

# Teacher Education Majors' Basic Knowledge of U.S. Constitutional Rights and Pedagogical Implications

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## Abstract

University students in the United States preparing for a career in as teachers Pre-K - 12 professional education must possess a basic understanding of constitutional law applicable to the profession. Undergraduate teacher education majors in their first course for teacher education majors participated in a survey research study designed to measure their confidence in ability to explain a relevant example of the 1<sup>st</sup>, 4<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments of the U.S. Constitution in the context of professional education. The survey questionnaire instrument asked the respondents to self-assess their level of confidence on the above constitutional amendments on a four-point Likert scale, and also asked the respondents to give a basic example of each of the above stated constitutional amendments. The findings indicate that these students have a low initial understanding of educationally relevant examples of these amendments and an unrealistically elevated belief in their ability to give relevant examples. The Mann-Whitney U test was used to determine differences between pre-survey and post-survey scores. The results indicated a statistically significant ( $p < .001$ ) gain in their confidence to give educationally relevant examples of these amendments in the context of their profession at the end of the course. The effect sizes for differences in pre-survey and post-survey scores indicate a moderate difference for all questions except for one amendment. The pedagogical implications include insight for the course instructor on better engaging students in this content material for relevancy, retention, and application.

**Keywords:** undergraduate, teacher education, American constitutional amendments, pedagogy

## 1. Introduction

### 1.1 Introduce the Problem

Undergraduate teacher education majors in the United States intent upon completing licensure requirements must have a basic knowledge of several amendments of the Constitution in order to avoid legal entanglements due to violations of law with respect to themselves and their students in professional practice. Although the education system by and large in states do not teach constitutional amendments per se as part of mandated K-12 curriculum, teacher education majors and practicing teachers need a basic understanding of specific constitutional amendments for professional practice. The consequences of violations for public-school teachers may range from reprimand, suspension, termination of contract, to incarceration, and violations for students may range from suspension or expulsion to incarceration. Given the importance of having a practical understanding of applicable constitutional amendments, this study was conducted to determine what a sample of students know about those rights, and to use that information in refining classroom instruction on this unit. However, our intention here is neither to examine the consequences for violations, nor review legal precedents relevant to public education, but rather to report the basic confidence of a sample of pre-service teachers on their understanding of specific constitutional amendments both before and after a unit on the amendments during the semester.

Unfortunately, there has been little research published on what pre-service teachers do know about their obligations, rights, or responsibilities with respect to various laws which govern them in professional practice. With the exception of Heuer and Coggins (forthcoming), Call and O'Brien (2011), and Pell (1994), published academic research on this topic is silent. Given the enormous implications of the legal implications for ignorance of the laws applicable to teaching in a public-school setting, the research presented here adds to what undergraduate, teacher education majors

know about these amendments. We suspected that these students will have little confidence in their ability to explain relevant examples of these important constitutional amendments because at this public university, students typically have little to no prior courses in their general education that addresses constitutional law prior to admission into the teacher education program. Although they might have some exposure to aspects of some of these amendments as K - 12 students either directly or through knowledge of events that happened in their public school, we generally assume that American students have little direct exposure to these amendments prior to this course. In spite of the apparent lack of exposure on the amendments in courses to date, public-school teachers are expected to fulfill their professional duties within the limits of these amendments. Clearly, valuable student learning opportunities and school resources may be strained as students, teachers, or school districts recover from the consequences of ignorance of the law.

In order to address student understanding, a survey methodology was adopted to assess pre-service teacher confidence in being able to explain and give an example of each of the five amendments (1<sup>st</sup>, 4<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>). The survey questionnaire was validated using Lawshe's *content validity ratio* (Lawshe, 1975, pp. 567-568) and administered in class over four semesters and allowed us to make a quantitative assessment based on an analysis of pre-survey scores compared to post-survey scores, and allowed the stated level of confidence to be compared with their ability to give a typical example of each of those five amendments. With the above in mind, it is our hope that this research may serve to fill a void in the literature by providing a more recent and an up-to-date report on confidence level of a sample of undergraduate students on the ability to give a relevant example of each of the above listed constitutional amendments, enlighten faculty in teacher education programs, and share how teaching this material has evolved through the results of this study.

### *1.2 Explore Importance of the Problem*

Little scholarly research has been conducted on this question. Ensuring students in teacher education programs know the limits of their legal rights and responsibilities is important in order that these students become knowledgeable teachers able accomplish the duties required of their profession. When teachers inappropriately stifle the legal limits of free speech for their students, overreach their limits of free speech as public servants, inappropriately conduct student searches, inappropriately opt-out of legally required, state-mandated testing handed down from the federal government, deny legally entitled services to students, or inappropriately campaign in class or deny students of age the right to vote, the consequences may include litigation, loss of instructional time, legal costs incurred individually or to the school district, or possibly termination of contract or incarceration. The consequences of ignorance cannot be taken lightly. Further, the results of this study may be of benefit for other teacher education program faculty to serve as a rough baseline of student knowledge of specific constitutional amendments.

### *1.3 Describe Relevant Scholarship*

We will introduce the five amendments that were relevant to the teaching profession, and give a very brief background on the most important legal precedents to each. It is not our intention to evaluate or analyze those court cases presented. They are only mentioned as context to the specific amendments, and their particular importance to the curriculum of pre-service teacher education. Stader, Graca, and Stevens (2010) argued that the 1<sup>st</sup>, 4<sup>th</sup>, and 10<sup>th</sup> amendments were "the most applicable to school cases" (p. 73), and while they provide argument for that, the importance of the 14<sup>th</sup> and 15<sup>th</sup> as described below are also important for public-school teachers to be aware of in professional practice.

### *1.4 The 1<sup>st</sup> Amendment*

"Amendment I

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" (U.S. Const. Amend. I).

