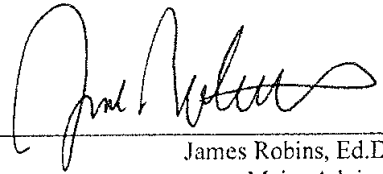


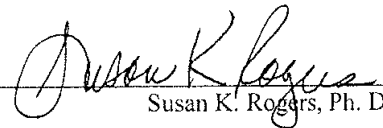
**The Assessment of Legal Knowledge and Perception of Quality of Training of
Missouri School Principals Regarding Teacher and Student Issues in School Law**

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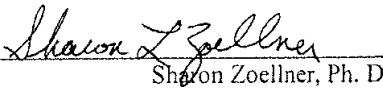
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Abstract

The setting for this study was rural, urban, and suburban school districts in the state of Missouri. The participants for this study were middle, junior, and high school principals. The purpose of this study was to determine secondary school principals' knowledge of school law pertaining to teacher and student issues and to determine the quality of legal training perceived by school principals. A descriptive quantitative research design was utilized for this study. A purposive sample study was used to identify the population. A non-experimental descriptive summary analysis was implemented for this study. The training quality was explored through three perception items. The knowledge questions were based on a criterion of 51% of respondents would score an 80% or higher to be considered passing. The findings supported a review of the literature that additional training is needed in schools to improve the legal knowledge of school principals.

The results of this study presented evidence that Missouri secondary principals did not meet the criterion established for knowledge of school law. However, the results of the sample size calculation revealed the margin of error was plus/minus 13.75%. Since the margin of error was above 10%, there is low confidence in the results of this study. The findings from this study should be used with caution. The results showed that additional training is needed for principals in specific areas of educational law. In addition, several recommendations were suggested to enhance the research.

Dedication

The Chinese philosopher Lao Tzu said, “The journey of a thousand miles begins with one step.” I took the first step toward completion of this dissertation in Kansas City, Missouri. The journey took me to Rhode Island, back to Kansas City, and finally Texas. I dedicate this dissertation to those I love and cherish most dearly. First, to my Lord and Savior Jesus Christ who gave me the strength and good health to accomplish this goal. To my wife, June, who provided me with emotional, spiritual, and financial support throughout this journey. June believed in me and encouraged me to finish this dissertation even when I had personal doubts. I love you June with all my heart. In addition, I dedicate this to my children Austin, Xavier, Jessica, and Anita. Anita left this earth way too soon, but her spirit and my remembrance of her smile provided me with much-needed inspiration. Austin, Xavier, and Jessica are the reason for this sacrifice. I want to provide them with a better future and an understanding of the power of education. I am a much better person having my wife and children in my life. I thank each of you for your love and dedication.

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Special thanks to Dr. Jim Robins, my major academic advisor, who encouraged me with patience step-by-step. He provided me with wisdom and guidance throughout the process. I also acknowledge Dr. Phillip Messner who took the time during his medical issues to assist me throughout this process and never failed to meet with me whenever I asked. I thank Dr. Susan Rogers whose keen eye for grammar made it difficult, but the finished product is a testament to her academic acumen. I express much gratitude and thanks to Dr. Sharon Zoellner for serving on my committee. Lastly, I thank Baker University for accepting me into the doctoral program and for allowing me to finish when I needed them the most.

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Chapter One

Introduction

The law is an integral part of education. Guidelines for the operation of schools are provided to the states through the Tenth Amendment to the U.S. Constitution; “the powers not delegated to the United States by the Constitution, nor prohibited by it are reserved to the states respectively, or to the people” (Imber, van Geel, Blokhuis, & Feldman, 2014, p. 2). In effect, this clause provided the authority in which states were permitted to operate and sustain public schools. The role of the federal government is limited in education. The Tenth Amendment to the U.S. Constitution gives states the authority to operate and fund public schools. Therefore, departments of education, school boards, and other regulatory agencies have the power to stipulate the governance and operation of schools. Thus, administrators must have a basic understanding of policies, rules, and laws affecting their workplace environment.

Although there is no constitutional requirement for the existence of public schools, “the federal Constitution is nonetheless extremely relevant to education law because all state education laws, school district policies, and general practices must be consistent with its provisions” (Imber et al., 2014, p. 2). Hence, it is legally mandated that public schools operate within the system of laws of the United States. As a result, public schools are fertile territory for potential legal issues based on the bodies of laws governing their actions.

Litigation is a conceivable problem for school principals. Burch (2014) indicated that decisions school personnel make in areas of the law regarding the rights of teachers and students contributes to litigation. Smith (2010) concluded that administrators

confront school law issues daily. The principal is not only a manager but an instructional leader and “must be cognizant of policies and laws that govern their educational decision making” (Provizano, 2010, p. 2). The interaction between students and adults in a school setting promotes the potential for constitutional rights violations. The threat of legal action and rise in lawsuits during the past century has caused concern (Militello, Schimmel, & Eberwein, 2009). The increase in litigation has contributed to the added pressures of a principal’s job description. Knowledge of school law is relevant for principals in a litigious society to lessen the impact of potential lawsuits because of being ill-informed and unprepared (Brabrand, 2003). The principal is a leader who encounters the demands of society. The demands place great responsibilities on schools to meet federal and state guidelines, and the principal is the school’s most important resource in meeting these challenges (Eberwein, 2008).

A principal is professionally mandated to promote student success and understand the social and legal culture of the role of principal (Council of Chief State School Officers, 2008). A principal must be knowledgeable in the law as they are held accountable under the law (Burch, 2014). For example, technology in education is a new area of school law that is a challenge for principals (Herold, 2016). Principals should not only have a basic understanding of technology but also be equipped to analyze legal principles that occur because of technological advances. Technological advances have contributed to how schools operate and store data (Tudor, 2015). Technology is but one example of the rapid change in which school law is being implemented in public schools.

In addition, to technological awareness, principals are expected to provide safe schools. Bates et al. (1996) believe that educators have a legal and moral obligation to

prevent harassment that occurs between students and if educators fail to prevent harassment, they could be liable. Discipline and antisocial behaviors are instances of legal issues that principals face daily. Thus, school administrators must stay abreast of changes to be productive and to maintain a fundamental knowledge of school law (Brabrand, 2003).

Background

In today's litigious society, principals must have the legal knowledge to address issues in schools to mitigate liability and protect the rights of students and staff (Eberwein, 2008). A Harris Interactive Survey for the Common Good was conducted in which 77% of principals surveyed said the legal climate had changed the way they worked, and 60% had been threatened with lawsuits (Hopkins, 2006). A principal stated the dilemma eloquently for school administrators: "I look at everything from a legal perspective. When I come across new territory in decision making, I imagine myself on the witness stand being cross-examined I mentally review my answers" (Hopkins, 2006, p. 1). This type of thinking and behavior has made it paramount for school leaders to think and act as legal professionals in avoiding the mental and fiscal impact of a lawsuit. Findley (2006) asserted that administrators at the building level should know the law and respond with confidence when making legal decisions.

The school principal is the building leader. They are tasked with supervising instruction, ensuring the safety of the students and staff. In addition, principals make multiple decisions that can carry legal consequences (Hopkins, 2000). Doctor (2013) reasoned that for a school to be successful the principal must be knowledgeable of the law and make legal decisions to provide effective feedback. The days of principals as

managers are past and a reliance on ignorance of the law is no longer a valid excuse for lack of knowledge. A functioning knowledge of school law is needed (Kerrigan, 1987).

Statement of the Problem

School principals spend an enormous amount of time avoiding the threat of a lawsuit which prevents them from focusing on student achievement (Smith, 2010). The increase in litigation contributes in part to the fact that administrators must be able to understand laws and legal policies. Training assists school principals in understanding the basic requirements of the law expected in the school setting (Eberwein, 2008). Furthermore, principals are tasked with ensuring that laws are enforced and applied equitably in schools; therefore, a study to gauge their knowledge and legal training is necessary (Stephens, 1983).

The need to know and avoid legal liability is a requirement and administrators must understand legal doctrine in advocating for the best interests of students. Mo. Rev. Stat. 210.115.1 outlines the duties of school leaders to report child abuse. Reporting abuse is but one example of what administrators need to be aware of in fulfilling their legal obligation to students. The doctrine of *in loco parentis* is a legal doctrine where school officials act in place of the parent over children in school (Moncrief-Petty, 2012). States have adopted negligence statutes that hold school leaders to a high standard of care in supervising students.

