decisions related to this category. The scores reveal that only five (5), or 4 per cent, of the manuals speak specifically to this item.

Item IID. Inquiry and Expression: Statement that student has specific right to engage in nondisruptive physical inquiry and expression. An item received a score of "one" (1) if the manual contained a statement authorizing students to demonstrate by engaging in such activities as distributing printed matter, petitioning, picketing, striking, and/or assembling. Few manuals authorized such actions by students. Four (4) or 3 per cent, of the manuals met this criterion.

Item IIE. Inquiry and Expression: Statement that any disruptive action will not be accepted or tolerated. An item was rated "one" (1) if there was any statement prohibiting such actions as damaging property, rioting, occupying buildings, or inciting any other person to disruptive action. Only nine (9), or 7 per cent, of the manuals contained policies relative to this category.

Item IIF. Inquiry and Expression: Statement on the policies governing the invitation and use of outside speakers. This item was given a "one" (1) if the manual stated specific policies regarding the invitation and use of outside speakers. More than one-fourth, or 29 per cent, of the manuals were concerned with speaker policies. Thirty-eight (38) manuals met this criterion.

Item IIG. Inquiry and Expression: Statement on the general use of facilities by students. This item was rated "one" (1) if there was a specific policy on use of the building and grounds by students or the community. If the community was free to use the building under policy guidelines, it was assumed that student organizations had the same right. One hundred fifteen (115) of the one hundred thirty-one (131) manuals, or 88 per cent, contained a statement about this item.

Item IIH. Inquiry and Expression: Statement prohibiting riots and disturbances. This item was rated "one" (1) if there was a separate and specific statement prohibiting student riots or disturbances of the operation of the school. Sixty-seven (67), or 51 per cent, of the manuals had such a statement.

The category of inquiry and expression was fourth out of the top five categories in the number of boards with policies on the topic. Most boards had policies allowing students to use school buildings. Few boards had statements allowing physical or symbolic inquiry and expression.

Section III: Student Publications.

The scores in Table 4.3 reveal that eighty-seven (87), or 66 per cent, of the boards made one (1) or more statements concerning student

TABLE 4.3

SUMMARY OF SCORES FOR SECTION III

STUDENT PUBLICATIONS

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
III A. General Status	83	63
III B. Approval of Copy	49	37
III C. Purpose of Publications	53	40
III D. Selection of Editor	0	0
III E. Selection of Sponsor	5	4
III F. Finances	4	3
III G. Student Surveys	1	.7
III H. "Underground" Publications	28	21
III I. Access to Other Students	11	8
	<hr/>	
	TOTAL	234
	MEAN	1.79*
* * * * *		
Boards With Statements on All Items	0	0
Boards With Statements on One or More Items	87	66
Boards With No Statements on Any Item	44	34
n = 131 boards		

* Items per board for Section III. If each board had all items for this section, the mean score would be 9.00.

publications. Forty-four (44), or 34 per cent, of the boards had no statement at all about student publications. The mean score of 1.79 was only 20 per cent of the possible maximum score of 9.0 for this category.

Item IIIA. Student Publications: Statement on the general status of publications within the school division. This item was rated "one" (1) if there was a statement concerning student publications in the manual. Eighty-three (83), or 63 per cent, of the manuals had such a general status statement.

Item IIIB. Student Publications: Statement on specific policies and procedures for the approval of copy. Forty-nine (49), or 37 per cent, of the manuals received a rating of "one" (1) on this item. In some cases, the board stated that certain types of copy were restricted or that copy was subject to approval by the principal. In other instances, board policy indicated that student publications were free of policy restraints outside of normal rules for responsible journalism.

Item IIIC. Student Publications: Statement on the purpose of having school publications. If the manual contained a statement in reference to the purpose for having school publications or the purpose such publications would serve, the item was rated "one" (1). Fifty-three (53), or 40 per cent, of the manuals met this criterion.

Item IIID. Student Publications: Statement on the specific procedures for selecting and removing editors or other staff members. Obviously not a concern of boards as a policy matter, no manuals made any reference to this item.

Item IIIE. Student Publications: Statements on the specific procedure for selecting and removing sponsors. Since the sponsor often

determines the direction of student publications, this item was included in the study. Only five (5), or 4 per cent, of the manuals received a score of "one" (1) on this item.

Item IIIF. Student Publications: Statement on the specific policies for the financing of student publications. If the policy manual contained a statement that the board would assist with payment for school publications, this item was rated a "one" (1). One board referred to the availability of limited funds for student publications. Those manuals which did mention funding were limited to four (4), or 3 per cent, for this category.

Item IIIG. Student Publications: Statement on the specific policies concerning the use of questionnaires or surveys related to student publications. This item was rated "one" (1) if there was a statement in the manual concerning the use of and subsequent publication of a student survey or the circulation of a publication questionnaire. One (1) manual only, or .7 per cent, made mention of this item.

Item IIIH. Student Publications: Statement that the board does not sanction "underground" student publications. Twenty-eight (28), or 21 per cent, of the manuals had a statement concerning nonschool sponsored publications. In most cases, board policy dealt with time, place, and manner of distribution of such publications. Some boards included detailed provisions for nonschool sponsored publications.

Item III I. Student Publications: Statement on the rights of access of other students to student publications. If the policy manual contained a statement that nonstaff students should be permitted to write or comment and have their copy appear in the student publication,

a rating of "one" (1) was given to the policy. Eleven (11), or 8 per cent, of the manuals recognized this reflection of student interest.

Section IV. Personal Appearance

A form of expression, the personal appearance of students was of concern to one hundred ten (110), or 84 per cent, of the boards in Virginia. However, no board had a policy on each of the issues within this section. In fact, twenty-one (21) boards, or 16 per cent, failed to have any policy related to personal appearance. The mean score of 1.98 was 33 per cent of the maximum score possible of 6.0 for this category. Scores on this section are reported in Table 4.4.

Item IVA. Personal Appearance: Statement on the general status of dress codes in the school division. This item was rated "one" (1) if there was a broad statement of policy relative to dress codes or student appearance in general. Boards listed reasons for student dress codes as health and safety, cleanliness, modesty, and decency. Many dress codes were specific in listing numerous and detailed prohibited items or ways of wearing clothing. One hundred five (105), or 80 per cent, of the manuals had a general dress code statement.

Item IVB. Personal Appearance: Statement that specific dress code rights are limited by considerations of health and safety. If a policy manual made a statement or a clear reference to student health and safety factors in student appearance guidelines, it was rated "one" (1). Fifty-six (56), or 43 per cent, of the manuals contained such a reference to this item. The wearing of shoes was frequently mentioned as a health and safety issue.

TABLE 4.4

SUMMARY OF SCORES FOR SECTION IV
PERSONAL APPEARANCE

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
IV A. General Status of Dress Code	105	80
IV B. Health and Safety Limitations	56	43
IV C. Class Disruption Limitations	74	56
IV D. Acceptance of Nondisruptive Dress	14	11
IV E. Hair Restrictions	7	5
IV F. Dress Code for Social Events	4	3

	TOTAL	260
	MEAN	1.98*
* * * * *		
Boards With Statements on All Items	0	0
Boards With Statements on One or More Items	110	84
Boards With No Statement on Any Item	21	16
n = 131 boards		

* Items per board for Section IV. If each board had all items for this section, the mean score would be 6.00.

Item IVC. Personal Appearance: Statement that specific dress code rights are limited by possibilities of disruption of classroom activities. Almost everywhere the policy manuals addressed the dress code issue, the relationship of the dress code to class disruption was mentioned. A score of "one" (1) was given to the policy manual that was concerned about the disruption of class activity. Seventy-four (74), or 56 per cent, of the manuals met this requirement.

Item IVD. Personal Appearance: Statement that nondisruptive dress or grooming will generally be accepted. This item received a "one" (1) rating if the policy manual emphasized that the nondisruptive nature of dress or grooming is a characteristic of its acceptability. Only fourteen (14), or 11 per cent, of the manuals contained a reference to this item.

Item IVE. Personal Appearance: Statement by the board which restricts hair length or condition, especially for boys. Some boards said that hair should be clean and neat. Others restricted hair appearance only on the basis of two criteria: its potential for disruption of the educational program or for health and safety reasons in such classes as industrial arts, home economics, technical education classes, or physical education activities. Few boards had anything to say about hair, for only seven (7) manuals, or 5 per cent, contained this item.

Item IVF. Personal Appearance: Statement that dress codes are related to social events such as dances, banquets, and others. Only four (4), or 3 per cent, of the manuals made any reference to this type of specialized dress code.

Section V: Religion and Patriotism.

This section examined board policies on religious instruction, school prayer, flag salute, and patriotic activities. One hundred (100), or 76 per cent, of the one hundred thirty-one boards had one or more policies related to this category. Thirty-one (31), or 24 per cent, failed to have any policy about religion and patriotism. No board manual had policies covering all the items in this category. The mean score of 1.44 represented 21 per cent of the maximum possible score of 7.0, as reported in Table 4.5.

Item VA. Religion and Patriotism: Statement on the general status of local board feeling on religion and patriotism. If there was a broad statement on religion or patriotism or both, this item was rated "one" (1). Twenty-seven (27), or 21 per cent, of the boards had such a statement.

Item VB. Religion and Patriotism: Statement on school prayer restrictions. This item was rated "one" (1) if there was a statement by the board prohibiting the use of prayer in the classroom or in an opening exercise setting. Only four (4), or 3 per cent, of the boards met this criterion.

Item VC. Religion and Patriotism: Statement on Pledge of Allegiance. If the policy manual had a specific statement concerning the optional nature of student participation in the reciting of the Pledge of Allegiance, this item was scored "one" (1). Only three (3) boards, or 2 per cent, had a statement concerning this item.

TABLE 4.5

SUMMARY OF SCORES FOR SECTION V
RELIGION AND PATRIOTISM

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
V A. General Status	27	21
V B. School Prayer	4	3
V C. Pledge of Allegiance	3	2
V D. National Anthem	0	0
V E. School Prayer Substitute	24	18
V F. Flags	89	68
V G. Released Time	41	31

TOTAL	188	
MEAN	1.44*	
* * * * *		
Boards With Statement on All Items	0	0
Boards With Statements on One or More Items	100	76
Boards With No Statement on Any Item	31	24
n = 131 boards		

* Items per board for Section V. If each board had all items for this section, the mean score would be 7.00.

Item VD. Religion and Patriotism: Statement on use of the National Anthem in relation to school activities. No policy manuals contained a statement concerning this item.

Item VE. Religion and Patriotism: Statement on what board will permit to be used in the classroom in lieu of school prayer. If there was a statement in the policy manual listing such activities as a minute of silence, reading poetry or literature, or some other similar action, this item was scored with a "one" (1). Twenty-four (24), or 18 per cent, of the manuals had a statement of this type.

Item VF. Religion and Patriotism: Statement requiring the flying of the Virginia and United States flags. This item received a score of "one" (1) if the policy manual had a statement requiring schools to fly either the Virginia or United States flag, or both. A statement requiring the display of the United States flag was more prevalent in the manuals. Eighty-nine (89), or 68 per cent, of the boards had flag display requirements.

Item VG. Religion and Patriotism: Statement that there will be no released time for religious instruction. If there was a statement related to the issue of releasing students from classes during the school day for religious instruction, this item received a score of "one" (1). Forty-one (41), or 31 per cent of the manuals contained a statement on released time.

Section VI: Civil Rights.

This section reported in Table 4.6 reviewed certain civil rights of students which were reflected in the policy manuals. One hundred

TABLE 4.6

SUMMARY OF SCORES FOR SECTION VI

CIVIL RIGHTS

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
VI A. General Philosophy	31	24
VI B. Bill of Rights on 14th Amendment	47	36
VI C. Married Students	112	85
VI D. Pregnant Students	112	85
VI E. Title IX Regulations	61	47
	TOTAL	
	363	
	MEAN	2.77*
* * * * *		
Boards With Statements on All Items	7	5
Boards With Statements on One or More Items	128	98
Boards With no Statements on Any Item	3	2
n = 131 boards		

* Items per board for Section XI. If each board had all items for this section, the mean score would be 5.00.

twenty-eight (128) boards, or 98 per cent, had one or more statements about student civil rights. Only three (3) boards, or 2 per cent, failed to have a statement for this section. Seven (7) boards, or 5 per cent, had a score of "one" (1) for each item in this section. At 55 per cent of a maximum possible score of 5.0, this section had a mean score of 2.77 items.

Item VIA. Civil Rights: Statement on the general philosophy of the boards on student civil rights. This item was rated "one" (1) if the board policy manual made a statement about student civil rights or contained a general rights philosophy comment. Thirty-one (31), or 24 per cent, of the manuals contained this item.

Item VIB. Civil Rights: Statement in reference to the Bill of Rights and/or the Fourteenth Amendment. If the policy manual made reference to either the Bill of Rights or the Fourteenth Amendment, a score of "one" (1) was given to this item. Forty-seven (47), or 36 per cent, of the manuals made reference to this item.

Item VIC. Civil Rights: Statement on the specific policies regarding the attendance of married students. This item was rated "one" (1) if there were specific policy statements concerning the attendance of married students. Most boards required the married student to continue to attend school and to notify some official of the school of any marriage while attending. One hundred twelve (112), or 85 per cent, of the boards addressed this item.

Item VID. Civil Rights: Statement on the specific policies regarding the attendance of pregnant students, married or unmarried. If the board manual contained any statement concerning the attendance of

pregnant students, a score of "one" (1) was noted. Board policy ranged from immediate withdrawal to encouragement for pregnant students to continue their school work. One hundred twelve (112), or 85 per cent, of the boards had a pregnant student policy.

Item VIE. Civil Rights: Statement on the specific policies regarding the implementation of Title IX regulations. If the board manual had a statement outlining the implementation of Title IX regulations, a rating of "one" (1) was given to this item. Sixty-one (61), or 47 per cent, of the manuals had such statements.

Section VII: Code of Behavior: General Policies and Procedures.

One hundred thirty-one (131), or 100 per cent, of the boards had some policy statement on at least one of the items within this section. No other major category in the Framework for Analysis had as high a percentage of applicable statements. The scores for Section VII are reported in Table 4.7. The boards achieved 41 per cent of the maximum possible score of 9.0 with a mean score of 3.81.

Item VIIA. Code of Behavior: Statement on the general need for a code of conduct. A board policy statement received a score of "one" (1) if the board noted any reason for having a code of conduct for students. Some boards stated that Virginia law empowers the board to make rules for school operation and to regulate student conduct. Other boards said that codes of conduct were necessary to ensure the proper learning atmosphere in the schools. A score of "zero" (0) for this item was given if the manual listed only specific areas covered by other categories or if it did not establish a general need for a conduct code. Fifty-four (54), or 41 per cent, of the manuals included this item.

TABLE 4.7

SUMMARY OF SCORES FOR SECTION VII

CODE OF BEHAVIOR: GENERAL POLICIES AND PROCEDURES

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
VII A. Need for Conduct Code	54	41
VII B. Development of Code	14	11
VII C. Dissemination of Code	9	7
VII D. Responsibility for Code	33	25
VII E. Types of Punishments	36	27
VII F. Application of Code	5	4
VII G. Detention Policies	97	74
VII H. Suspension Policies	127	97
VII I. Expulsion Policies	124	95
	TOTAL	
	499	
	MEAN	3.81*
* * * * *		
Boards With Statements on All Items	3	2
Boards With Statements on One or More Items	131	100
Boards With No Statement on Any Item	0	0
n = 131 boards		

* Items per board for Section VII. If each board had all items for this section, the mean score would be 9.00.

Item VIIB. Code of Behavior: Statement on the specific procedure for development of the code of conduct. If the board included a statement outlining how and by whom a code should be developed, this item received a score of "one" (1). In some cases, student opinion was requested by the board. Fourteen (14), or 11 per cent, of the manuals contained statements on this item.

Item VIIC. Code of Behavior: Statement on the publication and distribution of the code. A score of "one" (1) was given for this item if the board required the code to be published and distributed generally. Only nine (9), or 7 per cent, of the manuals referred to such a policy.

Item VIID. Code of Behavior: Statement on the jurisdiction or enforcement responsibility for the code. This item received a score of "one" (1) if there was a board statement that one or more persons or groups had the responsibility for enforcing any aspect of the code. The principal was mentioned often. In some cases the faculty was included. Thirty-three (33), or 25 per cent, of the boards addressed this issue.

Item VIIE. Code of Behavior: Statement on the sanctions or types of punishments imposed for violation of the code. Thirty-six (36), or 27 per cent, of the boards listed sanctions and punishments for code violations. These sanctions were generally listed as a part of the code of conduct statement. Independently listed punishments, in the absence of a relatively comprehensive code, were scored "zero" (0) for this item.

Item VIIF. Code of Behavior: Statement that code applies to all students and all receive a copy in writing. Of the boards expressing an interest in or having a code of conduct, only five (5), or 4 per cent,

had policies applying the code to all students and providing them with written copies.

Item VIIG. Code of Behavior: Statement of detention policies and procedures. Ninety-seven (97), or 74 per cent, of the boards had policy statements authorizing the detention of students. Detention generally means keeping students after school for disciplinary reasons and serves as a mild form of punishment.

Item VIIH. Code of Behavior: Statement of suspension policies and procedures. More boards had statements concerning suspension policies than they did for any other subcategory in the Framework for Analysis. Suspension policies covered such areas as authority to suspend, reasons for suspension, length of suspension, due process requirements, and appeal and review. Not all boards treated all of these specific instances. Most boards, however, treated some of them. One hundred twenty-seven (127), or 97 per cent, of the one hundred thirty-one manuals contained policy statements on student suspension.

Item VII I. Code of Behavior: Statement of expulsion policies and procedures. While suspension is the temporary exclusion from school grounds, expulsion is more drastic in that the student is removed from the official school rolls. Such action can be taken only by the board on the recommendation of the Superintendent. The second highest percentage of policy manual content is represented by this item. One hundred twenty-four (124), or 95 per cent, of the boards listed expulsion as a student control policy.

Section VIII: Code of Behavior Standards: Values.

This is the first of three sections relating to standards of behavior and specific prohibitions as noted in policy statements by the boards. The sections are presented on the following pages in this order: (a) values oriented, Table 4.8, (b) health and safety oriented, Table 4.9, and (c) administrative oriented, Table 4.10. Not all of these items were on the initial Framework for Analysis draft. As the board manuals were examined, student conduct issues were added to the Framework for Analysis Rating Sheet. The groupings are for convenience since an item could have been placed in a grouping other than the one in which it was included. A score of "one" (1) was given for any reference to the listed item. As these sections are reviewed and summarized, the items which are relatively clear in definition will not be discussed. Where elaboration is necessary, more comment is made.

Section VIII reveals that a high percentage of the boards in Virginia are concerned about policies related to behavior values. One hundred twenty-six (126), or 96 per cent, of the manuals contained one or more statements on this topic. Only five (5) or 4 per cent, of the boards failed to have any policy related to this section. The mean score of 4.09 for Section VIII is 34 per cent of the maximum possible score of 12.0 for this category.

Item VIIIA. Code of Behavior Standards: Dishonesty-Cheating. Eighteen (18), or 14 per cent, of the manuals mentioned this item, particularly as it relates to cheating on tests, plagiarism, or other classroom dishonesty.

