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First Amendment Knowledge of Classroom Teachers

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FIRST AMENDMENT KNOWLEDGE OF CLASSROOM TEACHERS

Gary L. Taft

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FIRST AMENDMENT KNOWLEDGE OF CLASSROOM TEACHERS

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DEDICATIONS

I dedicate this dissertation to my wife Michelle Dawn, my daughter Ashley Leeann and my son Riley Harrison. With the support and encouragement you have given me throughout this endeavor I have been able to accomplish what I thought was the impossible. I will be forever grateful to you for always believing in me when I didn't believe in myself.

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ABSTRACT

This research examined the knowledge of the first amendment to the Constitution of the United States of America possessed by teachers in two secondary high schools in East Tennessee. Additionally, an attempt to evaluate the relationship between church attendance in protestant evangelical churches and the teacher's ability to address church/state conflicts within parameters previously established by the United States Supreme Court was conducted. Finally, the role of social environment was examined in teacher's knowledge of the first amendment. Prior research within this context has produced evidence that teachers are in fact not adequately prepared to address church/state conflicts within their school systems or their classrooms in particular (Biro, 2001; Campbell, 2002; Ramey, 2009). The result of this inadequate knowledge is the infraction of student liberties established by the Supreme Court as well as the possibility of expensive and embarrassing lawsuits for the offending schools.

Chapter 1: Introduction

The purpose and intent of the First Amendment to the Constitution of the United States of America is to provide judicial protection for speech, religion, right to petition, and freedom of the press from unnecessary encroachment by the state (Costello & Kilman, 2000; Driesbach & Hall, 2009; Emerson, 1963). The religious rights of American students enrolled in public schools are to be protected as vigorously as the religious rights of adults in most cases, but in reality, this often is not the case (Bain, 2009; Benton, 2009; Bergman, 2009; Boggs, 2005; Clark, 2004; Drouin, 1980; Evans, 1997; Guy, 2001). Intrusions on the religious beliefs and practices of American citizens by an overreaching government can be traced back to the days of James Madison and Thomas Jefferson who each fought frequent attempts at the establishment of a state sanctioned theological position (Munoz, 2003).

The “Father of the Constitution,” James Madison (as cited in Hutson, 2001, para. 7), weighed in on the matter of the church/state relationship by responding to the Commonwealth of Virginia’s attempts to officially recognize teachers of religion. In his work “Memorial and Remonstrance” Madison states “government intrusion into the realms of politics would be detrimental to the wellbeing of individual citizens and destructive to the divine purposes of religion”. Taking the position of Madison into consideration, teachers’ and other school official’s efforts to protect the religious liberties of the student population should be of the utmost importance.

In one of the more recognized events in constitutional law, Thomas Jefferson responded to a request by the Danbury Baptists of Connecticut to recognize a national day of fasting to recover from the effects of a grueling presidential campaign. He responded by denying the

request on the grounds that the federal government should not recognize or set aside holidays for religious purposes. In his famously worded reply, Jefferson stated that government should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof, thus building a wall of separation between Church & State" (as cited in Hakim, p. 101). The separation of church and state concept, which has been ingrained into constitutional law since the days of the Founders, has been a constant source of conflict, not only in public schools, but also within society as a whole. This has been evidenced by a conflict stretching back to our Puritan heritage and the evolving notion of America as a Christian nation (Albert, 2010). The legal history of the United States is saturated by tug-and-pull conflicts between efforts to secularize government on the one hand, and "Christianize" it on the other (Gausted, 2004; Henry, 1947; Hughes, 2010). The public education system is not exempt from this struggle between wanting to keep school activities within the church/state parameters requiring neutrality on behalf of the school, and others who believe their religious "values are being ignored or distorted by the methods and philosophies of the public education system (Gibbon, 1995, p. 86)".

In spite of the positions taken by Madison and Jefferson, governmental encroachments on religious liberties have continued to occur in the public education system through various means such as allowing the distribution of religious literature by outside organizations, praying at football games, and teaching Creationism as a viable scientific alternative to evolution which have all been declared unconstitutional by the courts (*Abington School District v. Schempp*, 1963; *Engel v. Vitale*, 1962; *Everson v. Board of Education*, 1947; *Santa Fe Independent School Dist. v. Doe*, 2000; *Tammy Kitzmiller, et al. v. Dover Area School District, et al.*, 2005). Infractions of church/state regulations may be as innocuous as the teacher who chooses to display overtly religious decorations in the classroom during the Christmas season, when there is

no secular purpose for doing so. Even in instances where the teacher acted innocently, or absent-mindedly failed to consider the possibility that students of religious faiths other than Christianity may be present in the classroom, the teacher's actions are deemed unconstitutional, and thereby prohibited, by the courts just the same (*Stone v. Graham*, 1980).

Other infractions may be more overt such as the event reported at Carol-Oakland Elementary School by parents who felt the school had crossed the established boundaries between church and state declared by the courts (*Berger v. Rennselaer Central School Corporation*, 1993; *Doe v. Wilson County Schools*, 2009). In this particular case, the principal of the school directed students of the fifth grade classes to report to the gymnasium. Upon their arrival, she proceeded to introduce them to representatives of Gideon's International whose self-stated purpose is to distribute Bibles worldwide to students in the 5th grade and above (Gideon's International, 2009). In addition to requiring students to attend the meeting, she made influential statements to the students regarding the benefits of belonging to the organization thereby advocating for a particular sect of Christianity (Kee, 2010).

In 2000, Roane County High School Principal, Jody McLeod, gained national attention after voicing his discontent following the Supreme Court's decision (*Santa Fe Independent School District v. Doe*, 2000) forbidding student-led prayer on public address systems before high school football games (Keim, 2001). Prior to a football game against Lenoir City High School, Principal McLeod utilized his school's public address system to voice his discontent with the Santa Fe ruling by issuing statements opposing environmentalism, homosexuality, abortion, evolution, and religious tolerance. Leaders of the religious community and, in particular, the protestant evangelical movement or *Religious Right* frequently address all of these topics and their potential effects on the social goals they envision for their communities

(Blumenthal, 2009). By commandeering the public address system and addressing a large segment of the student bodies of both schools, Principal McLeod skirted the constitutionally mandated neutrality of public schools by using an overtly religious speech in direct opposition to Supreme Court rulings (*Santa Fe Independent School Dist. v. Doe*, 2000). Additionally, he closed his speech by stating that attendees of the game could pray amongst themselves because as far as he knew, “private prayer was not banned...yet” (Keim, 2001, p. A-1). Principal McLeod’s speech clearly implied that in spite of “public prayer” no longer being constitutional, “private prayer” was acceptable, at least for the time being. Both of those implications are clearly incorrect interpretations of Supreme Court rulings as well as reflective of views held within the protestant evangelical religious community, who often view public schools as a threat to individuals’ religious freedom (Turner, 2008). School-led or school-permitted religious influence in the public school classroom also extends into areas such as holiday celebrations (Berry, 2002; Biro, 2001), prayer at graduation ceremonies (*Lee v. Weisman*, 1992) and episodes in which one particular belief system is favored over another (*McCullum v. Board of Education*, 1948), all of which can lead to increased occurrences of religious intolerance in addition to potential lawsuits.

Efforts to breach the separation of church and state and impose religious principles into the public schools have become an important aspect of the agenda promoted by a segment of the protestant evangelical denominations frequently referred to as the Religious Right, which has roots in many of the churches in East Tennessee (Lowey, 1992). The Religious Right agenda is espoused by several organizations indirectly linked with the majority of religious institutions throughout East Tennessee (Leaming, 2007; Woods, 2009). The agenda outlined by the protestant evangelical organization Focus on the Family (2004) dictates positions on several key

issues within the public school system including the teaching of evolutionary science, prayer in school and the sharing of personal faith with other members of the school.

The position of Focus on the Family reveals a proactive position by church members in the area of proselytizing and sharing their faith while hinting at resistance at best, and outright hostility at the very worst from the public schools to their efforts (Lugg, 2000). Further examination of the Focus on the Family position reveals additional evidence of this perceived hostility. In Focus on the Family's 2010 issue analysis entitled "Focus on the Family's Parental Rights Statement", several key statements are made that reveal a position of perceived hostility from the public school institution toward the active practice of religious faith. Although not directly related to a specific issue occurring within the school system, the statements offer a sweeping view of the public school institution as a place unreceptive to the practice of the Christian faith. The "Parental Rights Statement" (2010) suggests to parents a variety of positions to assume in regard to schools teaching material objectionable to their faith and the assumption of parental rights by the school system by stating:

Because the created order and the Bible teach that children are entrusted to parents by God to provide them with a safe and secure environment to learn about God and his creation, what is true and what is false, and what is right and what is wrong, we steadfastly oppose any and all domestic and international efforts of social parenting movements that would define children as wards of the state. (para. 4).

Judeo-Christian law charges parents with the responsibility for the education of their children. From this fact we may deduce that a primary parental right is educational freedom, or the right to determine their children's education. Furthermore, parental choice in education is a human right that logically flows from freedom of conscience. In

other words, because of the “first liberty,” or religious liberty, “Parents have a prior right to choose the kind of education that shall be given their children.” (para. 5)

In the words of the U.S. Supreme Court, “The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only.

The child is not the mere creature of the state.” Likewise, we strongly oppose radical civil libertarians who would undermine parental rights and authority in the name of the “children’s rights movement.” Since the parents are trustees of their children, and not the state, they have the right to decision-making in their children’s education. (para. 6).

Examination of these statements issued by Focus on the Family reveals a position of opposition to the public school system and a perceived conflict between the position of Christians as practitioners of their faith and the role of the public school as educators of their children. The position of Focus on the Family toward the public school institution is further clarified in their Issue Analysis of Public Education (2010):

What we mean by “public education” is a far cry from what it meant to parents and children only one generation ago. Since the early sixties, we have seen a steady and trepidatious move away from parent-directed public education to one now almost completely dominated by the liberal agenda of teachers' unions like the NEA and university teacher education programs built on humanism. (para. 10)

Regarding public schools, the founder of Focus on the Family, Dr. James Dobson famously stated: “In the state of California, if I had a child there, I wouldn’t put that youngster into public schools.” (Clingman, 2006, para. 13)

The Focus on the Family organization maintains a national scope of influence covering all fifty states in the union, and to better affect the localities within their purview, each state is provided with an affiliate organization responsible for addressing issues of faith within its state boundaries. The state of Tennessee's affiliate to the Focus on the Family national organization is the Family Action Council of Tennessee (FACT). The FACT organization mirrors the positions of Focus on the Family with regards to Christianity being endangered by the actions of government and the public school system (Fowler, 2010). This position is expressed clearly by the FACT perspective on the "separation of church and state" made by FACT Director of Church and Community Relations, David Shelley (2009):

The First Amendment to the U.S. Constitution plainly forbids the creation of a national church because that would be an "establishment of religion." However, the Constitution says nothing about the so-called "separation of church and state" that is referred to so often in the public discourse today. The phrase "separation of church and state" simply does not exist in any our nation's founding documents: the Declaration of Independence and the Constitution (including the Bill of Rights). It is a phrase used by Thomas Jefferson in a personal letter that he wrote to some pastors from the Danbury (CT) Baptist Association of Churches in 1802. (para. 1)

Shelley (2009) summarizes the role of the founders, including Jefferson and Benjamin Franklin by stating:

The Christian religion, in some form or fashion, was held by all of the signers of the Declaration of Independence and the Framers of the Constitution. Their own writings prove this, and author David Barton has shown that even the two "least Christian" of

these men, Thomas Jefferson and Benjamin Franklin, were far more religious than what we would describe today as the “Religious Right.” (para. 4)

Shelley’s statement contains a mixture of truth and misleading information. This misleading position clouds the role of the church/state relationship in a manner that could potentially lead to misunderstanding of the position teachers and administrators should take when faced with a conflict between a student’s right to practice their faith and the role of the school as a neutral party regarding religious faiths.

Clearly, from the perspective of the Religious Right, an adversarial relationship exists between themselves and the public school system in regards to religious expression and freedom (Cohen, 2000; Guardino, 2010; Klein, 2010). This adversarial relationship may present an obstacle to teacher’s who attend fellowships advocating this view and prevent them from adequately applying the rulings of the courts to church/state conflicts erupting in their classrooms or elsewhere throughout the school.

The previous incidents beg the question: Do school officials who consider themselves as protestant evangelicals know the law? And if they in fact are aware of the law and choose to ignore the rulings of the courts, what source do they rely upon for guidance in resolving issues of conflict pertaining to the first amendment? Because many teacher preparation programs do not place a heavy emphasis on school law, it would be a reasonable assumption to make that school personnel in fact do not know the law (Eberwein, Militello, & Schimmel, 2009; Gullat & Tollett, 1997). This makes it evidently clear that teacher programs and school leaders need to make a more robust effort to ensure that students and faculty are made aware of the laws pertaining to the public school and its role in managing church/state conflicts that may arise within the classroom (Paige, 2009). Equally apparent is the necessity for examining the role of the

religious community in shaping school official's interpretations and implementation of court mandates pertaining to the first amendment within the public school systems.

Statement of the Problem

Teachers are not adequately prepared to address civil rights issues within the public school setting (Biro, 2001; Campbell, 2002; Ramey, 2009). Because many teacher preparation programs do not place a heavy emphasis on school law, it would be a reasonable assumption to make that they in fact do not know the law and thus inadequately prepared to address first amendment conflicts within their classrooms (Brown, 2004; Eberwein, 2008; Gullat & Tollett, 1997; Magone, 2007; Schimmel & Militello, 1997; Wagner, 2006) and that teacher programs need to make a more robust effort to ensure their faculty is aware of the laws pertaining to the public school and its role in managing church/state conflicts (Paige, 2009). Additionally, further examination of the conflict between the protestant evangelical denomination and public schools within their communities over the practice of faith is warranted. Examination of news media reports produce a number of incidents illustrating conflicts in public schools involving the separation of church and state legal principle, followed by embarrassing public relations at best or expensive lawsuits for the school system at worst (*Borden v. School District of the Township of East Brunswick*, 2008; *Doe v. Claiborne County*, 1996; *Grossman v. S. Shore Pub. Sch. Dist.*, 2007; Lynn, 2010; Prayer as subterfuge, 2010).

Purpose of the Study

The purpose of this study is to measure teachers' knowledge of the first amendment and their application of this knowledge in the school setting. Additionally, this research examined

the role religious affiliation may have in contributing to teachers' understanding of resolutions disseminated by the courts regarding first amendment conflicts within the public schools. One of the participating schools in this study is a public secular high school and the second school is private with protestant evangelical affiliations. By including schools in the study with two distinctly different faculties within the same geographic areas, the influence of social environment on teacher knowledge of the first amendment can be analyzed. Although the primary focus of this study examines the relationship between religious affiliation and teachers' knowledge of the first amendment, other factors were considered as well. Will the participants have similar opinions pertaining to the separation of church and state as other participants from the same school? Finally, will a distinct difference in opinion pertaining to the separation of church and state exist between the faculty of a protestant evangelical school and the faculty of a public secular institution?