The legal rights of students have evolved. The law is constantly changing. The rapid pace of technological advancement and unsettled legal principles make it important for administrators to understand legal issues. Unfortunately, the disregard, ignorance,

and misinterpretation of the law do not stop at the classroom door (Smock, 2014). The fact is that a failure to know the law is inexcusable (Kerrigan, 1987).

Purpose of the Study

The two purposes of this study might assist administrators in becoming more responsive to the realities of school law that impact the educational organization. The first purpose was to determine principals' knowledge of school laws pertaining to teacher and student issues. The second purpose of this study was to determine school principal's quality of legal training on teacher and student issues as perceived by school principals.

Significance of the Study

This study contributes to the current body of literature on school principals' knowledge of school law in the United States. Burch (2014), citing recommendations from authors including Copenhaver (2005), Smith (2010), Williams (2010), and Moncrief-Petty (2012), endorsed that "research in other states in the area of principal knowledge of school law" (p. 13) should be conducted. Therefore, an in-depth study on the perceptions of the knowledge of student and teacher issues and training pertaining to Missouri administrators is warranted as the law has changed and is constantly in flux.

Delimitations

Lunenburg and Irby (2008) identified delimitations as "self-imposed boundaries set by the researcher on the purpose and scope of the study" (p. 134). The current study is delimited to Missouri public middle, junior, and high school principals in rural, urban, and suburban districts. The study is further delimited to data collected during the 2016-2017 academic school year. The study was also limited to Missouri school principals

who were selected from the Missouri Department of Elementary Secondary (DESE) website. The surveys were sent via email to those listed on the site.

Assumptions

Lunenburg and Irby (2008) defined assumptions as “postulates, premises, and propositions that are accepted as operational for purposes of the research” (p. 135). Several assumptions were made in this study. The first assumption was that principals in Missouri understand the importance of school law in the school setting. The second assumption was that the law is an important aspect of the duties of a successful principal. The third assumption was that principals require a unique skill set to navigate the complexities inherent in understanding the law mandated by federal and state statutes, school board regulations, and case law. The fourth assumption was that administrators want to recognize their exposure to lawsuits and desire to know the risks involved in their professional careers. The fifth assumption was that school principals answered the survey items honestly and accurately based on their knowledge.

Research Questions

The following two questions guided the research conducted in this study:

RQ1. What are principals’ degree of knowledge on teacher and student issues in school law as measured by the Eberwein/Rivers survey?

RQ2. What are Missouri principals’ perceptions of quality of training on teacher and student issues in school law?

Definition of Terms

Lunenburg and Irby (2008) stated, “you should define all key terms central to your study and used throughout your dissertation or master’s thesis” (p. 118). Endicott

(2016) surmised that language is crucial to the legal system. Legal terminology is used to explain and define laws influencing the principals' role in public education. Individuals who are neither trained in law or philosophy might find the terms beneficial.

Appellee. According to Black's Law Dictionary (1990), an appellee is "the party in a cause of action against whom an appeal is taken" (p. 98).

In loco parentis. The phrase in loco parentis means "in the place of a parent; instead of a parent; charged factitiously, with a parent's rights, duties, and responsibilities" (Black's Law Dictionary, 1990, p. 787).

Negligence. Black's Law Dictionary (1990) defines negligence as "the failure to use such care as a reasonably prudent and careful person would use under similar circumstances" (p. 1032).

Probable cause. Black's Law Dictionary (1990) defines probable cause as "a set of probabilities grounded in the factual and practical considerations which govern the decisions of reasonable and prudent persons and is more than mere suspicion but less than the quantum of evidence required for conviction" (p. 20).

Due process. A person is "guaranteed fair procedures and substantive due process which protects a person's property from unfair governmental interference or taking" (Black's Law Dictionary, 1990, p. 500) under the 5th and 14th amendments of the United States Constitution.

Reasonable suspicion. Black's Law Dictionary (1990) defines reasonable suspicion as the belief "criminal activity is at hand" (p. 1266).

School law training. Stephens (1998) defines School law training as professional development “that focuses predominately on school law instruction, such as a course workshop or seminar” (p. 6).

Organization of the Study

This study consists of five chapters. Chapter one provided the background, purpose, and significance of the study. The delimitations, assumptions, research questions and definition of terms used throughout the study were presented. Presented in Chapter two is the literature review. The chapter includes the history of public education in the United States, United States laws impacting education, laws that impact students and teachers, what should principals know, principals and the law, legal degree of knowledge and experience, and legal training. Found in chapter three are the methods, research design, and selection of participants used in this study. A description of the data collection procedures, data analysis, hypothesis testing, limitations, and summary are included. The results of the study are discussed in chapter four. A summary of the study, findings related to literature, and conclusions and recommendations for future studies are provided in chapter five.

Chapter Two

Literature Review

Presented in this chapter is a review of the literature. The areas that have been instrumental in shaping today's current school law are listed in this section. The historical perspective includes a history of education and laws that have influenced education including student and teacher issues. The essential knowledge, principals and the law, legal knowledge and experience, and legal training of school principals are also included in this chapter.

History of Public Education in the United States

School leaders in the 21st century live in a multi-faceted and litigious world. The issues faced by school leaders include student discipline, special education, torts, cyberbullying, and privacy concerns. There are many other issues for which school leaders must be adept. A principal must be a strong leader, treat everyone fairly, engage the community in a positive manner, have a vision, and be an active listener (Meador, 2016). School leaders should have a basic understanding of school law including an understanding of the history of education and school law (Doctor, 2013).

The law and education coexisted before the founding of the United States in 1776, the law in many instances was centered on the Bible and its teachings. A Latin grammar school in Boston, Massachusetts, was founded in 1635. The school was exclusively for white male students of a higher social class. The purpose was to prepare young men for entrance into Harvard University (Ryan, Cooper, & Bolick, 2016). In 1647, the Old Deluder Satan Act, the first education law in the United States, was passed that permitted

towns with 50 or more families to hire a schoolmaster to instruct students in reading and writing (Ryan et al., 2016).

In 1776, the Declaration of Independence was signed and ratified declaring the colonies' independence from Great Britain. After the American Revolution, a push for universal education began whereby education would be provided at public expense and public control (Ryan et al., 2016). During the next several decades, schools were a mixture of private and public institutions controlled locally with no federal oversight. The structure of schools began to change with the creation of state boards of education. In 1837, Massachusetts established a state board of education. The first compulsory attendance law was passed in 1852 in Massachusetts. In 1867, the federal Department of Education was created to provide leadership to states in the functioning and operations of schools. Moreover, by 1910, smaller school districts were being merged into larger districts, and more than half the states allowed for consolidation (Ryan et al., 2016). Soon after and before 1930, "11 states and the District of Columbia had passed compulsory attendance laws" (Ryan et al., 2016, p. 311).

At the beginning of the 20th century, public schools were transformed into detailed structures. Americans viewed free schools as a major achievement in that democracy could provide the means for average citizens to improve their status in the world through education and work ethic (Mondale & Patton, 2001). The rise in immigration from Europe led to a doubling in enrollment in public schools from the 1800s to the 1920s (Mondale & Patton, 2001). The U.S. Supreme Court in *Pierce v. Society of Sisters* (1925) mandated that all children attend school; however, parents could fulfill this requirement by sending their children to private schools (Moncrief-Petty,

2012). Frels (2002) noted that universal public education does not absolve school boards and teachers from the responsibility to maintain discipline and order for students under their control.

Two significant historical moments occurred in the 1950s. First, the U.S. Supreme Court case of *Brown v. Board of Education of 1954* ended legalized segregation in public schools. Second, U.S. Congress passed the National Education Defense Act in 1958 (Mondale & Patton, 2001), which in part began the yearly standardized testing of students. The federal government was now more than a passive observer in the management of public education.