TABLE 4.8

SUMMARY OF SCORES FOR SECTION VIII
CODE OF BEHAVIOR STANDARDS: VALUES

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
VIII A. Cheating	18	14
VIII B. Forgery	19	15
VIII C. Theft	26	20
VIII D. Gambling	13	10
VIII E. Immoral Behavior or Literature	67	51
VIII F. Lying	7	5
VIII G. Vandalism	119	91
VIII H. Defiance of Authority	61	47
VIII I. Verbal Abuse	16	12
VIII J. Leaving School Grounds	111	85
VIII K. Extortion	8	6
VIII L. Truancy	71	54
TOTAL	536	
MEAN	4.09*	
* * * * *		
Boards With Statements on All Items	0	0
Boards With Statements on One or More Items	126	96
Boards With No Statement on Any Item	5	4

TABLE 4.8 - continued

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
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n = 131 boards

* Items per board for Section VIII. If each board had all items for this section, the mean score would be 12.00.

Item VIIIB. Code of Behavior Standards: Fraud of records-forgery. Nineteen (19), or 15 per cent, of the manuals contained policies related to this item.

Item VIIIC. Code of Behavior Standards: Theft. Twenty-six (26), 20 per cent, of the boards specifically referred to theft in policy statements.

Item VI IID. Code of Behavior Standards: Gambling. Only thirteen (13), or 10 per cent, of the boards had policies against gambling.

Item VIIIE. Code of Behavior Standards: Immoral, indecent, or obscene conduct, including the possession of drawings or literature. Sixty-seven (67), or 51 per cent, of the boards had policies related to this item.

Item VIIIF. Code of Behavior Standards: Lying. Only seven (7), or 5 per cent, of the boards even mentioned this item.

Item VIIIG. Code of Behavior Standards: Vandalism. This item represents the third highest percentage of policy content as revealed by the Framework for Analysis. One hundred nineteen (119), or 91 per cent, of the boards had policies prohibiting the malicious and willful damage to or destruction of public property. Most of the policy statements also outlined the methods to be used to recover costs from the parents of the students involved.

Item VIIIH. Code of Behavior Standards: Disobedience or defiance of authority. A score of "one" (1) was recorded if a board statement mentioned either of these terms. Sixty-one (61), or 47 per cent, of the boards included this item in their policy manuals.

Item VIII I. Code of Behavior Standards: Verbal abuse. This item was given a score of "one" (1) if the board stated that students were not to verbally abuse teachers; nor teachers, students. Sixteen (16) boards, or 12 per cent, specifically referred to verbal abuse prohibition.

Item VIIIJ. Code of Behavior Standards: Leaving school grounds without permission. Obviously a concern of most boards, one hundred eleven (111), or 85 per cent, had statements relating to control policies for this item.

Item VIIIK. Code of Behavior Standards: Extortion of money or property. If a board had a statement prohibiting the taking of money or property from a student through intimidation or threats, this item was given a score of "one" (1). Eight (8) boards, or 6 per cent, included the item.

Item VIIL. Code of Behavior Standards: Truancy and skipping class. Seventy-one (71), or 54 per cent, of the boards prohibited either or both infractions.

Section IX: Code of Behavior Standards: Health and Safety.

This section revealed the second highest percentage of boards having policy statements related to one or more of the items in the section. One hundred thirty (130), or 99 per cent, of the manuals examined had at least one health and safety policy statement. Only one board failed to have any items in this section. Three (3), or 2 per cent, of the boards had statements for each of the items in the section. The mean score of 6.40 represents 58 per cent of a possible maximum score of

TABLE 4.9

SUMMARY OF SCORES FOR SECTION IX

CODE OF BEHAVIOR STANDARDS: HEALTH AND SAFETY

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
IX A. Alcohol	76	58
IX B. Drugs	119	91
IX C. Weapons and Explosives	79	60
IX D. Vehicles	84	64
IX E. Smoking	111	85
IX F. Fighting	39	30
IX G. Danger to Others	48	37
IX H. Safety	119	91
IX I. Hazing	24	18
IX J. Bus Conduct	111	85
IX K. Arson	28	21
	<hr/>	
	TOTAL	838
	MEAN	6.40*

Boards With Statements on All Items	3	2
Boards With Statements on One or More Items	130	99.3
Boards With No Statements on Any Item	1	.7

TABLE 4.9 - continued

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
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n = 131 boards

* Items per board for Section IX. If each board had all items for this section, the mean score would be 11.00.

11.0. It is also the highest mean score for any major category in the summary of the Framework for Analysis data.

Item IXA. Code of Behavior Standards: Alcohol. Seventy-six (76), or 58 per cent of the boards prohibited the use or possession of alcohol at school or at school activities.

Item IXB. Code of Behavior Standards: Drugs. If the board had a statement prohibiting the use of illegal drugs or a detailed program for control of drug use in the schools, a score of "one" (1) was marked on the summary sheet. One hundred nineteen (119), or 91 per cent, had such statements, one of the highest ratings for any item in the study.

Item IXC. Code of Behavior Standards: Weapons and explosives. Seventy-nine (79), or 60 per cent, of the boards prohibited such items at school.

Item IXD. Code of Behavior Standards: Traffic, motor vehicles. Eighty-four (84), or 64 per cent, of the boards had statements referring to student use of motor vehicles in relation to the school.

Item IXE. Code of Behavior Standards: Smoking regulations. One hundred eleven (111), or 85 per cent, of the boards prohibited smoking inside a school building, but did, in some cases, permit tobacco smoking in a designated outside area.

Item IXF. Code of Behavior Standards: Fighting and/or assault. Thirty-nine (39) boards, or 30 per cent, specifically prohibited fighting on school property.

Item IXG. Code of Behavior Standards: Conduct which constitutes physical danger to others. Forty-eight (48), or 37 per cent, of the

manuals refer to this item, even though it is somewhat vague without definition.

Item IXH. Code of Behavior Standards: General Safety regulations.

This item referred generally to fire safety, lighting, evacuation plans, and hazardous situations. One hundred nineteen (119), or 91 per cent, of the board manuals had statements on safety issues.

Item IXI. Code of Behavior Standards: Hazing. Only twenty-four

(24), or 18 per cent, of the board manuals refer to a policy on hazing.

Item IXJ. Code of Behavior Standards: Bus Conduct. If there was

a statement about bus conduct in general or a list of specific rules, a "one" (1) was given for this item. One hundred eleven (111), or 85 per cent, of the manuals included this item.

Item IXK. Code of Behavior Standards: Arson. A score of

"one" (1) was given to the board which had a policy against arson not related to threats to burn the buildings. Twenty-eight (28), or 21 per cent, of the boards included a policy on this item.

Section X: Code of Conduct Standards: Administrative Oriented.

Table 4.10 reveals that one hundred twenty-four (124), or 95 per cent, of the boards made one or more statements related to administrative concerns. Seven (7) boards, or 5 per cent, failed to have any statement on this section. Six boards had policy statements for each item listed. The mean score of 3.23 is 54 per cent of the maximum possible score of 6.0 for this section.

Item XA. Code of Conduct Standards: Unauthorized occupancy of any part of a school building. This item refers primarily to the

TABLE 4.10

SUMMARY OF SCORES FOR SECTION X

CODE OF BEHAVIOR STANDARDS: ADMINISTRATIVE ORIENTED

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
X A. Unauthorized Occupancy	33	25
X B. Willful Destruction	68	52
X C. Trespassing	69	53
X D. Threatening Actions	48	37
X E. Noncompliance With Authorities	100	76
X F. Violation of Laws	105	80
	<hr/>	
	TOTAL	423
	MEAN	3.23*
* * * * *		
Boards With Statements On All Items	6	5
Boards With Statements On One or More Items	124	95
Boards With No Statements On Any Item	7	5
n = 131 boards		

* Items per board for Section X. If each board had all items for this section, the mean score would be 6.00.

"sit-in" type of occupancy of a public building. Thirty-three (33), or 25 per cent, of the manuals made reference to this item.

Item XB. Code of Behavior Standards: Willful disruption of class activities. If the board policy contained a statement concerning student demonstrations, refusal to attend classes, or deliberate attempts by students to disturb the operation of the school, a score of "one" (1) was recorded on the summary sheet. Sixty-eight (68) boards, or 52 per cent, had an applicable statement.

Item XC. Code of Conduct Standards: Trespassing. This item was given a score of "one" (1) if the board manual contained a statement prohibiting trespassing on school grounds. Sixty-nine (69), or 53 per cent, of the boards had such provisions in their policy manuals.

Item XD. Code of Behavior Standards: Threatening to bomb, burn, or otherwise destroy a building or portion thereof. Forty-eight (48), or 37 per cent, of the boards made provisions for such threats.

Item XE. Code of Behavior Standards: Noncompliance with school rules. If there was a policy statement regarding disciplinary action for not following the rules of the board, a score of "one" (1) was given to this item. One hundred (100), or 76 per cent, of the boards had statements encouraging the orderly following of school rules and regulations.

Item XF. Code of Conduct Standards: Violation of local, state, and federal laws. One hundred five (105), or 80 per cent, of the boards had statements related to the violation of one or more of these laws.

Section XI: Code of Behavior: Specific Aspects of Due Process.

The board summaries for this section are reported in Table 4.11. A study of this table shows that one hundred twenty-one (121), or 92 per cent, made policy statements about due process. Ten (10) boards, or 8 per cent, failed to have any reference to due process. On the other hand, six (6) boards had policy statements in all categories of this section. The mean score of 4.37 reveals that the school boards reached 40 per cent of the maximum possible score of 11.0 on this section.

Item XIA. Due Process: Statement on the need for and the general provisions of due process. This item was given a score of "one" (1) if the board made a statement that spoke of the necessity for due process in working with students. In some cases, boards referred to the need for due process but listed none of the specific aspects of due process noted in other items in this section. Seventy-two (72), or 55 per cent, of the boards had general statements about due process.

Item XIB. Due Process: Statement on the need for and procedures of informing suspected student of charges. One of the key elements of appropriate due process procedures for students is that the student be informed of the nature of the charges against him and the manner in which he can defend himself. This item was scored "one" (1) if a board specifically stated that a student would be informed of charges against him. Sixty-three (63), or 48 per cent, of the boards had such statements.

Item XIC. Due Process: Statement on the rights of parents of students to be informed of charges and rights to a hearing. Since most public school students are minors, it is important that their parents be kept informed. One hundred fourteen (114), or 87 per cent, of the

TABLE 4.11

SUMMARY OF SCORES FOR SECTION XI
 SPECIFIC ASPECTS OF DUE PROCESS

Items	Number of Boards With Policy Items	Per Cent of Boards With Policy Items
XI A. General Provisions	72	55
XI B. Informing of Charges	63	48
XI C. Right to a Hearing	114	87
XI D. Witnesses and Accusers	25	19
XI E. Advisor or Counsel	40	31
XI F. Format of Hearing	36	27
XI G. Record of Hearing	33	25
XI H. Appeal Procedures	67	51
XI I. Status Pending Action	59	45
XI J. Written Decision	34	26
XI K. Appeal by Student	29	22

TOTAL 572

MEAN 4.37*

Boards With Statements on All Items	6	5
Boards With Statements on One or More Items	121	92
Boards With No Statements on Any Item	10	8

TABLE 4.11 - continued

Items	Number of Boards With Policy Items	Per Cent of Boards With Policy Items
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n = 131 boards

* Items per board for Section XI. If each board had all items for this section, the mean score would be 11.00.

boards had policies providing for parental notification of charges and the right to a hearing.

Item XID. Due Process: Statement on the rights of students to have witnesses and to face accusers. Another important aspect of due process is the students' rights to face their accusers and to bring in witnesses to refute the accuser's charges. Only twenty-five (25), or 19 per cent, of the boards had specific references to either of these rights.

Item XIE. Due Process: Statement on the right of the student to have an advisor or legal counsel. A score of "one" (1) was awarded to any board policy statement which gave the student the right to an advisor before and/or during the hearing. Forty (40), or 31 per cent, of the boards had policies authorizing an advisor for the student and his parents.

Item XIF. Due Process: Statement on the format or procedures of the hearing itself. If format or procedure was listed in some detail, this item scored "one" (1). A reference just to a hearing was scored "one" (1). Thirty-six (36), or 27 per cent, of the boards had at least the outline of a due process hearing.

Item XIG. Due Process: Statement on the record of the hearing. Thirty-three (33) boards, or 25 per cent, had policies requiring records to be kept and maintained.

Item XIH. Due Process: Statement on the appeal or review procedures. Where board manuals gave attention to due process for students, the appeal route was usually from the principal to the superintendent. The next appeal step within the school division was to the school board.

Sixty-seven (67), or 51 per cent, of the boards provided for appeal procedures.

Item XII. Due Process: Statement on the status of the student pending final action. Fifty-nine (59), or 45 per cent, of the policy manuals had statements on the status of the student during the appeal process. In some instances, the student was able to continue to attend classes and engage in all school activities. Fifty-nine (59), or 45 per cent, of the boards had policy statements on this item.

Item XIJ. Due Process: Statement on the specific right of the student to have written notification of the decision rendered at the hearing. If the board stated that the student or the parent would receive written notification of the decision within a reasonable time after the hearing, this item was given a score of "one" (1). Thirty-four (34), or 26 per cent, of the boards required written notification of appeal decisions.

Item XIK. Due Process: Statement that an appeal by a student is recognized by the board. Some boards had elaborate "grievance procedures" for students while others merely mentioned that students had the right to bring appeals to the school board. Only twenty-nine (29), or 22 per cent, of the boards had statements recognizing student appeals.

Section XII; Student Property.

A summary of scores for search and seizure policies is presented in Table 4.12. Students have rights under the Fourth and Fourteenth Amendments to the United States Constitution to be protected from unreasonable search of their person and property and the subsequent seizure of their property. These rights often conflict with the school's

TABLE 4.12

SUMMARY OF SCORES FOR SECTION XII
STUDENT PROPERTY

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
XII A. General Policies	106	81
XII B. Search of Lockers	105	80
XII C. Search of Students	10	8
XII D. Property Seizure	31	24
XII E. Interrogation of Students	93	71
	TOTAL	345
	MEAN	2.63*

Boards With Statements on All Items	5	4
Boards With Statements on One or More Items	114	87
Boards With No Statement on Any Item	17	13
n = 131 boards		

* Items per board for Section XII. If each board had all items for this section, the mean score would be 5.00.

obligation to have a safe and disciplined atmosphere for learning. This section will look at some of these points of conflict in light of what individual boards are saying. One hundred fourteen (114), or 87 per cent, of the boards made one or more statements related to student property procedures. Seventeen (17), or 13 per cent, of the boards, failed to make any statement on this item. Five (5) boards, however, had policies in all the categories of this section. The mean score for this section is 2.63, or 53 per cent, of the maximum score of 5.0.

Item XIIA. Student Property: Statement on the general provisions of search and seizure policies. If the board made a broad statement about search and seizure policies, or if a policy was outlined, this item received a score of "one" (1). One hundred six (106), or 81 per cent, of the boards included policy statements of this type.

Item XIIB. Search and Seizure: Statement that the board has the authority to search student lockers where there is reasonable cause. The key words are "reasonable cause." Principals, using reasonable cause as the basis, may search individual lockers. Most policies advised the principal to notify the student and preferably have him present at the locker. This did not preclude the principal from searching the locker alone in cases of serious threats to the well-being of students and staff. One hundred five (105), or 80 per cent, of the boards had policy statements on this item.

Item XIIC. Search and Seizure: Statement that the school principal has the authority to search a student where there is reasonable cause. This item represents a sensitive area in student control policies. The

few boards that did have specific statements authorizing the searching of a student advised the school official to do it in serious cases and with witnesses present. Only ten (10) boards, or 8 per cent, had policy statements related to this item.

Item XIID. Search and Seizure: Statement that the board has the authority to seize and hold student property which constitutes a hazard to others. Thirty-one (31), or 24 per cent, of the boards received a score of "one" (1) on this item. Most boards qualified the seizure of student personal property to include those items which were illegal, highly dangerous, or stolen.

Item XIIE. Search and Seizure: Statement that the police may interrogate students when the principal is present. In most cases, the policies required the school to call the parents of the student for permission for interrogation. Should the parents not be available or be able to come to the school, the principal or his designee remained in the room where the interrogation was taking place to protect the rights of the student. Ninety-three (93), or 71 per cent, of the boards had statements covering this policy.

Section XIII: Weapons and Drugs.

Many school boards had separate policy statements on the issues of weapons at school and the use, distribution, and possession of drugs at school. The scores for Section XIII are listed in Table 4.13. One hundred eleven (111), or 83 per cent, of the boards had one or more of the policies listed for this section. In fact, twenty-eight (28) boards, or 21 per cent, scored "one" (1) on all the listed statements.

TABLE 4.13

SUMMARY OF SCORES FOR SECTION XIII

WEAPONS AND DRUGS

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
XIII A. Drugs or Alcohol Violations	103	79
XIII B. Weapons or Explosives Violations	43	33
XIII C. Enforcement Provisions	98	75
XIII D. Civil Penalties	69	53
	TOTAL	313
	MEAN	2.39*
* * * * *		
Boards With Statements on All Items	28	21
Boards With Statements on One or More Items	111	85
Boards With No Statement on Any Item	20	15
n = 131 boards		

* Items per board for Section XIII. If each board had all items for this section, the mean score would be 4.00.

Twenty (20), or 15 per cent, of the boards failed to have any of the policies noted in this section. The mean score of 2.39 is 60 per cent of the maximum possible score of 4.0.

Item XIII A. Weapons and Drugs: Statement on violation of local, state, and federal laws for possession or use of drugs or alcohol. If there was a statement by the board that appropriate law enforcement officials would be notified for student possession or use of drugs or alcohol, this item was given a score of "one" (1). One hundred three (103), or 79 per cent, of the boards had the policy noted.

Item XIII B. Weapons and Drugs: Statement on violation of local, state, and federal laws for possession of weapons or explosives. Forty-three (43), or 33 per cent, of the boards had policy statements related to weapons and explosives.

Item XIII C. Weapons and Drugs: Statement of penalties and enforcement provisions for violations of rules related to drugs, weapons, and explosives. Most boards had policies which provided for the simultaneous suspension of the student and referral of the matter to law enforcement agencies. Ninety-eight (98), or 75 per cent, of the boards had statements outlining the penalties related to this item.

Item XIII D. Weapons and Drugs: Statement on the status of the student with school board authorities in relation to civil penalties. Most boards having a policy for this item indicated that civil constraints were distinct and separate from the actions of the school board. Sixty-nine (69), or 53 per cent, of the boards included this item.

Section XIV: Extracurricular Activities.

Clubs and activities provide opportunities for students to develop leadership and social skills in a school-related atmosphere. Most boards require approval of the activities by the principal and often by the board itself. Restrictive club membership policies are prohibited by most boards. One hundred twenty-one (121), or 92 per cent, of the boards had policies related to one or more of the items in this section. Scores for the section are listed in Table 4.14. Six (6) boards, or 5 per cent, had policy statements related to all the items in the section. Ten (10) boards, or 8 per cent, failed to score on any of the items. The mean score of 2.58 represents 43 per cent of the maximum possible score of 6.0 for this section.

Item XIVA. Extracurricular Activities: Statement on the need for and the development of clubs and activities. If the board policy manual contained a general statement regarding extracurricular activities and the need for them, this item was given a score of "one" (1). One hundred thirteen (113), or 86 per cent, of the boards had such statements.

Item XIVB. Extracurricular Activities: Statement on the criteria for the creation of new clubs and their recognition by the school principal. This item was scored "one" (1) if the board spelled out the way a new club could be formed and the procedure for gaining administrative approval of the club. Eighty-nine (89), or 68 per cent, of the boards made provisions in their policies for new clubs to be created.