By considering the level of comprehension regarding court rulings on church/state issues in the public school classroom, a better determination can be made as to whether school officials have adequate knowledge or preparation to effectively apply the court rulings to the schoolhouse environment. In the instance where teachers and administrators reveal inadequate knowledge of these rulings, and the potential for encroachment of student religious liberties is more likely to occur, a closer examination of the source of information utilized by the official when faced with a constitutional conflict is warranted. Unquestionably, it would be in the best interests of any school system for faculty members and administrators to be at least marginally knowledgeable of school law in the area of church/state relationships. The idea that teachers with greater knowledge about the first amendment being more likely to accurately applying the rulings of the court is hardly groundbreaking. Research has been conducted pertaining to the level of first

amendment knowledge possessed by the classroom teacher (Biro, 2001; Call, 2008; Gullatt & Tollett, 1997; Guy, 2001; McLoughlin, Sametz, & Streib, 1983; Ramey, 2008), but little has been done to examine the presence of additional, extraneous factors, such as religious or political affiliations creating the teacher's sphere of social influence influencing the teacher's decision-making process when faced with a church/state conflict in the classroom.

Although these extraneous measures considered alone may have limited value in quantitatively measuring the ability of teachers to effectively settle church/state conflicts in their classroom, it may offer a measure of the teacher's exposure to information regarding church/state issues running counter to the rulings of the court. Efforts to breach the separation of church and state and impose religious principles into the public schools have become an important aspect of the agenda promoted by the protestant evangelical denominations or *Religious Right*, which has roots in many of the churches in East Tennessee (McGuire, 2009).

Most likely, the events occurring at Roane and Union County High Schools are the exception rather than the rule. Events similar to these however, have the potential of creating embarrassing and exceedingly expensive predicaments for school leaders. These events could possibly be avoided through professional development training provided before a church/state legal violation occurs (Haynes, 2006). By addressing the level of teacher knowledge in the area of church/state school law, and examining the role that environmental influences play such as religious and political affiliations, school leaders will have a valuable tool to head off potential church/state legal problems that may occur. This data could also provide a starting point for creating a pro-active professional development program possibly including all the parties with stakes in public education, including the religious community, its members and its leaders. Including the variable of religious affiliation in research aimed at exploring how teachers

interpret the rulings of the Supreme Court can reveal if a joint effort with local religious leaders to address church/state issues in the public schools would be a worthwhile endeavor when developing a professional development program for teachers.

Hypothesis

The hypothesis of this research is three-fold: 1) teachers are not adequately knowledgeable of the first amendment; 2) teachers who belong to the protestant evangelical denominations are expected to answer fewer questions correctly on the survey instrument measuring their knowledge of the first amendment than will members of other religious affiliations; and 3) teachers in a private, Christian school are expected to coalesce toward opinions opposing the separation of church, reflective of protestant evangelical positions on the matter and due to their voluntary employment in a parochial institution. For the purpose of this research, the protestant evangelical denomination will be defined as consisting of the Church of God, Baptist, and Methodist organizations, consistent with the methodology used by the Pew Forum on Religion and Public Life Religious Landscape Survey (2007).

Foundation for Study

A prior study completed by Jeffrey R. Campbell (2002) at the University of Arizona presents the impetus for further research of the church/state conflicts that continue to plague school officials seeking to establish a healthy balance between the religious rights of students and the religious-neutral position of the school detailed by the Supreme Court doctrine (*Abington School District v. Schempp*, 1963; *Allegheny County v. ACLU*, 1989; *Burstyn v. Wilson*, 1952; *Church of Lukumi Babalu Awe, Inc. v. Hialeah*, 1993; *Edwards v. Aguillard*, 1987; *Engel v.*

Vitale, 1962; *Epperson v. Arkansas*, 1968; *Lee v. Weisman*, 1992; *Lemon v. Kurtzman*, 1971; *McCullum v. Board of Education Dist. 71*, 1948; *Torcaso v. Watkins*, 1961; *Stone v. Graham*, 1980; *Wallace v. Jaffree*, 1985). Campbell's (2002) findings revealed that teachers possess a poor understanding of where the Court stands on first amendment issues pertaining to public education (p. 88). Additionally, he found evidence that teachers would use a variety of cognitive heuristics, also known as "mental shortcuts" or "rules of thumb" when responding to survey questions where the answer was unclear to them (p. 86). Unfortunately, Campbell found that in incidents where evidence of cognitive heuristics was present, the answers provided by respondents were frequently incorrect (p. 101). If a source other than the rulings issued by the courts in fact exists for responding to conflicts between church and state in the classroom, who or what provides the information needed to respond to the crises and could a teacher's religious affiliation be this source? Identifying the precise source of information utilized by participants when responding to the survey instrument is outside the scope of this research. However, examining the relationship between correct responses and the religious affiliation of the participants may warrant further examination of the role that religious affiliation may play in shaping the decision-making process of teachers faced with critical first amendment conflicts within their classroom.

Definition of Terms

First Amendment: "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." (Included in the Bill of Rights to the U.S. Constitution).

Religious Right: A general term frequently used to describe a wide range of religious and politically conservative movements most commonly found in the United States. This term is generally attributed to the Rev. Jerry Falwell of the political organization known as the “Moral Majority,” who claimed considerable credit for the election of Ronald Reagan to the U.S. presidency.

Supreme Court of the United States- The highest judicial body in the United States and the third branch of the U.S. federal government. The court consists of one Chief Justice and eight associate justices. According to Section 2, Article 3 of the U.S. Constitution, the judicial power of the court “shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects”.

The Doctrine of Church/State Separation- The philosophy espoused by Thomas Jefferson that a “wall of separation” should exist between the private and personal religious beliefs of the citizens and the federal government.

Heuristic- a cognitive rule of thumb requiring little in-depth information processing to utilize

Protestant Evangelical- churches that stress the preaching of the gospel of Jesus Christ, personal conversion experiences, the Holy Bible as the sole basis for faith, and active evangelism (the winning of personal commitments to Christ).

Chapter 2: Literature Review

The purpose of this chapter is to provide an analysis of the relevant literature pertaining to the first amendment as it relates to public schools. This literature review is derived from sources identified using database searches of several disciplines including ERIC, ProQuest, and the Networked Digital Library of Theses and Dissertations (NDLTD). The first task in sorting through the available literature is to categorize the information into segments relevant to the research topic. Additional literature was accessed from the websites of various organizations involved with first amendment cases within the public schools. Numerous Supreme Court hearings pertaining to the first amendment will be examined with particular attention paid to cases that directly address church/state conflicts in the public school classroom, as well as cases relevant to first amendment issues, although not directly related to the classroom.

The first section includes literature pertaining to first amendment cases resolved by the U.S. Supreme Court. The second section contains literature presenting evidence of the continuing conflict between church and state within the public school domain. This section presents literature from various religious groups, both supporting and opposing the inclusion of religion into the public school system and focuses particularly on current events found in daily newspapers, and both academic and educational journals. This area of literature usually pertains to protestant evangelical Christian viewpoints advocated by a considerable segment of society frequently opposed to broad interpretations of the first amendment and perceived efforts by the public school system to inhibit the free practice of religion, but will also include literature supporting a broader, more inclusive stance on the first amendment from various theological viewpoints.

The third category includes research conducted to measure first amendment knowledge among teachers and the likelihood of teachers with poor first amendment knowledge being more prone to abuse the civil liberties of students in their classrooms or misapply the rulings of the Supreme Court to particular church/state conflicts within their classrooms.

The fourth category of literature examines theories of Supreme Court influence over public opinion. The fifth section examines literature on developing professional leadership pertaining to first amendment law. This literature was examined in order to reveal a purposeful way for school administrators to properly train teachers about the first amendment and ensure they are adequately prepared to address potential church/state conflicts within the public school context.

Public School First Amendment Issues Resolved in the United States Supreme Court

The literature addressed in this section pertains to first amendment issues decided in the court system. Particular focus is placed on cases related to church/state conflicts within the public schools. With the first amendment to the Constitution being the cornerstone of civil liberties, it becomes self-evident that the issues of free speech, freedom of religion, the right to peacefully assemble, and the ability to petition the federal government would consume a considerable amount of the docket prepared for the U.S. Supreme Court. As recently as July 2008, the Supreme Court addressed multiple first amendment issues (Citizens, 2008; Stevens, 2008). Although neither case had a particularly direct effect on public school systems, they did address the fundamental issue of the right to free speech and exemplified the ongoing interpretation of the first amendment by the federal judicial system.

Throughout the history of the U.S. Supreme Court a number of issues directly related to the occurrences in the public school house have arisen. In *Board of Education of Westside Community Schools v. Mergens* (1990), the court decided that schools could allow students to meet on school property for religious purposes during non-instructional time. Justice Sandra Day O'Connor stated in her concurring opinion "We think that secondary school students are mature enough and are likely to understand that a school does not endorse or support student speech that it merely permits on a nondiscriminatory basis," thus affirming the court's opinion that students could, in fact, practice their religious activities within certain parameters while at school.

One of the more prevalent issues related to the first amendment in the public school setting is the determination as to what constitutes a legal exercise of religious freedom and what activities would breach the barrier between church and state presented by Thomas Jefferson (1786). In *Lemon v. Kurtzman* (1971), the U.S. Supreme Court ruled that Pennsylvania's 1968 Nonpublic Elementary and Secondary Education Act, which allowed the state Superintendent of Public Instruction to reimburse nonpublic schools (most of which were Catholic) for teachers' salaries who taught secular material in these nonpublic schools, violated the Establishment Clause of the First Amendment, forbidding the establishment of an officially sanctioned religion. As a result of this finding, the court determined that any religious activity promoted or endorsed by the school/government itself must pass a three-part test to ensure its compatibility with the Constitution. The test which came to be known as the "Lemon Test," required that all legislation pertaining to religion must: 1) Be secular in purpose; 2) Must not have the primary effect of either advancing or inhibiting religion, and 3) Must not result in excessive government entanglement with religion (*Lemon v. Kurtzman*, 1971). The establishment of the Lemon Test,

however, was not the final word of the Supreme Court regarding the use of public funds to finance non-secular constructs, as similar issues such as allowing religious instructors to address students during instructional time would occur (*McCollum v. Board of Education*, 1948) or later as schools responded to the McCollum case by allowing students to leave school grounds for the purpose of receiving religious instruction elsewhere (*Zorach v. Clauson*, 1952).

Proposals to include prayer as part of the daily routine for public school children have also been repeatedly attempted, particularly in the southern regions of the United States (Smothers, 1994). In 1985, the state of Alabama enacted three pieces of legislation that would bring legal challenges from students and their parents (*Wallace v. Jaffree*, 1985). The plaintiff in *Wallace v. Jaffree* alleged that two of his children had been subjected to various acts of religious indoctrination. This occurred as a result of the defendant teachers leading their classes in saying certain prayers in unison on a daily basis. Jaffree stated that as a result of not participating in the prayers, his minor children had been ostracized from their peer group classmates; and that Mr. Jaffree had repeatedly, but unsuccessfully, requested that the prayers be stopped. The complaint by Jaffree came as a result of the following legislation:

1. §16-1-20, enacted in 1978, which provided: At the commencement of the first class each day in the first through the sixth grades in all public schools, the teacher in charge of the room in which each such class is held shall announce that a period of silence, not to exceed one minute in duration, shall be observed for meditation, and during any such period silence shall be maintained and no activities engaged in.
2. §16-1-20.1, enacted in 1981, which provided: At the commencement of the first class of each day in all grades in all public schools the teacher in charge of the room in which each class is held may announce that a period of silence not to exceed one

- minute in duration shall be observed for meditation or voluntary prayer, and during any such period no other activities shall be engaged in.
3. §16-1-20.2, enacted in 1982, which provided: From henceforth, any teacher or professor in any public educational institution within the state of Alabama, recognizing that the Lord God is one, at the beginning of any homeroom or any class, may pray, may lead willing students in prayer, or may lead the willing students in the following prayer to God: "Almighty God, You alone are our God. We acknowledge You as the Creator and Supreme Judge of the world. May Your justice, Your truth, and Your peace abound this day in the hearts of our countrymen, in the counsels of our government, in the sanctity of our homes and in the classrooms of our schools in the name of our Lord. Amen."

The court concluded that the laws enacted by the state of Alabama were in violation of the Establishment Clause of the first amendment and ruled specifically on the points of contention in the suit by stating that Section 16-1-20.1 is a law respecting the establishment of religion and thus violates the first amendment. The Court stated that:

- The proposition that the several States have no greater power to restrain the individual freedoms protected by the First Amendment than does Congress is firmly embedded in constitutional jurisprudence. The First Amendment was adopted to curtail Congress' power to interfere with the individual's freedom to believe, to worship, and to express himself in accordance with the dictates of his own conscience;
- One of the well-established criteria for determining the constitutionality of a statute under the Establishment Clause is that the statute must have a secular

legislative purpose (*Lemon v. Kurtzman*, 1971). The First Amendment requires that a statute must be invalidated if it is entirely motivated by a purpose to advance religion;

- The record here not only establishes that the purpose of 16-1-20.1 was to endorse religion, it also reveals that the enactment of the statute was not motivated by any clearly secular purpose. The State's endorsement, by enactment of 16-1-20.1, of prayer activities at the beginning of each school day is not consistent with the established principle that the government must pursue a course of complete neutrality toward religion.

In the state of Kentucky, attempts were made by its legislative body to place the Ten Commandments in each school classroom (*Stone v. Graham*, 1980). In 1978, the state of Kentucky enacted a law requiring the posting of the Ten Commandments in every public school classroom (Bartlett, 2003). Each plaque would be purchased with private contributions and would bear the following statement: "[T]he secular application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of Western Civilization and the Common Law of the United States."

The courts once again struck down this attempt at the infusion of religious concepts in the public school framework by reasoning that doing so violated the Lemon test (*Lemon v. Kurtzman*, 1971) previously established by the court. The court stated that posting the Ten Commandments in this manner did not place the teachings of the Holy Bible within a secular, educational context. The court concluded by stating: "although the content of the Commandments may be worthy of meditation and veneration as a private matter, they do not fall under the state objective of the Establishment Clause of the first amendment".

Closely related to the matter of posting the Ten Commandments and requiring student prayer is the issue of school-led Bible reading which can be found throughout the public school systems in the United States, especially in the South (McGuire, 2009). As recently as 2001, Rhea County Schools in rural East Tennessee has faced lawsuits from parents who objected to their children being forced to participate in Bible reading during the academic day (Osborn, 2001).