In the 1960s, administrators exhibited broad authority over schools. Before the late 1960s, parents and students rarely challenged the disciplinary actions of school administrators. At this point, schools were designed to provide instruction and promote the ideals of the nation (Arum & Preiss, 2009). However, in the late 1960s, courts began to address the rights of students in public schools. One of the first cases was *Tinker v. Des Moines* (1969), which dealt with free speech afforded to students. Instead of administrators possessing unfettered authority, the court struck a balance between school officials and the rights of students (Imber et al., 2014).

In the 1970s, the individual rights of students with disabilities began to materialize. In 1970, the Education of the Handicapped Act was enacted to encourage states to provide resources and equip people to educate handicapped individuals adequately (Hirth, 1988). A steady progression of legislation and judicial decisions throughout the 1970s created an increase in legal requirements for school districts to operate in dealing with children with special needs. The watershed cases of *Pennsylvania*

Association for Retarded Children v. Commonwealth of Pennsylvania (1972) and *Mills v. Board of Education* (1972), and the passage of the Education for All Handicapped Children Act of 1975 guaranteed children a right to a quality education free from discrimination (Hirth, 1988). In 1973, U.S. Congress passed the Rehabilitation Act. The Act included Section 504 requiring students with disabilities the same services as non-handicapped students (Hirth, 1998). The Education for All Handicapped Children of 1975 was updated with the Individuals with Disabilities Act of 2004 (Short, 2004). The cases and legislation in the 1970s protected students with disabilities in public schools. The 1980s would witness further changes, and the role of government in education would increase.

In 1983, a national report entitled *A Nation at Risk* changed the expectations of administrators from mere managers to become leaders who could directly affect student achievement through instruction (Hunt, 2008). In 1996, the Interstate Leadership License Consortium adopted standards designed to create professional standards for school leaders (Council of Chief State School Officers, 1996). In 2015, the Interstate Leadership License Consortium Standards were updated. The Educational Leadership Policy Standards adopted by The National Policy Board for Educational Administration (2015) underscored the belief that administrators should help stakeholders in the community understand the requirements of the law. During the remainder of the 20th century and beginning of the 21st century, the U.S. Supreme Court and Congress have interpreted and made laws in the areas of public education. The No Child Left Behind Act (NCLB) of 2001 updated the Elementary and Secondary Act of 1965 (Klein, 2015). The NCLB Act was replaced with Every Student Succeeds Act 2015 (ESSA), limiting the federal

oversight of schools while giving more autonomy to states to govern testing requirements (Klein, 2016). These laws have added to the need for principals to understand and apply the law in the school setting.

Since the period between 1987 and 2016, an abundance of law concerning public education has created a further need for principals to stay abreast of current law.

Kerrigan (1987) surmised that school leaders are not provided the tools necessary to perform their roles as legal experts as a result of focusing only on the United States Constitution. The law has provided many notable court cases that have shaped the workplace environment for educators.

The educational system in the United States has a history filled with controversy over the rights of individuals in public schools. Strader (2007) indicated that the U.S. Supreme Court in *New Jersey v. TLO* (1985) held that students do not lose their Fourth Amendment rights to be free from unreasonable searches. In addition, it was found that schools do not need probable cause only reasonable suspicion to conduct a search of a student (Imber et al., 2014). The TLO case was expanded in *Vernonia School District 47J v. Acton* (1995) U.S. Supreme Court case. Schools were granted the authority to conduct random drug testing of student athletes (Imber et al., 2014). Finally, in 2002 the court upheld the constitutionality of random drug testing. In a majority opinion, the court ruled that drug testing was permissible for students participating in extracurricular activities (*Board of Education v. Earl*, 2002). However, the court did not address drug testing for students who did not participate in extracurricular activities. These cases are small samples of the interactions between the law and individuals in the public school.

United States Laws Impacting Education

Article IV, Section 2 of the U.S. Constitution states the Constitution “shall be the supreme law of the land” (Burch, 2014, p. 17). Public school leaders must function under a multitude of school law sources ranging from the U.S. Constitution and its amendments, federal and state statutes, rules, and regulations of administrative agencies, and case law (Dunn & West, 2009; LaMorte, 2002; Ruetter, 1970). The U.S. Constitution does not specifically address the role of education, but the interpretation by the judiciary has impacted educational policy-making (Burch, 2014). The Tenth Amendment gives states authority to make laws that are not prohibited by the U.S. Constitution (Smith, 2010). This amendment gives states the sovereign authority to make laws that are not prohibited by the U.S. Constitution. The federal government has authority over public schools although not explicitly stated in the U.S. Constitution (Strader, 2007).

The Bill of Rights to the U.S. Constitution was ratified in 1791. The bill placed limits on the power of the federal government (Burch, 2014) and allowed states the power to create statutes pertinent to education as long as these statutes did not conflict with the U.S. Constitution. The First, Fourth, Eighth, and Fourteenth Amendments have directly influenced decisions in public schools, and principals should have a basic understanding of constitutional law. Doctor (2013) concluded that knowing the constitutional rights of students was extremely important.

The federal government has considerable influence over public education. The United States Congress has used its authority under the Commerce and Taxing and Spending clauses of the U.S. Constitution to either require compliance through additional

funds to states that abide by their mandate or the requirement that Congress must provide for the general welfare of the nation (Taylor, 1996). Therefore, if schools are not in compliance with federal laws, they are subject to monetary sanctions as required by law (Taylor, 1996).

The U.S. Congress has the authority to implement laws and states that fail to adhere to the laws can be denied federal funding. Congress has implemented laws that defined the scope of individual rights. Any violation of these rights can subject the violating party to an action at law, suit in equity, and other judicial proceedings (Civil Rights for Deprivation of Rights §1983).

As a matter of legislative oversight, the U.S. Congress has added additional legislation throughout U.S. history that has a direct bearing on school laws. Title VI of the Civil Rights Act of 1964 prohibits discrimination (Civil Rights Act, 1964) and Title VII of the Civil Rights Act of 1964 outlawed employment based on discrimination on the basis of race, color, religion, national origin, or sex. Title IX of the Education Amendments of 1972 prohibits sex discrimination against participants in educational programs receiving federal funds.

The Rehabilitation Act of 1973 prohibits discrimination against persons with handicaps in federally assisted programs or activities. This act laid the framework for how students with disabilities should be taught. Several cases preceded the 1973 act, the most notable case being *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania* (1972). The plaintiffs filed suit on behalf of students with disabilities, including those with the mental capacity of 5-year-old children. These students were denied a right to a public education in the state of Pennsylvania. The

federal court for the Eastern District of Pennsylvania not only ruled for the plaintiffs but also specified certain guidelines for the school district to undertake to ensure children with disabilities were afforded an education.

The Individuals with Disabilities Education Act provided for identifying and providing equitable services for students with special needs as defined by law (Gerstein & Gerstein, 2007). The act presented many challenges for school principals. A manifestation hearing must be conducted to determine if a student's disability is the cause of his or her conduct contributing to the discipline infraction before a suspension. Students with behavior issues must have a behavior plan in place; in addition, there are procedural safeguards in place for the protection of parents and students (Skrtic, Harris, & Skinner, 2005). Therefore, given the complexities of special education, principals should know the law regarding special education (Short, 2004). A lack of understanding of special education knowledge can affect the principal's performance as related to student issues (DiPaola & Walther, 2003).

The Bilingual Education Act of 1968 amended in 1974, 1978, 1984, and 1988 and reauthorized in 1994 recognized the need for children with limited English-speaking ability to receive a quality education. Now under ESSA 2015, which replaced NCLB, states will have to show progress in English language proficiency (Sargrad, 2016). The passage of ESSA required principals to shift their legal knowledge from NCLB to ESSA, thus underscoring the need for a sound legal acumen in public education.

Laws That Impact Students and Teachers

The school laws affecting public schools are categorized under federal or state laws. The laws provide for a wide range of topics that include various aspects of the law.

The areas of law most impacting education include torts, contracts, property, First Amendment, Fourth Amendment, and administrative law (Alexander & Alexander, 2001). Brabrand (2003) concluded that certain pillars of law should govern public schools. Zahler (2001) surmised that principals should know certain legal principles. Principals should have knowledge of constitutional provisions, federal statutes, state constitutions, statutes, and regulations and tort law, and the legal responsibilities of a principal (Zahler, 2001).