In the context of public education, freedom of speech is the most important aspect of the First Amendment. Teachers and students in public education are faced with a plethora of possible issues related to freedom of speech that may result in a quagmire of legal problems if they are not aware of the extent and limitations to freedom of speech in public school contexts. For example, can teachers or students protest on or off of school grounds during school hours? Do teachers or students have limits to what they can say on social media about teachers, students, or school officials? Can students opt-out of school curriculum for religious or political reasons? Can teachers deviate from school curriculum for religious or political reasons? In order for teachers and students in public schools to avoid legal repercussions from overstepping the scope of their constitutional right of freedom of speech under the First

Amendment, it is important that they have at least some basic familiarity of the First Amendment and typical issues of freedom of speech that can occur in a public-school context.

Today, students and teachers in public schools in the United States are guided in their legal rights and limits regarding freedom of speech in public school contexts by six important cases decided by the court system in the United States. In particular, the following cases helped to shape the latitude of freedom of speech in various contexts for students and teachers: *Pickering v. Board of Education* (391 U.S. 563, 1968), *Tinker v. Des Moines Independent Community School District* (393 U.S. 503, 1969), *Bethel School District No. 403 v. Fraser* (478 U.S. 675, 1986), *Hazelwood School District v. Kuhlmeier* (484 U.S. 260, 1988), *Garcetti v. Ceballos* (547 U.S. 410, 2006), *Morse v. Frederick* (551 U.S. 393, 2007) and have been extensively reviewed (Bowman, 2013; Chemerinsky, 2000; Denning & Taylor, 2008; Geisel, 2015; Glenn, 2007; Moskowitz & Casagrande, 1975) in the context of public education.

Moskowitz and Casagrande (1975), and Bowman (2013) have reviewed important cases that defined the scope of speech rights of teachers both in and out of the classroom. Chemerinsky (2000), Glenn (2007), Bowman (2013), and Perrine (2013) have analyzed the scope of legal cases related to student speech rights. But what do pre-service teachers know about the First Amendment in the context of freedom of speech, and why should they care? It addresses the importance of this information first, as far back as 1994 Pell cited several court cases that ruled in favor of students as a substantial cost to school districts for teacher negligence and ignorance of basic legal responsibilities of teachers.

### 1.5 The 4<sup>th</sup> Amendment

“Amendment IV

The right of the 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.” (U.S. Const. amend. IV).

Through effective communication, a principled and proper balance of student rights granted by the Fourth Amendment of the United States Constitution and the expectation that public schools provide a safe academic environment may save parents, staff, and students’ frustration, as well as reducing school district costs associated with legal issues. Although public school administrators are familiar with the mechanisms related to school policymaking, staff, students, parents/guardians are not typically experts and typically do not read academic articles on this topic. In fact, they are likely not even familiar with the intricacies of school policy and/or its construction.

Traditionally, the mores of American culture and society propagated the elevated status enjoy by public school faculty, administrators and staff. It was universal truth that actions taken by teachers and school administrators were always proper, reasonable, justified and defensible. The United States Constitution, specifically the Fourth Amendment was not applied in the public-school setting. Students, their possessions and locker could be and often were, searched at the whim or fancy of teachers, administrators or staff any school and at any time without policy or consistency. The imposition of punishment (occasionally corporal punishment) without the benefit of procedural due process and consideration of objectives relative to the welfare and safety of the learning environment and those within it, entrusted by our society to the public schools was common and accepted practice. Today administrators, teachers, and staff working in our public schools do not enjoy unfettered immunity from scrutiny when performing the duties of which they have been entrusted to perform by the parents/guardians, public and the students themselves. In public school settings, students may be subject to searches under the Fourth Amendment in a variety of school-related contexts including lockers, personal belongings (backpacks and pockets for examples), persons, drug tests, field trips, and sporting events. Some of the most important court cases regarding student searches, *Board of Education of Independent School District No. 92 of Pottawatomie County, et al. v. Earls, et al.* (563 U.S. 822, 2002), *New Jersey v. T.L.O.* (469 U.S. 325, 1985), *R. S. et al., v. Minniewaska Area School District No. 2149 et al.* (894 F. Supp. 2d 1128, 2012), and *Stafford Unified School District No. 1, et al. v. Redding* (557 U.S. 364, 2009) have helped define the scope of public school searches on and off campus. As with the legal costs to schools for violation of freedom of speech rights of students and teachers, schools also can incur costly legal fees through inappropriate action taken in violation of student rights with respect to school searches. Essex has written on the cost to public schools for careless student searches in violation to their Fourth Amendment rights (Essex, 1988, 2003). Stader (2002) has written on both the issue of administrative policy guidelines.

### 1.6 The 10<sup>th</sup> Amendment

“Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to

the states respectively, or to the people.” (U.S. Constitution, Amendment X).

The importance of the Tenth Amendment to future public-school teachers is grounded in an understanding of the role of the federal government in making and influencing educational policy at the state level. To what extent can the federal government dictate educational policy to states, to what extent can the federal government influence educational policy to states, and to what extent are states bound by federal policy and influence? Although this amendment does not affect public school teachers directly, this amendment has significant impact on state departments of education, state legislative bodies, and school districts in states. Even so, teachers should be aware of the relationship between the federal and state governments in order to better understand how school policy, which teachers are contractually bound to follow, is made.

### *1.7 The 14<sup>th</sup> Amendment*

“Amendment XIV

Section 1.

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.” (U.S. Const. amend. XIV, Section 1).

One important topic relevant to this amendment has to do with the right of a free public education for undocumented students. In many states, there may be questions regarding the constitutional rights of students who are not citizens. Teachers need to understand how courts have ruled on this issue in order to avoid misunderstanding and violation of applicable court rulings in this situation. Although states and school districts, and not teachers, write policy for their states, informed teachers can fulfil their duties with understanding by knowing the scope and limits of this amendment in the context of public education. Why might states, school districts, and in turn teachers, express concern with this issue? One argument is that undocumented students should not be allowed a free public education because one the one hand they make use of state and district recourses, but on the other hand they may not contribute tax revenue which provided district funding. These are questions which can be addressed by application of the Fourteenth Amendment.

### *1.8 The 15<sup>th</sup> Amendment*

“Amendment XV

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.” (U.S. Const. amend. XV).