In addition to issues regarding the funding of non-secular educational aims, the courts were forced to address the recent push by Christian fundamentalists to include an element of “creation science” in the classroom to counter the perceived effects of students being initiated in the teachings of Charles Darwin and exposure to the theory of evolution (*Edwards v. Aguillard*, 1987). The attempted inclusion of “creation science” in the public school domain has occurred frequently throughout the United States (Gould, 1987; Larson 2004; Lewin, 1982). The Darwinian approach to human development is often met with stiff resistance from religious-based organizations (Gunn, 2006; Ratliff, 2004; Renka, 2005; Scott, 2000; Slevin, 2005) that want to include the teachings of human origins, as presented in the Book of Genesis, into the school curriculum. Although frequent references to polling data on the number of students and parents in favor of teaching creationism in the classroom reveal a considerable number of pro-Creation advocates (Bergman, 2009), resistance to Darwinian teachings in the classroom can also be found within scientific circles as well (Doolittle, 2004; Lockhart & Cameron, 2001; Richardson, 1997). Creation scientists offer a variety of scientific arguments both critical of Darwinian explanations of human development, and in support of a creator-based alternative.

First amendment issues involving the freedom of expression, an offshoot of free speech (*Meyer v. Grant*, 1988), frequently involve high school students who voice opposition to school

policies or other issues they feel infringe on their rights as students and citizens. Dress code policies mandated by local school boards for student appearance are frequently challenged by parents who feel that schools are infringing on students' basic civil liberties by mandating the type of clothing they wear as well as attempting to quell the right to expression guaranteed by the U.S. Supreme Court (Casebeer, 1997; Hudson, 1999; Madrid & Garcia, 1999). The Supreme Court's first attempt to address student expression occurred when students organized a protest to the Vietnam War by wearing black armbands to signify their opposition to the war (*Tinker v. Des Moines Ind. Comm. School Dist.*, 1969). Students at the high school chose to wear the armbands to denote their opposition to governmental policies in Vietnam. In response, school administrators formed a committee that developed the policy stating students who took part in this protest would be asked to remove the armbands and upon refusal, suspended from classes for the remainder of the day or until the armband was removed. The resulting decision of the court affirmed the rights of the students to freedom of expression and provided justification by stating that:

1) In wearing armbands, the petitioners were quiet and passive. They were not disruptive and did not impinge upon the rights of others. In these circumstances, their conduct was within the protection of the Free Speech Clause of the First Amendment; 2) First Amendment rights are available to teachers and students, subject to application in light of the special characteristics of the school environment, and 3) A prohibition against expression of opinion, without any evidence that the rule is necessary to avoid substantial interference with school discipline or the rights of others, is not permissible under the First and Fourteenth Amendments (*Tinker v. Des Moines Ind. Comm. School Dist.*, 1969).

The West Virginia state legislature breeched the separation of church and state when legislation was adopted forcing students to salute the American flag as part of the state's effort to instill a sense of patriotism and Americanism in the student body (Sandmann, 2003). A portion of West Virginia students belonging to the Jehovah's Witness faith, took exception to this ruling due to restrictions forbidding them from saluting or pledging to symbols. The resolution originally required the "commonly accepted salute to the Flag" which it defined as the "stiff-arm" salute; the saluter to keep the right hand raised with palm turned up while the following is repeated: I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all." (*West Virginia State Board of Education vs. Barnette*, 1943). The Parent and Teachers Association, the Boy and Girl Scouts, the Red Cross, and the General Federation of Women's Clubs raised objections to the salute as "being too much like Hitler's." (*West Virginia State Board of Education vs. Barnette*, 1943, para. 2) Some modification appears to have been made in deference to these objections, but no concession was made for Jehovah's Witnesses. Failure to comply with the legislative mandate was considered insubordination and dealt with by expulsion. Readmission was denied by statute until the student complied. This expulsion, in turn, automatically exposed the child and their parents to criminal prosecution. The expelled child was considered "unlawfully absent" and could be proceeded against as a delinquent. In addition, their parents or guardians could be fined as much as \$50 and jailed up to thirty days (Sandmann, 2003).

The issue of students' right to freedom of expression can be examined in more recent events as well. In 1998, administrators suspended a student at Greenbrier High School in Evans, Georgia for wearing a Pepsi brand t-shirt on a day designated as "Coke Day." The school had been declared the winner in a recent contest between other district schools to develop a method

to most effectively distribute Coke discount cards locally. Although the program to distribute the cards was devised by the school's student government, one student chose this event as an opportunity to exercise his right to free speech by wearing a Pepsi shirt during the group picture of the student body. As a result of this action, the student was suspended from school for insubordination and for "being disruptive and trying to destroy the school picture" (Swoboda, 1998, para. 8).

Supreme Court cases and current events have produced a considerable amount of information related to issues of free speech, freedom of religion and other areas connected with the first amendment to the Constitution of the United States of America. There are also instances of judicial involvement with incidents pertaining directly to first amendment violations occurring within the public school domain such as the *West Virginia v. Barnette* (1943) case. The West Virginia case, as well as the cases in Kentucky (*Lemon v. Kurtzman*, 1971), and Alabama (*Wallace v. Jaffree*, 1985) provide possible insight to the level of understanding and basic knowledge of civil rights possessed by teachers, administrators, and school boards throughout the United States.

Evidence of Continuing Conflict Between Church and State Within the Public School

Domain

The following literature provides insight into the perceived conflict between the protestant evangelical movement frequently referred to as the *Christian Right* and the efforts of the public school system to implement directives pertaining to the first amendment. As the issue of civil rights within the public school system becomes more prevalent within the common dialogue of civil rights advocates and news media, the resistance to changes of the status quo is

also becoming more evident (Hoover & den Dulk, 2004; McGuire, 2009). A science teacher in Ohio was recently dismissed for proselytizing in class and using science laboratory equipment to burn crosses on the arms of students. Immediately upon dismissal, another faculty member (the head football coach) publicly went to his defense and organized a public rally in the town square to promote the teacher's innocence of any wrongdoing by stating that "Our culture is Christian. The foundation of our laws is Christian. We've become so afraid of religion in America that we won't even acknowledge what's happened. But it's history" (Narciso, 2009). In Texas, efforts are currently under way by the *Religious Right* to impose standards of Christianity into the state history curriculum standards by including the statement that "there would be no America if not for God". Members of a panel of experts appointed by the board to revise the state's history curriculum, who include a Christian fundamentalist preacher who says he is fighting a war for America's moral soul, want lessons to emphasize the part played by Christianity in the founding of the US and that religion is a civic virtue (McGreagal, 2009).

The panel also consists of another religious evangelical determined to impose these new standards on the school system in Texas named "Reverend Peter Marshall, who heads his own Christian ministry and preaches that Hurricane Katrina and defeat in the Vietnam war were God's punishment for sexual promiscuity and tolerance of homosexuals. Marshall recommended that children be taught about the "motivational role" of the Bible and Christianity in establishing the original colonies that later became the US. The concluding statement of Reverend Marshall was

In light of the overwhelming historical evidence of the influence of the Christian faith in the founding of America, it is simply not up to acceptable academic standards that throughout the social studies (curriculum standards) I could only find one reference to the role of religion in America's past. (McGreagal, 2009, para. 5)

Further support of religious exclusion occurred at a high school where cheerleaders created signs covered with verses from the Holy Bible for the football team to run through as they entered the field (Benton, 2009). A local community member lodged a complaint, so the signs were removed from the stadium and relocated in a designated spot away from the immediate area. School officials, including the superintendent of schools, issued an unofficial statement in support of the cheerleaders and their signs in spite of her official response supporting the first amendment. The mayor of the local township responded to the issue by stating that

The signs don't infringe on anyone's religious rights and are good for school spirit. I'm totally against them doing away with it, adding that the cheerleaders' rights are being abused. If it's offensive to anyone, let them go watch another football game. Nobody's forced to come there and nobody's forced to read the signs. (Benton, 2009, para. 16)

Misinterpretation or misapplication of first amendment guarantees by school and governmental leaders is exemplified by the following statement read by Roane County Principal Jody McLeod in 2000 prior to a high school football game and following the recent decision to ban organized prayer at high school games (*Santa Fe Independent School Dist. v. Doe*, 2000). This statement was supported and then entered into the Congressional Record (2000) by House Representative and current Tennessee gubernatorial candidate, Zach Wamp, a supporter of Principal McLeod's interpretation of the first amendment. Principal McLeod stated:

It has always been the custom at Roane County High School football games, to say a prayer and play the National Anthem, to honor God and Country. Due to a recent ruling by the Supreme Court, I am told that saying a prayer is a violation of Federal Case Law. As I understand the law at this time, I can use this public facility to approve of sexual

perversion and call it an alternate life style, and if someone is offended, that's OK. I can use it to condone sexual promiscuity, by dispensing condoms and calling it, 'safe sex.' If someone is offended, that's OK. I can even use this public facility to present the merits of killing an unborn baby as a 'viable' means of birth control. If someone is offended, no problem. I can designate a school day as 'Earth Day' and involve students in activities to worship religiously and praise the goddess 'Mother Earth' and call it ecology. I can use literature, videos, and presentations in the classroom that depict people with strong, traditional, Christian convictions as simple minded and ignorant and call it enlightenment. However, if anyone uses this facility to honor GOD and to ask Him to Bless this event with safety and good sportsmanship, then Federal Case Law is violated. This appears to be inconsistent at best, and at worst, diabolical. Apparently, we are to be tolerant of everything and anyone, except GOD and His Commandments. Nevertheless, as a school principal, I frequently ask staff and students to abide by rules with which they do not necessarily agree. For me to do otherwise would be inconsistent at best, and at worst, hypocritical. I suffer from that affliction enough unintentionally. I certainly do not need to add an intentional transgression. For this reason, I shall "Render unto Caesar that which is Caesar's," and refrain from praying at this time. However, if you feel inspired to honor, praise, and thank GOD and ask Him, in the name of Jesus, to Bless this event, please feel free to do so. As far as I know, that's not against the law----yet. (Keim, 2001 p. A1)

Opposition to Supreme Court rulings providing broad definitions of the first amendment, especially pertaining to religious cases, are fairly frequent throughout the United States, especially in the South which boasts a higher percentage of religious citizens than other

geographic regions (Dionne, 2008; McGuire, 2009). Larger organizations, such as the Family Research Council, have produced extensive literature defining the first amendment using pro-Christian concepts and terminology as well as courses that are offered to the general public promoting this definition (Cureton, 2009). Another influential organization involved with the protestant evangelical Religious Right movement is the Christian Law Association (CLA). The CLA offers a variety of services for the purpose of aiding *Bible-believing Christians* in the struggle against threats to their religious freedoms, which more often than not are governmental agencies such as the public school system (CLA Services, 2009).

The Homeschool Legal Advantage (HLA) operates as an affiliate of the CLA and actively promotes educational alternatives to the public school system in response to “Christians who are experiencing difficulty in practicing their religious faith because of governmental regulation, intrusion, or prohibition in one form or another” (Gibbs, 2010, para. 1). The Director of HLA, attorney David Gibbs, Jr. (2010), clarifies the organization’s role and its connection with the Christian Law Association (CLA) by stating:

CLA receives in excess of 100,000 phone calls annually, not counting the thousands of pieces of correspondence from those who are in some way facing legal difficulties for doing what the Bible commands. These cases involve Christians arrested for witnessing to others in public, public school students being told they do not have the right to read their Bibles at school, churches being excluded from communities, Christians being fired for sharing their faith at work, and thousands of other shocking assaults on our precious religious freedoms. Hundreds of these issues are now home school related. Homeschool Legal Advantage is the answer to this obvious need. (Gibbs, 2010, para. 1)

The literature pertaining to the CLA or Focus on the Family does not infer that all religious institutions oppose a broader and more inclusive definition of the first amendment. There are a considerable number of religious organizations favoring a more progressive, inclusive view defining the first amendment as protecting the religious beliefs of all citizens.

A long and varied list of religious supporters diametrically opposed to the position of the protestant evangelical positions offered by CLA and Focus on the Family is presented by Barry Lynn, president of the organization Americans United For the Separation of Church and State. This list includes statements by over 65 religious denominations opposing the religious right's position on the role of religion in government entities such as the public school systems (Lynn, 2009). The existence of a continuing and adversarial relationship between some segments of the community and public schools over issues of church and state is supported by the available literature. Although considerable evidence exists showing some religious communities desire to support courts' rulings on matters of church and state, there is a noted absence of most of these organizations within the East Tennessee communities included in the research for my study. Where religious organizations favoring the court's rulings exist, they fail to make a notable presence in expressing their views through local media. The outspoken positions of the more religiously conservative element located in East Tennessee tend to garner an increased attention from local media as conservative opposition frequently includes public displays of discontent (Gandelman, 2009; Hudson, 2009; Klein, 2009).

First Amendment Knowledge among School Personnel

Researchers have made several concerted attempts to address the knowledge of school personnel regarding the first amendment of the United States Constitution (Clark, 2004;

Eberwein, Militello, & Schimmel, 2009; Luke, 2004; McLoughlin, Sametz, & Streib, 1983). A recurring theme throughout the literature is school personnel's lack of preparation to adequately address civil liberty issues that may arise within the classroom. Although this lack of preparation most often directly affects the student population, it can occasionally affect teachers as well. In one particular case, lack of adequate first amendment knowledge led to the suspension of a teacher who displayed a Confederate flag in his social studies class. The teacher was promptly suspended in spite of curriculum standards designating specific instruction on historic symbols and specific approval received from the school principal (Clark, 2004). This situation frequently occurs as a result of a benign lack of knowledge regarding classroom-related law. Research has shown that school administrators are frequently unaware of the laws protecting civil rights (Eberwein, Militello, & Schimmel, 2009), although a considerable amount of evidence exists that some administrators may simply be ignoring the law (Benton, 2009; Narciso, 2009; Swoboda, 1998). Previous attempts to measure teachers' knowledge of the first amendment have shown that public school teachers are not adequately prepared to address first amendment issues in their classrooms and they lack the knowledge needed to confront civil liberty issues that may occur (Call, 2008; Luke, 2004).

An earlier study completed by Jeffrey R. Campbell (2002) at the University of Arizona presents the impetus for further research of the church/state conflicts that continue to plague school officials as they seek to establish a healthy balance between the religious rights of students and the religious-neutral position of the school detailed by Supreme Court doctrine (*Abington School District v. Schempp*, 1963; 1993; *Edwards v. Aguillard*, 1987; *Engel v. Vitale*, 1962; *Lee v. Weisman*, 1992; *Lemon v. Kurtzman*, 1971; *McCollum v. Board of Education Dist. 711948*; *Wallace v. Jaffree*, 1985). Campbell distributed surveys to teachers in three Arizona

public high schools. Each teacher examined a series of scenarios and was then asked to label the activity in the scenario as “constitutionally acceptable” or “constitutionally unacceptable” (p. 15). The scenarios were created by Campbell and covered several topic areas pertaining to church/state conflicts outlined in the *Joint Statement of Law*, produced by The American Jewish Congress in May/June of 1996 (p.11). The topic areas addressed in the survey included school prayer; baccalaureate services and graduations; official participation or endorsement of religious activity; teaching about religion; teaching creation and evolution; student assignments and religion; student expression in class; the distribution of religious literature; the “See You at the Pole” club; religious persuasion versus religious harassment; the Equal Access Act; religious holidays; excusal from religiously objectionable lessons; teaching values; student garb; and release time (p. 47). The results of the survey were then analyzed using chi-square analyses to determine the nature of the relationship between respondents’ correct and incorrect answers and their demographic information. This cross-reference was measured for the purpose of identifying areas of first amendment law that school personnel frequently misinterpret or simply do not know, and also to identify any key demographic variables that may be considered contributing factors to respondents’ misunderstanding of church/state issues within the context of the public schools. The demographics used in the Arizona study included: years of teaching experience, academic department in which they teach, political preference, the amount of formal training in church/state issues, and confidence in legal knowledge (p. 53-54).