Several prominent court cases have been instrumental in impacting school laws for students and teachers. The landmark case of *Brown v. Board of Education* (1954) ended legalized segregation in public schools (Burch, 2014). The *Tinker v. Des Moines* (1969) ruling established that students “do not shed their constitutional rights at the schoolhouse gates” (Imber et al., 104, p. 103) and supported their rights to protest if that protest did not negatively impinge on the school environment. A case related to students’ free speech was the 1988 U.S. Supreme Court case of *Hazelwood School District v. Kuhlmeier* (1988). The justices had to decide if staff members had the authority to control the content published in a school’s newspaper that was part of the school’s curriculum (Imber et al., 2014). The principal, in this case, refused the publication of articles he deemed inappropriate. The court ruled on behalf of the school district, citing “educators do not offend the First Amendment by exercising editorial control over the style and content of student speech activity so long as their actions are reasonably related to legitimate pedagogical concerns” (*Hazelwood School District*, 1988). The *Tinker* and *Hazelwood* cases are examples of the legal nuances that administrators are required to know to comply with the law in accordance with the First Amendment.

In *New Jersey v. TLO* (1985), the court eased the restriction on probable cause and issued a ruling that a school official requires reasonable suspicion to conduct a search. However, even when school administrators have the requisite reasonable suspicion to believe a student is in possession of an illegal item, they must still exercise sound judgment before conducting a search. In *Safford Unified School District # 1 v. Redding* (2009), a 13-year-old girl was subject to a search of her bra and underpants in which her breast and pelvic region were minimally exposed. It was alleged that prescription drugs were in her possession based on reasonable suspicion. The court ruled the strip search violated her Fourth Amendment right against unreasonable search and seizure because the school did not have reason to believe drugs were in the plaintiff's underwear (Marzick, 2009).

The Supreme Court in *Goss v. Lopez* (1975) determined students' rights to due process under the Fourteenth Amendment. In this case, the appellees argued their suspension from school without a hearing for disruptive behavior violated due process (Imber et al., 2014). The court ruled that public education is a property interest and students are entitled to due process of law before a suspension from school (Center for Education & Employment Law, 2006).

In 1977, after the U.S. Supreme Court's decision in *Goss v. Lopez* (1975), the U.S. District Court in California distinguished between due process requirements for short-term suspension versus expulsion from school exceeding 10 days. In *Gonzales v. McEuen* (1977), students were expelled for allegedly causing a riot at the high school. The court laid out several formal procedures based on the severe penalty of expulsion for the remainder of the year: "[a] right to be represented by counsel; [b] right to present

evidence; and [c] right to confront and cross-examine adverse witnesses” (Stone & Stone, 2011, p. 4).

In schools, teachers are faced with issues that can affect them both professionally and personally. In *Pickering v. Board of Education* (1968), a teacher was fired after submitting a letter to a newspaper that was critical of the school district. The case centered on freedom of expression under the First Amendment. The court reasoned that the teacher’s speech was protected, and if the statements were true the teacher is permitted to make statements of public matters and cannot be dismissed from employment based on these statements. Although the teacher won this case, this legal issue regarding free speech is a matter that can pose serious repercussions for teachers if laws are not followed or understood.

Moore (1997) analyzed several areas of legal issues for teachers including tort liability, dress codes, immorality, tenure, due process, insubordination, academic freedom, and copyright infringement. Moore (1997) concluded that teachers in Tennessee lacked enough of a basic understanding of school law in torts to prevent possible litigation against them, and did not possess the necessary knowledge in teacher and student rights on or off school grounds.

A case in Missouri where due process was at issue occurred in *Jennings v. Wentzville R-IV School District* (2005) in which two cheerleaders were suspended 10 days for drinking alcohol during a school-sponsored event. The parents of the students filed suit on the basis that district personnel were improperly trained, and the students were denied procedural due process in three areas: (a) rights to an impartial decision-maker, (b) representation by counsel, and (c) the right to impeach the evidence against

them (*Jennings v. Wentzville R-IV Sch. District*, 2005). The U.S. Court of Appeals 8th Circuit rejected this argument, stating that the due process requirement was met as the students had the opportunity to argue on their behalf thereby satisfying due process (Center for Education & Employment Law, 2006).

The Missouri Constitution Article IX 1(a) provides for the establishment of free public schools within the state. In addition, individual state constitutions, state statutes and local regulations, and policies are laws that govern the day-to-day operations of schools in Missouri. The fact that the law in, general, is fluid and is subject to change (Brabrand, 2003) adds to the confusion of applying and understanding the law. For instance, in Missouri, equal access for transgender students, bullying, immunity lawsuits, and due process are a few of the legal issues that present unique hurdles for principals.

In the legal case of *State of Missouri, ex. rel., Dr. Bernard Taylor, Jr. v. The Honorable W. Brent Powell* (2008), the Missouri Supreme Court was clear on certain facets involving school officials being subjected to lawsuits. In this case, a superintendent was denied qualified immunity because the courts ruled that immunity was not warranted when a school official's negligent conduct is the reason a student was injured. In *S.B.L. Evans* (1996), where elementary students brought a lawsuit against a principal for negligent supervision of another student who sexually assaulted the plaintiffs the federal court held that school administrators and teachers are liable for negligent acts and omissions. Despite the absence of protection from qualified immunity, school administrators are afforded protection from frivolous suits.

In *S.J.W. v. Lee's Summit R-7 School District* (2012) the court reversed a preliminary injunction against the school district that allowed for two students to return to school

pending an appeal. The facts of the case involved two students who created a website and blog mocking their school. The site contained discussion boards whereby students made racist comments about certain African American students and listed some by name. The court ruled on free speech issues and the nature of cyberbullying, “The repercussions of cyberbullying are serious and sometimes tragic” (Crowley, 2012, p. 1). This case is an example of the complex nature of laws relating to public schools and the need for more than a modicum of legal knowledge from administrators. Although the district won the case, principals should be aware that before disciplining students for off-campus conduct that evidence exists that the behavior would likely cause a substantial disruption on campus (Wernz, 2012). In addition, Missouri has adopted revised statutes that are codified in Chapters 160-178 that provide directives for public schools (Mo. Rev. Stat. § 160.775, 2013). For example, cyberbullying is a relatively new area of law in Missouri. Mo. Rev. Stat. § 160.775 (2013), states “bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts” (para. 2).

In addition to statutory laws, Missouri case law exists that gives guidance and rules for school administrators. Recently, transgender issues are being litigated in public schools. In *R.M.A. v. Blue Springs R-IV School District* (2015), a suit was brought against the district, school board, superintendent, and assistant superintendent for denying a transgender male student access to male restrooms and locker rooms. Although the court denied the student’s petition on the grounds the student “has no existing, clear, unconditional legal right which allows access to restrooms or locker rooms consistent

with gender identity” (*R.M.A. v. Blue Springs R-IV School District*, 2015, p. 2), there remains a need for administrators to exercise sound legal acumen.

In lieu of the decision in the *R.M.A. v. Blue Springs R-IV School District* (2015), the Missouri legislature previously proposed legislation to decide if transgender individuals would be allowed access to same-sex restrooms. In 2015, a group of students walked out of a school protesting a transgender teen’s use of a girl’s restroom (Hancock, 2016). This action created debate in the Missouri legislature. The Missouri School Board’s Association proposed that school districts adopt one of two policies: The districts should either permit transgender students’ use of restrooms associated with their identity or not permit transgender students’ use of restrooms due to the uncertainty of the law (Hancock, 2016).

In May 2016, the federal government provided guidance to states that the use of single-sex restrooms and locker rooms be allowed if the persons using the facilities identify with a specific gender even if the sex is different from their sex at birth (Maxwell, 2016) under Title IX. Thirteen states have filed motions seeking to block the federal requirement. A federal judge in Texas issued a nationwide moratorium on whether transgender students will be permitted to use single-sex restrooms and locker rooms (Blad & Samuels, 2016).

What Should Principals Know

The law encompasses a wide range of topics. The fact remains that on any given day in a school a variety of legal issues could occur which might require the attention and decision making of the principal. Despite these challenges, there were attempts to assist principals in determining the greatest area of need (Militello et al., 2009).