Item XIVC. Extracurricular Activities: Statement on the procedures for selecting and removing faculty sponsors. Most boards required the supervision of a faculty sponsor for a club or activity. Few boards

TABLE 4.14
SUMMARY OF SCORES FOR SECTION XIV
EXTRACURRICULAR ACTIVITIES

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
XIV A. Need for School Clubs	113	86
XIV B. Creation of Clubs	89	68
XIV C. Faculty Sponsors	14	11
XIV D. Out-of-School Activities	19	15
XIV E. Rules and Activities	27	21
XIV F. Secret Organizations	76	58
TOTAL	338	
MEAN	2.58*	
* * * * *		
Boards With Statements on All Items	6	5
Boards With Statements on One or More Items	121	92
Boards With No Statement on Any Item	10	8
n = 131 boards		

* Items per board for Section XIV. If each board had all items for this section, the mean score would be 6.00.

had policies either for selecting or removing club sponsors. Only fourteen (14) boards, or 11 per cent, specifically discussed this item in the manuals.

Item XIVD. Extracurricular Activities: Statement on the relationship between out-of-school activities and those within the school. Nineteen (19), or 15 per cent, of the boards had policies related to non-school clubs of which students may be members or in which they may be active. High school fraternities and sororities were often used as examples of such non-school groups.

Item XIVE. Extracurricular Activities: Statement on the specific application of school rules to extracurricular activities. If a board stated that students are generally subject to the school code of behavior when they participate in clubs and activities, this item was given a score of "one" (1). Twenty-seven (27), or 21 per cent, of the boards had policies applying school rules to extracurricular activities.

Item XIVF. Extracurricular Activities: Statement there are to be no secret societies or organizations. If a board made a specific statement that secret organizations were prohibited, this item received a score of "one" (1). Seventy-six (76), or 58 per cent, of the boards had such statements.

Section XV: Corporal Punishment.

Corporal punishment, or "spanking," is permitted by Virginia law. Whether a local board had a policy prohibiting the use of corporal punishment or permitting its use is the emphasis of this section. A review of the scores in Table 4.15 shows that one hundred seventeen (117), or 89 per cent, of the boards had a policy related to corporal punishment.

TABLE 4.15

SUMMARY OF SCORES FOR SECTION XV

CORPORAL PUNISHMENT

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
XV A. Board Prohibits Corporal Punishment	4	3
XV B. Board Permits Corporal Punishment	113	86
	TOTAL	117
	MEAN	0.84*
* * * * *		
Boards With Statements on All Items	0	0
Boards With Statements on One or More Items	117	89
Boards With No Statement on Any Item	14	11
n = 131 boards		

* Items per board in Section XV. If each board had all items, the mean score would be 2.00.

Fourteen (14), or 11 per cent, of the boards failed to have policies on this section. The mean score of 0.84 is 42 per cent of the maximum possible score of 2.0 for this section.

Item XVA. Corporal Punishment: Statement that the school board prohibits the application of corporal punishment as a disciplinary procedure. Although corporal punishment is clearly legal in Virginia, four (4), or 3 per cent, of the boards had specific policies prohibiting the use of corporal punishment.

Item XVB. Corporal Punishment: Statement that the board permits corporal punishment in selected cases or under certain circumstances. Corporal punishment, administered in good faith and not excessive, is permitted under Virginia school law. Most boards recommend that a witness be present and that parents be notified prior to the punishment. Boards generally recommend corporal punishment as a "last resort" alternative after other disciplinary measures have been taken. One hundred thirteen (113), or 86 per cent, of the boards had policies permitting corporal punishment under reasonable guidelines.

Section XVI: Student Participation in School Governance.

Student government provides an organized way for students to participate in decisions affecting their lives in the school. Table 4.16 reveals that few boards had policies related to student governance. Only twenty-four (24) boards, or 18 per cent, had one or more policy statements as listed in this section. One hundred seven (107), or 82 per cent, failed to score on any of the statements listed. The scores for this section represent the lowest category for the entire Framework for

TABLE 4.16

SUMMARY OF SCORES FOR SECTION XVI
STUDENT PARTICIPATION IN SCHOOL GOVERNANCE

Items	Number of Boards With Policy Item	Per Cent of Boards With Policy Item
XVI A. Role of Student Government	21	16
XVI B. Student Participation in Decisions	17	13
XVI C. Student Advisory Committee	3	2
XVI D. Student Petitions	1	.8
TOTAL	42	
MEAN	0.32*	
* * * * *		
Boards With Statements on All Items	0	0
Boards With Statements on One or More Items	24	18
Boards With No Statement on Any Item	107	82
n = 131 boards		

* Items per board for Section XVI. If each board had all items for this section, the mean score would be 4.00.

Analysis ratings. The mean score of 0.32 is only 8 per cent of the maximum possible score of 4.0.

Item XVIA. School Governance: Statement on the basic role of student government. Twenty-one (21), or 16 per cent, of the boards addressed this issue.

Item XVIB. School Governance: Statement on the specific procedures for student participation in decision making. If a board had a statement outlining the organization of student government and a representative arrangement for student input and decision making, this item was given a score of "one" (1). Seventeen (17), or 13 per cent, of the boards had statements related to this item.

Item XVIC. Student Governance: Statement on the make-up of student advisory committees. This item was given a score of "one" (1) if the board made a statement providing for student advisory committees and their membership composition. Three (3) boards, or 2 per cent, included such statements.

Item XVID. Student Governance Statement on the matter of student petitions. If a board made a statement that student petitions would receive appropriate attention, this item was given a score of "one" (1). One (1) board, or .8 of 1 per cent, had a statement of that kind.

Section XVII: Student Records.

As Table 4.17 reveals, one hundred nineteen (119), or 91 per cent, of the boards had student records policies in one or more of the categories listed for this section. This is the third most prevalent type of school board policy as determined by the Framework for Analysis rating

TABLE 4.17

SUMMARY OF SCORES FOR SECTION XVII

STUDENT RECORDS

Items	Number of Boards With a Policy Item	Per Cent of Boards With a Policy Item
XVII A. Need for Student Records	102	78
XVII B. Permanent Information	87	66
XVII C. Access Personnel	86	66
XVII D. Release Procedures	87	66
XVII E. Privacy Act, 1974	53	40
XVII F. Student Directories	86	66
XVII G. State Guidelines	76	58
	TOTAL	
	577	
	MEAN	4.40*
* * * * *		
Boards With Statements on All Items	40	30
Boards With Statements on One of More Items	119	91
Boards With No Statements on Any Item	12	9
n = 131 boards		

* Items per board for Section XVII. If each board had all items for this section, the mean score would be 7.00.

scores. Twelve (12) boards, or 9 per cent, failed to have any of the categories listed for this section. The mean score of 4.40 represents 73 per cent of a maximum possible score of 6.0.

Item XVIIIA. Student Records: Statement on the general need for student records. One hundred two (102), or 78 per cent, of the boards had statements on the need for student records.

Item XVIIIB. Student Records: Statement on the specific types of information to be kept on permanent file. If a board listed specific types of information to be included in permanent student records, this item was rated "one" (1). Eighty-seven (87), or 66 per cent, of the boards included this item in the policy manuals.

Item XVIIIC. Student Records Statement on the specific personnel who have access to records. Eighty-six (86), or 66 per cent, of the boards had statements listing persons who have access rights to student records.

Item XVIIID. Student Records: Statement on the specific procedures for release of information in records. Eighty-seven (87), or 66 per cent, of the boards had such statements.

Item XVIIIE. Student Records: Statement that the board complies with the Family Educational Rights and Privacy Act of 1974. The Act generally establishes the rules for storing, maintaining, and releasing the information in student records. It gives parents, and students at age 18, the right to review student records and to protect those records from others except as provided for in the law. Fifty-three (53), or 40 per cent, of the boards specifically stated that they were guided by the provisions of the Act.

Item XVIIF. Student Records: Student directories are permitted when they are used for educational purposes and not commercial. Eighty-six (86), or 66 per cent, of the boards had statements authorizing the publication of student directories for educational purposes.

Item XVIIG. Student Records: Statement that records are maintained in accordance with the rules and regulations of the Virginia State Department of Education. Seventy-six (76), or 58 per cent, of the boards included this item in their policy manuals.

Analysis of Court Cases in Relationship to School Board Policies

Legal digests, legal encyclopedias, school law textbooks, law reviews, and pertinent court decisions were examined to test the hypothesis and question listed below:

Hypothesis Two: The content of the student control policies found in Virginia school division manuals agrees with the principles of law found in selected federal court decisions, 1965 to 1979.

Question Two: Are the student control policies for Virginia public schools consistent or inconsistent with the legal principles arising from recent student conduct court decisions?

The selected court cases were examined by the researcher to determine the legal principles which could be identified as applicable to student control policies. The analysis of board policies in relation to selected student control cases was based on the degree of agreement or lack of agreement of the principles in the cases with policy content. If most boards, at least a majority, had statements in agreement with

the related legal principles, those boards were rated as consistent or highly consistent in reflecting recent student control court decisions. If, on the other hand, boards have few statements in agreement with related principles of law, those boards received a rating of partially consistent or not consistent in reflecting recent student court decisions. For example, one would assume that most policy manuals would mention the First Amendment expression rights granted to students in the 1969 Tinker v. Des Moines decision. The data reveal that only five (5) board manuals, or 4 per cent, had statements agreeing with the legal principles which were at the center of the Tinker decision. In this instance, the overall rating of Virginia school boards was that of not consistent with the appropriate legal principles. The rating scale noted in Table 4.18 was used to classify the degree of agreement with appropriate legal principles for each category of policy content listed in the Framework for Analysis. The legal principles drawn from court cases are listed by date of case, case name, and principles of law in Tables 4.19 through 4.30. Ratings are reported in Table 4.31.

TABLE 4.18

RATING SCALE FOR
SCHOOL BOARD POLICY
ANALYSIS

Percentage Range of Boards Having F.F.A. Item	Policy Rating	Rating Code
0 to 25%	No Consistent (or No Policy)	NC
26 to 50%	Partially Consistent	PC
51 to 75%	Consistent	CS
76 to 100%	Highly Consistent	HC
	No Applicable Court Cases	NACC

TABLE 4.19

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING GENERAL POLICIES

SECTION I

Year	Court Cases	Legal Principles
1972	Dunn v. Tyler Ind. Sch. District, 460 F. 2d 137. (Texas).	Written or not, student behavior codes can form the basis of student control for behavior which is in violation of good order and discipline in the school.
1972	Tate v. Bd. of Ed. of Jonesboro, Ark., Spec. Sch. District, 453 F. 2d 975.	Schools may develop reasonable rules and regulations and expect students to follow them.

TABLE 4.20

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING INQUIRY AND EXPRESSION

SECTION II

Year	Court Cases	Legal Principles
1966	Blackwell v. Issaquena County Board of Ed., 363 F. 2d 749 (Miss.).	The individual rights of students may be controlled when the exercise of such rights infringes upon the rights of others.
1966	Burnside v. Byars, 363 F. 2d 744 (Miss.).	
1969	Tinker v. Des Moines Independent Community School District, 393 U. S. 503 (Iowa).	<p>Disruption of classes, substantial disorder in the school, or invasion of the rights of others are not within constitutionally protected freedom of speech.</p> <p>School administrators must bear the burden of justifying any infringement upon First Amendment free speech - pure speech, symbolic speech, or written speech.</p>
1969	Guzick v. Drebus, 305 F. Supp. 474 (Ohio).	Symbolic speech may be controlled when there is a justifiable basis.
1970	Scoville v. Board of Education of Juliet Township, 425 F. 2d 10 (Ill.).	<p>Students have constitutional rights to criticize school administrators in student publications.</p> <p>Suppressing student expression on the basis of expected disruption of classes, without substantial reason, is a violation of students' First and Fourteenth Amendment rights.</p>

TABLE 4.20 - continued

Year	Court Cases	Legal Principles
1972	Grayned v. City of Rockford, 408 U. S. 104 (Ill.).	Prohibition of all nonlabor picketing near a school in session is unconstitutionally restrictive.
1972	Police Department v. Moseley, 408 U. S. 92 (Ill.).	Limiting noisemaking near a school to a particular time and place is constitutional.
1971	Hill v. Lewis, 323 F. Supp. 88 (Tenn.).	Student demonstrations which clearly disrupt the operation of the school are prohibited.
1976	Lawrence University Bicentennial Commission v. City of Appleton, 409 F. Supp. 1319 (Wisc.).	Students may use a school for peaceable assembly, even to hear a controversial speaker.

TABLE 4.21

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING STUDENT PUBLICATIONS

SECTION III

Year	Court Cases	Legal Principles
1970	Scoville v. Board of Education of Juliet Township, 425 F. 2d 10 (Ill.).	Student criticism of school administrators in student publications, however distasteful, is constitutionally protected.
1969	Sullivan v. Houston Independent School District, 307 F. Supp. 1328 (Texas).	School authorities constitutionally may not totally prohibit the distribution of student newspapers and other printed matter, but they may establish guidelines for distribution and content control.
1971	Eisner v. Stamford Board of Education, 440 F. 2d 803 (Conn.).	Restraint of student publications must be accompanied by proper procedural safeguards, such as:
1971	Quarterman v. Byrd, 453 F. 2d 54. (N. C.).	
1977	Hernandez v. Hanson, 430 F. Supp. 1154 (Neb.).	
1971	Riseman v. School Committee of Quincy, 439 F. 2d 148 (Ill.).	Content and distribution control regulations must be clearly established and disseminated to students.
1977	Leibner v. Sharbaugh, 429 F. Supp. 744 (Va.).	

TABLE 4.21 - continued

Year	Court Cases	Legal Principles
1969	Baker v. Downey City Bd. of Education, 307 F. Supp. 517 (Cal.).	Student expression of a vulgar, obscene, or inflammatory nature is not constitutionally protected.
1972	Shanley v. Northeast Independent School District, 462 F. 2d 1960. (Texas).	<p data-bbox="850 683 1312 804">Prior approval of student publication content is constitutional under the following conditions:</p> <ol data-bbox="850 842 1344 1304" style="list-style-type: none"> <li data-bbox="850 842 1344 927">1. Expression may be prohibited if there is interference with school activities. <li data-bbox="850 938 1344 1055">2. Expression cannot be prohibited solely because others disagree with the content. <li data-bbox="850 1066 1344 1183">3. Expression may be "subjected to prior screening under clear and reasonable regulations." <li data-bbox="850 1193 1344 1247">4. Expression may be limited in manner, time, and place. <li data-bbox="850 1257 1344 1304">5. Expression may be limited if it is legally obscene.
1969	Voight v. Van Buren Public Schools, 306 F. Supp. 1388 (Mich.).	Students may be prohibited from possession of objectionable literature, but the criteria for defining objectionable must exclude words found in school library books and materials.
1977	Gambino v. Fairfax County School Board, 564 F. 2d 157 (Va.).	School boards do not have power to ban objectionable material in student publications when such publications have been established as public forums and not as official school publications.

TABLE 4.21 - continued

Year	Court Cases	Legal Principles
1977	Trachtman v. Anker, 563 F. 2d 512 (N. Y.).	Boards may suppress questionnaires on sex knowledge in order to protect students' emotional health and welfare. First Amendment free speech does not protect thrusting a questionnaire in a student's face and demanding answers.

TABLE 4.22

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING PERSONAL APPEARANCE

SECTION IV.

Year	Court Cases	Legal Principles
1968	Ferrell v. Dallas Independent School Sistrict, 392 F. 2d 697, <u>cert. denied</u> , 89 S. Ct. 98 (Texas).	A student may be refused admittance to school for refusal to cut long hair when there is substantial disruption of the operation of the school and its position in the community.
1970	Richards v. Thurston, 424 F. 2d 1281. (Mass.).	"A student may not be excluded from regular instruction because of his appearance if style, fashion, or taste is the sole criteria for exclusion."
1971	Bishop v. Colaw, 450 F. 2d 1069 (Ark.)	A guaranteed student right is that of governing his personal appearance.
1970	Bannister v. Paradis, 316 F. Supp. 185 (N. H.).	Students may wear clothing of their own choosing, under protection of the Fourteenth Amendment, so long as the exercise of such a right does not conflict with the rights of others.
1971	Karr v. Schmidt, 401 U. S. 1201, Opinion in Chamber by Justice Black (Texas).	Hair style may be a constitutionally protected right, subject to the usual restrictions affecting disruption of school programs or classes and health and safety factors. Hair style regulations are within the province of the states to control.

TABLE 4.23

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING RELIGION AND PATRIOTISM

SECTION V

Year	Court Cases	Legal Principles
1969	Frain v. Baron, 307 F. Supp. 27 (N. Y.).	Students do not have to leave their school rooms during the pledge in order to exercise their constitutional right to free expression.
1970	Banks v. Board of Public Instruction of Dade County, 314 F. Supp. 285 (Fla.).	
1970	Vaughan v. Reed, 313 F. Supp. 431 (Va.).	Released time religious instruction must be available to all students, if available to any.
1975	Smith v. Smith, 523 F. 2d 121 (Va.).	Released time program off school premises is approved on the basis of no home school classroom use for religious instruction, which neither advances nor limits religion and does not violate the establishment clause.
1965	Stein v. Oshinsky, 348 F. 2d 999, <u>cert. denied</u> , 382 U. S. 957 (N. Y.)	There can be no public prayer in state-owned buildings.
1976	Gaines v. Anderson, 421 F. Supp. 337 (Mass.).	A planned period of silence is not a violation of the First Amendment.
1977	Meltzer v. Board of Public Instruction, 548 F. 2d 559 (Ala.).	Statute commanding inculcation of Christian virtues in schools is invalid.

TABLE 4.24

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING CIVIL RIGHTS

SECTION VI

Year	Court Cases	Legal Principles
1972	Davis v. Meek, 344 F. Supp. 298 (Ohio).	A married student has a right to continue with extracurricular activities, including sports.
1969	Perry v. Grenada Municipal Separate School District, 300 F. Supp. 748 (Miss.).	Pregnant students may not be excluded without substantial justification. Re-entry rights must be accorded those pregnant students excluded.
1971	Ordway v. Hargraves, 323 F. Supp. 1155 (Mass.).	Pregnant students may not be excluded by school authorities without substantial justification.

TABLE 4.25

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING CODES OF BEHAVIOR

SECTIONS VII, VIII, IX, AND X

Year	Court Cases	Legal Principles
1972	Tate v. Bd. of Ed. of Jonesboro, Ark., Special School District, 453 F. 2d 975 (Ark.).	Schools may develop reasonable rules and regulations and expect students to follow them.
1972	Dunn v. Tyler Independent School District, 460 F. 2d 137. (Texas).	Written or not, student behavior codes can form the basis of student control for behavior which is in violation of good order and discipline in the school.
1968	Zanders v. Louisiana State Board of Education, 281 F. Supp. 747 (La.).	School board rules and regulations should be put into written form and distributed to all parties affected by them.
1969	Brown v. Greer, 296 F. Supp. 595 (Miss.).	Students may not verbally abuse teachers.