Campbell’s (2002) research revealed that teachers possess a poor understanding of where the Court stands on first amendment issues pertaining to public education (p. 88). Additionally, he found evidence that teachers would use a variety of cognitive heuristics, also known as “mental shortcuts” or “rules of thumb” when responding to survey questions where the answer

was unclear to them (p. 86). Unfortunately, Campbell found that in incidents where evidence of cognitive heuristics was present, the answers provided by respondents were frequently incorrect (p. 101).

Campbell's research presents an interesting examination of the legal knowledge and decision-making process utilized by teachers when applying Supreme Court rulings to hypothetical scenarios. However, one noticeable area not addressed by his research is the role that religious affiliations and exposure to the agenda of the protestant evangelical movement commonly referred to as the *Religious Right* may take in shaping how teachers interpret and apply Court rulings. The political and religious context in which a teacher acquires knowledge of court rulings must be considered when assessing comprehensive first amendment knowledge, (Franklin & Kosaki, 1989). To this point, social context has generally been ignored in the literature. Campbell's study was conducted in the state of Arizona, which, according to the Pew Research Institute Survey on Religion in Public Life (1999), is categorized as having a below-average (< 49%) number of citizens reporting a religious identity. The same survey reported Tennessee as having citizens with the highest (> 70%) rate of religious identity. With such a considerably low percentage of residents claiming a religious identity, the exclusion of religious practice and affiliations from Campbell's study is logical and perhaps explains his suggestion that more work in this area is needed in different geographic regions of the country (p. 106). The role of religion as measured by the frequency of church attendance in protestant evangelical Christian churches may provide insight in attempting to explain how teachers form decisions pertaining to church/state issues. Considering the high concentration of protestant evangelicals in the state of Tennessee, the possibility of influence from those particular denominations must be considered as a primary source of information regarding polarizing Supreme Court decisions.

Participants of my study reside in the state of Tennessee, which was identified in the Pew Research Institute Survey on Religion in Public Life (1999) as the 5th most religious state in the United States. The Pew Survey ranked Arizona as 33rd out of the 50 states in responding affirmatively to questions reflecting the importance of religion in their life.

Rankings in this study were accomplished by measuring responses given to three topics: worship attendance, frequency of prayer, and belief in God. The role of religion in guiding a teacher's response to first amendment conflicts within their respective classrooms is worthy of further research if for no other reason than its pervasiveness in the social structure of Tennessee. The Pew study revealed that Tennessee is one of three states, along with Missouri and Oklahoma, with a population saturated with the evangelical protestant tradition. The *Religious Right* social/religious movement, which mainly consists of evangelical protestants, takes an active stance in promoting positions on the role of religion in the public school domain that frequently counter the position taken by the court systems regarding the same matters.

The political context of East Tennessee is influenced heavily by the religious community as evidenced by the selection of Mike Huckabee as its nominee for the Republican representative in the 2008 presidential election. Huckabee, an avowed Baptist minister, made public statements in favor of teaching Creationism and opposing Darwinian science (Wiles, 2006) and supports posting the Ten Commandments in public schools (Huckabee, 2002), both of which are controversial topics frequently addressed within the religious communities of the South (Heyman, 1997; Mulder, 2002). Perhaps the most revealing aspect of Tennessee's political climate and its residents' choice of Huckabee for president is Huckabee's 2008 position statement in favor of amending the United States Constitution:

I have opponents in this race who do not want to change the Constitution. But I believe it's a lot easier to change the Constitution than it would be to change the word of the living God. And that's what we need to do—to amend the Constitution so it's in God's standards rather than try to change God's standards so it lines up with some contemporary view of how we treat each other and how we treat the family. (Edwards & Kane, 2008, para. 2)

These findings justify Campbell's recommendation to examine the impact of religion on teachers' ability to define constitutionally appropriate behavior in their classrooms.

Theories of Supreme Court Influence on Public Opinion

Several theories exist addressing the role of public opinion and how it is shaped by rulings of the Supreme Court of the United States of America (Brickman & Bragg, 2007; Casillas, 2008; Dahl, 1957; Outwater, 2005; Schreb, 2001; Unger, 2008; Wilhelm, 2010). Due to the nature of the Supreme Court and its primary purpose, defining constitutional issues and subsequently providing directives to the general public, the effect on public opinion can be tremendous. As integral members of the community, public school teachers would expectedly be affected by Supreme Court rulings in salient and controversial areas such as prayer in school, posting of the Ten Commandments, and right to practice their personal religious faith as they see fit. To examine the effects of Supreme Court rulings within the context of this study, research conducted by Charles H. Franklin and Liane C. Kosaki (1989) will be considered. According to Franklin and Kosaki's work "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion and Abortion," public opinion is not necessarily swayed by the rulings of the Court as had previously been thought (Dahl, 1957). Prior to the Supreme Court's ruling on abortion

rights (*Roe v. Wade*, 1973), Robert Dahl (1957) proposed that the Supreme Court typically ruled in favor of popular opinion, and as a result, the Court's findings legitimized positions of the majority and typically ended debate on the matter. The *structural response hypothesis* developed by Franklin and Kosaki (1989) challenged Dahl's position by producing evidence that public opinion is, in fact, shaped by the political context in which people live, not simply by an edict produced by the Supreme Court (Johnson & Martin, 1998). Furthermore, Franklin and Kosaki (1989) discovered a distinct difference in Catholics' and non-Catholics' responses to the *Roe v. Wade* ruling suggesting that influence from religious institutions may be more persuasive in shaping opinions. Following the court's decision to legalize abortion (*Roe v. Wade*, 1973), Catholic public opinion regarding the ruling crystallized, reflecting traditional Catholic positions on the issue of abortion (Gilbert, 1993). The Catholic opinion against the ruling was considerably stronger against the ruling than the non-Catholic position, supporting Franklin and Kosaki's (1989) assertion that political and social environments are more influential on controversial issues than the Supreme Court ruling itself.

Leadership and Professional Development

Providing ample leadership abilities to effectively navigate the circuitous path to adherence of first amendment standards established by court findings presents school administrators with a considerable challenge. As the purveyor of teacher standards and behavior, the school principal must ensure the entire faculty and all support personnel are adequately prepared to address church/state issues arising in the classrooms as well as in extracurricular activities. As classrooms become more heterogeneous with more students of various religious backgrounds now attending, principals are faced with "administering a highly specialized,

extensively regulated, and enormously complex human organization” (Deal & Peterson, 1994). Deal and Peterson present two theoretical perspectives on school leadership. School leaders often present themselves as either “artists” or “engineers” (p. 8). Principals devoted to a rational and deliberate approach to leadership tend to focus on using a technical and managerial method and thusly labeled as “engineers.” This approach excels at “defining goals, creating policies, allocating responsibility, delegating authority, coordinating diverse people and activities, and otherwise ensuring that the school is a safe, orderly, and instructionally focused enterprise” (p. 7). Without question, academic institutions require a determined, strong leader to manage the student body and faculty. The very nature of leading such a large contingent of people requires a certain amount of calculated effort. This approach, however, fails to address subjective issues such as student civil liberties, often, which occur in a multitude of forms. An alternate style of leadership presented by the authors, previously described as the “artist” leader, may offer a better style to address the fluid circumstances related to church/state conflicts. The “artist” leader “seeks to define reality, capture and articulate symbols that communicate deeply held values and beliefs, and engage people in ritual, ceremony, theater, and play” (p. 8). Furthermore, this type of leader promotes the idea that school personnel are part of something larger than themselves (p. 8). Creating an environment conducive to protection of student civil liberties requires school leaders to establish standards of behavior requiring teachers to actively pursue a sense of justice in their individual classrooms. A vision of adherence to court rulings regarding student civil liberties must originate with school leadership and filter down to individual teachers. In order for teachers to perform instinctively ethical and legal behaviors, school leaders must create an “environment in which people can practice and develop the right sort of behavioral habit patterns” (Zink, 2005). This values-based method of leadership is also supported by additional

literature that presents prerequisite “keys to success” for effectively guiding an organization toward achievement of its goals. Nolan, Goodstein, and Pfeiffer (1993), in their work on organizational success: “Plan or Die!” present a framework that includes basing decisions on values, having a mission based upon a shared vision, sounding a rallying cry and persevering, promoting and rewarding risk-taking, and creating and nurturing a learning organization (p. 27).

Values-based leadership presents a model of management conducive to creating a climate of a professional faculty adhering to legal standards regarding student civil liberties. The literature proposing this method of leadership may present the most credible solution to affecting faculty vigilance to first amendment issues, but it may also fail to connect theory to practical application. Promoting a vision concurrent with court rulings is an essential stepping-stone to adequate protection of student rights; however, it fails to take into consideration faculty knowledge of the first amendment and their effectiveness using it in their classrooms. It also fails to address faculty’s willingness to comply with directives disseminated by leadership that is directly based on their personal religious convictions.

Dr. Charles Haynes of the First Amendment Center, located in Washington D.C., developed “A Teacher’s Guide to Religion in the Public Schools” (2008) to provide guidance for teachers and school leaders confronted with addressing religious issues that could potentially create a conflict between students’ individual freedoms and school activities. The guide is a handy reference for faculty and administrators who must respond to issues that may result in violations of church/state law if not properly addressed. A considerable number of religious, legal, and educational organizations have endorsed the approach recommended by the First Amendment Center (e.g., American Association of School Administrators, and the American Federation of Teachers). The guide addresses six key concepts deemed essential for preparing

school leaders and teachers to address matters related to the first amendment and, more specifically, to the relationship between church and state. Haynes' six concepts are derived from a statement of principles presented in "Religious Liberty, Public Education, and the Future of Democracy" (1995). Haynes' work is bolstered by the endorsement of religious organizations such as the Central Conference of American Rabbis, the Christian Coalition, Christian Educators Association, International Christian Legal Society, National Association of Evangelicals, and the National Council of Churches. The most relevant concept presented by Haynes states that

Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect. Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure the curriculum includes study about religion, where appropriate, as an important part of a complete education. (p. 4)

Incorporating the values of all parties involved in the church/state struggle within the public schools presents administrators with a viable option for bringing opposing factions together to create an atmosphere within the schools conducive to the religious liberties of all students.

Charles Haynes and Oliver Thomas (also of the FAC) developed "Finding Common Ground" (2007), a second, more in-depth resource on addressing first amendment issues for teachers and administrators. Chapter 3 of "Finding Common Ground" (2007) presents a series of strategies for school administrators to implement for improving the school and community climate regarding efforts to create an agreeable climate for religious values within the public school. These strategies can assist school leaders in preparing themselves and their faculties to address first amendment issues before they evolve into a crisis. Strategies for finding common ground include first agreeing on the ground rules for the discussion. Because of the wide array

of religious beliefs and practices represented in the student bodies of our public schools, it would be detrimental to any joint effort to impose or favor one particular belief over another. In any public policy debate, especially those involving religious values, an attempt to reach a consensus is a necessity. Haynes suggests that reinforcing the democratic principles governing our common life establishes the ground rules for further discussion and that these principles are the “ground rules” within which we negotiate our differences in the public square of America (p. 17).

The second step for finding common ground is inclusion of all stakeholders in the education system. Haynes reports “If agreements and policies are to inspire broad support in the community, all stakeholders must be fully represented in the discussion” (p. 18). Any recommendations for finding a community consensus on the role of the first amendment in the public school requires a broad range of perspectives. Broad perspectives on the role of religion in public schools ensures that all parties who have concerns regarding violations of their first amendment rights have a significant voice. Successful policies result when all the affected parties construct them together.

The next step for a comprehensive policy on religion in the public schools is to listen to all sides. It is incumbent upon school leaders to acknowledge criticisms directed toward school leaders regarding the handling of religious matters within the schools. However, school leaders must communicate a) their responsibility to the Constitution and the safeguarding of religious liberties of all students, and b) that this responsibility is not intended to be interpreted as hostility toward religion. The fourth step is to work for comprehensive policies. Haynes recommends, “school districts would be well advised to address a broad range of religion-and-schools issues in a ‘religion-and-schools’ policy.

By doing so, schools are able to say ‘yes’ to a role for religion, even as they must say ‘no’ to state-sponsored religious practices.” (p. 21)

The fifth step is for school leaders to be pro-active. To avoid controversial situations, school leaders will simply avoid the subject of religion within the school. Haynes confirms; however,

While it may be true that a pro-active approach to religious liberty questions is a risky and delicate undertaking, it could be argued that the greater risk is to do nothing. Districts unprepared for controversy fare poorly when a conflict arises (and it will). Where there are no policies (or policies not known or supported by parents), there is a much greater likelihood of lawsuits, shouting matches at school board meetings and polarization in the community. (p. 22)

Schools must clearly articulate the role of religion in the public schools and how the school handles religious events and practices, such as holidays and religious clubs, within boundaries established by constitutional guidelines. By proactively engaging the community, the school’s efforts represent an act of good faith in addressing the concerns of the community.

Step six calls for civil debate. Any discussion of religion and the role it plays within the public school must carefully avoid name-calling, labeling, and personal attacks (p. 22). The seventh and final step in developing policies for addressing religious freedoms within public schools is to follow through with any policies initiated. Staff development on first amendment issues needs to be continued by administrators, and school leaders need to maintain a steady communication with the community regarding their role in protecting student religious liberties. By conducting a sustained effort to preserve students’ first amendment liberties, school administrators convey a sense of importance placed on the religious values of all students and

their commitment to constitutional principles and the rulings of the court.

Conclusion

Information gained by examining teachers' knowledge of the first amendment and its application to the classroom setting is invaluable in providing adequate legal protections to students of minority faiths in the public school classroom. Students, parents, administrators, and superintendents frequently make the assumption that student first amendment rights cease to exist once the student crosses the schoolhouse door. Numerous examples of infringements of these basic rights are present in the literature examined by the researcher. There is little question as to how frequently students experience a loss of their basic civil liberties guaranteed to them under the first amendment to the United States Constitution. The following questions must be addressed when attempting to examine why teachers may fail to adequately protect student religious liberties: a) do school personnel have adequate knowledge of the first amendment to address religious liberty issues in the classroom?, and b) do teachers who participate in religious affiliations opposing the court's rulings (e.g., protestant evangelical) score lower first amendment knowledge than members of all other denominations?, and 3) "Do faculty member's opinions of the separation of church and state differ based on the type of school where they work?"