Sparkman (1990) concluded that administrators should have legal knowledge in legal governance, the legal basis for authority, legal principles that guide administrator's actions such as the First and Fourteenth Amendment, federal and state laws that guide school operations, and policies, rules, and regulations of their school district. In addition, to mitigate the risk of litigation the researcher indicated that administrators understand the legal relationship between principal and student, program management, and tort liability.

Hillman (1998) presented a paper at the American's Educational Research Association Conference on school administrators' legal knowledge, information sources, and perceived needs. Hillman designed a survey to gather information on Massachusetts principal's knowledge of the law. The results of the data collection indicated 61.3% of the participants answered a need for having some standard of school law knowledge, 6.3% stated no knowledge was needed, 28.2 % thought maximum knowledge was needed, and 4.2% failed to respond. These principals were also asked what areas of school law they should be most familiar. The most listed topics for principals were 1) evaluations, 2) student rights, 3) liability, 4) special education, and 5) due process (Hillman, 1988).

Zahler (2001) surveyed principals in North Carolina on topics of importance in school law. The topics of importance were, 1) dismissal procedures, 2) suspension of students, 3) supervision of students, 4) the discipline of exceptional students, 5) special education students, 6) public law, 7) search and seizure, 8) evaluation of teachers, 9) school finance, 10) school violence, and 11) section 504. The survey results showed "the mean score was 3.0 with 61.2% and above who thought these topics were important for administrators to know" (Zahler, p. 69).

Principals and the Law

Previous studies were conducted in several states on principal's perceptions and knowledge of school law. Kerrigan (1987) researched the perceptions of school administrators in Massachusetts regarding educational law, legal policies, and procedures. Kerrigan (1987) concluded that many administrators harbored misunderstandings regarding the basic legal concepts that are being applied to educational questions and as a result, they were often uncertain about the legality of daily decisions they must make in the operations of schools. Since the Kerrigan study, several research studies have been conducted in various states to determine if school administrators are abreast of the law in different areas (Brabrand, 2003).

Hillman (1988) concluded that the legal information received by administrators generally came from oral sources and the school lawyer. The superintendent relied on the lawyer whereas elementary and secondary principals were more likely to get their legal information from peers, oral sources, and the superintendent. Hillman (1998) acknowledged that the focus should not be on the lack of knowledge but rather on the training to eliminate the lack of knowledge of school administrators.

Gordon (1997) assessed the impact of selected variables (training, teaching, experience, administrative experience, and school district size) on the legal knowledge of 136 principals in West Virginia. The results of the data analysis indicated school principals lacked fundamental knowledge of school law. The significance of the study was that principals should understand the law pertinent to the state in which they are employed.

In Virginia, Brabrand (2003) conducted a study on principals and their knowledge of school law. Since 18% of the principals surveyed had been subjected to litigation, he recommended that preparing principals in the area of school law continues to be a major focus in preparation programs (Brabrand, 2003). The second conclusion was that principals' knowledge of school law was only moderate and that further studies should be conducted (Brabrand, 2003). The role of a principal is multifaceted and with the role, there are many responsibilities and duties. Therefore, knowing the law and staying abreast of current changes in the law is vital to the success of a principal (Braband, 2003).

In Missouri, Bogle (2003) researched selected principals' knowledge of tort liability. The results of this study were that principals were liable for failure to act or perform a legally required duty of care. The second finding was that there existed no statistical difference between the scores of the male and female groups in determining their knowledge of tort liability (Bogle, 2003). The overall conclusion of the study was that principals scored below average to adequate in their understanding of negligence in tort liability (Bogle, 2003).

Short (2004) in a multiple case study on Texas administrators' knowledge of special education law sought to determine, the level of knowledge of administrators in special education law, how administrators apply the knowledge, and how administrators acquire the knowledge. Short concluded that administrators scored slightly above average on their level of knowledge. The results of the study indicated that administrators primarily gained their knowledge of special education law through college programs, Individualized Education Program (IEP) meetings, and professional

development, and that administrators who have a working knowledge generally apply that knowledge as building leaders (Short, 2004).

In Florida, Slack (2005) conducted a study on search and seizure in relation to administrators' knowledge. He found that administrator's knowledge of the law in the area of search and seizure topics were subpar and that further training was needed. Slack (2005) recommended that periodic in-service be provided along with the state department conducting seminars to individual districts to enhance training opportunities

The findings from a national study of principals across the United States conducted by Militello et al. (2009) indicated that if principals knew the law, they would change their behavior. The researchers concluded more training was needed for administrators. The training would not necessarily limit exposure to lawsuits but would increase their knowledge, which would possibly change behavior. In *Simpson v. Holmes County Board of Education and Holmes County School District* (2007), if the principal knew the law he possibly could have avoided termination by altering his behavior. The principal was terminated by the superintendent after a visit by state officials where a fight occurred between students, a fire happened in a classroom, and there was the firing of a pellet gun. The principal failed to report these events to the superintendent as he left town and did not return until the following week. He was terminated for failure to keep order, provide for the safety of staff and students, and adhere to school board policy (*Simpson v. Holmes*, 2007). The principal sued based on his absence from the building and the fact he was not aware of the incidents until the following week thus limiting his ability to notify the superintendent properly. The court denied relief. The court analyzed its holding in that Mr. Simpson did not meet the expectations of a building principal and

he is responsible for the acts of his subordinates in the school setting (*Simpson v. Holmes*, 2007). The court noted that the principal's failure to know the law was not an excuse for his failure to act. Based on the court's decision principals are held accountable even if they are not abreast of the law.

In Arkansas, Smith (2010) conducted a quantitative analysis of principals' knowledge of school law. Smith concluded that the legal knowledge of principals was in the average range based on the mean score of 70.83% and cited this performance as intolerable. Smith recommended that preparation programs, the Arkansas School Board, The Association of Educational Administrators, and The Arkansas Department of Education work collaboratively to disseminate appropriate legal information and provide updates to principals. Provizano (2010) determined principals' knowledge of the constitutional rights of students by analyzing the United States Supreme Court decision in Pennsylvania. Provizano (2010) underscored the fact that principals must know their legal responsibilities and cannot claim ignorance of the law when fulfilling their legal obligations. The conclusion reached was that principals' knowledge of the law was not sufficient and that consistent professional development was needed to ensure schools promote the ideas expressed in the United States Constitution (Provizano, 2010).

In Alabama, Moncrief-Petty (2012) conducted a study on the self-perceptions of principals' knowledge of education law in selected areas of student rights. The summary of findings on the self-perceptions of knowledge of school law revealed principals scored below average in compulsory attendance, freedom of expression, corporal punishment, and search and seizure legal issues. The number of law courses taken increases the knowledge a principal has regarding student rights (Moncrief-Petty, 2012).

Lewis (2013) analyzed principals' knowledge of procedural safeguards and educational services in the state of Indiana. Lewis determined that principals need to understand the law to protect the rights of students with disabilities and stressed the importance of principals knowing the law to protect students versus other cases where knowledge was a deterrent to avoid lawsuits. In a study focused on Illinois principals' knowledge of the law related to religious issues, Smock (2014) concluded in Illinois that high school principals were more knowledgeable in the areas of student rights and district events than elementary principals and recommended that principals receive more training in the law on religious topics.

In Pennsylvania, Burch (2014) determined that most principals gained legal information on school law topics from professional organizations that provided information through print or electronic sources. In addition, principals depended on superintendents to provide school law updates. The study concluded that principal candidates were required to complete a law course to help strengthened their knowledge of the law before being hired as a principal.

Legal Degree of Knowledge and Experience

In Virginia, Caldwell (1986) and Brabrand (2003) found "no statistically significant difference between the principal's knowledge of school law and the years of administrative experience held" (p. 60). In West Virginia, Gordon (1997) found studies that indicated the legal knowledge an administrator possesses is not related to their training or experience as an administrator. Singletary (1995) determined that principals had a better knowledge of student-related issues than did superintendents and teachers.

Zahler (2001) theorized that principals must know legal decisions because courts are often the arbiter that decides school policies, instructional material, and the individual rights of staff and students. Eberwein (2008) stated that educators are gradually becoming more involved in court cases and law related issues. School litigation is a reality that is costly in terms of money, the potential for loss of careers, the psychological impact on those involved, and weariness that takes the focus from the education of students. In Texas, Valdez (2005) indicated that school administrators function in a challenging legal landscape and “it is difficult not to be aware of a wide range of legal issues that influence the lives of teachers, students, parents, and administrators” (p. 5).

