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## SCHOOL LIBRARY POLICY AND LEGAL OPINIONS OF TEXAS PUBLIC SCHOOL PRINCIPALS AND CERTIFIED LIBRARIANS

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This study involved a survey of the attitudes of Texas public school principals and certified librarians, perceptions and experiences with regard to school library policy for media selection, and procedures for responding to complaints against library media. Analysis of the data included a methodology of mixed-methods explanatory design. Selection of the principals and certified librarians was proportionate and stratified according to the state's 20 Education Service Center regions. Of the 1,036 independent school districts that employed the state population of 10,014 principals and certified librarians, 275 independent school districts (26.5 percent) allowed participation in the survey. Although random sampling of the state population had not been possible, the demographic and employment characteristics of the study sample were comparable to those of the state population. Two key findings were (a) that the legal opinions of principals and certified librarians were useful predictors of their opinions of library media selection policy and complaint procedures and (b) that the principals' appreciation of selection policy and complaint procedures sometimes differed from the librarians' because of the principals' different legal perspective of library selection policy and complaint procedures.

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### Introduction

The trend toward broader protection under the First Amendment has arisen from U.S. Supreme Court rulings that have not only expanded the range of expression protected by the amendment (Rossum & Tarr, 1987) but have also more narrowly defined the categories of expression not protected by the amendment. With regard to public education, the Supreme Court has issued only one ruling that addressed school governance, First Amendment rights of students, and censorship attempts that target the library media centers of public schools (*Board of Education, Island Trees Union Free School District v. Pico*, 1982). In the ruling, the court holds that the First Amendment imposes certain limitations on the discretion of school boards to remove books from school libraries. The ruling affirms that students have the First Amendment right to receive information, which prohibits school officials from removing books from libraries "simply because they dislike the ideas contained in those

books and seek by their removal to 'prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion'" (p. 871).

Especially during the past three decades, curriculum and library media in public education have been subject to censorship attempts from their communities and from within the schools themselves (Hopkins, 1991; Kamhi, 1981). Most of the challenges have occurred at the elementary through middle and junior high school levels and the middle and junior high school levels have, in particular, experienced exponential growth in censorship attempts during the 1990s (Simmons, 2000). Since 1997, Texas has experienced more than one thousand reported attempts to ban school materials used in public education (American Civil Liberties Union of Texas, 1997, 1998, 1999, 2000, 2001, 2002, 2003). Most of these challenges have occurred at the elementary through middle and junior high school levels, and most of the challenges have been directed at school libraries.



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The research addressing the issue of school censorship and banned school media has developed unevenly and varied in focus (Austin, 1991; Bracy, 1982; Chandler, 1985; Chakot, 1993; Fiske, 1968; Hopkins, 1991; Kahmi, 1981; Lofthus, 1996; Scheuerer, 1990; Tippet, 1991; Vrabel, 1997). The research conducted on a nationwide basis has concluded that challenged school library media have a greater chance of being retained by schools when school policy and procedures for library media are in place and duly followed (Hopkins, 1991; Kamhi, 1981). In Texas, the education code [TEC] assigns each school district the responsibility for developing and implementing a library policy that includes specific procedures for handling challenged school library media (§33.021). The education code stipulates only that the school district must consider while developing the policy those policy standards and guidelines recommended by the state administrative code (Title 13, Part I, §4.1-4.7). The education code does not legally require school districts to establish library policy and procedures for handling challenges to school library media.