Public-school policy is legislated at the state level through elected officials voted into office by citizens of the state. Federal public-school policy is created through the office of the U.S. Department of Education, headed by the Secretary of Education who is appointed by the President of the United States and approved by the United States Senate. Both the president and senators are elected by citizens of the United States. It is important that teachers understand the process of how laws relevant to public education are created. It is also important that teachers understand their right to vote and accommodations that employers are required to make for employees (teachers) and students (of age) to vote.

### *1.9 State Hypotheses and Their Correspondence to Research Design*

Hypothesis one: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the First Amendment.

Hypothesis two: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the Fourth Amendment.

Hypothesis three: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the Tenth Amendment.

Hypothesis four: There will be no difference between pre-survey scores compared to post-survey scores on

confidence in ability to explain the Fourteenth Amendment.

Hypothesis five: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the Fifteenth Amendment.

## 2. Method

### 2.1 Recruitment

Undergraduate students majoring in professional education with the intent on securing teaching licensure were recruited from the first education course they take when they upon acceptance into the teacher education program at this university. To be accepted into the program, students must have a cumulative grade point average of at least 3.00 (out of 4.00), have completed at least 30 of the required 42 general education courses, have meet the state required basic skills test requirement, have a professional recommendation, and write an essay entitles “Why teach?”.

### 2.2 Participant (Subject) Characteristics

Students who enter the teacher education program on campus are typically first-generation students classified as a traditional student (typically entering university upon graduation from high school), but the program also has non-traditional students such as those returning to school after working or after completing military service. Students matriculate at the university from the Great Lakes region of the United States, although student-athletes in the program may come from states across the country.

### 2.3 Sampling Procedures

A convenient sample over four semesters of all students in the first education course in the program were recruited to take the study. They all signed informed consent as approved by the university institutional review, and as described above. Near 100 percent of those solicited gave written consent to participate in the pre-survey and post-survey. Ninety-four students over four semesters took the pre-survey, and 111 students over that same period took the post-survey. The convenient sample of these students are typical of all students who enroll in this course and who are admitted into this program at this university, and are assumed typical of American students in similar introductory, foundations of education courses in regional public universities across the country that admit primarily first-generation students. The number of total participants who completed one or both surveys was 205.

### 2.4 Survey

Guidelines given by Boynton (2004) were taken into consideration for develop the survey questionnaire. Lawshe’s *content validity ratio* (Lawshe, 1975, pp. 567-568) was used to validate the instrument. The pre-survey and post-survey questionnaires written on typed, photocopied paper, and were identical. The survey questionnaire consisted of two parts. The first part included a Likert scale of four categories of confidence on the ability to explain each of the amendments (1<sup>st</sup>, 4<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>) from 4 (very confident) to 1 (no confidence) with the form of the questions written as *Please rate your confidence in your ability to explain a typical situation or issue relevant the \_\_\_\_ amendment in education.* The second part consisted of five short response areas to provide a relevant example from education for each of the amendments referred to in the first section of the questionnaire, and states as *Please give a very brief, typical example of a situation or issue relevant to the \_\_\_\_ amendment in education.* Because the pre-survey was administered on the first day of classes when students are still adjusting their schedules, not all students who completed the course were able to take the pre-survey. The post-survey was administered on the very last day of class, and because students all attend the last day, more students ended up completing the post-survey than took the pre-survey. Due to this, an independent samples test, the Mann-Whitney U test, was used to statistically analyze the Likert scale scores. A thematic coding was used for the qualitative, free response section of the surveys. All surveys were collected and kept by another faculty member in a locked cabinet until final course grades were assigned.

The protocol used for missing data on the pre-survey was to enter a score 1 (“No Confidence”) if there was no corresponding statement (without qualification other than “IDK”, “I don’t know”, “I don’t remember”, or semantic cognates), and enter a score 2 when the response to the corresponding statement was not “IDK”, “I don’t know”, “I don’t remember”, or semantic cognates of these types of responses. In the pre-survey, only one survey had a missing value, and the above protocol was invoked to fill in the missing value. For the post-survey, the protocol used for missing data was the same as that for the pre-survey. No post-surveys had missing data.

### 2.5 Research Design

A survey methodology was used. A validated paper questionnaire was handed out in class at the beginning of the term and on the last day of the term. All students who completed the survey questionnaires were exposed to the unit

lessons on this material. As stated above, due to the timing of the administration of the pre-survey, not all students who ended up completing the course were enrolled or present on the first day of classes when the pre-survey was given. Over the course of four semesters, this is roughly equivalent to an average of 4 students per semester who completed the course but were not present on the very first day to participate in the survey. Because of this, an independent samples test was used to ensure that all data collected could be analyzed and reported. Because Likert scale data can be considered ordinal data, a Mann-Whitney U test was used to analyze the pre-survey and post-survey Likert responses. We assume an alpha level of .05, we assume that sufficient evidence of rank differences in groups if the p-value is less than .05, and we assume that the responses to each of the five survey questions for each part were independent. Of course, we cannot guarantee that knowledge or confidence in the ability to give an answer for one question did not have an associated memory trace trigger for another question, but we assume that this influence is negligible without evidence from a functional Magnetic Resonance Imaging analysis brain activation of each participant.

### 2.6 Experimental Manipulations or Interventions

The experimental treatment was the participation in and completion of the unit on constitutional law and amendments relevant to public education (as stated above consisting of the 1<sup>st</sup>, 4<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments of the Constitution of the United States of America). All students who participated in this study were exposed to the unit lessons on this material. As stated above, due to the timing of the administration of the pre-survey, not all students who ended up completing the course were enrolled or present on the first day of classes when the pre-survey was given.

Each amendment, or relevant part of the amendment of those relevant to this course was read aloud slowly to the class. Each relevant amendment was also shown on the document camera and projected on a large screen in the classroom with the text zoomed in and extraneous text blocked with sheets of white paper.