Despite the number of years of experience or advanced degrees, the principal is still at risk of liability exposure if they fail to base decisions on a correct application of the law (Findley, 2007). In some cases, principals with vast experience in education often provide legal answers to assistant principals, and this may not necessarily benefit either person (Findley, 2007). The litigious society in which we live promotes the idea that principals must gain an understanding of school law. Findley (2007) concluded that Canadian school administrators face a high potential for litigation by a lack of knowledge of school law. Furthermore, a lack of experience increases the exposure to a lawsuit.

Smith (2010) in his study of Arkansas principals’ knowledge of school law concluded that years of experience contributed to a principals knowledge or lack of knowledge on the law and a relationship does exist between the years a person has been an administrator and their knowledge in school law. Smith (2010) furthered concluded, a principal with four to seven years of experience was better equipped to understand the law and enhance their knowledge of school law compared to principals with fewer years

of experience. In Alabama, Moncrieff-Petty (2012) determined that principals with doctorate degrees perceived themselves as having a higher knowledge of school law in students' rights than those with master and specialist degrees. In the same study, there was evidence based on the data analysis that the more educational law courses principals took, the more they believed in a higher increase in school law knowledge.

Legal Training

Brabrand (2003), Burch (2014), Caldwell (1986), Moncrief-Petty (2012), Schlosser (2006), and Williams (2010) concluded there is a lack of evidence to support that colleges and universities are adequately training principals on legal issues they may face daily. In addition to graduate programs, Fisher, Schimmel, and Kelly (1991) stated there is evidence that during a career many educators receive little training in how the law applies to their profession. Valadez (2005) noted that the point in time an educator is trained during their career is important. Furthermore, the training has a significant impact and that principals desire and understand the need for training on legal topics and issues that influence their roles as leaders. Brabrand (2014) found a difference did exist between the years of training a principal received in relation to his knowledge of tort law. The principals who received training during the past five to ten years were more knowledgeable than those who had received training ten years ago. The lack of adequate legal training in college and during a principal's professional career can be detrimental. Steward and McCain (2016) purported that, based on outdated practices, some professional development received by principals did not amount to an increase in legal knowledge and more multi-dimensional and modern training is needed for principals to manage schools effectively.

Eberwein (2008) examined the question “Does Law Training Increase Law Knowledge?” Smeigh (1984) and Bounds (2000) concluded administrators who received professional development on school law increased their legal knowledge. Werling (1985) determined that professional development did not impact knowledge in the area of school law. Despite these contrary findings, Eberwein (2008) went on to say, “While the literature is mixed regarding the impact of training, the greater number of studies (15 of 26) indicate a positive correlation between law training and increased legal knowledge” (p. 38-39).

Summary

Chapter two provided a review of the literature on school law. The research was conducted on the historical perspective and issues relating to public school law. The advancement of school law in the 20th and 21st centuries was analyzed. Additionally, the role of the U.S. Constitution and the federal government through legislation and case law was discussed. School principals’ knowledge and perceptions of the law from various states were discussed. In chapter three, the methodology utilized in this study is presented, and the research tools needed to conduct this study are explained.

Chapter Three

Methods

The first purpose of this study was to determine principals' knowledge of school law on teacher and student issues. The second purpose of this study was to determine the quality of legal training principals receive. The research design, selection of participants, measurement, data collection procedures, data analysis and criterion testing, limitations, and a summary are presented in this chapter.

Research Design

A descriptive quantitative research design was utilized for this study. A purposive sample was used to identify the population. As Creswell (2007) suggested, this "type of research involves the description of phenomena in our world, this type of inquiry, the phenomena described are basic information, actions, behaviors, and changes of phenomena" (p. 30). A quantitative study of Missouri principals' perceptions regarding their knowledge and training can assist school leaders in making sound decisions thus protecting the legal rights of persons within the school community.

Following the methodology put forward by Eberwein (2008), 25 survey questions were utilized from his original 67 question survey (see Appendix A). The survey was reduced based on the research of this study. The survey focused on the selected topics of principals' background, and teacher and student issues in the areas of school law.

Selection of Participants

The targeted participants for this study were 300 middle school, junior, and high school principals. The principals were selected by the researcher from a list provided by the Missouri Department of Elementary and Secondary Education (DESE). The

researcher chose principals from urban, suburban, and rural school districts within the state of Missouri. For purposes of this study, elementary school principals were not included.

Measurement

The Eberwein survey and the Eberwein/Rivers survey are explored in this section. The Eberwein/Rivers survey was the instrument used to collect data from participants. The Eberwein survey was the instrument used in a prior study, which formed the basis of the Eberwein/Rivers survey.

Eberwein survey. The questions were partially replicated from the Educational Principals' Law Survey. The Educational Principals' Law Survey (see Appendix B) was the survey from which the Eberwein survey was modified in part and was distributed to teachers in 15 states where 1,200 participants returned the survey (Eberwein, 2008).

The validity of the Eberwein survey was established through the following steps:

- 1) The survey was submitted to 6 professionals (3 university law professors, and 3 secondary school principals).
- 2) A focus group of doctoral students reviewed the surveys (Eberwein, 2006).

The instrument was reviewed and determined to meet the aims of the content, skills, or objectives it is supposed to measure (Popham, 1993). The survey was piloted to ensure that the questions were appropriately worded, avoided use of jargon, unidentified terms, and avoided multiple questions (Fowler, 2000). In 2007, the survey instruments were sent electronically to 15 western Massachusetts administrators. Eberwein (2008) asked administrators to respond to the quality of the overall survey and extended his study to include legal challenges, and how the threat of a legal challenge impacted behavior.

Eberwein (2008) used a simple statistical analysis, survey responses, and descriptive statistics collected from 55 of the 57 questions included: percentages and frequency of response, mean, median, standard deviation, and variance.

Eberwein/Rivers Survey. Twenty-five survey items were taken from the Eberwein study and were employed in the current study (see Appendix C). Adopting the methodology of the Eberwein study, the first three items in the survey were used to determine the demographics and items four and five addressed the effectiveness of training of the participants. The responses to the training questions that participants scored were 1) *as highly ineffective*, 2) *as ineffective*, 3) *as somewhat effective*, 4) *as effective* and 5) *as highly effective*. The next section asked participants to respond to 10 true and false items regarding legal issues related to students in public schools. The last 10 items were adapted from the Eberwein study. The items were used to ascertain principal's level of knowledge on the topic of legal issues as they relate to teacher issues in school law in a true and false format. Respondents were required to score 80.0% correct to pass the knowledge test.

The current study was limited to 25 survey items based on the research questions and principal's perceptions regarding their knowledge of school law on teacher and student legal issues. In addition, questions on the quality of training were surveyed. The questions were divided into two sections. The first three items were demographic. Items four and five asked participants to answer the items related to their legal training. Items six through sixteen focused on teacher issues. Items seventeen through twenty-five centered on student rights as related to constitutional issues, the First Amendment, Fourteenth Amendment, and the Fourth Amendment.

The demographic data were used to determine the school districts in which the principal was employed (urban, suburban, or rural). Participants were asked to provide any school law training in which they participated. This information was used to determine the effectiveness of their training. The data provided pertinent information regarding the level of knowledge on teacher and student issues in the school setting and the effectiveness and type of training received by respondents.

Data Collection Procedures

The data collection procedures began with approval to conduct the study by the Baker University Institutional Review Board (IRB) (see Appendix D). Once the approval was granted (see Appendix E), a request was made via phone to the Missouri Association School Administrators (MASA) to determine if they would send the survey instruments to active school principals. MASA denied the request due to a change in policy. A list of secondary principals was gathered from the DESE website. Three hundred principals were selected from varying geographic locations whose districts were considered urban, suburban, and rural based on location and student enrollment. The first survey was sent electronically via email. The response rate was received within two-weeks. The response rate was low. Therefore, a second survey was sent electronically via email and the response rate was unacceptably low upon receipt after a two-week period. A third survey was sent and returned within a one-week period. The response rate was sufficient to conduct the research. The results of the surveys were stored on a password-protected private computer.