## Method

The study *School Library Selection Policy and Procedures* (Shupala, 2005) employed a methodology of mixed-methods explanatory research design, which included quantitative and qualitative analyses of self-reported answers to 40 survey questions. The main question posed by the study asked what survey responses were significantly correlated with the responses that indicated favorable or unfavorable opinion with regard to school library policy for media selection and procedures that address complaints against library media. The qualitative phase involved content analysis of two survey items, and its purpose was to facilitate a better understanding of the quantitative results. The population targeted for the survey included the principals and certified school librarians who served in Texas public education, kindergarten through grade 12, and included only those principals and certified librarians who served in independent school districts. The librarians possessed school librarian certification and a master's degree, which met the advanced degree requirement for school librarian certification stated in the Texas Administrative Code (Title 19, Part 7, §239.40-239.70). The population did not include those school librarians who did not possess a master's degree, though they were granted school librarian certification under earlier or provisional state legislation.

The principals and certified school librarians were

employed at 1,036 independent school districts. Of these school districts, 541 districts (52.2 percent) employed both principals and certified school librarians. Of the 1,036 districts, 275 districts (26.5 percent) gave permission for their district personnel to participate in the survey. The districts that agreed to participate accounted for 988 of the 3,382 certified librarians (29.2 percent) and 1,941 of the 6,632 principals (29.3 percent) of the population. Of the 275 school districts allowing the survey, 163 districts (59.3 percent) employed both principals and certified librarians. Both personnel groups were represented in each of the state's 20 Education Service Center [ESC] regions. Random selection of the principals and librarians was stratified according to the 20 ESC regions, and selection was proportional so that the two personnel groups selected from each region were proportional to the personnel groups' representations in the population.

As for the survey instrument, an original questionnaire was designed to identify the attitudes, perceptions, and experiences of public school principals and certified librarians with regard to school library policy for media selection and procedures for handling challenged library media. The majority of survey items were derived from the state's education and administrative codes and from the Texas Association of School Boards' *Policy On Line* products (2003). The demographic and employment questions collected data specifically related to the survey participants' (a) county identification; (b) community type; (c) district enrollment size; (d) level of education service; (e) years of service at current position and district; (f) job title, certification exams, and education history; (g) gender; (i) year of birth; and (j) racial heritage. Content validity of the survey instrument was established by means of a pilot study that included three district superintendents, three principals, and six certified school librarians.

## Results

During January, 2005, the study sought permission to survey district personnel from the 1,036 school districts that employed the state population of principals and certified librarians. By mid-February, 1,362 survey questionnaires had been mailed to the study's sample of 679 principals and 683 certified librarians. A reminder notice was mailed to the survey recipients approximately two weeks later. The cut-off date for including the returned surveys in the dataset was April 2, approximately six weeks after the surveys had been mailed. The survey return rate for the sample was 27.4 percent (373 respon-

dents). Of the total 373 surveys accepted, 136 respondents were principals (a group response rate of 20.0 percent), and 237 respondents were certified librarians (a group response rate of 34.7 percent). The study's results were not generalized to the state's population of principals and certified school librarians. Nevertheless, the ESC regions accounting for the largest numbers of principals and certified librarians in the population's sample were, in most cases, the same ESC regions that represented the largest numbers of principals and certified librarians among the response sample, and the same relationship was generally true for the ESC regions with medium- and small-sized sample numbers. Except for the absence of principals who returned the survey from ESC Region 1, none of the other ESC regions was remarkably over- or underrepresented by either personnel group. In general, the demographic and employment characteristics of the response sample were comparable to those of the state population.

### Correlations with Opinion of Policy and Procedures

The study investigated the responses of the principals and certified librarians that were significantly correlated with the responses that indicated their favorable or unfavorable opinion with regard to school library policy for media selection and procedures that address complaints against library media. The survey instrument included eight items that measured opinions of library media selection policy and complaint procedures. Each of the survey items used a Likert scale with five possible values. The analysis of data focused exclusively on the responses indicating favorable or unfavorable opinion. The participants indicating "no opinion" for any of the eight survey items were excluded from the analysis (39.3 percent), as were participants who simply did not respond to any of the eight items (9.4 percent). Demographic and employment characteristics of the sample were similar to those of the survey response sample and the state population. The responses were recoded for analysis so that each item had four possible values: "1-strongly agree," "2-agree," "3-disagree," and "4-strongly disagree." For both personnel groups, the average of the eight opinion measures of selection policy and complaint procedures indicated favorable opinion of policy and procedures (Table 1, current page).