The hypothesis of this research is threefold: 1) teachers possess inadequate knowledge of the first amendment, and 2) teachers who identify themselves as members of the protestant evangelical denomination are expected to score lower on a survey instrument measuring knowledge of the first amendment than teachers who report affiliations with all other denominations, and 3) Teachers in a private, Christian school are expected to coalesce toward

opinions opposing the separation of church, reflective of protestant evangelical positions on the matter and due to their voluntary employment in a parochial institution.

Chapter 3: Method

This chapter addresses the method and procedures used to conduct this study. Participants, data collection, survey instruments, research design, and data analysis are all addressed in this chapter.

Participants

Sampling technique. Two secondary level high schools in the region of East Tennessee were chosen as targets of the research for several reasons. First and foremost, both schools represent similar positions on the socio/economic spectrum. Secondly, one high school is a private, Christian school and the other is a public, secular institution. Both high schools have faculty members residing in bordering counties, who most likely share the communities' religious identities.

High school 1. High School 1 (Lenoir City High School) is located in a semi-rural area of East Tennessee, and serves as the only high school within their system. The school system to which High School 1 belongs consists of an elementary school, middle school, and high school. The high school student body is distributed between grades 9-12.

High school 2. High School 2 (Christian Academy of Knoxville) is located in a suburban school system in East Tennessee. The high school provides academic and vocational classes to students ranging from grades 9-12 and unlike High School 1 is a private, parochial institution. Refer to Table 1 for gender distribution of faculty at High school 1 and High school 2:

Table 1

Faculty Gender by High School

School	Male	Female	Total
High School 1	34	30	64
High School 2	12	25	37
Total	46	55	101

Survey Monkey. The Survey Monkey software program was selected as the tool for survey administration due to its capabilities of providing an efficient method for gathering and analyzing data. Distributing the survey through a web-based software program provided the participants with both convenience and confidentiality. This software program was chosen because it has been used in prior research on first amendment issues in the classroom similar to this study (Call, 2008). Survey Monkey allows the user to create a variety of different surveys with various question/answer formats providing a considerable amount of flexibility in organizing and preparing the results of the study for presentation. The software program initiates compilation of the responses and returns the information to the researcher for further analysis. Lastly, the Survey Monkey software program is protected by McAfee SECURE software that provides web vulnerability protection against unauthorized access to stored information.

Design of Survey Instrument

A mixed method approach utilizing a quantitative analysis of teacher responses to a standardized survey as well as a qualitative examination of personal opinions provided by the participants was used for the purpose of measuring teachers' knowledge of the first amendment and gathering personal demographic information for each participant. This survey is not designed to measure specific points of school law, but instead serves to identify teachers responding in a fashion reflective of the instruction presented by the religious community and social sphere in which they participate.

An effective survey instrument for measuring teachers' knowledge of the first amendment must include a process for ensuring the anonymity of the participants. This was accomplished by distributing invitations to participate in the study via e-mail using the Survey

Monkey survey development software. By using this software, participants were able to provide responses with no personal identifiers except for the e-mail address used to distribute the invitation for participating in the study. Demographic questions covering the years of teaching experience, political party affiliation, amount of professional development related to church/state issues, age group, grade levels taught, academic department in which participants belong, frequency of church attendance, importance of religion in participant's home, the frequency of church/state discussions within the participant's place of worship, and confidence in addressing first amendment issues were included.

The survey instrument used in this research was created by the researcher and was based on a similar instrument used in the research of Jeffrey Campbell (2002). Questions were developed based on various scenarios pertaining to practical application of the first amendment in the public school classroom. Each first amendment scenario included three responses available to the participant: constitutional; unconstitutional; or do not know. The Opinion section presented seven questions pertaining to the separation of church and state. Participants were requested to choose the answer they believed most accurately reflected their position. The options available to select were Strongly Agree, Agree, Disagree, Strongly Disagree, and No Opinion. One open-ended question requested participants to "Please comment on any relevant experiences you've had regarding religious-liberty issues."

The instrument was subsequently sent via e-mail to Dr. Charles Haynes of the First Amendment Center in Washington D.C., and to Dr. David Folz at the University of Tennessee, Knoxville for validation purposes and suggested numerous corrections to the instrument prior to distribution for participant use.

Procedure

An anonymous Internet survey of individual teachers in place of the more intimate and revealing personal interview was chosen as the method of data collection for this study. The Survey Monkey data analysis software was used due to the program's ability to quickly gather results and tabulate the responses of the research participants. Personally interviewing the faculty of the two schools included in the research would be time prohibitive unless a much smaller, and therefore, less accurate sampling of the faculty at both schools were chosen to participate in the research. By choosing this method of research, the ability to use subjective interpretations was severely limited as the researcher was able to only compile and decipher the information submitted online. This method offered no opportunity for follow-up questions or the ability to preface answers with explanations or circumstances. Participants were also unable to go back and correct previously given answers once those answers had been submitted. The survey instrument was created by the researcher and based on variations of survey questions developed by researchers conducting similar studies (Berry, 2002; Biro, 2001; Dautrich & Yaloff, 2007).

Assumptions

Conducting research related to the religious backgrounds of teachers in secondary educational facilities presents several assumptions to consider when tabulating the results of the survey and accurately interpreting the information. Firstly, the southeastern region of the United States of America is considerably more likely to make a public profession of faith than any other region in the country. According to a Gallup Researching Survey (2008), data shows that in response to the question: "Is religion an important part of your daily life?" Southerners scored

noticeably higher in answering affirmatively to the question. Eighty five percent of Mississippi respondents answered the question with an affirmative “yes,” placing them as the most religious respondents in the survey whereas seventy-nine percent of respondents from Tennessee answered with an affirmative “yes,” placing Tennesseans as the fourth most religious respondents in the survey. Teachers in the classroom of a public high school in East Tennessee would be expected to display, possess, or promote a certain level of religious persuasion to students in their classroom due to this pervasive role of religion in the culture of the communities being researched. It is expected that faculty members of both High School #1 and High School #2 will trend toward a similarly higher degree of religious affiliation than teachers from other regions within the United States. It is also expected that the frequency of church attendance in protestant evangelical churches and the level of first amendment knowledge of faculty members at both schools will be similar due to both schools residing in the East Tennessee area.

Data Analysis

The survey instrument was closed for further input by participants on April 1, 2010. The collected data was coded and saved in Microsoft Excel 2008. Data were entered into SPSS 18 where composite and dummy coded variables were added. For each of the survey items presented in the instrument, frequencies were tabulated in terms of whether teachers identified the constitutional appropriateness correctly or incorrectly. A summation of correct answers for each participant was collected and converted to a percentage ranging from 0%-100%. Each of the demographics collected from participants was analyzed using the independent measure two-tailed *t* test analysis. A one-way analysis of variance (ANOVA) on the total accuracy scores for the two groups was computed. These findings were then examined and their implications

considered. The final section of the instrument offered participants the opportunity to state personal opinions and provide open-ended remarks regarding the role of religion in the public school domain. The responses in this section were to be transcribed for qualitative analysis but there were not enough responses to include in the study.

Chapter 4: Results

This chapter analyzes the results of the survey instrument distributed to teachers. The survey instrument used in this study was developed by the researcher, and based on a similar instrument used by Jeffrey Campbell (2002), for the purpose of measuring teacher knowledge of the first amendment. The chapter is divided into the following sections: preliminary analyses, respondent characteristics, hypothesis testing, and key findings.

Preliminary Analyses

The researcher calculated descriptive statistics and frequencies in order to determine if there were any coding errors or outliers and to detect any missing data. Few missing values (less than 5%) were present in the dataset, so these cases were kept in the dataset. Most of the survey items and composites had standard deviations between the absolute values of 1 and 2. The First Amendment Knowledge questions were recoded from (0 = Do Not Know, 1 = Unconstitutional, 2 = Constitutional) to (0 = Incorrect or Do not Know, 1 = Correct). First Amendment Knowledge composite scores were created by summing the scores for each of the items to yield a single figure (i.e., the total number of items each respondent answered correctly). Adding the values of the seven opinion items and calculating the average for each participant created a second composite variable, Opinion. The Opinion scores were coded as Strongly Disagree = 1, Disagree = 2, Agree = 3, Strongly Agree = 4, No Opinion = 5. All “No Opinion” responses were excluded from the computation. One open-ended question asking participants to comment on any relevant experiences regarding religious-liberty issues was included for qualitative analysis.

Assumptions of t-tests (normality of dependent variable, independence of observations, homogeneity of variance, equal sample sizes) and one-way between subjects analysis of variance (normality of sampling distributions of means, normality of dependent variable, independence of errors, homogeneity of variance, absence of outliers) were met. Levene's test was used to assess the equality of variance between the sample groups. Results showed the variance to be non-significant for each analysis.

Summary of Survey Data

Invitations to participate in the study were sent via e-mail to two high schools in adjoining counties of East Tennessee. The invitations were e-mailed after making initial contact with both principals via personal meetings. Survey participation requests were sent to 105 teachers of which 52 responded and agreed to participate, yielding a return rate of 49.5%. Following the request to participate, respondents were directed to the Survey Monkey website to complete the provided questionnaire. Responses to the constitutional survey were then collected and coded before being entered into the Predictive Analytics Software 18.0 program for analysis.

Participant characteristics. Participants were asked to respond to inquiries regarding their gender, age, education, political party affiliation, experience teaching, amount of training related to constitutional issues in public schools, confidence addressing constitutional issues in their classroom, religious affiliation, church attendance, and the amount of discussion pertaining to constitutional issues that take place within their place of worship. Specific data for the demographic survey can be found in Appendix A. Refer to Tables 2 and 3 for participant characteristics.

Table 2

Descriptives for Participant Characteristics

Variable	M	SD	Skewness	Kurtosis
First amendment knowledge				
Lenoir City High School	16.17	3.93	-.077	-.031
Christian Academy of Knoxville	17.38	2.14	.428	-.458
Opinion				
Posting of ten commandments	2.75	1.14	-.458	-1.165
Display of religious ornaments	2.38	1.01	.164	-.983
Wear of clothing with religious symbols	2.38	1.06	.267	-1.109
America as a Christian nation	2.54	1.17	-.167	-1.145
Allow students to conduct religious ceremonies	2.03	.822	1.05	1.371
Advertisement of religious-based activities	2.47	1.05	.275	-1.142
Christianity subordinate to other beliefs	2.34	1.23	1.23	-1.551

Note. First amendment knowledge is a composite based on the total number of correct answers among the 28 items. The Opinion composite is based on a 5-point Likert scale of measurement: strongly disagree = 1, disagree = 2, agree = 3, strongly agree = 4, no opinion = 5.

Table 3

Participant Characteristics

Variable	n	%
Gender		
Male	22	42.3
Female	30	57.7
Age		
22-25	1	1.9
26-35	17	32.7
36-45	12	23.1
46-55	11	21.2
56-70	11	21.2
Education		
B.A. or B.S.	14	26.9
M.A. or M.S.	18	34.6
Ed S.	16	30.8
Other	1	1.9
Department		
English	9	19.6
Social Studies	8	17.4
Special Education	5	10.9
Business	4	8.7
Vocational and Foreign Language	3	6.5
Science	1	2.2
Political Party		
Democratic	11	21.2
Republican	30	57.7
Libertarian	4	7.7
Other	7	13.5

Table 3

Participant Characteristics (continued)

Variable	n	%
Grade(s) Taught ^a		
9 th	32	61.5
10 th	35	67.3
11 th	37	71.2
12 th	34	65.4

Note. Grade(s) taught add up to more than 52, because many teachers reported teaching more than one grade level.

The participants of this study consisted of twenty-two male participants (42.3%) and thirty females (57.7%). Participants could select from one of five categories to report age (22- 25; 26-35; 36-45; 46-55; and 56-70). The largest percentage (32.7%) of respondents reported their age to be between the ages of 26-35. All participants were college educated with 34.6% completing the requirements for receipt of a Master's Degree of Arts (M.A.) or a Master's Degree of Science (M.S.). Respondents were instructed to include any professional staff development they had received as a member of a teaching faculty or as a student in a post-secondary institute of learning such as a community college or university. The majority of respondents (38.5%) reported receiving "Not very much training" with 11.5% reporting no training at all. Sixteen participants (30.8%) reported receiving an average amount of training while ten teachers (19.2%) received a "More than average amount of training." No participants reported receiving "Extensive training."

Research Questions and Hypothesis Testing

Research Question 1. In order to address the first research question, "Are teachers adequately knowledgeable of the first amendment?" descriptive analyses were performed. Adding the total number of correct answers together and converting the sum to a percentage between 0% and 100% produced the average first amendment knowledge score for teachers from both high schools. For this study, correctly answering 70% of first amendment items is considered adequate knowledge and a passing score. The minimal passing score of 70% reflects the minimal standard for academic assignments used by both High School 1 and High School 2.

Research Question 2. In order to address the second research question, “Do teachers attending churches of the protestant, evangelical denomination have less knowledge of the first amendment than teachers attending churches of all other reported denominations?” descriptive analyses were performed. An independent-samples t-test was used to test the hypothesis that teachers attending churches of the protestant evangelical denomination would score lower on first amendment knowledge than teachers of other denominations (see Table 4). Although Non-Protestant Evangelicals scored a slightly higher average score (61.1% correct), than Protestant Evangelicals (55.3% correct), the difference was not significant. Denomination had little effect on participants’ selection of correct responses to the first amendment survey. No significant differences were found when comparing religions in High School 1 or in High School 2.

The purpose of measuring frequency of attendance was to add support to the hypothesis stating protestant evangelicals would score lower on first amendment knowledge. Participants were asked to report the number of times they typically attend church services during any given month. Twenty-nine respondents (55.7%) reported attending church services 4-10 times per month. Ten respondents (19.2%) reported no attendance in church services. Six participants (11.5%) reported attendance at church services 1-3 times. First amendment knowledge is indicated by the summation of correct scores on the instrument used in this research and reported for each level of church attendance. A one-way analysis of variance (ANOVA) was performed to compare teachers categorized by their frequency of church attendance on first amendment knowledge (do not attend church, attend 1-3 times per month, attend 4-10

Table 4

T-Test Results for the Effect of Religion on First Amendment Knowledge

FAK by Group	Religion				<i>t</i> (48)	<i>p</i>	95% CI		Cohen's <i>d</i>
	Protestant Evangelical		Other Denominations				<i>LL</i>	<i>UL</i>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>					
All Participants	15.50	2.94	17.10	3.81	1.53	.13	-0.51	3.71	-0.47
High School 1	14.93	2.90	17.00	4.37	1.56	.13	-0.64	4.78	-0.56
High School 2	17.50	2.38	17.33	2.18	-0.12	.90	-3.12	2.79	-0.07

Note. FAK = First Amendment Knowledge; High School 1 = Lenoir City High School; High School 2 = Christian Academy of Knoxville; CI = confidence interval; *LL* = lower limit; *UL* = upper limit.

times per month). No significant differences were found between these three groups, $F(2, 42) = 1.58$, ns. One additional ANOVA test was performed (for High School 1) to detect differences between participants' frequency of church attendance and first amendment knowledge. No significant differences were found, $F(2, 29) = 2.20$, ns. Faculty in High School 2 could not be compared since all 13 who reported church attendance selected 4-10 times per month. See Table 5 and 6 for means and standard deviations and ANOVA source information.