Each amendment was given two days in the syllabus for group exploration on the amendment for one of the two days, and the second day devoted to either a class debate or a trial based on similar relevant cases that have been tried in appeals courts or the U.S. Supreme Court. On the first day, each group was instructed to look up either specific court cases or do a web search for news on the particular amendment in the context of public education. Students were also given one or more hypothetical situations typical to public education which involved a teacher, student, or school administrator in the context of the relevant amendment, and instructed make a principled argument on both sides of the issue regarding the legality of the hypothetical action taken by the relevant school party. In other words, students were asked to develop arguments both on the side of the school and on the side of either the student or teacher (as was applicable) and be prepared to argue both sides on the following class session. On the second class session of each amendment, the class was either paired by groups to debate in the paired groups, put into three groups with two to debate, and one to judge, or groups were paired and assigned either the side of the school or the side of the student or teacher (as applicable) and debate with either a third group assigned as the court to pass a ruling after each side presented arguments, or the class voted in real time by moving from one side of the class to the other during the debate with the winning side declared by the number of students who ended up as a majority on one side of the room or the other. This process was followed for each of the amendments, and once this part of the unit was completed, the amendments were not overtly referred to again in the term.

### 3. Results

Table 1. Descriptive statistics for likert scale responses to pre-survey and post-survey responses

	Min	Median	Mode	Max	Range
1 <sup>st</sup> amend. Pre-survey Results	1	2	2	4	3
1 <sup>st</sup> amend. Post-survey Results	2	3	4	4	2
4 <sup>th</sup> amend. Pre-survey Results	1	1	1	4	3
4 <sup>th</sup> amend. Post-survey Results	1	3	3	4	3
10 <sup>th</sup> amend.	1	1	1	3	2

Pre-survey Results					
10 <sup>th</sup> amend.					
Post-survey Results	1	3	3	4	3
14 <sup>th</sup> amend.					
Pre-survey Results	1	1.5	1	4	3
14 <sup>th</sup> amend.					
Post-survey Results	1	3	3	4	3
15 <sup>th</sup> amend.					
Pre-survey Results	1	2	2	4	3
15 <sup>th</sup> amend.					
Post-survey Results	1	3	3	4	3
Aggregate Pre-survey results	5	9	5	18	13
Aggregate Post-survey results	6	15	15	20	14

Descriptive statistics (min, median, mode, max, and range) for ordinal data pre-survey and post-survey results on participant level of confidence of being able to give a relevant example for U.S. Constitution Amendments 1, 4, 10, 14, 15, and aggregate scores (sum of amendment scores).

Table 2. Results of Mann-Whitney U test on confidence in understanding of constitutional amendments

	Z	p-value	Effect Size
1 <sup>st</sup> amend.	-7.2	< .0001	.5
4 <sup>th</sup> amend.	-8.91	< .0001	.62
10 <sup>th</sup> amend.	-8.87	< .0001	.62
14 <sup>th</sup> amend.	-7.86	< .0001	.55
15 <sup>th</sup> amend.	-2.65	< .008	.19
Aggregate	-8.96	< .0001	.63

Pre-survey scores were compared with post-survey scores using the Mann-Whitney U test. The Mann-Whitney U test statistic, Z, the p-value with respect to alpha = .05, and the effect size for each of the five pre-survey and post-survey questions for each amendment and the aggregate score (sum of amendment scores) on participant level of confidence of being able to give a relevant example for U.S. Constitution Amendments 1, 4, 10, 14, 15.

### 3.1 Statistics and Data Analysis

Hypothesis one: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the First Amendment.

There is sufficient evidence to reject the null hypothesis at the .05 alpha level and accept the alternative hypothesis that there is a statistically significant difference ( $p < .0001$ ) between pre-survey and post-survey scores for confidence in the ability to give a relevant example for the First Amendment. The effect size (.5) indicates a moderate difference between the scores (ranks). The median and the mode for the pre-survey were both 2, while the post-survey had a median 3 and mode 4.

Hypothesis two: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the Fourth Amendment.

There is sufficient evidence to reject the null hypothesis at the .05 alpha level and accept the alternative hypothesis that there is a statistically significant difference ( $p < .0001$ ) between pre-survey and post-survey scores for confidence in the ability to give a relevant example for the Fourth Amendment. The effect size (.62) indicates a slightly greater than moderate difference between the scores (ranks). The median and the mode for the pre-survey were both 1, while the post-survey median and mode were both 3.

Hypothesis three: There will be no difference between pre-survey scores compared to post-survey scores on

confidence in ability to explain the Tenth Amendment.

There is sufficient evidence to reject the null hypothesis at the .05 alpha level and accept the alternative hypothesis that there is a statistically significant difference ( $p < .0001$ ) between pre-survey and post-survey scores for confidence in the ability to give a relevant example for the Tenth Amendment. The effect size indicates a slightly greater than moderate difference between the scores (ranks). The median and the mode for the pre-survey were both 1, while the post-survey median and mode were both 3.

Hypothesis four: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the Fourteenth Amendment.

There is sufficient evidence to reject the null hypothesis at the .05 alpha level and accept the alternative hypothesis that there is a statistically significant difference ( $p < .0001$ ) between pre-survey and post-survey scores for confidence in the ability to give a relevant example for the Fourteenth Amendment. The effect size (.55) indicates a moderate difference between the scores (ranks). The pre-survey median was 1.5 with mode 1, while the post-survey median and mode were both 3.

Hypothesis five: There will be no difference between pre-survey scores compared to post-survey scores on confidence in ability to explain the Fifteenth Amendment.

There is sufficient evidence to reject the null hypothesis at the .05 alpha level and accept the alternative hypothesis that there is a statistically significant difference ( $p < .008$ ) between pre-survey and post-survey scores for confidence in the ability to give a relevant example for the Fifteenth Amendment. The effect size (.19) indicates a small difference between the scores (ranks). The median and the mode for the pre-survey were both 2, while the post-survey median and mode were both 3.

### *3.2 A Pre-survey Written Responses*

In the pre-survey, 28 of the 94 pre-surveys (30%) had one or more variations of “IDK”, “I don’t Know”, “I don’t remember”, a blank, irrelevant, or unintelligible response on one or more questions and yet scored the confidence level in being able to give a relevant example of the amendment in the Likert scale section as greater than “No Confidence.”

The following themes by amendment were written by students in the pre-survey.