In addition to the eight items that measured opinions of selection policy and complaint procedures, the survey instrument included two other items that measured opinions on the importance of establishing a legal policy that addresses library media and on whether all

Table 1

#### Each Personnel Group's Average of the Sum for Eight Opinion Measures of Policy and Procedures

Measure	<u>n</u>	<u>M</u>	<u>SD</u>	<u>S.E.M.</u>
Eight Measures Average				
Principals	63	1.74	0.48	0.06
Certified Librarians	142	1.62	0.49	0.04
Total	205	1.66	0.49	0.03

students have First Amendment rights supporting access to instructional materials, including library media. Each survey item used a Likert scale with five possible values. Those indicating "no opinion" or not responding to either of the items were excluded from the analysis. The responses were then recoded so that there were four possible values for each item: "1-strongly agree," "2-agree," "3-disagree," and "4-strongly disagree." Agreement with the statements expressed by the two items indicated the opinions that the legal policy was important and that all students had First Amendment rights supporting access to instructional materials. Opposing views were indicated by disagreement with the statements. For both personnel groups, the two measures indicated favorable opinions of the legal policy and student First Amendment rights supporting access to instructional materials (Table 2, page 4).

Each personnel group had positive and statistically significant correlations ( $p < 0.05$ ) among the eight measures average and the two opinion measures of legal policy (Table 3, page 4). For the principals, correlations ranged from 0.32 to 0.58, while correlations for the certified librarians ranged higher, from 0.60 to 0.76. For the certified librarians, the bivariate correlations between each legal measure and the eight measures average accounted for similarly high percentages of the variance of the eight measures average. However, for the principals, the bivariate correlations between each legal measure and the eight measures average presented noticeable disparity. The results indicated that the bivariate correlation between legal policy importance and the eight measures average accounted for a much higher percentage of the variance of the principals' eight measures average (34 percent), than did student rights (10 percent).

A multiple linear regression analysis was then conducted for each personnel group to evaluate how well the two legal measures predicted the eight measures

Table 2

Legal Policy Importance and Student First Amendment Rights

Measure	<u>n</u>	<u>M</u>	<u>SD</u>	<u>S.E.M.</u>
Legal Policy Importance				
Principals	131	1.41	0.76	0.07
Certified Librarians	234	1.28	0.72	0.05
Total	365	1.33	0.74	0.04
Student Rights				
Principals	126	1.71	0.82	0.07
Certified Librarians	232	1.46	0.78	0.05
Total	358	1.55	0.80	0.04

average. For the principals, the linear combination of legal measures was significantly related to the eight measures average,  $F(2, 58) = 16.23$ ,  $p < 0.001$ , and the multiple correlation coefficient was 0.60, indicating that 36 percent of the variance in the eight measures average was accounted for by the two legal opinion measures. The following standardized equation resulted for the principals:

$$\text{Predicted } Z_{\text{Eight Measures Average}} = 0.53 Z_{\text{Legal Policy Importance}} + 0.17 Z_{\text{Student Rights}}$$

However, only the importance of the legal policy significantly contributed to the equation (Table 4, page 5).

For the certified librarians, the linear combination of legal measures was significantly related to the eight measures average,  $F(2, 139) = 134.60$ ,  $p < 0.001$ , and the multiple correlation coefficient was 0.81, indicating that 66 percent of the variance in the eight measures average was accounted for by the two legal measures. The following standardized regression equation resulted for the certified librarians:

$$\text{Predicted } Z_{\text{Eight Measures Average}} = .52 Z_{\text{Legal Policy Importance}} + .38 Z_{\text{Student Rights}}$$

Furthermore, each opinion measure of legal policy significantly contributed to the equation (Table 5, page 5).

