

# Married STUDENTS or

# Married DROUPTS?

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**A** 15-year-old girl recently said to her friend, "My folks say I am too young to go steady, so I am going to get married." On the same day in the same suburban secondary school another girl, 16 years of age, posed an interesting question for her counselor, "But Mr. Jones, wouldn't you rather I be a married student than a married dropout?"

That same night a pimple-faced 14-year-old girl sobbed in the protective arms of her mother, "If I had only known—I sure wouldn't be pregnant, married, and kicked out of school now." She continued, "If I had known, I wouldn't be in this mess. I want to go back to my school."

These pathetic statements have challenging implications for the girls involved, and for the society about them, particularly parents and educators.

School policies and practices should reflect a philosophical attitude of helping students who marry to make a success of their marriages, education, and lives. Very likely, these young people will need the benefits of a secondary education and a diploma more than the unmarried, "unpregnant" students.

Although school officials, patrons, and legal institutions are vacillating, and many others are in a quandary as they attempt to formulate their thinking about the general issue of student freedom, one recent study indicates that the thinking in terms of stu-

dent marriages has begun to jell and stabilize (3).

This study investigated and analyzed the extent and nature of policies and practices applied to students who marry while enrolled in public secondary schools in the 19 states which comprise the North Central Association of Colleges and Secondary Schools. Data about local school district and official state legal policies and practices were collected from these states and assimilated.

Using information derived from a review of the literature and a pilot survey, a questionnaire was designed and sent to all districts with more than one public secondary school, all districts with one public secondary school which enrolled 1,000 or more students, and, to bring the total number of districts up to 1,000, an appropriate number of randomly selected districts with one public secondary school enrolling 200 to 999 students.

Usable returns came from 827 districts which enrolled nearly one and a quarter million students.

At least four serious considerations were revealed by the survey:

1. Secondary students do marry, especially twelfth-grade girls. Almost six percent (5.87) of the twelfth-grade girls in Wyoming married

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and almost seven percent (6.88) of the senior girls in Oklahoma became wives while in school.

2. Married students do have a high drop-out rate. Almost 67 percent (66.75) of all the girls who married dropped out. An even 43 percent of the boys who married dropped out. Married students dropped out at the highest rate in Nebraska (80.14 percent) and in North Dakota (80.00 percent).

3. The five factors which seemed to have greatest influence in encouraging student marriages, in rank order, were: premarital pregnancy (65.18 percent); early dating (48.37 percent); feeling of being in love (39.78 percent); unhappy home (rejected by parents) (35.19 percent); and personal escape (33.13 percent).

4. While the incidence of marriage increased with each higher grade in school, the total percentage of these married students who dropped out decreased with each succeeding grade level. In other words, the younger a student was at the time of marriage the greater was the likelihood he or she would drop out. Freshmen students who married dropped out at a very high rate of 83.04 percent. The seniors who married had an overall dropout rate of 49.37 percent.

Chief officers of state departments of education were asked to provide the official legal positions. A reply was received from each of the 19 states in the form of a state law, regulation, statute, and/or an opinion from the attorney general.

## The Legal Boundaries

Five of the states did not have official state laws, regulations, statutes, or attorney generals' opinions relating to secondary school student marriages. Within these five states, many local school districts allowed continued attendance of married students.

The official state laws, regulations, statutes, or opinions of attorney generals in the other 14 states surveyed permitted continued attendance of married students in public secondary schools.

Interesting legal rulings have occurred in several states. By virtue of a 1967 Iowa Supreme Court case, married students could legally be prohibited from extracurricular par-

ticipation in that state (2). In this case the Court reversed the Black Hawk District Court's decision to grant relief to an athlete who had been barred from participation in extracurricular activities by a school board rule because he was married.

In action to enjoin enforcement of a school board rule barring participation in extracurricular activities by married students the court granted relief, which, in effect, allowed a married senior star athlete to participate in basketball. So the board of education appealed to the Iowa Supreme Court which held that the rule was based on reasonable grounds and *did not* deny a student equal protection.

In concluding a lengthy opinion the court said, "The rule adopted by defendant board barring married students from participating in extracurricular activities is neither arbitrary, unreasonable, irrational, unauthorized, nor unconstitutional. The judgment of the trial court must be reversed."

While expanding upon opinions dealing with married students, attorney generals in the states of Minnesota, North Dakota, and Oklahoma *expressly* indicated that married students cannot be restricted from extracurricular activities.