TABLE 4.26

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING DUE PROCESS

SECTION XI

Year	Court Cases	Legal Principles
1967	<u>In re</u> Gault, 387 U. S. 1. (Ariz.).	<p>Juvenile proceedings must be provided with these constitutional safeguards:</p> <ol style="list-style-type: none"> 1. Notice of charges given to minor and parent. 2. Notice of right to legal counsel. 3. Constitutional provision against self-incrimination. 4. Right to question witnesses or present own. 5. Right to a fair hearing and a record of the proceedings. 6. The right to appeal.
1975	Goss v. Lopez, 419 U. S. 565 (Ohio).	<p>Students suspended for ten (10) days or less are entitled to the following:</p> <ol style="list-style-type: none"> 1. Oral or written notice of the charges. 2. An explanation of the evidence school authorities have. 3. Chance to tell student's side of the story if the student denies the school official's charges. 4. Some kind of hearing must be afforded the student. <p>An informal hearing meets due process requirements.</p>

TABLE 4.26 - continued

Year	Court Cases	Legal Principles
		Students who pose a threat to others or to the school may be immediately removed from the school. Notice of charges and a simple hearing must follow as soon as possible.
1975	Wood v. Strickland, 420 U. S. 308. (Ark.).	Students have the right to sue administrators and board members for monetary damages under 42 U.S.C. Sec. 1983 for denial of due process in disciplinary matters.
1975	Strickland v. Inlow, 519 F. 2d 744. (Ark.).	
1978	Carey v. Piphus, 435 U. S. 247, 98 S. Ct. 1042, 55 L. Ed. 2d 252. (Ill.).	Students suspended without due process, if not injured, are entitled to receive nominal damages; in this case the court said \$1.00.

TABLE 4.27

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING STUDENT PROPERTY
(SEARCH AND SEIZURE)

SECTION XII

Year	Court Cases	Legal Principles
1966	<u>In re Gault</u> , 387, U. S. 1 (Ariz.).	Juveniles (and therefore students) have the same rights under the law as adults.
1970	<u>State v. Stein</u> , 203 Kan. 639, 456 P. 2d 1, <u>cert. denied</u> , 90 S. Ct. 966.	<p>School administrators have the right to search a student's locker upon the reasonable belief that the locker contains contraband.</p> <p>"Miranda" warning does not apply to student search and seizure issue.</p> <p>School authorities have the right to search student lockers in the interest of good school management and the welfare of students.</p> <p>Lockers are under the control of school authorities and as such may be searched to maintain good order and to protect students.</p>
1970	<u>Overton v. Riegor</u> , 311 F. Supp. 1035 (N. Y.).	School authorities, with reasonable belief that prohibited items are in a locker, may search the locker without obtaining the student's consent.
1970	<u>Keene v. Rodger</u> , 316 F. Supp. 217 (Maine).	Student owned vehicle on campus may be searched under probable cause rule.

TABLE 4.27 - continued

Year	Court Cases	Legal Principles
1976	Picha v. Wielgos, 410 F. Supp. 1214 (Ill.).	Principal has the same latitude to search a student for something believed to be dangerous to the student or to the school student body as the student's actual parent would have.
1977	M. by Parents R. and S. v. Board of Education, 429 F. Supp. 288 (Ill.).	School authorities may search a student's person in order to maintain order and discipline in the school.
1979	Bilbrey v. Brown, 481 F. Supp. 26. (8th Cir.).	With adequate notice, in the form of written board policies, students may be searched for probable cause.

TABLE 4.28

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING EXTRACURRICULAR ACTIVITIES

SECTION XIV

Year	Court Cases	Legal Principles
1971	Berryman v. Hein, 329 F. Supp. 616 (Idaho).	School administrators have broad powers and discretion in establishing and enforcing rules regarding student activities, as those activities relate to and further the educational process.
1976	Pliscov v. Holtville Unified School District, 411 F. Supp. 842 (Cal.).	Official recognition cannot be arbitrarily denied where a student organization complies with the reasonable directives of school authorities.

TABLE 4.29

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING CORPORAL PUNISHMENT

SECTION XV

Year	Court Cases	Legal Principles
1971	Sims v. Board of Education, 329 F. Supp. 678 (N. Mex.).	<p>School authorities have the right to impose reasonable non-discriminatory corporal punishment.</p> <p>Reasonable corporal punishment is not violation of the Eighth Amendment.</p>
1975	Baker v. Owen, 395 F. Supp. 294, aff'd. 423 U. S. 907 (N. C.).	<p>Reasonable corporal punishment to maintain order is constitutionally permissible under the following conditions:</p> <ol style="list-style-type: none"> 1. Punishment is given after a warning and other attempts to correct behavior problem of student. 2. Another teacher or administrator is present as a witness. 3. Written explanation of reasons for corporal punishment, upon request by parent.
1977	Ingraham v. Wright, 97 S. Ct. 1401 (Fla.).	<p>The Eighth Amendment applies only to criminal situations. It does not apply to corporal punishment of students.</p> <p>No hearing is necessary before the administration of corporal punishment.</p>

TABLE 4.29 - continued

Year	Court Cases	Legal Principles
		Excessive corporal punishment may bring civil or criminal suits against school personnel.
		School personnel are liable for damages in corporal punishment inflicted with malice on students.

TABLE 4.30

LEGAL PRINCIPLES FROM COURT CASES
CONCERNING STUDENT RECORDS

SECTION XVII

Year	Court Cases	Legal Principles
1967	Madera v. Board of Education, 267 F. Supp. 356 (N. Y.).	Student records may be used in a guidance conference.
1969	Einhorn v. Maus, 300 F. Supp. 1171 (Pa.).	School officials have the right and duty to record and to communicate true factual information about their students to institutions of higher learning.
1973	Merriken v. Cressman, 364 F. Supp. 913 (Pa.).	School officials must establish a compelling reason that outweighs a student's privacy in order to use records for a disciplinary purpose.

Discussion of School Board Policy Analysis

In the broad view of agreement of board policies with selected student control court cases, relatively few of the categories of student control issues listed in The Framework for Analysis were consistent on the basis of the criteria used. Some categories, such as School Governance (XVI), had no applicable court cases to test agreement with board policies. Other categories, such as School Records (XVII), were consistent in agreement with almost every policy subcategory. A brief discussion of the policy analysis of each category, as reported in Table 4.31, would be in order.

Section I: General Policies.

Although many court cases reflect the right of school divisions and individual schools to make and enforce rules of student conduct, only eight (8) boards, or 6 per cent, had such policies. This percentage was not high enough to meet the criteria for consistency in agreement. Table 4.18 describes the rating scale for policy analysis. Among the selected cases there were no applicable student control court cases considered for the policy items related to the necessity for a rights and responsibilities philosophy or a policy of nondiscrimination.

SECTION II: Inquiry and Expression.

This category touched on the primary issues raised in the Tinker case related to student expression generally and symbolic expression in particular. Only five (5) boards, or 4 per cent, had a policy specifically referring to symbolic expression. Thus, Virginia school board policy manuals were not consistent in reflecting the legal principles

TABLE 4.31

SCHOOL BOARD POLICY ANALYSIS
IN RELATION TO LEGAL PRINCIPLES*

Policy	Number of Boards With Policy Statements	Per Cent of Boards With Policy	Policy Rating on Legal Principles*
I A	8	6	NC
I B	57	44	NACC
I C	72	55	NACC
II A	41	31	PC
II B	16	12	NC
II C	5	4	NC
II D	4	3	NC
II E	9	7	NC
II F	38	29	PC
II G	115	88	HC
II H	67	51	CS
III A	83	63	CS
III B	49	37	PC
III C	53	40	PC
III D	0	0	NC
III E	5	4	NC
III F	4	3	NACC
III G	1	.8	NC

* Code: NC - Not Consistent or No Policy; PC - Partially Consistent;
CS - Consistent; HC - Highly Consistent; NACC - No Appropriate
Court Case.

TABLE 4.31 - continued

Policy	Number of Boards With Policy Statements	Per Cent of Boards With Policy	Policy Rating Legal Principles
III H	28	21	NC
III I	11	8	NACC
IV A	105	80	HC
IV B	56	43	PC
IV C	74	56	CS
IV D	14	11	NC
IV E	7	5	NC
IV F	4	3	NACC
V A	27	21	NC
V B	4	3	NC
V C	3	2	NC
V D	0	0	NC
V E	24	18	NC
V F	89	68	NACC
V G	41	31	PC
VI A	31	24	NACC
VI B	47	36	PC
VI C	112	85	HC
VI D	112	85	HC
VI E	61	47	PC

TABLE 4.31 - continued

Policy	Number of Boards With Policy Statements	Per Cent of Boards With Policy	Policy Rating on Legal Principles
VII A	54	41	PC
VII B	14	11	NC
VII C	9	7	NC
VII D	33	25	NC
VII E	36	27	PC
VII F	5	4	NC
VII G	97	74	NACC
VII H	127	97	HC
VII I	124	95	HC
VIII A	18	14	NACC
VIII B	19	15	NACC
VIII C	26	20	NACC
VIII D	13	10	NACC
VIII E	67	51	CS
VIII F	7	5	NACC
VIII G	119	91	NACC
VIII H	61	47	PC
VIII I	16	12	NC
VIII J	111	85	NACC
VIII K	8	6	NACC
VIII L	71	54	NACC

TABLE 4.31 - continued

Policy	Number of Boards With Policy Statements	Per Cent of Boards With Policy	Policy Rating on Legal Principles
IX A	76	58	CS
IX B	119	91	HC
IX C	79	60	CS
IX D	84	64	CS
IX E	111	85	HC
IX F	39	30	PC
IX G	48	37	PC
IX H	119	91	HC
IX I	24	18	NC
IX J	111	85	HC
IX K	28	21	NC
X A	33	25	NC
X B	68	52	CS
X C	69	53	CS
X D	48	37	PC
X E	100	76	HC
X F	105	80	HC
XI A	72	55	CS
XI B	63	48	PC
XI C	114	87	HC
XI D	25	19	NC

TABLE 4.31 - continued

Policy	Number of Boards With Policy Statements	Per Cent of Boards With Policy	Policy Rating on Legal Principles
XI E	40	31	PC
XI F	36	27	PC
XI G	33	25	NC
XI H	67	51	CS
XI I	59	45	PC
XI J	34	26	PC
XI K	29	22	NC
XII A	106	81	HC
XII B	105	80	HC
XII C	10	8	NC
XII D	31	24	NC
XII E	93	71	NACC
XIII A	103	79	HC
XIII B	43	33	PC
XIII C	98	75	NACC
XIII D	69	53	NACC
XIV A	113	86	HC
XIV B	89	68	CS
XIV C	14	11	NC
XIV D	19	15	NACC
XIV E	27	21	NC

TABLE 4.31 - continued

Policy	Number of Boards With Policy Statements	Per Cent of Boards With Policy	Policy Rating on Legal Principles
XIV F	76	58	CS
XV A	4	3	NC
XV B	113	86	HC
XVI A	21	18	NACC
XVI B	17	13	NACC
XVI C	3	2	NACC
XVI D	1	.8	NACC
XVII A	102	78	HC
XVII B	87	66	CS
XVII C	86	66	CS
XVII D	87	66	CS
XVII E	53	40	PC
XVII F	86	66	CS
XVII G	76	58	CS

of the 1969 United States Supreme Court decision directly related to student rights in the area of student expression. Some Virginia boards were partially consistent in policies concerning general expression rights and in the invitation and use of outside speakers. One hundred fifteen (115) divisions, or 88 per cent, earned a rating of highly consistent for policies concerning the use of school facilities by students. Another area of consistency was that of prohibiting riots and disturbances; sixty-seven (67) boards, or 51 per cent, had such policies.

Section III: Student Publications.

The only policy which was rated consistent in this area of student expression was that of a general recognition of the status of student publications (83 boards, 63 per cent). The policies rated partially consistent were the ones regarding approval of copy and the purposes for having school publications. Only one (1) school board had a policy referring to the use of student questionnaires as noted in the Trachtman case.

Section IV: Personal Appearance.

Perhaps no other category had as many court cases as the one regarding student personal appearance. A rating of highly consistent was earned by the item on general dress code policies with one hundred five (105) boards, or 80 per cent, having such statements. Also rated consistent was the policy which related dress code rights to classroom disruption, a point raised by many student appearance court cases. Seventy-four (74) boards, or 56 per cent, had a disruption-appearance

policy item. Policies relating dress codes to health and safety factors were rated partially consistent with the legal principles of selected court cases. Even though the largest number of recent student appearance cases have dealt with hair length or condition, only seven (7) boards, or 5 per cent, had anything at all to say about hair.

Section V: Religion and Patriotism.

The only area in this section that merited a rating of even partially consistent was that of released time for religious instruction. Forty-one (41) boards, or 31 per cent, had policies in this category.

Section VI: Civil Rights.

Four of the five items in this section were consistent to some degree with legal principles. Two policy items were partially consistent: (1) references to the Bill of Rights and/or the Fourteenth Amendment (47 boards, 36 per cent); (2) references to Title IX regulations (61 boards, 47 per cent). Two policy items were rated highly consistent: (1) the rights of married students (112 boards, 85 per cent); (2) the rights of pregnant students, married or unmarried (112 boards, 85 per cent).

Section VII: Code of Behavior: General Policies and Procedures.

Policy manuals were rated as highly consistent in agreeing with the legal principles related to student suspension (127 boards, 97 per cent) and student expulsion policies (124 boards, 95 per cent). A rating of partially consistent was applied to policies noting a need for a general code of conduct (54 boards, 41 per cent) and policies describing

sanctions or punishments for violation of a code of conduct (36 boards, 27 per cent). Few boards had written policies requiring the publication and distribution of a code of conduct.

Section VIII: Code of Behavior Standards: Values.

The only listed value rated as consistent was the one dealing with immoral, indecent, or obscene conduct or literature (67 boards, 51 per cent). Partially consistent was the item related to student disobedience or defiance of authority (61 boards, 47 per cent).

Section IX: Code of Behavior Standards: Health and Safety.

Ten (10) of the eleven (11) items in this section were consistent to some degree with the appropriate legal principles for this category. Judged to be partially consistent were policies on fighting (39 boards, 30 per cent), and conduct dangerous to others (48 boards, 37 per cent). Rated as consistent were policies on alcohol (76 boards, 58 per cent), weapons and explosives (79 boards, 60 per cent), and student vehicle regulations (84 boards, 64 per cent). Four items were judged to be highly consistent: drugs (119 boards, 91 per cent), smoking regulations (111 boards, 85 per cent), general safety regulations (119 boards, 91 per cent), and bus conduct (111 boards, 85 per cent).

Section X: Code of Behavior Standards: Administrative Oriented.

Five (5) of the six (6) items in this section were consistent to some degree with legal principles. The policy concerning threats to bomb, burn, or otherwise destroy a school building was judged to be partially consistent (48 boards, 37 per cent). Rated consistent were policies related to the willful disruption of class activities (68 boards,

52 per cent) and trespassing (69 boards, 53 per cent). Administratively oriented policies rated highly consistent were those concerned with noncompliance with school rules (100 boards, 76 per cent) and the violation of local, state, or federal laws (105 boards, 80 per cent).

Section XI: Specific Aspects of Due Process.

Strong legal principles from such cases as Gault, Goss, and Wood outline the minimum essentials of procedural due process. Most of these were represented in the items making up this section. Eight (8) of the eleven (11) subcategories were consistent to some degree with due process legal principles. Partially consistent were the due process policies of procedures for informing students of charges against them (63 boards, 48 per cent), the right to have an advisor or legal counsel (40 boards, 31 per cent), to have a formal hearing (36 boards, 27 per cent), to know his/her status pending final action on appeal (59 boards, 45 per cent), and the right of the student to have a written notification of the decision on appeal (34 boards, 26 per cent). Policies rated consistent were those concerned with the general provisions of due process procedures for students (72 boards, 55 per cent) and appeal or review procedures (67 boards, 51 per cent). The only due process policy rated highly consistent was that which related to the rights of parents to be informed of charges against students and the rights of parents to a hearing (114 boards, 87 per cent).

Section XII: Student Property.

The student control issue of search and seizure has been the subject of numerous court cases. In Virginia board policy manuals, two (2)

related policies were highly consistent with the legal principles in this area of student conduct: (1) the general provisions of a search and seizure policy (106 boards, 81 per cent), (2) the authority of the board to search student lockers with reasonable cause (105 boards, 80 per cent).

Section XIII: Weapons and Drugs.

The board policy with a highly consistent rating for this section was the one stating that the possession or use of drugs or alcohol is a violation of local, state, and federal laws (103 boards, 79 per cent). Partially consistent was a similar policy related to law violations in the area of weapons or explosives (43 boards, 33 per cent).

Section XIV: Extracurricular Activities.

Two board policies in this section were rated consistent: (1) creating new clubs with recognition from the school principal (89 boards, 68 per cent), (2) no secret societies organizations (76 boards, 58 per cent). Highly consistent was the policy which outlines the need for and the development of clubs and activities (113 boards, 86 per cent).

Section XV: Corporal Punishment.

Board policies which permit reasonable corporal punishment of students were rated highly consistent with corporal punishment legal principles (113 boards, 86 per cent).

Section XVI: Student Governance.

No appropriate court cases dealt with the issue of student participation in school governance.

Section XVII: Student Records.

Every policy item in this section was consistent to some degree with legal principles related to student records. Although most board policies were in line with the provisions of the Family Educational Privacy Act of 1974, the rating for this item was partially consistent (53 boards, 40 per cent) in not naming the act itself. Policies rated consistent included the following: (1) types of information to be permanently filed (87 boards, 66 per cent), (2) personnel who have access to records (86 boards, 66 per cent); (3) procedures for release of information (87 boards, 66 per cent), (4) provisions for student directories (86 boards, 66 per cent), and (5) maintenance of records in accordance with rules and regulations of the Virginia Department of Education. Highly consistent was a policy on the general need for student records (102 boards, 78 per cent).

Scope of School Board Policies Related to School Division Size

An analysis of school board policies would not be complete without reporting on the effects of school division location and enrollment variations. Data from the content analysis of the policy manuals were used to respond to Hypothesis Three and Question Three:

Hypothesis Three: The number of student control policies found in Virginia school board manuals varies with the size and location of the school division.

Question Three: Do the size and location of the school division have any effect on the scope and depth of student control statements?

The number and types of written board policies were tabulated by individual board and specific policy category and reported in summary form in Tables 4.1 through 4.17 in this Chapter. The school boards were grouped according to type of political subdivision: county combined county/town/city, city, and town. Combined divisions operate under common school boards and publish one policy manual applicable to both divisions.

Summaries of some of the statistical data and summaries of policies within these political subdivisions are outlined in Tables 4.32, 4.33, and 4.34. Even though there are different numbers of boards included in these political subdivisions, the arithmetic mean provides a useful basis for some comparison.

Data for a policy comparison by large versus small school divisions may be found in Tables 4.35 and 4.36. Table 4.35 lists percentages of maximum scores by categories for the ten largest Virginia school divisions. Table 4.36 lists percentages of maximum scores by categories for the ten (10) smallest Virginia school divisions.

It is not clear from Tables 4.32 through 4.34 that any one type of political subdivision may be ranked higher overall than others in mean scores or percentages of maximum scores. In Table 4.33 the ranking of mean scores gave the highest position to combined divisions. However, when the percentages of maximum scores were examined in Table 4.34, cities gained the highest ranking.