The multiple regression results suggest that, for certified librarians, both opinion measures of legal policy are useful predictors of the certified librarians' opinion of school library selection policy and complaint procedures. On the other hand, the results for the principals suggest that both opinion measures of legal policy are useful predictors, but not as useful as they are for the certified librarians' opinions of selection policy and complaint procedures. The item regarding student rights is significantly related to the eight measures average for the certified librarians, but not for the principals. Therefore, the difference in predictive usefulness between the two equations is attributed mainly to the predictive usefulness of the item regarding student rights.

**Opinion of Proposed Legal Requirements**

For the qualitative phase of the study, there were two survey items that comprised open-ended questions. The principals and certified librarians were asked to express their views about whether or not there should be state legislation that legally requires (a) each school board to adopt a library selection policy and (b) each school board to adopt procedures for dealing with complaints against library media. Responses to the items were acceptable for analysis if the following conditions were met:

1. The participant had responded to both survey items by indicating either support or rejection of the items' statements.
2. Each of the participant's responses included an unambiguous justification or qualification.

Table 3

Intercorrelations for Two Measures of Legal Policy and the Average of Eight Measures of Policy and Procedures as a Function of Personnel Groups

Measure	1	2	3
1. Eight Measure Average	--	0.71**	0.76**
2. Student Rights (Item 26)	0.32*	--	0.60**
3. Legal Policy Importance (Item 22)	0.58**	0.38**	--

Note: Intercorrelations for certified librarians ( $n = 236$ ) appear above the diagonal, and intercorrelations for principals ( $n = 137$ ) appear below the diagonal.

\*  $p < 0.05$ , two-tailed

\*\*  $p < 0.01$ , two-tailed

Table 4

Regression Analysis of Principals' Two Opinion Measures of Legal Policy As Predictors of Eight Opinion Measures Average

Variable	B	SE	$\beta$	t	Sig
Legal Policy Importance (Item 22)	0.39	0.08	0.53	4.84	0.00**
Student Rights (Item 26)	0.01	0.07	0.17	1.51	0.14

\*\* $p < 0.001$

Thus, the responses accepted for content analysis were pairs of responses that differentiated between selection policy and complaint procedures. The responses accepted for content analysis also provided some clear explanation for the participant's position. For consistency, only one researcher performed the content analysis.

Of the 247 surveys accepted for content analysis, 77 of the surveys had been completed by principals and 170 of the surveys were completed by certified librarians. The responses were then coded and analyzed to facilitate valid inferences for application to the quantitative results. The content analysis indicated that the principals and certified librarians were likely to agree that Texas should legally require the school boards to adopt library selection policy and complaint procedures. However, the principals were noticeably less often supportive than the certified librarians.

Of the principals and certified librarians who disagreed with the state requirements, approximately one half of the negative responses for each personnel group indicated a definite preference for local governance. Of the respondents who agreed with the requirements, about half from each personnel group expressed expectations that establishing the requirements would deter complaints, promote fairness, prevent litigation, and

protect schools and school personnel. Both groups also expressed expectations that establishing the requirements would support constitutional freedoms and the interests of students. Among those who expressed expectations of support, protection, and fairness, the principals much more often declared legal due process as a benefit than did the certified librarians.

## Conclusions

As reviewed earlier, there has been direct application of U.S. constitutional law to school censorship activity. There has also been, and continues to be, public and varied professional interest in school censorship activity, which has been recorded in many states, including Texas. The professional literature has not only typically addressed the issue of school censorship in terms of student First Amendment rights but has also focused on the opinions of school library staff when investigating library media selection policy and complaint procedures. In effect, the professional literature has underrepresented the opinions of other school personnel and other concerned groups that directly influence and are responsible for school library operation.