Data Analysis and Criterion Testing

According to Lunenburg and Irby (2008) in this section “you should carefully consider each of your research questions or hypotheses and determine the respective statistical analysis that would be appropriate to test each one” (p. 200). The current study used a non-experimental descriptive summary analysis. Training quality was explored through three perception items. Respondents selected between five effectiveness of training choices (1 as *highly ineffective*, 2 as *ineffective*, 3 as *somewhat effective*, 4 as *effective* and 5 as *highly effective*). The frequency and percentage for each of the five choices were computed. The researcher prepared summary graphs to illustrate trends in effectiveness. The percentages of effective and highly effective choices were added together. Then the percentages of effectiveness were compared to the criterion of 80.0%.

The researcher prepared a report showing the number of respondents responding to the knowledge items on teacher and student legal issues. The researcher selected 80% as a reasonable expectation for college-trained professional participants. The percentage of those answering correct or incorrect was highlighted. Those scoring 80% or higher were considered as passing.

RQ1. What are principals’ degree of knowledge on teacher and student issues in school law as measured by the Eberwein/Rivers survey?

Criterion 1. The majority (51%) of participants will respond with an 80.0% or higher percentage.

RQ2. What are Missouri principals’ perceptions of quality of training on teacher and student issues in school law?

Criterion 2. At least 80.0% of the school principals will select effective in the level of legal training they received.

Limitations

Lunenburg and Irby (2008) stated that limitations “are factors that may have an effect on the interpretation of the findings or on the generalization of the results” (p. 133). A limitation of this study was the concern of whether principals would respond to the survey questions honestly thus limited to the responses answered. Another limitation was whether the participants would respond to the questions thus failing to submit the survey results.

Summary

In chapter three, the research design and the sample used to identify the population were presented. The selection of participants was presented together with the measurement tool used to conduct the research. The data collection and data analysis were reviewed, and limitations of the study were presented. The results of the data analysis are presented in chapter four.

Chapter Four

Results

An online internet-based survey was distributed to 300 Missouri principals. Only 276 email addresses were valid. A total of 43 surveys were returned. One survey was incomplete. The 42 completed surveys were analyzed using descriptive statistics, frequency, and percent. A sample size calculator, The Survey System, was used to compute the margin of error (Creative Research Systems, 2012).

The results of the sample size calculation revealed the margin of error was plus/minus 13.75%. The margin of error was above 10%. Therefore, due to the large margin of error, there is low confidence in the results of this study. The findings from this study should be used with caution.

The summary data analyses were computed. The output tables were generated as part of the Survey System report. The summary statistics were then compiled and reported below. The narrative was organized into two sections. The first section was composed of five items related to participant characteristics. The second section contained twenty items measuring the respondent's knowledge level of school law.

Participant Characteristics

Within the first section, participants responded to demographic and training questions. The participants were asked to answer teacher related items. Items seventeen through twenty-five focused on student issues in public schools.

1. Please state the school district in which you work. As shown in Table 1, most respondents were principals serving in suburban schools (52.6%). The percentage

of rural principals was 31.6%. Only 15.8% of the respondents were from urban schools. These findings were deemed accurate plus/minus 13.75%.

Table 1

Summary Frequency/percent Response for Item 1: Please State the Type of School District in Which You Work

Location	Frequency	Percent
Urban	7	15.8%
Rural	22	31.6%
Suburban	13	52.6%
Total	42	100.0%

2. How many years have you been a principal? Table 2 shows the number of years' respondents have held the position of principal at their school. Most respondents have been in the principal position more than 5 years (59.5%), while 21.4% have served between 4 to 5 years. Additionally, 9.1% of principals are relatively new to the career serving as a principal between 0 and 3 years.

Table 2

Summary Frequency/Percent Response Item 2: How Many Years Have You Been a Principal

Location	Frequency	Percent
0 to 3 years	8	19.1%
4 to 5 years	9	21.4%
5 plus years	25	59.5%
Total	42	100.0%

3. Select any school law training which you have participated. As shown in Table 3, most respondents received legal training at the college/university level (66.7%), and 21.4% gained training through professional development offerings. However, 11.9% of the respondents received no law training at the college/university setting or during professional development. This percentage is a concern but does not reflect the expected distribution as shown above.

Table 3

Summary Frequency/Percent Response 3: Select Any School Law Training Which You Have Participated.

Location	Frequency	Percent
Completed law course	28	66.7%
Professional development	9	21.4%
None	5	11.9%
Total	42	100.0%

4. Please rate the effectiveness of that training since assuming principalship.

Participants were asked to respond to the effectiveness of legal training since assuming the principalship. This question was subjective but did allow respondents to make a judgment regarding the training they received. The majority believed the training they received was somewhat effective (43.9%), and 39.0% rated the training as effective. In addition, 12.1% rated the effectiveness as highly ineffective. Whereas, 2.4% rated the effectiveness as ineffective and 2.4 % as highly effective (see Table 4).

Table 4

Summary Frequency/Percent Response 4: Please Rate the Effectiveness of That Training Since Assuming Principalship

Location	Frequency	Percent
1-Highly Ineffective	5	12.1%
2-Ineffective	1	2.4%
3-Somewhat Effective	18	43.9%
4-Effective	16	39.0%
5-Highly Effective	1	2.4%
Total	41	99.8%

5. Have you participated in a comprehensive school law workshop or in-service training? As shown in Table 5, 78.6 % of principals have participated in a comprehensive school law workshop, and 21.4% have not. Most principals, according to the survey results, have completed a law course or certification program. The data further reflects that a high percentage of principals believed the training they received on matters of school law was either somewhat effective or effective (34 of 42). Also, the

data shows that most respondents (78.6%) have participated in some legal training since assuming the role of principals. However, 21.4% of principals surveyed did not complete a law course or certification and 2.4% considered the training they received as ineffective and 12.1% rated the training as highly ineffective.

Table 5

Summary Frequency/Percent Response 5: Have You Participated in a Comprehensive School Law Workshop or In-Service Training?

Location	Frequency	Percent
Yes	33	78.6%
No	9	21.4%
Total	42	100.0%

Knowledge of School Law

In this section, the survey results of the participant's knowledge of school law are provided. The first ten questions are centered on the knowledge of teacher issues. The last ten questions are on student-centered questions on the law.

6. Teachers can be held liable for any injury that occurs if they leave their classroom. There is a misconception amongst principals that teachers are strictly liable if a student is injured away from their direct supervision. If teachers breached their duty of care which they could have prevented, they might be liable. However, “nor is the absence of a teacher when an injury occurs in itself proof of breach of duty” (Imber et al., 2014, p. 464). There is evidence for additional training for this item. As shown in Table 6, participating principals scored 95.1% incorrect. The criterion was not met.

Table 6

Summary Frequency/Percent Response 6: Teachers Can Be Held Liable for Any Injury That Occurs if They Leave Their Classroom.

Location	Frequency	Percent
Yes	39	95.1%
No	2	4.9%
Total	41	100.0%

7. Teachers may be held liable for their failure to report sexual, physical, or verbal abuse. Principals have a clear understanding of teachers' duty to report abuse. Teachers who have actual knowledge of an abuse may be subjected to a negligence action for failure to report (Imber et al., 2014). As shown in Table 7, participating principals scored 100% correct. There was little evidence of a need for additional training for this item. The participants succeeded in answering this item correctly, and the criterion was met.

Table 7

Summary Frequency/Percent Response 7: Teachers May Be Held Liable for Their Failure to Report Sexual, Physical or Verbal Abuse.

Location	Frequency	Percent
Yes	42	100%
No	0	0%
Total	42	100.0%

8. Teachers can be disciplined for publicly criticizing school policies of community concern. The Supreme Court in the Pickering decision held that the first amendment provides protection to public employees speaking on matters of public concern *Pickering v. Board of Education, (1968)*. The information in Table 8 shows that 59.5% of respondents believe that teachers can be disciplined for publicly criticizing school policies of community concern. This item was answered correctly by 40.5% of participants thus requiring additional training. The criterion was not met.

Table 8

Summary Frequency/Percent Response 8: Teachers Can Be Disciplined for Publicly Criticizing School Policies of Community Concern.