First Amendment emergent themes included:

Of the 94 surveys completed, 58 surveys (62%) listed an irrelevant, unintelligible, or blank example for this amendment, but 36 responses included one or more of the following themes: limits of student and teacher free speech in class, general limits of free speech, the right to voice an opinion on class, the right to voice opinions, the rights of free speech in the classroom in the context of school rules, the right to dress code expression, and the right to peaceably protest. Six of 94 (.06%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Fourth Amendment emergent themes included:

Of the 94 surveys completed, 49 surveys (52%) listed an irrelevant, unintelligible, or blank example for this amendment, but 45 responses included one or more of the following themes: right to search people, belongings (backpacks, pockets, lockers) for contraband items, the need to keep schools safe, search based on suspicion or probable cause, the search with a search warrant (or not) and consent (or not), when teachers can (or can't) search students, teachers searching student backpacks for homework. Six of 94 (.06%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Tenth Amendment emergent themes included:

Of the 94 surveys completed, 91 surveys (97%) listed an irrelevant, unintelligible, or blank example for this amendment, but three responses included the following theme: state vs federal laws. Fourteen of 94 (.15%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Fourteenth Amendment emergent themes included:

Of the 94 surveys completed, none of the surveys (100%) listed any example for this amendment. Sixteen of 94 (.17%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.



Fifteenth Amendment emergent themes included:

Of the 94 surveys completed, 63 surveys (67%) listed an irrelevant, unintelligible, or blank example for this amendment, but 31 responses included one or more of the following themes: the right to vote, not relevant to public education, as an educational lesson for students in the process of democracy, specific school-related reasons for voting (levies, school board members, school policies), limits of politicking in the classroom by teachers. Twelve of 94 (.13%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

### *3.3 B Post-survey Written Responses*

In the post-survey, 26 of the 111 post-surveys (23%) had one or more variations of “IDK”, “I don’t Know”, “I don’t remember”, a blank, irrelevant, or unintelligible response on one or more questions and yet scored the confidence level in being able to give a relevant example of the amendment in the Likert scale section as greater than “No Confidence.”

The following themes by amendment were written by students in the post-survey.

First Amendment emergent themes included:

Of the 111 surveys completed, 11 surveys (10%) listed an irrelevant, unintelligible, or blank example for this amendment, but 101 responses included one or more of the following themes: limits of student and teacher free speech in class, general limits of free speech, the right to voice an opinion on class, the right to voice opinions, the rights of free speech in the classroom in the context of school rules, the right to dress code expression, and the right to peaceably protest. Six of 111 (.05%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Fourth Amendment emergent themes included:

Of the 111 surveys completed, 18 surveys (16%) listed an irrelevant, unintelligible, or blank example for this amendment, but 93 responses included one or more of the following themes: right to search people, belongings (backpacks, pockets, lockers) for contraband items, the need to keep schools safe, search based on suspicion or probable cause, the search with a search warrant (or not) and consent (or not), when teachers can (or can’t) search students, teachers searching student backpacks for homework. Seven of 111 (.06%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Tenth Amendment emergent themes included:

Of the 111 surveys completed, 67 surveys (60%) listed an irrelevant, unintelligible, or blank example for this amendment, but three responses included the following theme: state vs federal laws, separation of state and federal authority on matters of education, limits of state or federal authority on matters of education, state right to set state public education curriculum, legality of the US Department of Education. Nineteen of 111 (.17%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Fourteenth Amendment emergent themes included:

Of the 111 surveys completed, 57 surveys (51%) listed an irrelevant, unintelligible, or blank example for this amendment, but 54 responses included one or more of the following themes: student rights to accommodations, equity of student learning opportunities, the right to a public education for undocumented students, and the right to a free public education. Nine of 111 (.08%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Fifteenth Amendment emergent themes included:

Of the 111 surveys completed, 48 surveys (43%) listed an irrelevant, unintelligible, or blank example for this amendment, but 31 responses included one or more of the following themes: the right to vote, not relevant to public education, as an educational lesson for students in the process of democracy, specific school-related reasons for voting (levies, school board members, school policies), limits of politicking in the classroom by teachers. Thirteen of 111 (.12%) respondents rated their confidence in ability to give a relevant example in part 1 as greater than 1 and yet failed to give an example in part 2.

Table 3. Comparison of meaningful responses by amendment

	Number of Blank, Irrelevant, or Unintelligible Responses	Percent of Blank, Irrelevant, or Unintelligible Responses	Number of Responses rated greater than 1 without an example	Percent of responses rated greater than 1 without an example
1 <sup>st</sup> amend. Pre-survey	58 out of 94	62 %	6 out of 94	6 %
1 <sup>st</sup> amend. Post-survey	11 out of 111	10%	6 out of 111	6 %
4 <sup>th</sup> amend. Pre-survey	49 out of 94	52%	6 out of 94	6 %
4 <sup>th</sup> amend. Post-survey	19 out of 111	16%	7 out of 111	6 %
10 <sup>th</sup> amend. Pre-survey	91 out of 94	97%	14 out of 94	15 %
10 <sup>th</sup> amend. Post-survey	68 out of 111	60%	*19 out of 111	17 %
14 <sup>th</sup> amend. Pre-survey	94 out of 94	100%	16 out of 94	17 %
14 <sup>th</sup> amend. Post-survey	58 out of 111	51%	9 out of 111	8 %
15 <sup>th</sup> amend. Pre-survey	63 out of 94	67%	12 out of 94	13 %
15 <sup>th</sup> amend. Post-Survey	49 out of 111	43%	13 out of 111	12 %

Columns 2 and 3 indicate pre-survey and post-survey written response comparisons of the number and percentages of blank, irrelevant, or unintelligible responses. Columns 4 and 5 indicate the number of blank responses with corresponding ratings on confidence in ability to give a relevant example. Participants were asked to write a relevant example of each of the listed amendments of the U.S. Constitution pre-survey and post-survey instruction. \* The post-survey scores had an increase by percent in the number of responses rated greater than “1- No confidence” and yet failed to give an example.