TABLE 4.32

COMPARISON BY POLITICAL SUBDIVISION
MEAN SCORES OF ITEMS PER BOARD IN THE
SEVENTEEN MAIN SECTIONS OF THE POLICIES

Sections	Counties	Combined	Cities	Town	All Boards
I	1.08	0.88	1.00	1.00	1.05
II	2.20	2.00	2.49	1.00	2.25
III	1.87	1.38	1.74	0.00	1.79
IV	1.97	2.38	1.94	2.00	1.98
V	1.39	1.50	1.51	2.00	1.44
VI	2.69	3.13	2.94	2.00	2.77
VII	3.78	4.12	3.83	3.00	3.81
VIII	4.17	3.38	4.11	2.00	4.09
IX	6.38	6.50	6.46	5.00	6.40
X	3.10	3.00	3.60	3.00	3.23
XI	4.17	3.88	5.09	0.00	4.37
XII	2.68	2.25	2.69	3.00	2.63
XIII	2.49	2.00	2.29	3.00	2.39
XIV	2.54	2.63	2.74	3.00	2.58
SV	0.91	0.75	0.89	1.00	0.84
XVI	0.33	0.00	0.37	0.00	0.32
XVII	4.25	4.88	4.80	0.00	4.40
Total Mean Scores	46.00	44.66	48.49	31.00	46.34

TABLE 4.33

RANK OF POLITICAL SUBDIVISIONS
RELATIVE TO MEAN SCORES OF
ITEMS PER CATEGORY

Sections	Rank ^a			
	1	2	3	4
I	Counties	Cities Town ^b	Combined	
II	Cities	Counties	Combined	Town
III	Counties	Cities	Combined	Town
IV	Combined	Counties	Cities	Town
V	Town	Cities	Combined	Counties
VI	Combined	Cities	Counties	Town
VII	Combined	Cities	Counties	Town
VIII	Counties	Cities	Combined	Town
IX	Combined	Cities	Counties	Town
X	Cities	Counties	Combined	Town
XI	Cities	Counties	Combined	NP ^c
XII	Town	Cities	Counties	Combined
XIII	Town	Counties	Cities	Combined
XIV	Town	Cities	Combined	Counties
XV	Town	Counties	Cities	Combined
XVI	Cities	Counties	NP ^c	NP ^c
XVII	Combined	Cities	Counties	NP ^c

TABLE 4.33 - continued

Sections	1	2	3	4
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^aRank 1 indicates that the political subdivision listed had the highest mean score of items in that section. Other ranks are in descending order.

^bTie for second highest ranking in Section I.

^cNP - No policies for the particular political subdivision from which to derive a score.

TABLE 4.34

PERCENTAGES OF MAXIMUM SCORES
PER CATEGORY ATTAINED BY EACH
POLITICAL SUBDIVISION CLASSIFICATION*

Sections	Counties	Combined	Cities	Town	All Boards
I	36	29	33	33	35
II	27	25	31	13	28
III	21	15	19	0	20
IV	33	40	32	33	33
V	20	21	22	29	21
VI	53	63	59	40	55
VII	42	46	43	33	42
VIII	35	28	34	17	34
IX	58	59	59	45	58
X	52	50	60	50	54
XI	38	35	46	0	40
XII	54	20	54	60	53
XIII	62	50	57	75	60
XIV	42	44	46	50	43
XV	45	38	44	50	45
XVI	8	0	9	0	8
XVII	61	70	69	0	63

*If every board in the respective classification had scored "one" (1) on each item in that category, the classification (e.g., counties) would have a score of 100 per cent.

Section I: General Policies.

Counties scored higher than other classifications. The range of percentages, from 36 to 29, indicates relative consistency across the state in such policies.

Section II: Inquiry and Expression.

The highest ranking is clearly cities with a score of 31 per cent. The lowest rank is more than twice as low with the town scoring 13 per cent. Counties and combined divisions are near the highest ranking score with 27 and 25 per cent respectively.

Section III: Student Publications.

Counties had the highest ranking with the relatively low score of 21 per cent. The town had no policies in this category.

Section IV: Personal Appearance.

Combined divisions had the highest ranking with a score of 40 per cent. The lowest score was 32 per cent for cities, a percentage point difference of eight (8). Seven (7) percentage points separate counties and the town from the top rank, thus making personal appearance policies rather consistent across Virginia.

Section V: Religion and Patriotism.

The town had the highest ranking with a score of 29 per cent. The lowest ranking was counties with a score of 20 per cent. Since combined divisions and cities had percentages of 21 and 22 per cent respectively, boards throughout Virginia were relatively consistent on this category.

Section VI: Civil Rights.

Combined divisions had the highest ranking with a score of 63 per cent. The town had the lowest score with 40 per cent. Cities were

only four (4) percentage points behind divisions with a score of 59 per cent.

Section VII: Code of Behavior: General Policies.

Combined divisions gained the highest ranking with a score of 46 per cent. Cities and counties scored a close second and third respectively with 43 and 42 per cent. The town was lowest with a score of 33 per cent.

Section VIII: Code of Behavior Standards: Values.

Counties were ranked highest with a score of 35 per cent. Cities were only one (1) point away with a score of 34 per cent. With a score of 17 per cent the town had less than half the percentage score of the highest ranking classification.

Section IX: Code of Behavior Standards: Health and Safety.

Combined divisions and cities tied for the highest ranking score at 59 per cent. Second were counties with a score of 58 per cent, indicating generally consistent policies for this category across Virginia. The town was low with a score of 45 per cent.

Section X: Code of Behavior Standards: Administrative Oriented.

Cities had the highest ranking with a score of 60 per cent. Counties were second with a score of 52 per cent. Tied for third at 50 per cent were combined divisions and the town. Overall this section reflects statewide consistency in board policies for the category indicated.

Section XI: Specific Aspects of Due Process.

Cities were clearly the highest ranking with a score of 46 per cent. The town had no policies in this category. Counties were second with a score of 38 per cent. Third were combined divisions with a score of 35 per cent.

Section XII: Student Property.

The town had the highest ranking with a score of 60 per cent. Counties and cities were tied for second with scores of 54 per cent each. Combined divisions were lowest with a score of 20 per cent.

Section XIII: Weapons and Drugs.

The town was highest with a score of 75 per cent. Combined divisions were lowest with a score of 50 per cent. With counties scoring 62 per cent and cities scoring 57 per cent, the policies in this category are relatively consistent throughout the state.

Section XIV: Extracurricular Activities.

The town scored the highest at 50 per cent. Cities, combined divisions, and counties were rated second, third, and last respectively: 46 per cent, 44 per cent, and 42 per cent. Again, these policies were generally consistent statewide.

Section XV: Corporal Punishment.

The town was ranked highest with a 50 per cent score. Counties scored second at 45 per cent; cities scored third at 44 per cent. Combined divisions were last with a score of 38 per cent. With a range of only 12 percentage points, from 38 to 50, this policy was relatively consistent throughout Virginia.

Section XVI: School Governance.

The lowest percentages were found in this section. Cities ranked highest with a score of 9 per cent and counties were second with a score of 8 per cent. Combined divisions and the town had no policies for this category.

Section XVII: School Records.

The highest ranking was for combined divisions with a score of 70 per cent. Cities scored a close second with 69 per cent. Counties were third with a score of 61 per cent. The town had no policies listed in this category. The percentage range indicates relative consistency in most Virginia school divisions for the policies for this category.

Comparison of Large and Small Divisions

Comparing the ten (10) largest school divisions with the ten (10) smallest school divisions by examining the percentages of maximum scores on policies per section reveals that larger divisions generally have a higher percentage of board policies than smaller divisions. Of course there are exceptions in the case of particular sections. These scores are reported in Tables 4.35 and 4.36.

Section I: General Policies.

More of the largest divisions had higher maximum percentage scores. Two of the largest divisions had no policies for Section I while three of the smallest divisions had none. However, one of the smallest divisions had a score of 100 per cent.

Section II: Inquiry and Expression.

The percentage scores for the largest divisions were generally higher than the smallest divisions. The highest percentage for this section was for one of the largest division boards.

Section III: Student Publications.

Eight (8) of the ten (10) largest divisions had policies, and the highest score was 44 per cent for two of the eight (8) divisions. Only

TABLE 4.35
 PERCENTAGES OF MAXIMUM SCORES
 PER CATEGORY ACHIEVED BY THE TEN
 LARGEST SCHOOL DIVISIONS (BY ENROLLMENT)*

Board Number	28	128	118	66	39	124	20	117	109	100
Type	County	City	City	County	County	City	County	City	City	City
Enrollment	138,588	60,765	45,378	39,338	35,574	35,234	34,001	30,850	28,318	27,945
	1	2	3	4	5	6	7	8	9	10
	RANK									
I	66	33	66	33	66	0	33	66	0	66
II	63	13	75	0	38	25	25	50	13	38
III	22	11	33	44	33	22	0	33	0	44
IV	50	17	50	33	50	0	17	33	0	33
V	29	14	43	0	29	29	0	57	0	43
VI	60	40	60	40	60	60	20	60	40	40
VII	33	33	66	77	55	22	66	88	22	66
VIII	50	42	50	17	67	25	92	58	0	58
IX	82	55	64	36	73	27	73	73	36	91
X	66	33	83	0	83	33	100	66	17	100

TABLE 4.35 - continued

PERCENTAGES OF MAXIMUM SCORES

PER CATEGORY ACHIEVED BY THE TEN
LARGEST SCHOOL DIVISIONS (BY ENROLLMENT)*

Board Number Type Enrollment	RANK									
	1	2	3	4	5	6	7	8	9	10
28 County 138,588	128 City 60,765	118 City 45,378	66 County 39,338	39 County 35,574	124 City 35,234	20 County 34,001	117 City 30,850	109 City 28,318	100 City 27,945	
Sections	1	2	3	4	5	6	7	8	9	10
XI	27	9	100	18	55	82	82	91	91	91
XII	80	40	60	40	80	60	20	60	20	80
XIII	25	100	0	50	75	0	100	75	0	100
XIV	50	33	33	17	50	50	50	50	17	66
XV	50	50	50	50	50	50	0	50	0	50
XVI	75	0	0	0	50	0	0	0	0	0
XVII	29	0	100	100	86	100	71	71	86	71

*If each of the top ten boards (by enrollment figures) had scored "one" (1) in the appropriate category, the board would have a score of 100 per cent.

TABLE 4.36

PERCENTAGES OF MAXIMUM SCORES PER

CATEGORY ACHIEVED BY THE TEN SMALLEST

SCHOOL DIVISIONS (BY ENROLLMENT) *

Board Number	105	9	68	119	44	101	112	22	131	41
Type	City	County	City	County	City	City	City	County	Town	County
Enrollment	1,350	1,281	1,263	1,202	1,114	964	958	830	558	495

RANK

Sections	122	123	124	125	126	127	128	129	130	131
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

I	66	33	0	0	100	66	33	66	33	0
II	63	13	25	13	13	25	13	13	13	25
III	33	33	0	0	44	22	0	0	0	33
IV	50	33	50	17	0	17	33	0	33	33
V	29	29	0	14	0	29	14	0	29	43
VI	80	60	40	40	60	100	60	60	40	40
VII	33	55	33	33	33	66	33	33	33	66
VIII	58	8	25	33	0	75	17	33	17	42

five (5) of the ten (10) smallest divisions had any policies in this section with one (1) division having a score of 44 per cent.

Section IV: Personal Appearance.

Two (2) divisions each in the largest and smallest divisions had no policies in this category. Three (3) divisions of the largest had scores of 50 per cent; two (2) divisions of the smallest had scores of 50 per cent. The largest divisions had a slight overall edge in percentage rating for this section.

Section V: Religion and Patriotism.

Three (3) divisions each in the largest and smallest divisions had no policies in this category. The largest divisions had a slight lead in percentages with a single high score of 57 per cent.

Section VI: Civil Rights.

The smallest divisions generally led in this category with one of the smallest divisions achieving a percentage score of 100 per cent.

Section VII: Code of Behavior: General Policies.

The largest divisions generally were ahead in this category with one of the largest divisions gaining a score of 88 per cent.

Section VIII: Code of Behavior Standards: Values.

The largest divisions led the smallest with one of the largest divisions achieving a score of 92 per cent.

Section IX: Code of Behavior Standards: Health and Safety.

The percentage score differences among largest and smallest divisions were not wide enough to reveal a trend in either direction. The policies in this category were substantially uniform for the smallest and the largest school divisions in Virginia.

Section X: Code of Behavior Standards: Administrative Oriented.

The largest divisions were clearly the leaders in such policies with two (2) divisions scoring 100 per cent.

Section XI: Specific Aspects of Due Process.

The largest divisions were the leaders in this category. Three (3) of the largest divisions had scores of 91 per cent. One of the largest divisions had a score of 100 per cent.

Section XII: Student Property.

The largest divisions had policies with a greater number of higher percentage scores. Three (3) of the smallest divisions had no policies in this category. However, one of the smallest division boards achieved a score of 100 per cent.

Section XIII: Weapons and Drugs.

The largest divisions were the leaders with three (3) scores of 100 per cent. In both the largest and smallest divisions, two (2) boards had no applicable policies.

Section XIV: Extracurricular Activities.

The largest divisions led by the slightest margin over the smallest. One of the smallest division boards had no policies for this category.

Section XV: Corporal Punishment.

Eight (8) boards each in the largest and smallest divisions had percentage scores of 50 per cent. Two (2) boards each had no policies in this category. Thus, there was no difference in the policies in this section among the ten (10) largest and the ten (10) smallest school divisions.

Section XVI: School Governance.

Only two (2) of the largest divisions had percentage scores of 50 per cent and 75 per cent respectively. All other large divisions had no policies in this category. One of the smallest divisions had a percentage score of 50 per cent. All other small divisions had no policies in this category. On the basis of the limited percentage scores for this section, the largest divisions were the leaders.

Section XVII: Student Records.

The largest divisions led in percentage scores with three (3) divisions having scores of 100 per cent. Two (2) of the smallest division boards also had scores of 100 per cent. While one of the largest divisions had no policies in this category, three (3) of the smallest had no policies.

In summary, the ten (10) largest divisions led in percentage scores in every category except two (2): XI and XV. The categories with the highest percentage scores were IX, X, XI, XIII, and XVII.

Findings Related to Hypothesis Number Four.

Although the primary focus of the study was on the relationship between board policies concerning student control and recent student conduct court cases, it would appear to be of some value to examine the relationship of these policies to Virginia statutes related to schools. In that direction the following hypothesis was developed:

Hypothesis Four: The content of the student control policies found in Virginia school division policy manuals reflects the student control statutes found in Virginia School Laws, 1978 and the 1979 Supplement.

The Framework for Analysis was completed for Virginia School Laws 1978 and the 1979 Supplement. The results of that examination are reported in Table 4.37 by category. The appropriate statutes are listed in Appendix E.

Section I: General Policies.

Only one (1) item was related to an appropriate statute. The power of school boards to establish rules and regulations was found in the statutes. The delegation of this responsibility to individual schools was not clearly indicated.

Section II: Inquiry and Expression.

Only the items concerning the use of the building and the prohibition of disturbances had related Virginia statutes. No statutes addressed the issues raised by Tinker and other cases dealing with symbolic expression by students.

Section III: Student Publications.

There were no related Virginia statutes to school board policies for this section.

Section IV: Personal Appearance.

The first three (3) items in this section related generally to the statute authorizing school boards to establish rules and regulations for student conduct.

Section V: Religion and Patriotism.

Two (2) items had appropriate statutes: (1) observing a minute of silence, and (2) flying the Virginia and United States flags.

TABLE 4.37

CODE OF VIRGINIA STATUTES

APPLICABLE TO SCHOOL BOARD STUDENT CONTROL POLICIES

Sections and Items	Applicable Policy	Appropriate Statute		
IA	0	22-79.2;22-72(2)		
IB	0			
IC	0			
		Total	0	Percentage of Maximum 0
IIA	0			
IIB	0			
IIC	0			
IID	0			
IIE	0			
IIF	0			
IIG	1	22-164		
IIH	1	18.2-415		
		Total	2	Percentage of Maximum 25
IIIA	0			
IIIB	0			
IIIC	0			
IIID	0			
IIIE	0			
IIIF	0			
IIIG	0			
IIIH	0			
IIII	0			
		Total	0	Percentage of Maximum 0
IVA	1	22-72(2)		
IVB	1	22-72(2)		
IVC	1	22-72(2)		
IVD	0			
IVE	0			
IVF	0			
		Total	3	Percentage of Maximum 50
VA	0			
VB	0			
VC	0			

TABLE 4.37 - continued

CODE OF VIRGINIA STATUTES

APPLICABLE TO SCHOOL BOARD STUDENT CONTROL POLICIES

Sections and Items	Applicable Policy	Appropriate Statute		
VD	0			
VE	1	22-231.1		
VF	1	22-165;7.1-36		
VG	0			
	Total 2	Percentage of Maximum	29	
VIA	0			
VIB	1	22-165;7.1-36		
VIC	1	22-230.2;22-218		
VID	1	22-230.2		
VIE	0			
	Total 3	Percentage of Maximum	60	
VIIA	1	22-72		
VII B	0			
VII C	0			
VII D	0			
VII E	0			
VII F	0			
VII G	0			
VII H	1	22-230.1		
VIII	1	22-230.2		
	Total 3	Percentage of Maximum	33	
VIIIA	0			
VIIIB	0			
VIIIC	0			
VIIID	0			
VIIIE	0			
VIIIF	0			
VIIIG	1	22-200;18.2-138;8-654.1		
VIIIH	1	18.2-129		
VIIII	0			
VIIIJ	0			
VIIIK	0			
VIIIL	0			
	Total 2	Percentage of Maximum	17	

TABLE 4.37 - continued

CODE OF VIRGINIA STATUTES

APPLICABLE TO SCHOOL BOARD STUDENT CONTROL POLICIES

Sections and Items	Applicable Policy	Appropriate Statute
IXA	1	8.01-47;22-72;18.2-415
IXB	1	22-236.1;8.01-47
IXC	1	18.2-85;18.2-79
IXD	0	
IXE	0	
IXF	1	18.2-57
IXG	0	
IXH	1	22-156;22-10.2;22-235
IXI	1	18.2-56
IXJ	1	22-97
IXK	1	18.2-82;18.2-79
	Total 8	Percentage of Maximum 73
XA	1	18.2-119
XB	1	18.2-415
XC	1	18.2-128
XD	1	18.2-83
XE	1	22-72
XF	1	22-72
	Total 6	Percentage of Maximum 100
XIA	1	Art. I, Sec. 15 (Va. Constitution)
XIB	0	
XIC	0	
XID	0	
XIE	1	22-230.1;22-230.2
XIF	0	
XIG	0	
XIH	1	22-230.1
XII	0	
XLJ	0	
XIK	0	
	Total 3	Percentage of Maximum 27
XIIA	0	
XIIB	0	
XIIC	0	
XIID	0	

TABLE 4.37 - continued

CODE OF VIRGINIA STATUTES

APPLICABLE TO SCHOOL BOARD STUDENT CONTROL POLICIES

Sections and Items	Applicable Policy	Appropriate Statute	
XIIE	0		
		Total 0	Percentage of Maximum 0
XIIIA	1		18.2-415;22-72;8.01-47
XIIIB	1		18.2-85;18.2-79
XIIIC	1		8.01-47
XIIID	1		22-72
		Total 4	Percentage of Maximum 100
XIVA	0		
XIVB	0		
XIVC	0		
XIVD	0		
XIVE	0		
XIVF	0		
		Total 0	Percentage of Maximum 0
XVA	0		
XVB	1		22-231.1
		Total 1	Percentage of Maximum 50
XVIA	0		
XVIB	0		
XVIC	0		
XIID	0		
		Total 0	Percentage of Maximum 0
XVIIA	0		
XVIIB	0		
XVIIC	1		2.1-341;22-275.26;22-53.1
XVIID	0		
XVIIIE	0		
XVIIF	0		
XVIIG	0		
		Total 1	Percentage of Maximum 14

Section VI: Civil Rights.

Three (3) items had appropriate Virginia statutes: references to the Bill of Rights, attendance of married students, and attendance of pregnant students.

Section VII: Code of Behavior: General Policies.

Only three (3) items had appropriate statutes: need for a code of conduct, suspension policies, and expulsion policies.

Section VIII: Code of Behavior Standards: Values.

Two (2) items had appropriate statutes: vandalism, and defiance of authority. Statutes requiring parents to pay for student-caused damages to public property were appropriate to this section.