Research Question 3. Independent t-tests were performed to address the third research question; "Do faculty member's opinions of the separation of church and state differ based on the type of school where they work?" Teachers in a private, Christian school are expected to coalesce toward opinions opposing the separation of church, reflective of protestant evangelical positions on the matter and due to their voluntary employment in a parochial institution. The Opinion response choices were coded as Strongly Disagree = 1, Disagree = 2, Agree = 3, Strongly Agree = 4, No Opinion = 9 (not included when calculating averages). Participants' composite scores (averages) for Opinion, the dependent variable, were compared using independent t-tests. For the first t-test, Opinion scores of participants at School 1 were compared to Opinion scores of participants at School 2. Results revealed that Christian Academy of Knoxville faculty agreed with anti-separation of church and state statements ($M = 3.10$, $SD = 0.54$) significantly more than Lenoir City HS Faculty ($M = 2.45$, $SD = 0.88$), $t(46) = -2.48$, $p < .05$.

Table 5

Means and Standard Deviations for First Amendment Knowledge by Church Attendance

Frequency of attendance	<i>n</i>	%	<i>M</i>	<i>SD</i>
All Participants				
1-3 times	6	13.3	16.00	1.67
4-10 times	29	64.5	16.21	3.18
I do not attend	10	22.2	18.30	4.40
High School 1				
1-3 times	6	19.4	16.00	1.67
4-10 times	16	50.0	15.25	3.61
I do not attend	10	30.6	18.30	4.40
High School 2				
1-3 times	0	0.0	-	-
4-10 times	13	100.0	17.38	2.14
I do not attend	0	0.0	-	-

Note: High School 1 = Lenoir City High School; High School 2 = Christian Academy of Knoxville

Table 6

Analysis of Variance Source Table for Church Attendance Differences in First Amendment Knowledge

<i>Source</i>	<i>df</i>	<i>F</i>	<i>η^2</i>	<i>p</i>
All Participants				
Attendance	2	1.58	.07	.22
Error	42			
High School 1				
Attendance	2	2.20	.13	.13
Error	29			

Additionally, survey items pertaining to three key issues of the protestant evangelical movement were analyzed for significance. The items included Creationism /evolution in the classroom, student prayer, and proselytizing, all of which are valued positions of the protestant, evangelical movement as noted by Focus on the Family (2010).

Creationism/evolution. FAK item 11 poses the following question: “A science teacher who professes atheism gives near equal treatment to evolutionism and creationism as scientific theories on the origins of life. The teacher's action would be considered: constitutional or unconstitutional?” The majority of participants from both High School 1 (78.1%) and High School 2 (83.3%) answered this question incorrectly by declaring the teacher’s behavior as constitutional. FAK item 12 examines the role of a social studies teacher in presenting Creationism during a history lesson on religious beliefs. Participants were asked to respond to the following question: “A social studies teacher teaches about both evolution and creationism as two of the scientific ideas that have been offered to explain life on earth. This occurs during a world history class. The teacher's action would be considered: constitutional or unconstitutional?” An overwhelming majority of participants (70.7%) considered the teacher presenting evolution and Creationism as scientific co-theories acceptable.

FAK item 14 also pertains to the Creationism/evolution debate by posing the following question: “In a science class, some of the students with fundamentalist religious beliefs have organized an effort to disrupt class by conducting a prayer meeting during the presentation of evolutionary science. The teacher chooses to avoid the commotion and selects a different lesson for the class. The teacher’s behavior is considered: constitutional or unconstitutional?” The majority of participants from High School 1 answered this question correctly by stating that the teacher’s behavior was unconstitutional, although significant portions of responses (42.3%) were incorrect. Conversely, the majority of participants from High School 2 (60.0%) selected the wrong answer. When all participant responses for FAK item 14 are combined, a considerable portion was answered incorrectly (47.2%).

School prayer. FAK item 8 addresses the issue of public prayer in school by posing the following question: “A student has been permitted by the high school administration to use the public address system for the purpose of saying a prayer. This prayer is to take place prior to the kickoff of the high school football game and can presumably be heard by everyone present at the game. The action of the school official would be considered: constitutional or unconstitutional?” This item was answered incorrectly by 27.3% of participants at High School 1 and 33.3% of participants at High School 2.

FAK item 4 posed the following question: “Before a test, as the class is clearing off their desks, one student bows her head and offers a quiet, vocal prayer. The teacher allows the student to continue. The teacher’s action would be considered: constitutional or unconstitutional?” Teachers at High School 1 (22.6%) provided the incorrect response

to FAK item 4, whereas only 8.3% of teachers at High School 2 provided incorrect responses.

FAK item 20 poses the following question: “A religiously active student seeks out a teacher during her preparation period and asks the teacher to pray with her about a struggle the student is having. The teacher agrees to pray with her. The teacher's decision to pray with the student would be considered: constitutional or unconstitutional?” Teachers at High School 1 (65.7%) provided the incorrect response to FAK item 20, whereas 61.5% of teachers at High School 2 provided the incorrect response. FAK item 21 again addresses the issue of school prayer (i.e., “A student in math class decides to start praying during instructional time to avoid questions from the teacher about his homework. The teacher chooses to avoid any potential problems and allows the student to continue praying. The teacher's behavior would be considered: constitutional or unconstitutional?” Teachers at High School 1 (28.6%) provided the incorrect response to FAK item 21, whereas 23.1% of teachers at High School 2 provided the incorrect response.

Proselytizing. Several questions in the survey addressed the issue of proselytizing. FAK item 5 states: “A student stands at the door of the cafeteria and casually hands out religious literature to fellow students who pass through one of the entrances. The student received permission from the school administrator to hand out the literature during her lunch period. The student’s action would be considered: constitutional or unconstitutional?” Teachers at High School 1 (48.6%) provided the incorrect response to FAK item 21, whereas 38.5% of teachers at High School 2 provided the incorrect response.

Key Findings

- Faculty members of both schools scored below 70% correct composite scores measuring first amendment knowledge.
- There were no significant differences in correct scores on the first amendment survey between the faculties of Lenoir City High School and the Christian Academy of Knoxville.
- Participants reporting attendance in protestant evangelical denominations had no significantly different knowledge scores of the first amendment than teachers attending other denominations.
- The faculty of the private, Christian school showed increased opposition to concepts favoring a separation of church and state than did faculty members of the public, secular high school.
- No significant responses to the open-ended question pertaining to instances of church/state conflicts within the participant's schools were reported.

Chapter 5: Discussion

Summary of the Study

This chapter will discuss the findings, limitations of this study, implications for future research, recommendations for school leaders, and conclusions. This dissertation study focused on the first amendment knowledge of East Tennessee teachers from a private, Christian secondary high school and a public secondary high school. Secondly, the relationship between secondary teacher's church attendance in protestant, evangelical denominations and their knowledge of the first amendment was examined. Lastly, the social context regarding teacher's opinions of the separation of church and state was considered. This study sought to fill gaps in the literature pertaining to teacher knowledge of the first amendment and the role of social influence (e.g., religious affiliations, workplace environment) in fulfilling teacher's opinions regarding the separation of church and state.

Summary of Findings

To answer the first research question: "Do teachers have adequate knowledge of the first amendment?" the results of the survey revealed that most teachers who participated in the study did not have adequate knowledge of the first amendment. Establishing a 70% sum correct as the minimal passing score for having adequate knowledge, both Lenoir City High School (High School 1) and Christian Academy of Knoxville (High School 2) would have received a letter grade of "F" according to the grading scale utilized by both schools. An independent *t*-test was used to compare teachers from High School 1 and High School 2 on knowledge of the first amendment.

High School 1 teachers received an average score of 57.7% correct answers while High School 2 scored significantly higher with a 61.1%. Overall, this finding is not surprising. Much of the research measuring first amendment knowledge of teachers and administrators reports similar findings. However, it is mildly surprising that teachers of the private Christian school would report a slightly higher average mean score than would teachers at the public secular high school (High School 1). Public school teachers would be expected to score higher on first amendment knowledge than their parochial counterparts if for no other reason than first amendment protections existing only within the realm of the public education sector and not the private, parochial school systems. However, with such a small number of participants, especially participants from High School 2, little can be determined by the slight difference in scores between the two schools.

A number of first amendment knowledge questions in the survey addressed court opinions on highly volatile issues within the protestant evangelical movement. These issues would include equal time in the classroom for Creationism, public prayer, and proselytizing. Protestant evangelical associations such as Focus on the Family and its Tennessee affiliate, the Family Action Council of Tennessee have made these issues priorities in reshaping the Constitution to reflect their religious values and interjecting those values into the public schools. Because of the importance of these issues and the pervasiveness of the protestant evangelical movement in East Tennessee it would be reasonable to expect participants exposed to this influence to be more knowledgeable of court rulings on these topics. This, however, is not the case.

Creationism/evolution. Survey Item 25 poses the following question: “A science teacher who professes atheism gives near equal treatment to evolutionism and creationism as scientific theories on the origins of life. The teacher's action would be considered: constitutional or unconstitutional?” The majority of participants from both High School 1 (78.1%) and High School 2 (83.3%) answered this question incorrectly by declaring the teacher’s behavior as constitutional.

Item 26 examines the role of a social studies teacher presenting Creationism during a history lesson on religious beliefs. Participants were asked to respond to the following question: A social studies teacher teaches about both evolution and creationism as two of the scientific ideas that have been offered to explain life on earth. This occurs during a world history class. The teacher's action would be considered: constitutional or unconstitutional? In spite of Creationism being declared by the courts as non-scientific, (*McLean v. Arkansas Board of Education*, 1982) an overwhelming majority (70.7%) of participants considered the teacher presenting evolution and Creationism as scientific co-theories acceptable.

Item 28 also pertains to the Creationism/evolution debate by posing the following question: In a science class, some of the students with fundamentalist religious beliefs have organized an effort to disrupt class by conducting a prayer meeting during the presentation of evolutionary science. The teacher chooses to avoid the commotion and selects a different lesson for the class. The teacher’s behavior is considered: constitutional or unconstitutional? The majority of participants from High School 1 answered this question correctly by stating that the teacher should not alter the lesson plan, although a significant portion (43.3%) responded incorrectly by stating the teacher’s

behavior to be constitutional. The majority of participants from High School 2 (60.0%) answered this question incorrectly. When all participant responses are combined, a considerable portion answered Item 28 incorrectly (47.2%).

School prayer. Item 22 addresses the issue of public prayer in school by posing the following question: A student has been permitted by the high school administration to use the public address system for the purpose of saying a prayer. This prayer is to take place prior to the kickoff of the high school football game and can presumably be heard by everyone present at the game. The action of the school official would be considered: constitutional or unconstitutional? This item was answered incorrectly by 28.8% of participants from both High School 1 and High School 2 who answered that commandeering the public address system was within constitutional parameters. Following the Supreme Court ruling in *Santa Fe Independent School District v. Doe* (2000) the issue of using public address systems to conduct prayers has become one of the most volatile issues in public education. The ruling effectively banned schools from turning over the public address system for parochial purposes and created the expected furor within the religious community. Considering the volume of attention placed on the issue of prayer in public school, it would have seemed logical to assume that teachers would clearly be aware of the court's position. Although roughly 70% of the faculty responded correctly to this question, a 30% failure rate to a commonly addressed court ruling would be alarming to school leaders.

Item 22 posed the following question: Before a test, as the class is clearing off their desks, one student bows her head and offers a quiet, vocal prayer. The teacher allows the student to continue. The teacher's action would be considered: constitutional

or unconstitutional? A non-disruptive, student initiated prayer is a constitutionally protected exercise of the first amendment, supported by the Supreme Court ruling in *Tinker v. Des Moines Independent Community School District* (1969). Although the *Tinker* ruling is frequently cited in school law classes and professional development courses, an alarming number of teachers (22.9%) provided the incorrect response to Item 22.

Item 34 poses the following question: A religiously active student seeks out a teacher during her preparation period and asks the teacher to pray with her about a struggle the student is having. The teacher agrees to pray with her. The teacher's decision to pray with the student would be considered: constitutional or unconstitutional? Teachers overwhelmingly (77.5%) found this scenario to be constitutional, when in fact it is not. Perhaps no other scenario presents the likelihood of a church/state violation than one where the teacher confuses their role as a private citizen and a public school teacher. It can be reasonably expected that a teacher would react to a student requesting spiritual guidance in such a private manner as an acceptable request. This reasonable expectation would not protect the school system from a potentially embarrassing and expensive lawsuit.

Item 35 again addresses the issue of school prayer (i.e., “A student in math class decides to start praying during instructional time to avoid questions from the teacher about his homework. The teacher chooses to avoid any potential problems and allows the student to continue praying. The teacher's behavior would be considered: constitutional or unconstitutional?”). The key issue in this scenario is whether the student action is disruptive to the academic setting of the class. Deliberately avoiding a response to the

teacher's appropriate question is a violation of the Tinker ruling. Despite the clear definitions of constitutionally accepted student prayer in Tinker, 53.6% of participants responded that the teacher was constitutionally required to allow the student to continue praying.

Proselytizing. A key tenet of the protestant evangelical movement is the Biblical mandate for members to proselytize. Introducing “non-believers” to the faith and incorporating them into the body of the church is quite possibly the most important facet of the protestant evangelical belief system. Several questions in the survey addressed the issue of proselytizing. Item 19 states: A student stands at the door of the cafeteria and casually hands out religious literature to fellow students who pass through one of the entrances. The student received permission from the school administrator to hand out the literature during her lunch period. The student's action would be considered: constitutional or unconstitutional? Participants were divided on whether a student (with permission from the administration) could passively hand out religious literature. The majority of participants (53.7%) reported this behavior to be unconstitutional in spite of the guidance issued by the U.S. Department of Education (2003) stating otherwise (see Appendix F).

To answer the second research question: “Do teachers attending churches of the protestant, evangelical denomination have less knowledge of the first amendment than teachers attending churches of all other reported denominations?” an independent *t* test was used to analyze results of the first amendment survey taken by all participants. Although Non-Protestant Evangelicals scored a slightly higher mean score of 17.10 (61.1% correct), than Protestant Evangelicals (15.50, 55.3% correct), the difference was

non-significant to the study. For the participants in this study, denomination had little effect on selecting the correct responses to the first amendment survey. Additionally, a one-way analysis of variance (ANOVA) was performed by using the data reported on frequency of attendance and first amendment knowledge. The purpose of measuring frequency of attendance was to add support to the hypothesis stating protestant evangelicals would score lower on first amendment knowledge. The results reported no significant finding.