### 3.4 Participant Flow

Participants were all enrolled in the first course for teacher licensure. None of the participants repeated the course, hence none of the participants took either of the survey questionnaires (pre or post) more than once, although as noted above, some participants did not take both pre and post surveys due to course scheduling conflicts at the beginning of the semester. All participants were in class for at least one of the two class sessions devoted to each amendment, and all participants had an opportunity to discuss in small groups and write a written reflection on each amendment. A total eight class sessions in the semester are devoted to the five amendments.

## 4. Discussion

### 4.1 General Observations

Public school teachers in the United States assume public trust and responsibility as public servants. As such, they are held to a high standard of ethical behaviour, and by nature of their position, in addition to their primary

responsibility of educating students under their charge, they are responsible for doing so within the limits of applicable laws. Knowledge of the limits of freedom of speech, searches, the division between federal and state authority (on matters of education), their legal constituents, and civic responsibility in the democratic process are important in order for public school teachers as they act in the duties of their profession. Violations of these rights by students, teachers, and school administrative officials can result in costly litigation, loss of public trust, and legal penalties. Although K-12 teachers do not necessarily teach constitutional amendments as part of their mandated curriculum, it is important for teachers in the U.S. to be aware of the limits of certain amendments in professional practice as teachers.

We set out to determine what teacher education majors know about five specific constitutional amendments of the U.S. Constitution. What these students know is important because their baseline knowledge can be used by university teacher education faculty to guide unit planning on this topic in their appropriate education course curriculum, which can help university students better prepare for their career in public education. Our aggregate pre-survey scores served as an overall view of their basic confidence in the 1<sup>st</sup>, 4<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments. The analysis of the pre-survey scores indicates students have a generally poor overall understanding of these amendments in the context of education with a median aggregate score of 9 out of 20 (on the Likert scale of a value of 1 for no confidence to a value of 4 for high confidence) and a mode of 5. The mode score of 5 indicates that most of the students rated themselves barely over having no confidence in their ability to give a relevant example of any of the amendments in an educational context. Students at this university enter the major having completed at least 30 semester credits of general education courses, but these courses likely contain no content on the constitution of the United States as evidenced by their low aggregate median and mode scores. That these same students leave their first education course with post-survey median and mode scores of 15 out of 20 indicates they have a much greater confidence on their ability to give a relevant educational example of each of the amendments. In addition, there was a moderate effect size in the statistically significance difference of their scores. We interpret this as greater ability to help their students, themselves, their colleagues, and their administration understand the limits of their actions with respect to these amendments in school settings. In spite of statistically significant improvement in self-reported knowledge of the constitutional amendments, the general lack of ability to give relevant examples can be interpreted as over-confidence on the part of teacher education candidates regarding their knowledge of the amendments. Although they do not need this knowledge for curricula they will be teaching, it is important for them to have a solid grasp of the implications of these amendments as part of their overall duties as public-school teachers.

#### 4.2 The 1<sup>st</sup> Amendment

With respect to the 1<sup>st</sup> amendment and free speech, it is of interest that number of blank, irrelevant, or unintelligible examples dropped from 62% to just 10%. The median score jumped from 2 (somewhat confident) in the pre-survey to 3 (more confident) in the post-survey, and the mod jumped from 2 (somewhat confident) in the pre-survey to 4 (very confident) in the post-survey. These jumps in confidence can be interpreted as an increase in their confidence to give relevant examples. The median and mode increases are consistent with the decrease in the blank, irrelevant, or unintelligible responses. The effect size of the statistically significant difference ( $p < .0001$ ) in survey scores was moderate at .55. Freedom of speech is a cornerstone right under the constitution of the United States. It has been in the public spotlight at least since the civil rights era in the United States and has remained in the spotlight through the Vietnam conflict and the most recent presidential election. Students, as most Americans, are familiar with this right, although the students were not confident about this amendment in the context of education at the start of the course. However, at the conclusion of the course, more students were able to give relevant examples from the myriad of contexts in education. Their understanding of the scope of free speech in an educational context increased from general examples such as speaking one's opinions anecdotally typical of American students to specific examples in an educational context such as prayer in school, limits of speech for students and teachers in social media, limits to the right to protest on and off school grounds, weighing free speech with safety in schools, and limits of free speech in matters of dress, the use of offensive language, and recognizing there are limits of free speech in public education. It is of note that in the pre-survey, one student thought that a teacher can say anything under this amendment. Of importance is that the teacher education majors in this course recognize they and their students do have rights, and limits to those rights of speech in educational contexts that extend beyond the classroom to off campus and in electronic, web-based media. Recognizing what they and their students can and can't do from a legal standpoint can help them and their students to act responsibly within the limits of the law while enjoying this precious right. Six percent of both the pre-survey and post-survey responses for this question had a rating of confidence greater than *1-No Confidence* and yet failed to give an example.

#### 4.3 The 4<sup>th</sup> Amendment

With respect to the 4<sup>th</sup> amendment and searches, not surprisingly, nearly fifty percent (48%) of students on the pre-survey were able to give an example in an educational context. In the post-survey, just 16% of the examples were blank, irrelevant, or unintelligible, and the median and mode both increased from 1 to 3 from the pre-survey to the post-survey. The effect size of the statistically significant difference ( $p < .0001$ ) in survey scores was above moderate at .62. Likely, their ability as a group to give relevant examples in the pre-survey stems from their close connection to school searches having been subject to or having knowledge of students who have been subject to various searches of lockers and personal belongings for contraband items at school. In the post survey, the examples expanded in scope to include the legal limits of searches, the use of warrants and consent, search limits off campus, drug testing of athletes, school safety, lockers as school property, school search policy, suspicion and reasonable cause. That is, their language became more explicit with respect to searches under the scope of this amendment. Primarily because of school safety, understanding the limits of the law for teachers and students can both help protect public school students, teachers, and staff, and prevent costly litigation and consequences from violation of the limits of searches both on and off campus. Six percent of both the pre-survey and post-survey responses for this question had a rating of confidence greater than *1- No Confidence* and yet failed to give an example.