Section IX: Code of Behavior Standards: Health and Safety.

Eight (8) items had appropriate statutes: alcohol, drugs, weapons and explosives, fighting or assault, general safety regulations, hazing, bus conduct, and arson.

Section X: Code of Behavior Standards: Administrative Oriented.

All six (6) items had appropriate statutes. This was one of two (2) sections with a score of 100 per cent.

Section XI: Specific Aspects of Due Process.

Three (3) items had appropriate statutes: need for due process; right of parents to have legal counsel; and right to appeal or review procedures.

Section XII: Student Property.

There were no Virginia statutes related to school board policies for this section.

Section XIII: Weapons and Drugs.

All four (4) items had appropriate statutes. This was one of two (2) sections with a score of 100 per cent.

Section XIV: Extracurricular Activities.

There were no Virginia statutes related to school board policies for this section.

Section XV: Corporal Punishment.

One (1) item had an appropriate statute: corporal punishment is permissible under certain circumstances.

Section XVI: School Governance.

There were no Virginia statutes related to school board policies for this section.

Section XVII: Student Records.

One (1) item had an appropriate statute: personnel who have access to student records.

Hypotheses Accepted or Rejected.

Hypothesis One: The content of the student control policies found in Virginia school division policy manuals reflects the categories listed in the Framework for Analysis, and is therefore complete for all school divisions. As reported in Tables 4.1 through 4.17, Virginia school board policy manuals ranged in content from none to 100 per cent of the student control policies listed in the Framework for Analysis. No policy manual reflected all categories of the Framework nor did all school divisions have policy manuals complete in all respects.

Therefore, Hypothesis One is rejected in its strictest construction. The degree to which individual policy content areas reflected strong

agreement with the Framework for Analysis would have to be pointed out as exceptions to this rejection. These sections have already been described earlier in this chapter.

Hypothesis Two: The content of the student control policies found in Virginia school division policy manuals agrees with the principles of law found in selected federal court decisions, 1965 to 1979. As reported in Tables 4.19 through 4.30 and in Table 4.31, there are instances of strong agreement of legal principles from recent selected cases with school board student control policies. For example, of the one hundred fifteen (115) items in the Framework for Analysis, school board policy manuals were highly consistent with nineteen (19) specific items. Board manuals were also consistent with an additional eighteen (18) specific items.

However, with less than one-third, or 32 per cent, of the items receiving a consistent or highly consistent rating, it is clear that Hypothesis Two must be rejected.

Hypothesis Three: The number of student control policies found in Virginia school board manuals varies with the size and location of the school division. As reported earlier in Tables 4.32 through 4.34, there is some variance in the relationship of political subdivisions to the number of student control policies discovered by the use of the Framework for Analysis rating instrument. From the point of view of mean scores per section, combined divisions were ranked highest as seen in Table 4.33. Combined divisions, with the exception of Roanoke City-Salem City, are not large school divisions by any definition. On the other hand, as reported in Table 4.34, the listing of percentages of maximum scores per

section gives cities the highest ranking. Cities generally have larger school enrollments.

In Tables 4.35 and 4.36, the policies of the ten (10) largest school divisions in Virginia are compared to the policies of the ten (10) smallest school divisions. With minor exceptions, the largest divisions had the highest content scores. Therefore, Hypothesis Three is accepted on the basis of the scores of the largest and smallest school divisions.

Hypothesis Four: The content of the student control policies found in Virginia school division policy manuals reflects the student control statutes found in Virginia School Laws, 1978, and the 1979 Supplement.

The data reported in Table 4.37 indicate that of the one hundred fifteen (115) items in the Framework for Analysis, there is a related Virginia statute for thirty-eight (38) of them or 33 per cent. Table 4.38 compares the percentages of maximum scores per category for all boards with those of the Virginia school statute listings. Five (5) Framework for Analysis categories had no related statutes and therefore no percentage scores: general policies, student publications, student property, extracurricular activities, and school governance. Although two (2) of the categories had scores of 100 per cent for appropriate statutes, these are exceptions to the general data reported in Table 4.38.

Therefore, on the basis of the percentage of maximum scores listings and the fact that only one-third of the items in the Framework for Analysis were matched by an appropriate Virginia statute, Hypothesis Four is rejected.

TABLE 4.38

COMPARISON OF PERCENTAGES OF MAXIMUM
 SCORES PER CATEGORY FOR ALL BOARD POLICIES TO
 THE SCORES FOR VIRGINIA SCHOOL STATUTES

Sections	All Boards	Virginia School Statutes
I	35	0
II	28	25
III	20	0
IV	33	50
V	21	29
VI	55	60
VII	42	33
VIII	34	17
IX	58	73
X	54	100
XI	40	27
XII	53	0
XIII	60	100
XIV	43	0
XV	45	50
XVI	8	0
XVII	63	14

Summary

The purpose of Chapter 4 was to report the findings of this study of school board policy manuals in relation to four (4) hypotheses. One hundred thirty-one (131) policy manuals, representing one hundred thirty-seven (137) school divisions, were examined using the Framework for Analysis Rating Sheet.

Most board manuals were titled "Policy Manual" and had an effective date of 1974. The average number of pages per manual was two hundred ninety-five (295) with most divisions using one (1) volume to publish their policies. All manuals were officially adopted by their respective school boards.

Considerable detail was provided in outlining the major findings of the study. Appropriate tables and accompanying analysis statements were used to discuss individual Framework items and categories for each school board and its student control policies.

Using the Framework for Analysis Rating Sheet, a content analysis was conducted by examining each policy manual. Hypothesis One pertained to the extent the content of board manuals reflected the Framework categories. The policy areas with the lowest ratings were student governance, student publications, and religion and patriotism. The policy areas with the highest ratings were health and safety standards, weapons and drugs, and student records. On the basis of the findings reported, the first hypothesis was rejected.

Hypothesis Two pertained to the agreement of the legal principles found in recent selected court decisions with the student control policies

found in the policy manuals. Many policy items were highly consistent with legal principles outlined. Some examples are the following:

1. Use of the building by students.
2. Status of student dress codes.
3. Attendance and activities of married students.
4. Attendance and activities of pregnant students.
5. Suspension and expulsion policies.
6. Drug use and abuse.
7. Smoking regulations.
8. General safety regulations.
9. Due process procedures.
10. Corporal punishment.

Other policy items were not consistent with the indicated legal principles. Some examples of the lack of consistency are the following:

1. Symbolic expression.
2. "Underground" student publications.
3. Hair length.
4. School prayer.
5. Code of conduct.
6. Search of a student.
7. Use of student questionnaires.
8. Pledge of Allegiance and National Anthem.
9. Verbal abuse.
10. Hazing.

With less than one-third of the Framework for Analysis items receiving a consistent or highly consistent rating, the second hypothesis was rejected.

Hypothesis Three pertained to the number of student policies as they might vary with school board enrollment and location. One method for examining this hypothesis was a review of the various political subdivisions in light of student control policies. The data indicates that there was no clear ranking of one type of political subdivision over another in relation to the policies.

Another view of division size and board policies came from examining the ten (10) largest divisions versus the ten (10) smallest divisions. The largest school divisions had a greater number of policies with greater depth to policy content. The third hypothesis was accepted.

Hypothesis Four was concerned with the relationship between Virginia school statutes and student control board policies. Using the Framework for Analysis Rating Sheet, it was determined that only one-third of the student control policies matched an appropriate statute. The fourth hypothesis was rejected.

Chapter 5 will contain a summary of the findings of the study, conclusions, and implications for further research.

Notes to Chapter 4

¹Superintendent of Public Instruction, Annual Report, 1978-1979
(Richmond, Virginia: Department of Education, January 1980), pp.
98-100.

CHAPTER 5

SUMMARY AND CONCLUSIONS

The Problem

Students, school administrators, parents, and school board members in Virginia and elsewhere are faced every day with the issue of student control. The objectives of the school cannot be realized without reasonable student order. To help the schools maintain order, school boards develop written guidelines or policy handbooks. These handbooks outline rules and regulations covering the operation of a school division in many areas, including regulations for student conduct. Often the response of students and their parents to these regulations gives rise to conflicts which may reach the courts for settlement. As these disagreements reach the courts, one might ask whether the decisions of the courts ultimately affect student control policies at the local school board level.

The problem, then, centers around the question: "What are the official written student control policies established by the school boards of Virginia school divisions and what is the relationship of these policies to recent selected student control court decisions?" The research method chosen to respond to this question was that of the content analysis of statements concerning student control policies contained in the official policy manuals of all Virginia school divisions.

Without clear, written policies which reflect recent court decisions, school officials are vulnerable under the law and may subject themselves to further litigation. Related literature on the central theme of this study was discussed.

Hypotheses

The following hypotheses formed the basis of the study:

1. The content of the student control policies found in Virginia school division policy manuals reflects the categories listed in the Framework for Analysis and is therefore complete for all school divisions.
2. The content of the student control policies found in Virginia school division policy manuals agrees with the principles of law found in selected federal court decisions, 1965 to 1979.
3. The number of student control policies found in Virginia school division policy manuals varies with the size and location of the school division.
4. The content of the student control policies found in Virginia school division policy manuals reflects the student control statutes found in Virginia School Laws, 1978 and the 1979 Supplement.

The Method

The population for the study included all one hundred thirty-seven (137) school boards in Virginia and their respective policy manuals. There were one hundred thirty-one (131) usable manuals, since some boards are combined. The manuals were made available through the

Virginia State Department of Education, which had them on file as a result of the Standards of Quality Program.

The research method used in the study was content analysis. North outlined the basic procedures of content analysis research:

1. First, the research question, theory, and hypotheses are formulated.
2. The sample is then selected, and the categories are defined.
3. Next, the documents are read and coded, and the relevant content is condensed onto special data sheets.
4. After coding, items placed in each category may be scaled, whereupon counts in frequency or intensity are made.
5. Finally, interpretations of the findings are made in light of the appropriate theory.¹

In order to analyze the policy manuals, the researcher developed a Framework for Analysis based on a model by Badders² and limited to the issues suggested in the 1976 National Association of Secondary School Principals statement by Ackerly and Gluckman.³ A summary rating sheet was developed and completed as each board policy manual was read, and it was coded by the absence or presence of a particular policy in relation to the one hundred fifteen (115) Framework for Analysis categories.

The selection of court cases was based on an examination of legal digests and related documents in light of the criteria of board-student conflicts and questions of Federal Constitutional rights. Selected cases (1965-1979) were analyzed to identify legal principles pertinent to the issues of student control. The resulting principles were then matched with board policies to determine the extent to which they agreed

or did not agree with the official policies. Board policies were also compared with Virginia School Laws in order to determine their agreement with the Code of Virginia.

Conclusions

The following conclusions may be drawn from the findings of the study:

1. Three (3) titles for the manuals occurred more frequently than others: "Policy Manual," "Policies and Regulations," and "Policies, Rules, and Regulations." Of the three, "Policy Manual" was used by more school boards than any other title.
2. School board policy manuals varied in number of pages and number of volumes. The mean number of pages was two hundred ninety-five (295).
3. Only eight (8), or 6 per cent, of the one hundred thirty-one (131) policy manuals contained a statement that the school board authorized an individual school to prepare a handbook of rules and regulations for students.
4. While forty-one (41), or 31 per cent of the boards made a general statement on the rights of students to engage in nondisruptive expression, only five (5), or 4 per cent, of the boards had any policy concerning the issue of symbolic expression such as armbands.
5. The sections on student publications, student governance, and religion and patriotism ranked lowest in terms of the number of boards including policy items in those categories.

6. The sections on health and safety standards, weapons and drugs, and student records ranked highest in terms of the number of boards including policy items in those categories.
7. One hundred five (105), or 80 per cent, of the manuals had a general dress code statement.
8. Few boards had anything to say about hair, for only seven (7) manuals, or 5 per cent, contained statements on hair condition or length.
9. A high percentage, 85 per cent, of the policy manuals contained statements regarding the attendance of married and/or pregnant students.
10. As aspects of code of behavior policies, suspension and expulsion regulations were contained in almost all policy manuals, 97 per cent and 95 per cent, respectively.
11. A total of twenty-nine (29) different categories of specific aspects of behavior standards was listed with the items mentioned most often being: leaving school grounds without permission, vandalism, drugs, smoking, general safety rules, bus conduct, noncompliance with school officials, and violation of local, state, and federal laws.
12. One hundred twenty-one (121), or 92 per cent, of the policy manuals had one or more statements related to due process. The parents' right to a hearing was the most frequently repeated policy statement.
13. One hundred thirteen (113), or 86 per cent, of the boards had a written policy permitting corporal punishment of students.

14. In the application of student control decisions from recent court cases, certain policy items were rated as highly consistent with the pertinent legal principles. These included the following: building use by students, student dress codes, attendance and activities of married and/or pregnant students, suspension and expulsion policies, drugs, smoking, general safety regulations, due process procedures, and corporal punishment.
15. In the application of student control decisions from recent court cases, certain policy items were not consistent with the indicated legal principles. These included the following: symbolic expression, "underground" publications, hair length, school prayer, code of conduct, search of a student's person, student questionnaires, patriotic expression, verbal abuse, and hazing.
16. There was no clear ranking of one type of political subdivision over another in terms of number of policies or percentage ratings, even though there were differences in the number and scope of official board policies throughout Virginia.
17. A comparison of the scores for the ten (10) largest Virginia school divisions with those for the ten (10) smallest indicates that the largest divisions had a higher percentage of student control policy items in almost all categories than did the smallest divisions. The categories with the highest percentage scores were health and safety standards, administrative

oriented standards, due process procedures, weapons and drugs, and school records.

18. Of the one hundred fifteen (115) items in the Framework for Analysis, there is a related Virginia statute for only thirty-eight (38), or 33 per cent of them.
19. Five Framework for Analysis categories had no related Virginia statutes: general policies, student publications, student property, extracurricular activities, and school governance.

Discussion

Certain implications of the findings are listed below:

1. The wide range in number and scope of student control policies among the individual school districts provides little uniformity in such policies across the state of Virginia.
2. Policy manuals did not appear to contain a great many policies reflecting student control court decisions.
3. Virginia statutes related to public schools do not address sensitive areas of student control such as student inquiry and expression, or First Amendment rights and student publications.
4. To assure that policy manuals do reflect court decisions school boards should systematically incorporate them into their policy manuals.
5. Board policy manuals developed by individual and association consultants appear to reflect state statutes and recent student control court decisions to a greater degree than nonconsultant manuals.

6. Policy manuals are filled with more items on organizational patterns, contracts, personnel rules, cafeteria guidelines, and financial management than items on student behavior.
7. There seems to be no regular procedure for revising and updating the policy manuals. Many which were examined had never been revised or had not been revised since 1974.
8. Statements of student rights are overshadowed by statements of student responsibilities.
9. Local school board policy statements reflect the needs and flavor of the work of the local school division.

Implications of Future Research

The following statements represent suggestions for future research on the topic of this study:

1. A content analysis of the manuals should be conducted periodically to determine whether student control policies then reflect court decisions to a greater degree than those in the present study.
2. A study should be conducted to compare Virginia school board policy manuals with the manuals of boards in other states to monitor and clarify the differences and similarities of policies related to student control.
3. A study should be made comparing consultant-developed manuals with nonconsultant manuals to determine differences and similarities and the implications for school boards generally.

4. A study of the attitudes of board members should be made to determine their feelings toward policies and the relationship of the policies to court decisions and community expectations.
5. An in-depth study of one (1) or two (2) boards should be undertaken to analyze the development of the policies over a time period to determine the chief factors affecting the development of board policies.
6. A similar study should be conducted using individual school student handbooks selected from Virginia schools.

Notes to Chapter 5

¹Badders, p. 32, citing Robert C. North, et al., Content Analysis (Evanston, Illinois: Northwestern University Press, 1963), p. 38.

²Frederick Toliver Badders, "A Content Analysis of Statements Concerning Student Rights and Responsibilities Contained in Policy Manuals of Governing Boards of Public Higher Education (Ph. D. dissertation, Florida State University, 1970), p. 41.

³Robert L. Ackerly and Ivan B. Gluckman, The Reasonable Exercise of Authority, II (Reston, Virginia: The National Association of Secondary School Principals, 1976), p. iii.

APPENDIX A
LIST OF VIRGINIA SCHOOL DIVISIONS
WITH SUMMARY
OF BASIC DATA FOR POLICY MANUALS

APPENDIX A

LIST OF VIRGINIA SCHOOL DIVISIONS

WITH SUMMARY DATA FOR POLICY MANUALS*

DIVISIONS	78 - 79 Enroll- ment	Date of Original Manual	Title	Number of Pages	Coded	Indexed	Consultant	Number of Volumes
1. Accomack	6,036	1974	P.M. ^a	207	yes	no		1
2. Albemarle	10,281	1974	P.& R. ^b	441	yes	yes	Blucher ¹	1
3. Alleghany	3,515	1974	P.M.	111	yes	no		1
4. Amelia	1,816	1973	P.& R.	336	yes	yes		2
5. Amherst	5,886	1974	P.& R.	337	yes	yes	Blucher	1
6. Appomattox	2,908	1974	P.M. ^c	282	yes	yes		1
7. Arlington	18,655	1974	A.M.	1297	yes	no		1
8. Augusta	12,012	1974	A.M.	130	yes	yes		1
9. Bath	1,281	1976	P.& A.R. ^d	135	yes	yes	N.S.B.A. ²	2
10. Bland	1,373	1974	P.H. ^e	266	yes	no		1
11. Botetourt	5,138	1974	P.M. ^f	189	yes	yes		1
12. Brunswick	3,396	1974	S.B.P.	326	yes	yes		1
13. Buchanan	9,581	1974	P.M.	419	yes	no		1
14. Buckingham	2,829	1974	P.R.B. ^g	403	yes	yes		1
15. Campbell	10,520	1974	P.& R.	341	yes	yes	Blucher	1
16. Caroline	4,356	1974	P.& B. ^h	196	yes	no		1
17. Carroll	5,597	1974	P.M.	306	yes	yes		1
18. Charles City	1,686	1972	P.M.	464	yes	yes	Bullock ³	1
19. Charlotte	2,931	1974	P.& R.	86	yes	no		1
20. Chesterfield	34,001	1974	P.& R.	132	yes	no		1

DIVISIONS		78 - 79	Date of	Title	Number	Coded	Indexed	Consultant	Number
	Enroll-ment	Original	Manual		of				of
					Pages				Volumes
21. Clarke	2,049	1974		P. & R. ⁱ	170	yes	no		1
22. Craig	830	1974		P. & A.G.	251	yes	no		2
23. Culpeper	5,292	1974		P.M.	302	yes	no		1
24. Cumberland	1,836	1974		P.R. & R. ^j	97	yes	no		1
25. Dickerson	4,848	1974		P.M.	247	yes	no		1
26. Dinwiddie	5,188	1974		P.M.	105	yes	no		1
27. Essex	1,890	1974		P.R. & R. ^k	125	yes	no		1
28. Fairfax	138,588	1967		P.B. & R.	1250	yes	no	Croft ⁴	2
29. Fauquier	8,296	1978		A.H.	100	yes	no		2
30. Floyd	2,275	1972		P. & R.	368	yes	yes	Blucher	1
31. Fluvanna	2,376	1974		P.M.	418	yes	no		1
32. Franklin	7,545	1973		P.M.	142	yes	no		1
33. Frederick	8,053	1974		P. & R.	328	yes	yes	Blucher	1
34. Giles	4,098	1974		P.R. & R.	122	yes	no		1
35. Gloucester	4,044	1974		P. & P. ^m	268	yes	no		1
36. Goochland	2,302	1974		P.M.	398	yes	yes		1
37. Greene	1,744	1974		P.H.	171	yes	no		1
38. Hanover	11,554	1974		P.M.	144	yes	no		1
39. Henrico	35,574	1974		P. & R.	335	yes	no		1
40. Henry	12,993	1974		P.M.	238	yes	no		1
41. Highland	495	1974		P.M.	114	yes	no		1
42. Isle of Wight	4,728	1974		P. & R.	309	yes	no		1
43. King George	2,580	1970		P.R. & R.	202	yes	no		1
44. King & Queen	1,114	1974		P.M.	199	yes	no		1
45. Lancaster	1,932	1974		Pers.H. ^h	83	yes	no		1