Independent t-tests were performed to address the third research question; “Do faculty member’s opinions of the separation of church and state differ based on the type of school where they work?” Teachers in a private, Christian school are expected to coalesce toward opinions opposing the separation of church, reflective of protestant evangelical positions on the matter and due to their voluntary employment in a parochial institution. The personal opinion section of the survey instrument solicited opinions regarding issues related to the separation of church and state from faculty at one public high school and one parochial high school. Results showed that the opinions held by teachers at Lenoir City High School were significantly less supportive of anti-separation of church and state items than the opinions of faculty at Christian Academy of Knoxville.

The theories of Supreme Court interpretation, particularly the *structural response hypothesis* presented by Franklin and Kosaki (1989) addressed in Chapter 2 may provide some insight explaining the significant difference in opinion between the two faculties yet similar within each separate faculty. Franklin and Kosaki examined the shaping of public opinion toward the Roe v. Wade (1973) decision of the Court which effectively legalized a woman’s right to an abortion within the first trimester of pregnancy.

Psychological and sociological theories devoted to public perception of Supreme Court rulings to this point stated that once the decision to legalize abortion had been determined by the Court, public opinion would see the decision as legitimate and in turn accept the decision (Dahl, 1957; Hoekstra & Segal, 1996). This, however, was not the case.

Following the ruling of the Court, opinions regarding abortion became more polarized and any subsequent statements by the Court pertaining to abortion had little impact on the formation of public opinion. Franklin and Kosaki (1989) proposed that instead of following the guidance of the court and accepting the decision as legitimate, people will form their own opinion within the political context within which they live and those opinions will become increasingly polarized over time. Faculty members at Christian Academy of Knoxville showed a strongly polarized opinion against the separation of church and state. The nature of a private Christian school would lend itself, particularly in East Tennessee, to being more heavily influenced by the religious views of the community. Although this polarization would be more evident in a private, Christian school than would be expected from a public, secular school, the influence of the religious community is still evident in the secular school. Faculty members in the public High School reported notable disdain for the separation of church and state although less significantly as the faculty of the Christian Academy of Knoxville.

Relevant Experiences of Participants

Item 43 of the survey instrument collected examples of relevant experiences participants had experienced involving the first amendment or conflicts of church and state they may have witnessed as a classroom teacher. Of the 53 participants included in

this research, only 6 participants chose to share relevant personal experiences to the researcher (see Appendix D). The remaining participants skipped the question thus providing no information to the researcher. The overall low return rate for this open-ended item made the inclusion of these responses of little relevance to the overall research. Elimination of the responses regarding issues other than personal and relevant experiences involving first amendment incidents reduced the relevant material by 50% to 3 (n = 52). However, a qualitative analysis of the few responses provided reflects a theme found throughout the research. Participants reveal a misunderstanding of the first amendment and its application to the public school domain or are aware of the law and believe the courts to have incorrectly interpreted its meaning.

Limitations and Recommendations

The conclusions drawn from this research are based on results compiled from a relatively small sample size of classroom teachers drawn from schools located in the same geographic regions. The close proximity of the schools used in this research offers little variation in ethnic, political, and religious backgrounds. Future research in the area of teacher knowledge should be conducted in geographic areas with a larger, more diverse participant pool. By limiting the study to a single area with a clearly homogenous background, the implications that different homogenous groups, in other geographic areas, would also address the first amendment in a manner reflecting the views held by their religious communities is questionable. By analyzing different faculty members in multiple culturally homogenous communities would provide a more clear analysis of the role that community beliefs play in influencing school personnel's interpretation of first

amendment rulings. Examining the first amendment knowledge of other culturally homogenous communities would provide more clarity in examining the role the local religious community plays in shaping opinions of school faculty regarding social and legal matters.

Future research should also consider variations of the survey instrument used in this study. Dr. Charles Haynes of the First Amendment Center conducted a review of the instrument before its implementation in this study. The First Amendment Center traditionally presents opinions on church/state issues in the public schools that conflicts with views held by the conservative religious community of East Tennessee. To correct for this potential bias in the survey instrument a dual review should be conducted by legal experts and organizations from across the religious spectrum to include organizations that advocate a more conservative stance on interpretations of the first amendment such as the American Center for Law and Justice (ACLJ).

Recommended variations on this research of particular interest to future researchers would be a closer examination of the difference between what teachers actually know regarding the first amendment and the extent to which they would enforce the mandates of the courts when those findings conflict with personal religious convictions. Teachers may develop more than an adequate knowledge of the law but to what level will they enforce the law when personal religious beliefs are challenged is questionable.

Recommendations for School Leadership

Results of the survey used in this study to measure teacher knowledge of the first

amendment revealed an overall lack of knowledge on behalf of the public school teachers who participated in this study. Considering the impact that only one failure in correctly applying court rulings can have, it is imperative that school leaders prepare their faculty for addressing potential problems by training faculty members through increased professional development. School leaders may also consider including members of the local religious communities serving the areas where their school is located. Including the local religious community in school initiatives to better educate faculty members on issues pertaining to the first amendment would be beneficial to both faculty and the community. This joint effort could possibly diminish the perceived barrier that exists between the positions held by the church and the position advocated by the schools regarding the role of religion in public schools. A number of resources exist to serve school leaders in preparing their faculties for addressing first amendment issues.

The First Amendment Center, operated by Dr. Charles Haynes, in Washington D.C. developed *A Teacher's Guide to Religion in the Public Schools* (2008) to provide guidance for teachers and school leaders when faced with religious issues potentially resulting in conflict between school activities and individual freedoms of students. The guide presents faculty members and administrators a quick reference resource for responding to a variety of issues that may result in violations of church/state law if not properly addressed. A considerable number of religious, legal and educational organizations have endorsed this approach including the American Association of School Administrators; American Federation of Teachers; American Jewish Committee; Association for Supervision and Curriculum Development; Baptist Joint Committee on Public Affairs and the Christian Educators Association International. Christian Legal

Society; National Association of Elementary School Principals; National Association of Evangelicals; National Association of Secondary Principals; National Council for the Social Studies; National Education Association; and the National School Boards Association (p. 2). The work presented by Haynes is also bolstered by the endorsement of strictly religious organizations such as the Christian Coalition, Christian Educators Association, International Christian Legal Society, National Association of Evangelicals, and the National Council of Churches.

Incorporated into this guide are six key concepts essential to preparing school leaders and teachers for addressing concerns related to the first amendment in general and the issue of the church/state relationship in particular. These six concepts are derived from a statement of principles presented in *Religious Liberty, Public Education, and the Future of Democracy* (1995). The fourth key concept presented by Haynes states public schools:

“May not inculcate nor inhibit religion. They must also be places where religion and religious conviction are treated with fairness and respect. Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure the curriculum includes study about religion, where appropriate, as an important part of a complete education” (pg 4, para. 3).

Incorporating the values of all parties involved in the church/state struggle within the public schools presents administrators with a viable option for bringing opposing factions together to create an atmosphere within the schools conducive to the religious liberties of all students. The variety of endorsements provided for the works proposed by

Haynes can increase the likelihood of teachers actively participating in a program initiated by school leadership to address the first amendment knowledge and practice principles utilized by the faculty.

Haynes, along with Oliver Thomas, also of the First Amendment Center, developed *Finding Common Ground* (2007), an additional, more in-depth resource for teachers and administrators to assist with addressing first amendment issues. Chapter 3 of *Finding Common Ground* (2007) presents a series of strategies for school administrators. These strategies were developed to improve the school and community climate regarding efforts toward inclusion of religious values within the public school. These strategies can assist school leaders in preparing themselves and their faculties' preparedness in addressing first amendment issues before they evolve into a crisis. Strategies for finding common ground include first agreeing on the ground rules for the discussion. Because of the wide array of religious beliefs and practices found within the student bodies of our public schools, it would be detrimental to any joint effort if one particular belief is imposed or favored over another. In any efforts of public policy debate, especially involving religious values, an attempt to reach a consensus is necessary. Haynes recommends that reinforcing the democratic principles governing our common life establishes the ground rules for further discussion and that these principles are the "ground rules" within which we negotiate our differences in the public square of America (p.17). The second step for finding common ground is to include all the stakeholders. Haynes states "If agreements and policies are to inspire broad support in the community, all stakeholders must be fully represented in the discussion" (p.18, para. 6). Any recommendations made whether they be on the school level or for implementation on the

district level, a broad range of perspectives need to be considered for ensuring that all who have concerns regarding violations are given a significant voice. Successful policies result when all the affected parties construct them.

The next step for a comprehensive policy on religion in the public schools is to listen to all sides. It is incumbent upon school leaders to acknowledge criticisms directed toward school leaders regarding the handling of religious matters within the schools. However, school leaders must communicate their responsibility to the Constitution and the safeguarding of religious liberties of all students and that this responsibility is not intended to be interpreted as hostility toward religion. The fourth step is to work for comprehensive policies. Haynes recommends,

“School districts would be well advised to address a broad range of religion-and-schools issues in a “religion-and-schools” policy. By doing so, schools are able to say “yes” to a role for religion, even as they must say “no” to state-sponsored religious practices (p. 21, para. 2).

The fifth step is for school leaders to be pro-active. To avoid controversial situations, school leaders will simply avoid the subject of religion within the school. Haynes confirms however:

“While it may be true that a pro-active approach to religious liberty questions is a risky and delicate undertaking, it could be argued that the greater risk is to do nothing. Districts unprepared for controversy fare poorly when a conflict arises (and it will). Where there are no policies (or policies not known or supported by parents), there is a much greater likelihood of lawsuits, shouting matches at school board meetings and polarization in the community” (p. 22, para. 1).

Schools must clearly articulate the role of religion in the public schools and how the school handles religious events and practices, such as holidays and religious clubs, within boundaries established by constitutional guidelines. By proactively engaging the community, the school's efforts represent an act of good faith in addressing the concerns of the community.

Additionally, any discussions of religion and the role it plays within the public school must carefully avoid name-calling, labeling and personal attacks (p. 22). The seventh and final step in developing policies for addressing religious freedoms within the public school is to follow through with any policies initiated. Staff development on first amendment issues needs to be continued by administrators and school leaders need to maintain a steady communication with the community regarding their role in protecting student religious liberties. By conducting a sustained effort to preserve the first amendment liberties of all students, school administrators convey the sense of importance placed on the religious values of all students and their commitment to constitutional principles and the rulings of the court.

Conclusions

The results of this study suggest public high school teachers participating in this study lack adequate knowledge of the first amendment. Participants provided correct responses to questions provided in the survey instrument 54.6% of the time. Based on the grading scales used in both participating schools, this score falls significantly below the minimal passing score of 70%. Educators in a democratic society are responsible for perpetuating belief in the rule of law. When teachers themselves do not know the law, they are incapable of fulfilling this responsibility. Lack of knowledge regarding the first

amendment creates an atmosphere where discrimination can occur and students can become the victims of persecution. Additionally, faculty unprepared to address first amendment conflicts increases the likelihood of embarrassing and expensive lawsuits. This is a potentially damaging event that can be avoided with little cost to the school system.

Additionally, protestant evangelicals were as knowledgeable of the first amendment as members of other denominations. The religious denomination of individual participants was non-significant to these findings. However, the data collected from the two participating schools showed a significant difference in opinion toward the separation of church and state concept.

Faculty members in the private Christian school appeared more strongly opposed to the separation of church and state than did participants from the secular public high school. These findings appear to support the *structural response hypothesis* developed by Franklin and Kosaki (1989). Franklin and Kosaki proposed that opinions toward volatile first amendment issues decided by the Supreme Court will become polarized when presented to a homogenous group, especially when this group has already developed an opinion regarding the matter. This research has shown this to be the case with the two schools included in this study. Christian Academy of Knoxville showed significant opposition to the separation of church and state whereas Lenoir City High School did not. This finding could very well be the result of Christian schools existing as a form of opposition to publicly operated schools. Public schools frequently present ideas counter to the Christian narrative in their curriculum such as inclusion of other faiths and the teaching of evolution. Christian schools promote proselytizing where

public schools treat this as a form of privacy invasion. As Christian schools exist for the purpose of providing an education counter to various teaching of the public school, it would be reasonable to assume that faculty choose to work in these school for similar purposes. Considering the possibility of such polarization toward opinions of the first amendment, it is incumbent upon school leadership to be prepared. Although faculty members of the Christian Academy of Knoxville may clearly be opposed to some facets of the public system, leaders cannot overlook the reality that faculty in the public system live in the same communities and very likely share the same strong feelings toward sensitive first amendment issues. Faculty members may also be unaware of court rulings or oppose the rulings depending on their personal beliefs. When strong personal feelings are allowed to go unaddressed, especially when these feelings are in regard to religious issues, the results can be calamitous for the school system and the students who attend its classes. By using such resources as the Finding Common Ground (2007) program, schools will be able to include all parties with investment in the public schools and address their concerns before they reach a crisis level. Incorporating members of the religious community into professional development programs meant to educate teachers on school law could prove very beneficial. Developing a faculty capable of adequately addressing first amendment conflicts within the school would lead to a more tolerant student body that would eventually matriculate to society and become tolerant, democratic citizens. School leaders who incorporate the local religious community into school efforts at educating their faculty on church/state matters will do much to erase the perceived barrier between the religious community and the public education system.

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Appendices

Appendix A. First Amendment Knowledge Survey

Directions: Read each scenario below. Use your best judgment to decide whether the action described in the scenario would be declared "constitutional" by the U.S. Supreme Court or "unconstitutional." If you are unsure or don't know the correct the answer, please select "Don't Know."