#### 4.4 The 10<sup>th</sup> Amendment

With respect to the 10<sup>th</sup> amendment and state rights, it is not surprising that students had little understanding of this amendment in the context of education because this is an issue that is typically considered at the state level and has no overt visibility at the level of students and teachers. It does however play a major role in the professional practice of public school teachers through the hierarchy of mandated curriculum and testing requirements handed down to teachers. Not surprisingly, 97% of the examples for this amendment were blank, irrelevant, or unintelligible in the pre-survey compared to 60% in the post-survey. Although this is 36% decrease in lack of meaningful examples, it is still noteworthy that for over one-third of the class, this is still a difficult concept for teacher education majors. The median and mode scores for the pre-survey increased from 1 (no confidence) to 3 (more confidence), and the effect size of the statistically significant difference ( $p < .0001$ ) in survey scores was above moderate at .62. Students did offer a more detailed set of examples including state right to determine the public-school curriculum, the scope of the powers of the federal government, the legality of the U.S. Department of Education, the legality of federally mandated curriculum, state requirements to abide by federal law, and the level of educational standards states can set with respect to federal educational standards. That so many students still had no clear examples (61%) indicates the need for a different approach of this amendment in class, and may signal a student perception that this amendment is simply out of reach of students in professional practice as teachers. It is noteworthy the mention that in class, students were informed that this amendment does not directly impact their actions in carrying out their contractual duties as public teachers, but it is important to know how this amendment influences the relationship between the federal government and the state with respect to what the state requires through the federal government. Further, students were reminded that those who eventually go into administration or politics at the state level will deal directly with this amendment. Fifteen percent of the pre-survey and seventeen percent post-survey responses for this question had a rating of confidence greater than *1- No Confidence* and yet failed to give an example. This was an unusual case of an increase in the percentage of confidence other than no confidence between the pre-survey and post-survey scores. Several plausible explanations include chance, rushing in the post-survey (since it was on the last class of the semester), and an increase in overconfidence in ability.

#### 4.5 The 14<sup>th</sup> Amendment

It was no surprise that teacher education majors had no knowledge of the relevance of this amendment to public education because they have had no direct exposure to those implications prior to this course. The number of blank, irrelevant, or unintelligible examples dropped from 100% in the pre-survey to 51% in the post-survey. The median and mode scores for the pre-survey increased from 1.5 and 1, respectively, (no confidence) to 3 (more confidence), and the effect size of the statistically significant difference ( $p < .0001$ ) in survey scores was moderate at .55. Although 48% of the examples given were relevant, it is still of concern that 52% of the responses were blank, irrelevant, or unintelligible. This indicates that a different approach should be considered for this amendment in this course. In spite of the large number of students who apparently still did not grasp the importance of this amendment for their profession in public education, the responses given were relevant and important. The examples included those on the right of accommodations, the right of undocumented students to a free public education, and equity in public schools. As with the 10<sup>th</sup> amendment, teachers likely this amendment likely has little impact on what they do in the classroom, but does take on great importance for those teachers who move on to administrative roles or who

serve on school, district, or state committees. In the course, this administrative aspect of this amendment was mentioned several times in the introduction and in the closing, but the approach should be revisited in light of the number of students who still were unable to give a relevant educational application in the post-survey. Seventeen percent of the pre-survey and eight percent post-survey responses for this question had a rating of confidence greater than 1- *No Confidence* and yet failed to give an example.

#### 4.6 The 15<sup>th</sup> Amendment

This amendment received the least time in this course. In fact, it was mentioned only in passing at the introduction to this section of the unit and had no assignments tied to it. Surprisingly, the number of blank, irrelevant, or unintelligible examples dropped from 67% in the pre-survey to 43% in the post-survey. The median and mode scores for the pre-survey increased from 2 (somewhat confidence) to 3 (more confidence), and the effect size of the statistically significant difference ( $p < .008$ ) in survey scores was low at .19. Relevant examples in both the pre- and post-survey included the value of teaching about voting to students, the responsibility for voting for school board members, school bonds, and other school issues, and the right of students (of voting age) and teachers to leave school to vote. Although the number of responses increased in the post-survey, the types of responses did not change. Of interest in the post test is an increase in the number of responses in spite of the lack of class instruction or activities on this amendment. Possible explanations include peripheral conversation in other education courses (unknown to the course instructor), self-interest in reading the constitution based on reading the previous amendments for the class discussions and activities (a reasonable but unresearched assumption), and greater confidence when taking the post-survey (again, reasonable, but unresearched). Thirteen percent of the pre-survey and twelve percent post-survey responses for this question had a rating of confidence greater than 1- *No Confidence* and yet failed to give an example.

#### 4.7 Pedagogical Implications

From a course-development standpoint, the results and statistical analysis of the pre-survey and post-survey yield clues to how these topics should be reconsidered by university faculty for greater understanding (confidence in the ability to give relevant examples) of teacher candidates. In this first teacher education course for undergraduate students admitted into the teacher education program, the 1<sup>st</sup>, 4<sup>th</sup>, 10<sup>th</sup>, and 14<sup>th</sup> amendments were given two days in the syllabus. The first day was devoted to group research on the amendment with at least one typical example from education and several website links to prime the group conversation. There was no other assigned textbook reading for these amendments, nor were there any traditional lectures over these amendments. In light of the post-survey results, it is apparent that important court cases mentioned in the introduction of this paper should be reviewed prior to letting students begin their group investigation on each amendment. Ideally, expanding the number of days devoted to each of these amendments to three days would allow for greater exposure, discussion, and case analysis prior to a culminating activity (debate). Further, the data suggests, as generally typical of human nature, students are slightly over confident in their ability to actually give an example of each amendment compared to their belief about their ability to give a relevant example for each amendment. People generally tend to over-estimate strengths and under-estimate weaknesses, and survey questionnaire studies that ask participants to self-rate behaviour of personal beliefs should always be interpreted with caution without further evidence of behaviour that supports self-rated beliefs. In the context of the participants in this study, undergraduate students majoring in teacher education, we can interpret this over confidence as likely grounded in the perception that admission into this program is self-evidence of having greater academic or intellectual ability than actually possessed. As such, it is important to ensure rigorous standards in terms of high expectations are set and held for students in this major. University faculty in teacher education programs might consider our results when planning instruction for their teacher education candidates in relevant courses. Our approach to this unit was based on a constructivist philosophy (see for example von Glasersfeld, 1983 and 1989) in which students learn best by active engagement with the material through higher order processing on Bloom's revised taxonomy of learning (Anderson & Krathwohl, 2001). In the context of our unit on this material, rather than straight lecture, we structured the learning opportunities for our students by asking them to review case studies, to look up relevant news items, review court cases, and engage in classroom structured debates on each amendment.