This study has compared the opinions of two key personnel groups associated with implementing school

Table 5

Regression Analysis of Certified Librarians' Two Opinion Measures of Legal Policy As Predictors of Eight Opinion Measures Average

Variable	B	SE	$\beta$	t	Sig
Legal Policy Importance (Item 22)	0.41	0.05	0.52	8.10	0.00**
Student Rights (Item 26)	0.25	0.04	0.38	6.00	0.00**

\*\* $p < 0.001$



library policy and procedures. One of the study's key findings is that the legal opinions of the principals and certified librarians were useful predictors of their opinions of library media selection policy and complaint procedures. The results also indicate that the difference in the predictive usefulness of the legal opinions was mainly because of the principals' relatively weaker regard for student First Amendment rights.

Moreover, the results of the content analysis support the quantitative findings, but they indicate, too, that the principals' opinion of policy and procedures might have been correlated with the principals' view of legal due process. The qualitative results suggest then, that further investigation of school censorship should consider a wider scope of public school law that also includes the U.S. Supreme Court's rulings related to school governance and legal due process. Further investigation should also include predictive analyses that use the opinion of legal due process as the predictor of opinion regarding library selection policy and complaint procedures.

### **Implications for Education Policy**

Though debate over school censorship is varied and broad, the debate's focus typically concerns the limitations a democratic society may place on the exchange of information within the course of educating its children. These limitations may be ultimately affirmed or rejected by the judicial system. The rulings directly impact the content and process of public education, such as school governance, administration, curriculum, and educational practice. Therefore, the fundamental challenge for a democratic society is that it must realize, at every level of government, public policy that effectively promotes its institutions of education while fairly weighing the democratic rights of all concerned.

Within Texas, the principals' weaker regard for student First Amendment rights and emphasis on legal due process is significant in view of the Texas Education Code [TEC], the Texas Administrative Code [TAC], and the legal requirements for proper implementation of district policy. If it is assumed that school administrative personnel, such as the independent school district principals participating in the study, are generally informed about the legal obligation of district employees to properly implement district policy (TEC §21.041.b.7-8 ; TAC Title 19, Part 7, §247.2), the school administrative personnel may regard the TEC and TAC as problematic and

troublesome on the matter of district library policy. The TEC and TAC may appear so because neither code contains the legal requirement for school districts to develop library policy, yet the TEC and TAC support the dismissal of a district employee if the employee failed to properly implement any district policy, including failure to properly implement district library policy. These difficult aspects of the education and administrative codes may partly explain the principals' appreciation of legal due process and the correlations of their other opinions related to school library policy and procedures.

Beyond the idiosyncratic state laws, the study's findings suggest that principals, in general, may construe censorship activity directed at school libraries more broadly than do school librarians. Principals may recognize that more than student First Amendment rights are affected by challenges to school library media, and principals may also recognize that more than one group's constitutional rights are affected by the challenges. From the national perspective, the two groups' difference in legal opinions is significant for three reasons: Principals represent a key personnel group in school library operation; principals are often involved in handling complaints against library media; and, of all the different groups involved in school library operations, principals and district superintendents are most often accused of banning student access to library media without ever implementing district complaint procedures (Hopkins, 1989, 1991; Kamhi, 1981; Vrabell, 1997).

If some principals question whether or not school library policy and procedures properly and effectively serve the constitutional rights of all concerned, the principals' legal opinions may partly explain the personnel group's alleged disregard for duly implementing library media complaint procedures. Furthermore, the difference in legal opinions may be a source of problematic and stressed communication between principals and school librarians when complaints arise against library media. The two groups' working relationship could thus improve if school librarians regarded school censorship activity as affecting the legal rights of more persons than the students and as challenging a broader range of constitutional rights than student First Amendment rights. However, to regard school library media complaints in these broader terms should not imply that either principals or school librarians demonstrate less regard for either student First Amendment rights or duly implementing school library policy and procedures. On the

contrary, improved communication between the two personnel groups ought to facilitate better school library operation and better protection of student First Amendment rights.

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