DIVISIONS	78 - 79 Enroll- ment	Date of Original Manual	Title	Number of Pages	Coded	Indexed	Consultant	Number of Volumes
46. Lee	5,983	1974	P.M.	282	yes	no		1
47. Loudoun	14,740	1974	P. & R.	423	yes	yes	Blucher	1
48. Louisa	4,064	1974	P.R. & R.	80	yes	no		1
49. Lunenburg	2,702	1974	P. & R.	351	yes	yes	Blucher	1
50. Madison	2,267	1974	P.R. & R.	500	yes	yes		1
51. Matthews	1,449	1974	P.M.	407	yes	yes		1
52. Mecklenburg	6,272	1974	P. & R.	300	yes	yes	Blucher	1
53. Middlesex	1,391	1974	P.H.	385	yes	no		1
54. Montgomery	9,877	1974	P.M.	245	yes	yes		1
55. Nelson	2,734	1974	P. & R.	152	yes	no		1
56. New Kent	1,880	1974	P.R.B.	467	yes	no		1
57. Northumberland	1,645	1974	Policies	128	yes	no		1
58. Nottoway	3,159	1973	P. & R.	326	yes	yes	Blucher	1
59. Orange	4,150	1975	P.R. & R.	123	yes	yes		1
60. Page	4,136	1974	P. & A.G.	183	yes	no		1
61. Patrick	3,751	1974	P.M.	143	yes	no		1
62. Pittsylvania	14,897	1974	P. & R.	300	yes	yes		1
63. Powhatan	2,601	1975	Policies	105	yes	no		1
64. Prince Edward	2,375	1973	P.H.	461	yes	yes		1
65. Prince George	6,161	1978	P.H.	84	yes	no		1
66. Prince William	39,338	1974	P.M.	952	yes	yes		2
67. Pulaski	8,358	1974	Policies	138	yes	no		1
68. Rappahannock	1,263	1974	P. & A.G.	174	yes	no		1
69. Richmond	1,505	1974	P.M.	129	yes	no		1
70. Rockbridge	3,750	1974	P.M.	63	yes	no		1

DIVISIONS	78 - 79 Enroll- ment	Date of Original Manual	Title	Number of Pages	Coded	Indexed	Consultant	Number of Volumes
71. Rockingham	11,139	1974	P.M.	411	yes	no		1
72. Russell	7,040	1976	P.M.	179	yes	no		1
73. Scott	5,495	1974	P.M.	214	yes	no		1
74. Shenandoah	5,745	1974	P.M.	125	yes	no		1
75. Smyth	7,414	1974	P.M.	155	yes	no		1
76. Southampton	3,689	1974	P. & R.	452	yes	yes		1
77. Spotsylvania	8,765	1974	P.H.	112	yes	no		1
78. Stafford	10,233	1974	P.R. & R.	158	yes	yes		1
79. Surry	1,481	1978	P. & R.	478	yes	yes		3
80. Sussex	2,694	1974	P. & R.	216	yes	no		1
81. Tazewell	11,592	1974	P.M.	531	yes	yes		1
82. Warren	4,435	1976	P. & A.G.	198	yes	yes		1
83. Washington	10,150	1974	P.M.	513	yes	no		2
84. Westmoreland	2,569	1974	Policies	93	yes	no		1
85. Wise	10,423	1973	P.M.	372	yes	no	Croft	1
86. Wythe	5,672	1974	P.M.	349	yes	yes		1
87. York	9,909	1974	P.M.	163	yes	no		1
<u>Combined</u>								
88. Bedford County & City	8,437	1974	P.M.	415	yes	yes	N.S.B.A.	1
89. Grayson - Fries	2,578 7,508	1974	P.M.	270	yes	yes		1
90. Greensville - Emporia	3,689	1974	P. & R.	453	yes	no	N.S.B.A.	2

DIVISIONS		78 - 79	Date of	Title	Number	Coded	Indexed	Consultant	Number
		Enroll- ment	Original Manual		of Pages		Manual		of Volumes
91.	Halifax - South Boston	6,961 1,521	1974	P. & R.	356	yes	yes		2
92.	James City - Williamsburg	5,286	1974	P. & R.	354	yes	no	N.S.B.A.	1
93.	King William - West Point	1,531 778	1974	P.R.& R.	170	yes	no		1
94.	Northampton - Cape Charles	2,864 286	1974	P. & P.	67	yes	no		1
95.	Roanoke City - Salem City	21,318	1974	Guidebook	130	yes	yes		1
<u>Cities</u>									
96.	Alexandria	13,058	1974	P.R.& R.	216	yes	no		1
97.	Bristol	3,991	1974	P.M.	260	yes	yes	Blucher	1
98.	Buena Vista	1,545	1974	P.M.	106	yes	no		2
99.	Charlottesville	5,872	1974	P. & R.	518	yes	yes		1
100.	Chesapeake	27,945	1974	P. & R.	418	yes	yes		1
101.	Clifton Forge	964	1976	P. & R.	338	yes	no		1
102.	Colonial Heights	3,939	1974	A.H.	59	yes	no		1
103.	Covington	1,918	1976	P.R.& R.	91	yes	yes		1
104.	Danville	8,594	1974	P.M.	271	yes	yes		1
105.	Falls Church	1,350	1974	P. & R.	409	yes	yes	Blucher	1
106.	Franklin City	1,941	1974	P.R. & R.	80	yes	yes		1
107.	Fredericksburg	2,596	1974	P. & R.	411	yes	yes	Blucher	2

DIVISIONS	78 - 79 Enroll- ment	Date of Original Manual	Title	Number of Pages	Coded	Indexed	Consultant	Number of Volumes
108. Galax	1,468	1974	Policies	292	yes	yes		1
109. Hampton	28,318	1974	P. & R.	402	yes	yes		1
110. Harrisonburg	2,668	1969	P. & R.	363	yes	yes	Michie	1
111. Hopewell	5,332	1974	P.M.	440	yes	no	N.S.B.A.	1
112. Lexington	958	1974	P.M.	107	yes	no		1
113. Lynchburg	11,768	1974	P. & R.	308	yes	no	Blucher	1
114. Manassas	3,356	1978	P.M.	509	yes	yes		1
115. Manassas Park	2,037	1978	P.M.	190	yes	yes		1
116. Martinsville	3,918	1974	P. & R.	323	yes	yes		1
117. Newport News	30,850	1974	P. & P.	460	yes	yes		1
118. Norfolk	45,378	1974	P. & R.	384	yes	yes		1
119. Norton	1,202	1974	P.R. & R.	122	yes	no		1
120. Petersburg	8,885	1974	P.R. & R.	468	yes	no		1
121. Poquoson	2,389	1975	P.M.	184	yes	yes		1
122. Portsmouth	21,605	1977	Policies	89	yes	no		1
123. Radford	2,018	1974	P.M.	134	yes	no		1
124. Richmond	35,234	1978	R. & R. ⁰	398	yes	no		1
125. Roanoke	18,436	1976	P.M.	1212	yes	no	N.S.B.A.	2
126. Staunton	3,960	1976	P.M.	157	yes	yes		1
127. Suffolk	10,393	1972	P.R. & R.	312	yes	no		1
128. Virginia Beach	60,765	1974	P. & A.R.	331	yes	no		3

DIVISIONS	78 - 79 Enroll- ment	Date of Original Manual	Title	Number of Pages	Coded	Indexed Consultant	Number of Volumes
129. Waynesboro	3,572	1974	P.M.	607	yes	yes	N.S.B.A. 2
130. Winchester	3,753	1974	P. & R.	400	yes	yes	1
<u>Towns</u>							
131. Colonial Beach	558	1974	P.M.	169	yes	no	1

*"Standards of Quality and Objectives, 1978-80," Commonwealth of Virginia, contains the following reference:

12 POLICY MANUAL.

Each school division shall maintain and follow an up-to-date policy manual

CODE FOR COLUMN 3 - APPENDIX A

- a. P.M. - Policy Manual
- b. P. and R. - Policies and Regulations
- c. A.M. - Administrative Manual
- d. P. and A.R. - Policies and Administrative Regulations
- e. P.H. - Policy Handbook
- f. S.B.P. - School Board Policies
- g. P.R.B. - Policies, Regulations, and By-Laws
- h. P. & B. - Policies and By-Laws
- i. P. & A.G. - Policies and Administrative Guide
- j. P.R. & R. - Policies, Rules and Regulations
- k. P.B. & R. - Policies, By-Laws and Regulations
- l. A.H. - Administrative Handbook
- m. P. & P. - Policies and Procedures
- n. Pers. H. - Personnel Handbook
- o. R. & R. - Rules and Regulations

CODE FOR COLUMN 7 - APPENDIX A

- 1. Blucher and Associates
- 2. National School Boards Association
- 3. Independent Consultant - William Bullock Associates
- 4. Croft Publishers, Davies - Brickell System
- 5. Michie Company

APPENDIX B
FRAMEWORK FOR ANALYSIS
SUMMARY RATING SHEET

FRAMEWORK FOR ANALYSIS

SUMMARY RATING SHEET*

Data on the School Board:

Name: _____

Type: _____ Rural: _____ Suburban: _____ Urban: _____

Enrollment: _____ Date of manual: _____

Districts served by board: _____

Category of type of Policy Materials:

_____ Comprehensive policy manual

_____ Sections of policy manual.

_____ Separate statement on rights and responsibilities.

_____ No manual on file with State Department of Education.

_____ Other: _____

Title of manual: _____

Number of pages: _____ Looseleaf: _____ Bound: _____ File: _____

Date of last revision: _____

Other notes of importance in reference to this manual: _____

*These rating sheets are adapted from the Framework for Analysis for the purpose of coding the policy manuals.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET, continued

Categories:

I. General Policies

- A. ___ Statement that the school board authorizes individual schools to develop student control handbooks and enforce rules and regulations.
- B. ___ Statement on the general philosophy and necessity for student rights and responsibilities.
- C. ___ Statement on nondiscrimination of policies and procedures.

Total--Section I . . . ___

II. Inquiry and Expression

- A. ___ Statement that the student has the general right to engage in nondisruptive inquiry and expression.
- B. ___ Statement that student has specific right to freedom of verbal inquiry and expression in classroom.
- C. ___ Statement that student has specific right to symbolic expression using such items as armbands and buttons.
- D. ___ Statement that student has specific right to engage in nondisruptive physical inquiry and expression.
- E. ___ Statement that any disruptive action will not be accepted or tolerated.
- F. ___ Statement on the policies governing the invitation and use of outside speakers.
- G. ___ Statement on the general use of facilities by students.
- H. ___ Statement prohibiting riots and disturbances.

Total--Section II . . . ___

III. Student Publications

- A. ___ Statement on the general status of publications within the school division.
- B. ___ Statement on specific policies and procedures for the approval of copy.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET - continued

- C. ___ Statement on the purpose of having school publications.
- D. ___ Statement on the specific procedure for selecting and removing editors (or other staff members).
- E. ___ Statement on the specific procedure for selecting and removing sponsors.
- F. ___ Statement on the specific policies for the financing of student publications.
- G. ___ Statement on the specific policies concerning the use of questionnaires or surveys related to student publications.
- H. ___ Statement that the board does not sanction "underground" student publications.
- I. ___ Statement on the rights of access of other students to student publications.

Total--Section III . . . ___

IV. Personal Appearance

- A. ___ Statement on the general status of dress codes in the school division.
- B. ___ Statement that specific dress code rights are limited by considerations of health and safety.
- C. ___ Statement that specific dress code rights are limited by possibilities of disruption of classroom activities.
- D. ___ Statement that nondisruptive dress or grooming will generally be accepted.
- E. ___ Statement by the board which restricts hair length or condition especially for boys.
- F. ___ Statement that dress codes are related to social events such as dances, banquets and more.

Total--Section IV . . . ___

V. Religion and Patriotism

- A. ___ Statement on the general status of local board feeling on religion and patriotism.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET - continued

- B. ___ Statement on school prayer restrictions.
- C. ___ Statement on Pledge of Allegiance restrictions.
- D. ___ Statement on use of National Anthem in relation to school activities.
- E. ___ Statement on what board will permit to be used in the classroom in lieu of school prayer.
- F. ___ Statement requiring the flying of the Virginia and United States flags.
- G. ___ Statement that there will be no released time for religious instruction.

Total--Section V . . . ___

VI. Civil Rights

- A. ___ Statement on the general philosophy of the board on student civil rights.
- B. ___ Statement in reference to the Bill of Rights and/or the Fourteenth Amendment.
- C. ___ Statement on the specific policies regarding the attendance of married students.
- D. ___ Statement on the specific policies regarding the attendance of pregnant students, married or unmarried.
- E. ___ Statement on the specific policies regarding the implementation of Title IX regulations.

Total--Section VI . . . ___

VII. Code of Behavior: General Policies and Procedures

- A. ___ Statement on the general need for a code of conduct.
- B. ___ Statement on the specific procedure for development of the code of conduct.
- C. ___ Statement on the publication and distribution of the code.
- D. ___ Statement on the jurisdiction or enforcement responsibility for the code.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET - continued

- E. ___ Statement on the sanctions or types of punishments imposed for violation of the code.
- F. ___ Statement that code applies to all students and all receive a copy in writing.
- G. ___ Statement of detention policies and procedures.
- H. ___ Statement of suspension policies and procedures.
- I. ___ Statement of expulsion policies and procedures.

Total--Section VII . . . ___

VIII. Code of Behavior Standards: Values

- A. ___ Reference to dishonesty or cheating.
- B. ___ Reference to fraud of records or forgery.
- C. ___ Reference to theft.
- D. ___ Reference to gambling.
- E. ___ Reference to immoral, indecent or obscene conduct (drawings and literature possession included)
- F. ___ Reference to lying.
- G. ___ Reference to vandalism.
- H. ___ Reference to disobedience or defiance of authority.
- I. ___ Reference to verbal abuse.
- J. ___ Reference to leaving school grounds without permission.
- K. ___ Reference to extortion of money or property.
- L. ___ Reference to truancy and skipping classes.

Total--Section VIII . . . ___

IX. Code of Behavior Standards: Health and Safety

- A. ___ Reference to alcohol.
- B. ___ Reference to drugs.
- C. ___ Reference to weapons and explosives.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET - continued

- D. ___ Reference to traffic, motor vehicles.
- E. ___ Reference to smoking regulations.
- F. ___ Reference to fighting and/or assault.
- G. ___ Reference to conduct which constitutes physical danger to others.
- H. ___ Reference to general safety regulations.
- I. ___ Reference to hazing.
- J. ___ Reference to bus conduct.
- K. ___ Reference to arson.

Total--Section IX . . . ___

X. Code of Behavior Standards: Administrative Oriented

- A. ___ Statement on the unauthorized occupancy of any part of a school building.
- B. ___ Statement on a willful disruption of class activities.
- C. ___ Statement on trespassing.
- D. ___ Statement on threatening to bomb, burn, or otherwise destroy a building or portion thereof.
- E. ___ Statement on noncompliance with school rules.
- F. ___ Statement on violation of local, state, and federal laws.

Total--Section X . . . ___

XI. Code of Behavior: Specific Aspects of Due Process

- A. ___ Statement on the need for and the general provisions of due process.
- B. ___ Statement on the need for and procedures of informing suspected student of charges against him.
- C. ___ Statement on the right of parents of students to be informed of charges and rights to a hearing.
- D. ___ Statement on the right of student to have witnesses and to face accusers.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET - continued

- E. ___ Statement on the right of the student to have an advisor or legal counsel at a hearing.
- F. ___ Statement on the format of procedures of the hearing itself.
- G. ___ Statement on the record of the hearing.
- H. ___ Statement on the appeal or review procedures.
- I. ___ Statement on the status of the student pending final action.
- J. ___ Statement on the specific right of the student to have written notification of the decision rendered at the hearing.
- K. ___ Statement that a direct appeal by a student is recognized by the board.

Total--Section XI . . . ___

XII. Student Property

- A. ___ Statement on general provisions of search and seizure policies.
- B. ___ Statement that the board has the authority to search student lockers where there is reasonable cause.
- C. ___ Statement that the school principal has the authority to search a student where there is reasonable cause.
- D. ___ Statement that the board has the authority to seize and hold student property which constitutes a hazard to others.
- E. ___ Statement that the police may interrogate students when the principal is present.

Total--Section XII . . . ___

XIII. Weapons and Drugs

- A. ___ Statement on violation of local, state, and federal laws for possession or use of drugs and alcohol.
- B. ___ Statement on violation of local, state, and federal laws for possession of weapons and explosives.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET - continued

C. _____ Statement of penalties and enforcement provisions for violations of rules related to drugs, weapons, and explosives.

D. _____ Statement on the status of the student with school board authorities in relation to civil penalties.

Total--Section VIII . . . _____

XIV. Extracurricular Activities

A. _____ Statement on the need for and the development of clubs and activities.

B. _____ Statement on the criteria for the creation of new clubs and their recognition by the school principal.

C. _____ Statement on the procedures for selecting and removing faculty sponsors.

D. _____ Statement on the relationship between out-of-school activities and those within the school.

E. _____ Statement on the specific application of school rules to extracurricular activities.

F. _____ Statement there are to be no secret societies or organizations.

Total--Section XIV . . . _____

XV. Corporal Punishment

A. _____ Statement that the school board prohibits the application of corporal punishment as a disciplinary procedure.

B. _____ Statement that the board permits corporal punishment in selected cases or under certain circumstances.

Total--Section XV . . . _____

XVI. Student Participation in School Governance

A. _____ Statement on the basic role of student government.

B. _____ Statement on the specific procedures for student participation in decision making.

FRAMEWORK FOR ANALYSIS SUMMARY RATING SHEET - continued

C. ___ Statement on the make-up of student advisory committees.

D. ___ Statement on the matter of student petitions.

Total--Section XVI . . . ___

XVII. Student Records

A. ___ Statement on the general need for student records.

B. ___ Statement on the specific types of information to be kept on permanent file.

C. ___ Statement on the specific personnel who have access to records.

D. ___ Statement on the specific procedures for release of information in records.

E. ___ Statement that the board complies with the Family Educational Privacy Act of 1974.

F. ___ Student directories are permitted when they are used for educational purposes and not commercial.

G. ___ Student records are maintained in accordance with the rules and regulations of the Virginia State Department of Education.

Total--Section XVII . . . ___

Comments and notes:

APPENDIX C

LETTER FROM FREDERICK T. BADDERS



Appalachian State University
Boone, North Carolina 28608

704/262-2055 & 2056

May 15, 1978

Mr. Harold D. Gibson, Principal
Clover Hill High School
13900 Hull Street Road
Midlothian, Virginia 23113

Dear Harold:

Your letter addressed to me at Southeastern Community College has found its way to me here at Appalachian State University. I trust that my response is not too late to you and that, in fact, you have gone ahead and adapted my Framework for Analysis.

I have no hesitation at all in giving you permission to adapt the Framework and I trust that it will be beneficial for you in completing your dissertation.