#### 4.8 Conclusion

There is a considerable gap in the scholarly literature regarding American knowledge and understanding of their constitutional rights. Likewise, there is a very large gap in what American university undergraduate students in the United States in general, and teacher education students in particular know and understand about their constitutional rights in the context of education and public school. Certain professions, teachers in public education among them,

must have at least a basic understanding of specific constitutional amendments to fulfil their professional duties as public-school teachers regardless of their curriculum. To help fill that gap in the literature, a study was conducted to determine the confidence of undergraduate teacher education majors at one regional university in the Great Lakes region of the United States. The intervention between the pre-survey and post-survey included two class days devoted to amendments 1, 4, 10, and 14 of the Constitution of the United States. The pre-survey indicated a general lack of understanding (defined by confidence in the ability to give a relevant educational example) of the amendments. Statistical analysis of the surveys indicated sufficient evidence to reject the null hypothesis of no statistical difference between pre-survey and post-survey scores. Further, except for the 15<sup>th</sup> amendment, the effect size of the differences was moderate to above moderate. Qualitative analysis of all surveys indicated decrease in the number of blank, irrelevant, or unintelligible education-related examples of each amendment. Although this study surveyed students from only one school, there is no reason to doubt the generalizability of the results to teacher education majors at other public institutions. However, extreme caution should be used when attempting to generalize the findings of this study to undergraduate students in other university majors due to varying exposure to constitutional law.

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### References

- Anderson, L. W., Krathwohl, D. R., Airasian, P. W., Cruikshank, K. A., Mayer, R. E., Pintrich, P. R., ... Wittrock, M. C. (2001). *A taxonomy for learning, teaching, and assessing: A revision of Bloom's taxonomy of educational objectives* (pp.12-92). New York, NY: Longman.
- Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986).
- Board of Education of Independent School District No. 92 of Pottawatomie County, et al. v. Earls, et al., 563 U.S. 822. (2002).
- Bowman, K. L. (2013). The government speech doctrine and speech in schools. *48 Wake Forest L. Rev.* 211, 211-285.
- Boynton, P. M., & Greenhalgh, T. (2004). Selecting, designing, and developing your questionnaire. *BMJ*, 328(7451), 1312-1315. <https://doi.org/10.1136/bmj.328.7451.1312>
- Call, I., & O'Brien, J. (2011). Secondary preservice teachers' knowledge of the first amendment. *Teacher Education Quarterly*, 115-133.
- Chemerinksy, E. (2000). Students do leave their first amendment rights at the schoolhouse gates: What's left of Tinker? *48 Drake Law Review*, 527, 527-546.
- Denning, B. P., & Taylor, M. C. (2008). Morse v. Fredrick and the regulation of student cyberspeech. *Hastings Constitutional Law Quarterly*, 35(4), 835-896.
- Essex, N. L. (1988). Ten ways to avoid costly litigation for illegal school searches. *The Clearinghouse*, 62(4), 165-167. <https://doi.org/10.1080/00098655.1988.10114038>
- Essex, N. L. (2010). The U.S. Supreme Court raises the bar for strip searches in public schools. *The Clearinghouse*, 83(3), 105-108. <https://doi.org/10.1080/00098650903507478>
- Garcetti v. Ceballos, 547 U.S. 410 (2006).
- Geisel, R. T. (2015). Speaking out on matters of public concern: The precarious nature of school administrator speech. *National Council of Professors of Educational Administration*, 16(1), 1-15.
- Glenn, W. (2007). Regulating student created websites: Free speech in cyberspace. *International Journal of Educational Leadership Preparation*, 2(1), 1-9.
- Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).
- Heuer, J., & Coggins, III P. E. (forthcoming). Criminal justice majors' basic knowledge of U.S. constitutional rights and pedagogical implications. *International Journal of Higher Education*.
- Lawshe, C. H. (1975). A quantitative approach to content validity. *Personnel Psychology*, 28(4), 563-575. <https://doi.org/10.1111/j.1744-6570.1975.tb01393.x>
- Morse v. Frederick, 551 U.S. 393 (2007).
- Moskowitz, I. R., & Casagrande, R. E. (1975). Teachers and the first amendment: Academic freedom and exhaustion

- of administrative remedies under 42 U.S.C. section 1983. *39 Alb. L. Rev.* 661, 661-705.
- New Jersey v. T.L.O., 469 U.S. 325 (1985).
- Pell S. W. J. (1994). Preservice teachers' lack of knowledge about educational law: Ignorance is no excuse. *Illinois School Law Quarterly*, 14(4) 138-150.
- Pickering v. Board of Education, 391 U.S. 563 (1968).
- R. S. et al., v. Minnewaska Area School District No. 2149 et al., 894 F. Supp. 2d 1128 (2012).
- Stader, D. L. (2002). Student searches: Policy guidelines for secondary principals. *The Clearinghouse*, 76(2), 66-70. <https://doi.org/10.1080/00098650209604951>
- Stader, D. L., Graca, T. J., & Stevens, D. W. (2010). Teachers and the law: Evolving legal issues. *The Clearinghouse*, 83(3), 73-75. <https://doi.org/10.1080/00098651003662148>
- Stafford Unified School District No. 1, et al. v. Redding, 557 U.S. 364 (2009).
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).
- Von Glasersfeld, E. (1983). Learning as constructive activity. In J. C. Bergeron & N. Herscovics (Eds.), *Proceedings of the 5<sup>th</sup> annual meeting of the north American group of psychology in mathematics education* (1, 41-101). Montreal: PME-NA.
- Von Glasersfeld, E. (1989). Constructivism in education. In T. Husen & T. N. Postlethwaite (Eds.), *International Encyclopedia of Education, Supplement* (Vol. 1, pp. 162-163). Oxford: Pergamon Press.