A rather unique opinion was issued by the Attorney General in Oklahoma in 1960. It permitted unusual freedom for married secondary students. This opinion held that married students could not be denied the privilege of going on a four-day senior tour with the rest of the class merely because such students were married.

Although district and state courts are more sympathetic with the rules and regulations of boards of education, the federal courts have shown that they are strong supporters of individual rights as guaranteed by the U.S. Constitution. In recent years the superior courts have upheld the rights of students to wear arm bands, to demonstrate, and to groom themselves as they want, and still attend secondary schools regularly.

The tenor of the federal courts is clear in the U.S. Supreme Court decision emanating from a Des Moines, Iowa, case which struck down a school's regulation of students'

hair style and hair length (4). In that decision, which is likely to be a landmark for guidance of both federal and state courts, the Court said: "In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school are 'persons' under our Constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state."

Certain pressure groups may be nudging the courts toward decisions which guarantee increased student freedom. According to a new policy statement of the American Civil Liberties Union, "Secondary school students have the legal right to demonstrate peaceably, marry, dress like hippies, or publish controversial materials."

"More specifically," the A.C.L.U. pamphlet continues, "the right to an education should not be abrogated because of marriage or pregnancy unless evidence proves that the student's presence in the school or classroom does, in fact, disrupt or impair the educational process" (1).

## **Policies and Practices Boundaries**

With these two impinging forces, namely the progressively more liberal law and the increasing percentage of student marriages, what do boards of education do with married students?

Respondents from the 827 reporting districts indicated that policies varied from very strict (immediate and permanent expulsion upon marriage) to relatively lenient (no change in the status of students even if pregnancy occurs).

Overall, the most frequently imposed policy in all of the districts was "Continued attendance is permitted but they (students who marry) cannot participate in student activities." This was the most frequently applied policy for both sexes, both those below and those above the compulsory attendance age.

The second most frequently applied policy for girls both above and below compulsory attendance age was "No change in

status unless pregnancy occurs," while for the boys both below and above the compulsory age it was "Continued attendance is permitted, but they cannot hold school offices." Most of the districts (91.17 percent) did not expel students who marry.

The majority (88.39 percent) allowed students to continue attendance together in the same building after marriage. The availability of only one secondary school in many districts might have encouraged or necessitated this arrangement. Several of the districts (2.78 percent) did not allow continued attendance together after a boy and girl married.

Only about one percent completely expelled students upon discovery of marriage, and six percent did expel married students but allowed them to transfer to an adult school within the district.

In summary, diametrically opposing positions exist relative to student marriages. No doubt, lenient policies relating to students who marry lead to more student marriages; consequently, many who see student marriages as "bad" will want to tighten school policies. These same people sermonize in favor of a lower dropout rate; however, one effective way of achieving that is to be more lenient about allowing students to marry.

A case in point was noted in Oklahoma. The marriage rate among students was the highest; the school policies and the law in the form of an attorney general's opinion applied to married students was the most lenient; and the dropout rate for married students was the lowest for any of the 19 states.

The intent of district and most state policies seemed to be that boards of education cannot exclude students from public secondary schools solely because of marriage. Furthermore, most legal pronouncements, especially at the federal level, have held that married students cannot be excluded from school or extracurricular activities only because of marriage.

This movement toward greater understanding of the married student and the resultant leniency should be welcomed by most humanitarians and educators. Marriage and

accompanying pregnancy while in high school represent a severe economic disaster. The loss of the opportunity for a secondary education serves only to compound the economic tragedy for young couples, and frequently dissuades them from further efforts toward social and vocational advancement.

As long as the married or pregnant students do not disrupt the normal educational functioning of the school, they should not be restricted from attending school or from participating in clubs, sports, or extracurricular activities.

## References

1. American Civil Liberties Union. *Academic Freedom in the Secondary Schools*. Pamphlet, 1968.
2. Board of Directors of Independent School District of Waterloo v. Green (Iowa), 147 NW 2d 854 Sup. Ct. (1967).
3. Joe Huber. "Policies and Practices Related to Students Who Marry While in Public Secondary Schools." Doctoral dissertation, University of Nebraska, Lincoln, 1968. (*Dissertation Abstracts* 69: 17, 328).
4. *Tinker v. Des Moines Independent Community School District* (Iowa), 393 US 503 Sup. Ct. (1969). □

# Student Unrest: Threat or Promise?

Edited by RICHARD L. HART and J. GALEN SAYLOR

for the ASCD Council on Secondary Education

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