Question	Constitutional	Unconstitutional	Don't Know
The teacher of a literature class assigns her students to read the biblical story of Isaac and Ishmael and write a response to this story from both the Muslim and Jewish perspectives.			
An outside organization is given a few moments of class time to distribute some religious literature which includes a calendar of community events			
A high school teaches about contraception in a sex education class			
Before a test, as the class is clearing off their desks, one student bows her head and offers a quiet, vocal prayer. The teacher allows this to happen			
A student stands at the door of the cafeteria and casually hands out religious literature to fellow students who pass through one of the entrances. The student received permission from the school administrator to hand out the literature during her lunch period. The administrator's permission for the distribution of religious literature by a student was:			
A group of high school students ask to form a "How to Save Souls" club in a school that has a variety of student clubs not related to the curriculum. They desire the same recognition as the other clubs, including access to school media. They want a faculty advisor to serve only in supervisory, non-			

participatory capacity. The school administration allows the group to form an extracurricular club. The administration's action is:			
Question	Constitutional	Unconstitutional	Don't Know
A high school teacher teaches students abstinence in a sex education class			
A student has been permitted by the high school administration to use the public address system for the purpose of saying a prayer. This prayer is to take place prior to the kickoff of the high school football game and can presumably be heard by everyone present at the game.			
A teacher happens to run into some of his students in a pizza parlor one Saturday. He invites his students to come to church with him the following day.			
A high school class offers an elective class called "The Bible and the Koran as Literature"			
A science teacher who professes atheism gives near equal treatment to evolutionism and creationism as scientific theories on the origin of life			
A social studies teacher, who professes Christianity, teaches about both evolution and creationism as two of the scientific ideas that have been offered to explain life on earth. This occurs during a world history class.			
A school allows students to take a non-credit religion class during the school day. The class is sponsored by a local church and rents a vacant room at the school			
In a science class, some of the students			

with fundamentalist religious beliefs have organized an effort to disrupt class by conducting a prayer meeting during the presentation of evolutionary science. The teacher chooses to avoid the commotion and selects a different lesson for the class. The teacher's behavior is:			
Assigned to write a position paper on a topic of the student's choosing. The student writes about the reasons she believes her church is the only correct religion.			
Question	Constitutional	Unconstitutional	Don't Know
Two students are assigned to debate each other in front of their debate club. The students are allowed to select a topic of their choice. One chooses to argue "God does not exist" and the other chooses to argue, "God does exist." The student selection of topics under these conditions are:			
A high school allows students to elect to leave campus for a period during the school day to receive religious instruction			
The public school has a "no hats" policy in place to discourage gang identity within the student population. The principal refuses an exemption for several Orthodox Jewish students who request to wear headgear for religious purposes			
Each year a high school sponsors a religious baccalaureate service at the local church			
A religiously active student seeks out a teacher during her preparation period and			

asks the teacher to pray with her about a struggle the student is having. The teacher agrees to pray with her			
A student in math class decides to start praying during instructional time to avoid questions from the teacher about his homework. The teacher chooses to avoid any potential problems and allows the student to continue praying			
Before class begins, a student invites another student to attend church with him. The teacher overhears this conversation and proceeds to tell them that religious discussions need to take place after school and not in the classroom			
A teacher announces a prayer meeting at the flagpole that will occur before school and encourages the students to attend			
A teacher asks her students to discuss what Christians believe about Jesus as part of a lesson on the biblical account of the Christmas story			
Question	Constitutional	Unconstitutional	Don't Know
A science teacher works in a small, rural school comprised predominantly of religious fundamentalists. The teacher chooses not to teach evolution in order to avoid church/state controversy.			
In a sex education class, a teacher rules a student's comments out of bounds when the student remarks that abortion should be illegal because God has prohibited it			
The "See You at the Pole" club announces their monthly before-school prayer meeting over the high school intercom in connection with other school-related morning announcements			
The high school lacrosse coach requests a minister from the local church conduct			

a team prayer with the players in the locker room prior to the game. He announces to the team that anyone not wanting to participate may excuse themselves until the prayer is completed			
As part of the unit covering European history, a social studies teacher reads his class the Christmas story from the Bible to explain the origin of the Christmas tradition and how Christians recognize this story as the birth of their deity.			

Appendix B. Personal Opinion Survey

Directions: In this section of the survey simply give your personal opinion on the matter. Your answer does not have to be consistent with current laws or current rulings. Select either Strongly Disagree, Disagree, Agree, Strongly Agree, or No Opinion.

Question	Strongly Disagree	Disagree	Agree	Strongly Agree	No Opinion
Do you agree or disagree that public school teachers should be able to post the Ten Commandments in their classroom?					
Do you agree or disagree that teachers should be able to display religious ornaments such as crosses, menorahs, etc. in their classrooms?					
Do you agree or disagree that teachers should be able to wear clothing that displays religious symbols or verses from religious texts such as the Bible or the Koran					
Do you agree or disagree that teachers should present the concept that America is a Christian nation?					
Do you agree or disagree that public school teachers should allow students to conduct religious activities in the classroom that involve the entire class as long as the teacher does not					

actively participate or organize the activity?					
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Appendix C. Demographics Survey

Directions: Please select the appropriate response. This information will remain anonymous.

<p>What school are you currently employed with as a teaching professional?</p> <p><input type="checkbox"/> Lenoir City High School</p> <p><input type="checkbox"/> Christian Academy of Knoxville</p>
<p>What grades do you currently teach?</p> <p><input type="checkbox"/> 9</p> <p><input type="checkbox"/> 10</p> <p><input type="checkbox"/> 11</p> <p><input type="checkbox"/> 12</p>
<p>Please select your gender</p> <p><input type="checkbox"/> Male</p> <p><input type="checkbox"/> Female</p>
<p>Age Group?</p> <p><input type="checkbox"/> 22-25</p> <p><input type="checkbox"/> 26-35</p> <p><input type="checkbox"/> 36-45</p> <p><input type="checkbox"/> 46-55</p> <p><input type="checkbox"/> 56-70</p>
<p>Please select the highest college degree you have completed</p> <p><input type="checkbox"/> B.A/B.S</p> <p><input type="checkbox"/> M.A/M.S</p> <p><input type="checkbox"/> M.A./M.S. +30</p> <p><input type="checkbox"/> Ed.S</p> <p><input type="checkbox"/> Ed.D/Ph.D</p> <p><input type="checkbox"/> Professional Degree (M.D., DVM, etc.)</p>
<p>How many years of professional experience do you have as a teacher?</p>
<p>Please select the denomination/religion that you believe reflects your personal ideas regarding faith</p> <p><input type="checkbox"/> Catholic</p> <p><input type="checkbox"/> Lutheran</p> <p><input type="checkbox"/> Baptist</p> <p><input type="checkbox"/> Methodist</p> <p><input type="checkbox"/> Presbyterian</p> <p><input type="checkbox"/> Buddhist</p> <p><input type="checkbox"/> Islamic</p> <p><input type="checkbox"/> Jewish</p> <p><input type="checkbox"/> Hindu</p>

<p><input type="checkbox"/> Calvinist</p> <p><input type="checkbox"/> Mennonite</p> <p><input type="checkbox"/> Mormon</p> <p><input type="checkbox"/> Church of God</p> <p><input type="checkbox"/> Seventh Day Adventist</p> <p><input type="checkbox"/> Jehovah's Witness</p> <p><input type="checkbox"/> Pagan</p> <p><input type="checkbox"/> Atheist</p> <p><input type="checkbox"/> Agnostic</p> <p><input type="checkbox"/> Other</p>
<p>To which academic department does the administration of your school classify you?</p> <p><input type="checkbox"/> Science</p> <p><input type="checkbox"/> English</p> <p><input type="checkbox"/> Foreign Language</p> <p><input type="checkbox"/> Math</p> <p><input type="checkbox"/> Business</p> <p><input type="checkbox"/> Vocational</p> <p><input type="checkbox"/> Social Studies</p> <p><input type="checkbox"/> Fine Arts</p> <p><input type="checkbox"/> Special Education</p>
<p>Which political party do you think most closely reflects your personal views on church/state issues?</p> <p><input type="checkbox"/> Republican</p> <p><input type="checkbox"/> Democrat</p> <p><input type="checkbox"/> Green Party</p> <p><input type="checkbox"/> Libertarian</p> <p><input type="checkbox"/> Other</p>
<p>How much formal training would you say that you have received on school law as it relates to church/state issues?</p> <p><input type="checkbox"/> Extensive training</p> <p><input type="checkbox"/> More than average amount of training</p> <p><input type="checkbox"/> Average amount of training</p> <p><input type="checkbox"/> Not very much training</p> <p><input type="checkbox"/> None at all</p>
<p>How would you describe your level of confidence regarding knowledge of school law as it relates to church/state issues?</p> <p><input type="checkbox"/> Extremely confident</p> <p><input type="checkbox"/> Fairly confident</p> <p><input type="checkbox"/> Average</p> <p><input type="checkbox"/> Below average</p>

<input type="checkbox"/> No confidence <input type="checkbox"/> Unsure/Don't know
How frequently do you attend religious services in any given month? <input type="checkbox"/> 1-3 times <input type="checkbox"/> 4-10 times <input type="checkbox"/> 11-15 times <input type="checkbox"/> 16-25 times <input type="checkbox"/> 26-35 times <input type="checkbox"/> I do not attend <input type="checkbox"/> I prefer not to answer this question
How often would you say that topics related to church/state issues are discussed, taught or mentioned at the place of worship you attend? <input type="checkbox"/> Very frequently <input type="checkbox"/> More than average amount of time <input type="checkbox"/> Average amount of time <input type="checkbox"/> Sometimes <input type="checkbox"/> Never <input type="checkbox"/> Do not attend church/Not applicable
How important was religion in your home when you were growing up? <input type="checkbox"/> Not important at all <input type="checkbox"/> Not too important <input type="checkbox"/> Fairly important <input type="checkbox"/> Very important

Appendix D. Survey

Consent Statement

You are being asked to participate in a research study. Participation in this study is completely voluntary. Please read the information below and ask questions about anything you do not understand before deciding if you want to participate. A researcher listed below will be available to answer your questions.

RESEARCH TEAM

Lead Researcher: Gary Taft

Name and Title Doctoral Student, Lincoln Memorial University

Department: Executive Leadership

Telephone Number: 865-254-9056

Faculty Sponsor: Dr. Howard Norris

Name and Title: Dissertation Chairman

Department: Executive Leadership

PURPOSE OF STUDY

The purpose of this research study is to measure the knowledge teachers have of the first amendment to the U.S. Constitution as it relates to public school church/state issues.

SUBJECTS

Inclusion Requirements:

You are eligible to participate in this study if you are a teaching faculty member of a secondary high school and agree to complete and return the survey.

Number of Participants and Time Commitment:

This study will include approximately 140 subjects and will involve approximately 15 minutes of your time.

PROCEDURES

The following procedures will occur: You will complete a brief survey that requires you to examine a series of church/state scenarios that hypothetically occur in a high school. After reading each scenario you will then decide if the action performed in the scenario would be “constitutional” or “unconstitutional” according to rulings of the Supreme Court. The option of “Don’t Know” will also be available. You will also provide

responses to a series of demographic questions for the purpose of categorizing data collected in the survey.

RISKS AND DISCOMFORTS

This study involves no more than minimal risk. There are no known harms or discomforts associated with this study beyond those encountered in normal daily life.

BENEFITS

Subject Benefits:

As a participant, you may or may not benefit from participation in this study. The possible benefits you may experience from participation in this study may include identifying areas of weakness in knowledge of school law pertaining to church/state issues.

Benefits to Others or Society:

Teachers with increased knowledge of the First Amendment and the rulings of the Supreme Court on church/states issues In the public education system will contribute to a more tolerant atmosphere for all students.

ALTERNATIVES TO PARTICIPATION

The only alternative to participation in this study is not to participate. Your participation is voluntary. There is no penalty if you choose not to participate and you are free to withdraw at any time and you may skip any question you do not feel comfortable answering.

COMPENSATION, COSTS AND REIMBURSEMENT

Compensation for Participation:

You will not be paid for your participation in this research study.

Costs:

There is no cost to you for participation in this study.

CONFIDENTIALITY

Subject Identifiable Data:

No identifiable information about you will be collected.

Data Storage:

- All research data will be stored on a laptop computer that is password protected
- Data will also be stored on a secure computer network with encryption protection

Data Access:

The research team and authorized LMU personnel are guided by all HHS and FDA regulations concerning confidentiality and may have access to your study records to protect your safety and welfare. No information derived from this research project that personally identifies will be used for any purposes and will not be voluntarily released or disclosed by these entities without your separate consent, except as specifically required by law. Research records provided to authorized, non-LMU entities will not contain identifiable information about you. Publications and/or presentations that result from this study will not include identifiable information about you.

Appendix E. Survey

Relevant Experiences

Directions: Please comment on any relevant experiences you've had regarding religious-liberty issues

Since my most recent teaching experience (the past 13 years) has been at a private Christian school, and since the temper of the times, if not the Constitution, has changed somewhat during that time, I'm not on firm ground with many of these questions. My husband, however, is a teacher in a public school and reports that there is more latitude for freedom to address religious issues than some might think.

Separation of church and state is not in the constitution, I can only comment on what the first amendment says and not on what the Supreme Court may decide based on preceding cases, lawyer or special interest group influences or their own perspectives.

I hope you plan on sending all the answers

I believe its moving in that direction

Uhh, where was the blank for science teachers?

You don't even want me to start on some of the issues I've dealt with.

Some of these questions, doesn't it depend on whether other clubs have equal access? Like in #40, the school would have to give other clubs with a religious affiliation equal access to the morning announcements, right? If other clubs are denied, then it's unconstitutional, right? I'm not sure. How about #31...if the public school is providing transportation to the religious classes, then that's unconstitutional, right? But if the child or child's parents provide transportation, then that's OK.

Appendix F: Secretary of Education Guidelines on Religion in Public Schools

RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS

Student prayer and religious discussion: The Establishment Clause of the First

Amendment does not prohibit purely private religious speech by students. Students therefore have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable non-disruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a non-disruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students.

Students may also participate in before or after school events with religious content, such as "see you at the flag pole" gatherings, on the same terms as they may participate in

other non-curriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen, or to compel other students to participate.

Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

Graduation prayer and baccalaureates: Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

Official neutrality regarding religious activity: Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are

prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.

Teaching about religion: Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture)-as-literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

Student assignments: Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Religious literature: Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious

literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

Religious excusals: Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents on religious or other conscientious grounds. However, students generally do not have a Federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices. School officials may neither encourage nor discourage students from availing themselves of an excusal option.

Released time: Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

Teaching values: Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Student garb: Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. Students generally have no Federal right to be exempted from religiously-neutral and generally applicable school dress rules based on their religious

beliefs or practices; however, schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

THE EQUAL ACCESS ACT

The Equal Access Act is designed to ensure that, consistent with the First Amendment, student religious activities are accorded the same access to public school facilities as are student secular activities. Based on decisions of the Federal courts, as well as its interpretations of the Act, the Department of Justice has advised that the Act should be interpreted as providing, among other things, that:

General provisions: Student religious groups at public secondary schools have the same right of access to school facilities as is enjoyed by other comparable student groups.

Under the Equal Access Act, a school receiving Federal funds that allows one or more student non-curriculum-related clubs to meet on its premises during non-instructional time may not refuse access to student religious groups.

Prayer services and worship exercises covered: A meeting, as defined and protected by the Equal Access Act, may include a prayer service, Bible reading, or other worship exercise.

Equal access to means of publicizing meetings: A school receiving Federal funds must allow student groups meeting under the Act to use the school media -- including the public address system, the school newspaper, and the school bulletin board -- to announce their meetings on the same terms as other non curriculum-related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all non curriculum-related student groups in a nondiscriminatory matter. Schools, however, may inform students that certain groups are not school sponsored.

Lunch-time and recess covered: A school creates a limited open forum under the Equal Access Act, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other non-instructional time during the school day, as well as when it allows students to meet before and after the school day.