Although I would be hesitant to ask you to have any extra expenditure, I would be interested in taking you up on your offer to provide me a copy of the completed dissertation. Not only do I have a continuing interest in that particular area of student rights and responsibilities, I currently teach a course entitled Legal and Ethical Issues in Counseling and Student Development at ASU. If you are able to provide me a copy, I would be pleased to even have a next to last draft or a "messy" copy.

If I can assist you in any way with your dissertation or with anything else, please let me know. Best wishes to you.

Sincerely yours,

A handwritten signature in cursive script that reads 'Fred'.

Fred T. Badders, Chairperson
Department of Counselor Education
and Research

FTB/jd



APPENDIX D

LIST OF CASES

LIST OF CASES

- Baker v. Owen, 423 U. S. 907 (1975).
- Baker v. Downey City Board of Education, 307 F. Supp. 517 (1969).
- Banks v. Board of Public Instruction of Dade County, 314 F. Supp. 285 (1970).
- Bannister v. Paradis, 316 F. Supp. 185 (1970).
- Berryman v. Hein, 329 F. Supp. 616 (1971).
- Bishop v. Colaw, 450 F. 2d 1069 (1971).
- Bilbrey v. Brown, 481 F. Supp. 26 (1979).
- Blackwell v. Issaquena County Board of Education, 363 F. 2d 749 (1966).
- Brown v. Greer, 296 F. Supp. 595 (1969).
- Burnside v. Byars, 363 F. 2d 744 (1966).
- Carey v. Phipus, 435 U. S. 247, 98 S. Ct. 1042 (1978).
- Davis v. Meek, 344 F. Supp. 298 (1972).
- Dunn v. Tyler Independent School District, 460 F. 2d 137 (1972).
- Einhorn v. Maus, 300 F. Supp. 1171 (1969).
- Eisner v. Stamford Board of Education, 440 F. 2d 803 (1971).
- Epperson v. Arkansas, 393 U. S. 97 (1968).
- Ferrell v. Dallas Independent School District, 392 F. 2d 697, cert. denied, 89 S. Ct. 98 (1968).
- Frain v. Baron, 307 F. Supp. 27 (1969).
- Gaines v. Anderson, 421 F. Supp. 337 (1976).
- Gambino v. Fairfax County School Board, 564 F. 2d 157 (1977).
- Goss v. Lopez, 419 U. S. 565 (1975).
- Grayned v. City of Rockford, 408 U. S. 104 (1972).
- Guzick v. Drebus, 305 F. Supp. 474 (1969).

- Healy v. James, 408 U. S. 169 (1972).
- Hernandez v. Hanson, 430 F. Supp. 1154 (1977).
- Hill v. Lewis, 323 F. Supp. 88 (1971).
- Ingraham v. Wright, 97 S. Ct. 1401 (1977).
- In re Gault, 387 U. S. 1, 13 (1967).
- Karr v. Schmidt, 401 U. S. 1201, Opinion in Chamber by Justice Black (1971).
- Keene v. Rodger, 316 F. Supp. 217 (1970).
- Lawrence University Bicentennial Commission v. City of Appleton, 409 F. Supp. 1319 (1976).
- Leibner v. Sharbaugh, 429 F. Supp. 744 (1977).
- M. by Parents R. and S. v. Board of Education, 429 F. Supp. 288 (1977).
- Madera v. Board of Education, 267 F. Supp. 356 (1967).
- Meltzer v. Board of Public Instruction, 548 F. 2d 559 (1977).
- Merriken v. Cressman, 364 F. Supp. 913 (1973).
- Ordway v. Hargraves, 323 F. Supp. 1155 (1971).
- Overton v. Riegler, 311 F. Supp. 1035 (1970)
- Papish v. Board of Curators, 410 U. S. 667 (1973).
- Perry v. Grenada Municipal Separate School District, 300 F. Supp. 748 (1969).
- Picha v. Weilgos, 410 F. Supp. 1214 (1976).
- Pliscov v. Holtville Unified School District, 411 F. Supp. 842 (1976).
- Police Department v. Moseley, 408 U. S. 92 (1972).
- Quarterman v. Byrd, 440 F. 2d 54 (1971).
- Richards v. Thurston, 424 F. 2d 1281 (1970).
- Riseman v. School Committee of Quincy, 439 F. 2d 148 (1971).

- Scoville v. Board of Education of Joliet Township, 425 F. 2d 10 (1970).
- Sims v. Board of Education, 329 F. Supp. 678 (1971).
- Shanley v. Northeast Independent School District, 462 F. 2d 1960 (1972).
- Smith v. Smith, 523 F. 2d 121 (1975).
- State v. Stein, 203 Kan. 638, cert. denied, 90 S. Ct. 966 (1970).
- Stein v. Oshinsky, 348 F. 2d 999, cert. denied, 382 U. S. 957 (1965).
- Strickland v. Inlow, 519 F. 2d 744 (1975).
- Sullivan v. Houston Independent School District, 307 F. Supp. 1328 (1969).
- Tate v. Board of Education of Jonesboro, Arkansas, Special School District, 453 F. 2d 975 (1972).
- Tinker v. Des Moines Independent School District, 393 U. S. 503 (1969).
- Trachtman v. Anker, 563 F. 2d 512 (1977).
- Vaughan v. Reed, 313 F. Supp. 431 (1970).
- Voigt v. Van Buren Public Schools, 306 F. Supp. 1388 (1969).
- Wood v. Strickland, 420 U. S. 308 (1975).
- Zanders v. Louisiana State Board of Education, 281 F. Supp. 747 (1968).

APPENDIX E
VIRGINIA STATUTES
APPLICABLE TO BOARD POLICIES

APPENDIX E

The following Virginia statutes, in effect during 1978-79, were applicable to school board policies:

Article I, Sec. 15. Qualities necessary to preservation of free government.--"That no free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights, and that such rights cannot be enjoyed save in a society where law is respected and due process is observed."

Sec. 2.1-341 (f). "Scholastic records means those records, files documents, and other materials containing information about a student and maintained by a public body which is an educational agency or institution or by a person acting for such agency or institution, but, for the purpose of access by a student, does not include (i) financial records of a parent or guardian nor (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute."

Sec. 7.1-36. Display of flag at public schools.--"The display of the flag of the Commonwealth of Virginia at each public school within the Commonwealth hereby is authorized and encouraged. Such flag shall be of size to be determined by the Governor in accordance with Sec. 7.1-33 of the Code, and initially shall be furnished by the State of Virginia for each school upon request therefor by the local school board having jurisdiction directed to the Governor; provided, however, that such request shall be accompanied by a statement from the local school board that it will furnish and maintain a flagstaff or pole, and the ropes, pulleys and other equipment needed for flying such flag. The flagpole may be attached to the building or the flag may be flown from a pole located within the school grounds. It shall be the duty of each teacher in a school employing one teacher only, or the principal of each school employing more than one teacher, to see that the flag is flown from the flagstaff or pole during school hours of each day in the year, from the hour of opening until the hour of closing the school under his charge, except upon such days as injury to the flag would be likely to result from flying it by reason of inclement weather conditions. The flag of the Commonwealth may be flown on the same flagstaff or pole as the flag of the United States and immediately thereunder. If a separate flagstaff or pole be provided for the flag of the Commonwealth, such flag shall be flown to the immediate left of the flag of the United States. It shall be the duty of each teacher in every school to instruct thoroughly every pupil coming under his

charge as to the history of the flag and the principles for which it stands, specifically including the Bill of Rights."

Sec. 8.01-47. Immunity of school personnel investigating or reporting alcohol or drug use.--"In addition to any other immunity he may have, any teacher, instructor, principal, school administrator, school coordinator, guidance counselor or any other professional or administrative staff member of any elementary or secondary school, or institution of higher learning who, in good faith with probable cause and without malice, acts to report, investigate, or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity, shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation or disclosure."

Sec. 8.654.1. Action against parent for damage to property by minor.--"The State, acting through the officers having charge of the public property involved, or the governing body of a county, city, town or other political subdivision, or a school board may institute an action and recover from the parents of either of them of any minor living with such parents or either of them for damages suffered by reason of the willful or malicious destruction of, or damage to, public property by such minor, provided that not exceeding two hundred dollars may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based."

Sec. 18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials.--"it shall be unlawful to haze, or otherwise mistreat so as to cause bodily injury, any student at any school, college, or university. . ."

Sec. 18.2-79. Burning or destroying meeting house, etc.--"If any person maliciously burn, or by use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel, or procure the burning or destroying, of any meeting house, courthouse, townhouse, college, academy, school house, or other building erected for public use, except as asylum, hotel, jail or prison, or any banking house. Warehouse, storehouse, manufactory, mill, or other house, whether the property of himself or of another person, not usually occupied by persons lodging therein at night, at a time when any person is therein, or if he maliciously set fire to anything, or cause to be set on fire, or aid, counsel, or procure the setting on fire of anything by the burning whereof any building mentioned in this section shall be burned at a time when any person is therein, he shall be guilty of a Class 4 felony."

Sec. 18.2-82. Burning building or structure while in such building or structure with intent to commit felony.--"If any person while in any building or other structure unlawfully, with intent to commit a felony therein, shall burn or cause to be burned, in whole or in part such building or other structure, the burning of which is not punishable under any other section of this chapter, he shall be guilty of a Class 4 felony."

Sec. 18.2-83. Threats to bomb, burn, or damage buildings or means of transportation; false information as to danger to such buildings, etc., punishment.--"Any person (a) who makes and communicates to another by any means any threat to bomb, burn, destroy or in any manner damage any place of assembly, building or other structure, or any means of transportation or (b) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any such place of assembly, building or other structure, or any means of transportation, shall be guilty of a Class 5 felony; provided, however, that if such person be under fifteen years of age, he shall be guilty of a Class 1 misdemeanor."

Sec. 18.2-57. Assault and Battery.--"Any person who shall commit a simple assault and battery shall be guilty of a Class I misdemeanor."

Sec. 18.2-85. Manufacture, possession, use, etc., of fire bombs or explosives.--"(a) For the purpose of this section "fire bomb" means a container containing gasoline, kerosene, fuel, derivative thereof, or similar flammable substance, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, derivative thereof or similar flammable substance; provided that no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be a fire bomb.

(b) It shall be unlawful for any person to possess materials with which fire bombs or explosives as defined in Sec. 40. 1.23 can be made with the intent to manufacture fire bombs or explosives.

(c) It shall be unlawful to manufacture, distribute, possess or use a fire bomb or explosive.

(d) Violators of this section shall be guilty of a Class 5 felony.

(e) Nothing in this section shall prohibit the authorized manufacture, use or possession of any material, substance, or device by a member of the armed forces of the United States, firemen or law enforcement officers; nor shall it prohibit the manufacture, use or possession of any material, substance or device to be used solely for scientific research, educational purposes or for any lawful purpose."

Sec. 18.2-119. Trespass after having been forbidden to do so.--"If any person shall without authority of law go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally

or in writing by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may be reasonably seen, he shall be guilty of a Class I misdemeanor."

Sec. 18.2-128. Trespass at night upon church or school property.--

"It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor."

Sec. 18.2-129. Failure to leave premises of school or institution of higher learning when directed to do so.--

"Any person, whether or not a student, directed to leave the premises of a school or any institution of higher learning by a person duly authorized to give such direction shall constitute a separate offense."

Sec. 18.2-138. Injuries to public buildings, etc.--

"If any person, wilfully and maliciously break any window or door of the Capitol, or any courthouse, house of public worship, college, school house, city or town hall, or other public building or library, or wilfully and maliciously injure or deface the Capitol, or any statuary in the Capitol, or on the Capitol Square, or in any other public buildings or on any public grounds; or wilfully and maliciously injure or deface any courthouse, house of public worship, or city or town hall, or any other public building; or wilfully and maliciously destroy or carry away any furniture belonging to, or in any of such buildings; or wilfully and unlawfully injure or deface any book, newspaper, magazine, pamphlet, map, picture, manuscript or other property belonging to any library, reading room, museum or other educational institution, or unlawfully remove the same therefrom, he shall be guilty of a Class 1 misdemeanor."

Sec. 18.2-415. Disorderly conduct in public places.--"A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(a) In any street, highway, public building, or while in or on a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title; or

(b) Wilfully, or being intoxicated, whether, wilfully or not, disrupts any meeting of the governing body of any political subdivision of this State or a division or agency thereof, or of any school, literary society or place of religious worship, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title. The person in charge of any such building, place, conveyance or meeting may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose."

Sec. 22-10.2. Protective eye devices.--"Every student and teacher in any school, college, or university participating in any of the following courses:

- (a) Vocational or industrial arts shops or laboratories;
- (b) Chemical or combined chemical-physical laboratories shall be required to wear industrial quality eye protective devices at all times while participating in such courses or laboratories."

Sec. 22-53.1 Destruction of financial records; retention of pupil personnel records.--"The State Board of Education is authorized to promulgate rules and regulations governing the retention of pupil personnel records."

Sec. 22-72. Powers and duties.--"The school board shall have the following powers and duties: Rules for conduct and discipline.--To make local regulations for the conduct of the schools and for the proper discipline of the students, which shall include their conduct going to and returning from school, but such local rules and regulations shall be in harmony with the general rules of the State Board and the statutes of this State."

Sec. 22-79.2. Powers and duties of boards selected under Article.--"The county school boards selected as provided in this article shall exercise all the powers and perform all the duties imposed upon them by general law."

Sec. 22-97. Enumeration of powers and duties.--"The city school board shall have the following powers and duties: Rules and regulations.--To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for the regulating the conduct of pupils going to and returning therefrom."

Sec. 22-156. Fire precautions.--"All public school buildings and additions shall have all halls, doors, stairways, seats, passageways and aisles and all lighting and heating appliances and apparatus, arranged to facilitate egress in case of fire or accidents,

and to afford the requisite and proper case of fire or accidents, and to afford the requisite and proper accommodations for public protection in such cases."

Sec. 22-164. Use of building for other than school purposes.--
 "The school board or the division superintendent, subject to the approval of the board, may provide for, or permit, the use of school buildings and grounds out of school hours during the school term, or in vacation, for any legal assembly, or may permit the same to be used as voting places in any primary, regular or special election."

Sec. 22-165. Flag of the United States.--"Each public school in the counties, cities and towns of the Commonwealth shall be provided with a flag of the United States of America, of a size not less than four by six feet, together with a flagstaff or pole therefor, and the ropes, pulleys and other equipment needed for flying such flag. The flagpole may be either attached to the building, or the flag may be flown from a pole, located within the school grounds. The pole, flag and necessary equipment for flying the same shall be paid for, maintained and replaced out of funds appropriated for this purpose by the governing bodies of the several counties and cities and such towns as constitute a separate school district. It shall be the duty of each teacher in a school employing one teacher only, or the principal of each school employing more than one teacher, to see that the flag is flown from the flagstaff or pole during school hours of each day in the year, from the hour of opening until the hour of closing the school under his charge, except upon such days as injury to the flag would be likely to result from flying it by reason of inclement weather conditions. It shall also be the duty of each teacher in every school thoroughly to instruct every pupil coming under his charge as to the history of the flag and the principles for which it stands, specifically including the Bill of Rights."

Sec. 22-200. Liability of pupils for destruction of property.--
 Each pupil shall be required to reimburse the school for any actual breakage or destruction of property done by such pupil in pursuit of his studies."

Sec. 22-230.1. Suspension of pupil by principal or teacher.--
 "Pupils may be suspended for sufficient cause from attendance at school by either the school principal or in his absence any teacher. Upon suspension of any pupil the principal or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent or guardian of the pupil suspended and such division superintendent or his designee shall review forthwith the action taken by the principal or teacher upon a petition for such review by any party in interest and act so as to confirm or disapprove such action based on an

examination of the pupil's behavior. The school board shall make reasonable rules and regulations setting forth conditions governing suspensions and giving the right of appeal to such board or a committee thereof from action taken by the division superintendent or his designee."

Sec. 22-230.2. Suspension or expulsion by school board or committee thereof.--"Pupils for cause may be suspended or expelled from attendance at school by the school board or a committee thereof in accordance with regulations promulgated by such board. Such regulations, which shall be consistent with the welfare and efficiency of the school, its pupils and its staff, shall set forth conditions for suspension and expulsion from school and give the right of appeal from any action of any committee of the board to the full board."

Sec. 22-231.1. Reasonable corporal punishment of pupils permitted.--"In the maintenance of order and discipline, and in the exercise of a sound discretion, a principal or a teacher in a public school or a school maintained by the State, may administer reasonable corporal punishment on a pupil under his authority; provided he acts in good faith and such punishment is not excessive."

Sec. 22-234.1. Daily observance of one minute of silence.--"In order that the right of every pupil to the free exercise of religion be guaranteed within the schools, and that the freedom of each individual pupil be subject to the least possible pressure from the State either to engage in, or to refrain from, religious observation on school grounds, the school board of each school division shall be authorized to establish the daily observance of one minute of silence in each classroom of the division. Where such one minute period of silence is instituted, the teacher responsible for each classroom shall take care that all pupils remain seated and silent, and make no distracting display, to the end that each pupil may, in the exercise of his or her individual choice, meditate, or pray, or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice."

Sec. 22-235. Study of accident prevention.--"In one or more of the elementary grades or in one or more of the high school grades of every public school there shall be provided a course of study including elementary training in accident prevention, in proper conduct on streets and highways, in the operation of motor vehicles as required by the traffic laws of this State, and in ways and means of preventing loss of lives and damage to property through preventable fires. Such course shall be required of every pupil completing the course of study in any such school."

Sec. 22-236.1. Instruction concerning drugs and drug abuse.--"Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the State Board of Education."

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ABSTRACT

A STUDY OF THE RELATIONSHIP OF SELECTED FEDERAL COURT CASES TO STUDENT CONTROL POLICIES FOUND IN VIRGINIA SCHOOL BOARD POLICY MANUALS

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The College of William and Mary in Virginia, January 1981

Chairman: Professor Robert Maidment

The purpose of this study was to investigate the relationship between the written student control policies established by Virginia school boards and the principles of law found in recent federal court decisions related to student conduct. The researcher also examined the number of student control policies in relation to school division size and location. A further purpose was to relate such policies to school laws contained in the Code of Virginia.

The population for the study consisted of all the school divisions in Virginia, one hundred thirty-seven (137) at the time of this study. Of this number, one hundred thirty-one (131) divisions had usable policy manuals since some divisions were combined under one school board. These manuals were made available to the researcher through the Virginia State Department of Education.

All the policy manuals were examined by the researcher through a method known as content analysis. Essentially, hypotheses are formulated; a sample of content is selected; categories are defined; documents are read and coded, using the categories as a guide; content data are tabulated; data are scaled or otherwise statistically treated; and interpretations are made in light of the hypotheses posed.

It was hypothesized that (1) the content of Virginia school board policy manuals matched the categories of student control policies chosen for the study; (2) the content of the manuals agreed with the principles of law found in selected student control federal court decisions, 1965 to 1979; (3) the number of written student control policies varied with school division size and location; and (4) the content of the manuals reflected student control statutes in the Code of Virginia.

It was concluded that most board manuals did not contain all categories of student control policies. The categories which appeared more frequently were health and safety standards, weapons and drugs, and student records. Nor were the board student control policies in agreement with recent court decisions except in areas such as suspension and expulsion, drugs, due process procedures, and corporal punishment. Policy manuals did vary in content according to the size and location of the school division. It was also determined that Virginia statutes for student control did not agree with the content of the manuals except in areas such as civil rights, health and safety standards, administrative standards, and weapons and drugs.