Location	Frequency	Percent
True	25	59.5%
False	17	40.5%
Total	42	100.0%

9. Teachers have the legal authority to select the texts for their students. In general, courts have given school boards the authority to select curriculum. There are exceptions to this rule. For example, internet usage is governed by the U.S. Constitution and federal legislation. As shown in Table 9, 73.8% of respondents selected false as the correct answer. The participants did not meet the required 80.0% as established in the criterion testing. The criterion was not met.

Table 9

Summary Frequency/Percent Response 9: Teachers Have the Legal Authority to Select the Texts for Their Students.

Location	Frequency	Percent
True	11	26.2%
False	31	73.8%
Total	42	100.0%

10. Academic freedom generally protects teachers who discuss controversial subjects if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption. Imber et al. (2014) stated, “Teachers cannot be made to simply read from a script prepared or approved by the board” (p. 336). As shown in Table 10, 90.5% of the participating principals answered the item correctly. There is little evidence that additional training is needed for this item. The principals responding to this survey mastered this item and exceeded the 80.0% threshold. The criterion was met.

Table 10

Summary Frequency/Percent Response 10: Academic Freedom Generally Protects Teachers Who Discuss Controversial Subjects if They Are Relevant, Appropriate for the Age and Maturity of the Students and Do Not Cause Disruptions.

Location	Frequency	Percent
True	38	90.5%
False	4	9.5%
Total	42	100.0%

11. Teachers are legally prohibited from viewing their students' records

unless they receive permission from the parents or the principal. Teachers could view students' records without parental or the principal permission. The request must be based on an educational need (Imber et al., 2014). As shown in Table 11, 81% of principal participants answered this item correctly. There is little evidence that additional training is needed. The criterion was met.

Table 11

Summary Frequency/Percent Response 11: Teachers Are Legally Prohibited from Viewing Their Students' Records Unless They Receive Permission from the Parents or the Principal.

Location	Frequency	Percent
True	8	19.0%
False	34	81.0%
Total	42	100%

12. Teachers cannot be held liable for educational malpractice. The general rule is that teachers cannot be held liable for educational malpractice due to policy concerns (Imber et al., 2014). As displayed in Table 12, 76.2 % of participants answered incorrectly. There is evidence of the need for additional training as only 23.8% answered this item correctly. The criterion was not met.

Table 12

Summary Frequency/Percent Response 12: Teachers cannot be held liable for educational malpractice.

Location	Frequency	Percent
True	10	23.8%
False	32	76.2%
Total	42	100.0%

13. As an agent of the state, a school teacher is constrained by the Bill of Rights. Teachers are government employees and as such “the legal power of the government is greater over its employees than over ordinary citizens” (Imber et al., 2014, p. 322). As shown in Table 13, 73.2% of respondents answered correctly. However, 26.8 % answered incorrectly. There is evidence supporting the need for additional training for this item. The criterion was not met.

Table 13

Summary Frequency/Percent Response 13: As an Agent of the State, a School Teacher is Constrained by the Bill of Rights.

Location	Frequency	Percent
True	30	73.2%
False	12	26.8%
Total	42	100.0%

14. Principals have the right to approve, in advance, supplemental material without violating teachers’ academic freedom. Principals derived their authority from the school board and are permitted to approve in advance supplemental material without violating teachers’ academic freedom. According to Imber et al., “no court has recognized the constitutional right of a teacher to control basic course content on instructional methodology” (p. 336). As shown in Table 14, participating principals scored 100.0% correct. There is overwhelming evidence that principals require no additional training. The criterion was met.

Table 14

Summary Frequency/Percent Response 14: Principals Have the Right to approve, in Advance, Supplemental Material without Violating Teacher’s Academic Freedom.

Location	Frequency	Percent
True	42	100.0%
False		0.0%
Total	42	100.0%

15. Schools can impose rigid dress codes on teachers without violating their rights. Imber et al. (2014) stated “as public servants in a special position of trust, teachers may properly be subjected to many restrictions in their professional manner” (p. 241). As shown in Table 15, 64.3% of participants chose correctly while 35.7% chose incorrectly. There is evidence for additional training to meet the 80.0% benchmark. The criterion was not met.

Table 15

Summary Frequency/Percent Response 15: Schools Can Impose Rigid Dress Codes on Teachers Without Violating Their Rights.

Location	Frequency	Percent
True	27	64.3%
False	15	35.7%
Total	42	100.0%

16. Teachers cannot be held liable for students’ injuries that occur in breaking up a fight? In general, The Teachers Liability Protection Act protects teachers from student injuries that occur while maintaining discipline (Imber et al., 2014). As shown in Table 16, the majority of participants (73.8%) answered this item incorrectly. There is evidence for additional training for this item as the majority of participants failed to meet the standard. The criterion was not met.

Table 16

Summary Frequency/Percent Response 16: Teachers Cannot Be Held Liable for Students' Injuries That Occur in Breaking Up a Fight.

Location	Frequency	Percent
True	11	26.2%
False	31	73.8%
Total	42	100.0%

17. Students may wear t-shirts that criticize school policies as long as they do not cause a significant interference with school operations. In *Tinker v. Des Moines* (1969) the Supreme Court held that students could exercise the right to freedom of speech in the school setting as long as the speech is not a significant disruption to the learning environment (Imber et al., 2014). Table 17 shows that 83.3% of participants answered this item correctly. There is little evidence that additional training is needed as the participants demonstrated advance knowledge for this item. The criterion was met.

Table 17

Summary Frequency/Percent Response 17: Students May Wear T-Shirts That Criticize School Policies as Long as They Do Not Cause a Significant Interference with School Operations.

Location	Frequency	Percent
True	35	83.3%
False	7	16.7%
Total	42	100.0%

18. School sponsored invocations and benedictions at graduation ceremonies are permitted. The establishment clause of the First Amendment provides for the separation of church and state (Imber et al., 2014). As shown in Table 18, 69.0% of participants answered the item correctly. There is evidence that additional training is needed for this item. The criterion was not met.

Table 18

Summary Frequency/Percent Response 18: School Sponsored Invocations and Benedictions at Graduation Ceremonies Are Permitted.

Location	Frequency	Percent
True	13	31.0%
False	29	69.0%
Total	42	100.0%

19. The United States Constitution guarantees the right to an education for everyone between the ages of 6 and 16. The Constitution is silent on education. As shown in Table 19, 61.9% of principal participants answered correctly and 38.1% incorrectly. There is evidence to support additional training for principals related to this item. The criterion was not met.

Table 19

Summary Frequency/Percent Response 19: The United States Constitution Guarantees the Right to an Education for Everyone Between the Ages of 6 and 16.

Location	Frequency	Percent
True	16	38.1%
False	26	61.9%
Total	42	100.0%

20. First Amendment protects student speech that is offensive, provocative, and controversial. *Tinker v. Des Moines* (1969) established that student speech deemed offensive, provocative, and controversial is protected speech as applied to the First Amendment unless it causes a substantial or material disruption to the school environment as shown in Table 20, 33.3% answered correctly and 66.7% incorrectly. There is evidence to support additional training for principals related to this item. The criterion was not met.

Table 20

Summary Frequency/Percent Response 20: The First Amendment Protects Student Speech That is Offensive, Provocative, and Controversial.

Location	Frequency	Percent
True	14	33.3%
False	28	66.7%
Total	42	100.0%

21. Teachers without special education training cannot be held responsible for implementing a students' Individual Education Plan (IEP)? All teachers are responsible for implementing a student's IEP. There is little evidence that additional training is needed. As shown in Table 21, 92.9% of principal participants answered correctly and 7.1% incorrectly. A clear mastery of this item was shown. Respondents scored well above the established criterion. The criterion was met.

Table 21

Summary Frequency/Percent Response 21: Teachers Without Special Education Training Cannot Be Held Responsible for Implementing a Students' Education Plan (IEP)?

Location	Frequency	Percent
True	3	7.1%
False	39	92.9%
Total	42	100.0%

22. Before students are suspended for 5-10 days, they have a constitutional right to a hearing where they can bring a lawyer to advise them. A hearing is not required for students suspended 10 days or less (Goss v Lopez, 1975). Table 22 displays that 85.7% of principal participants answered correctly and 14.3% incorrectly. The principals who contributed to this survey demonstrated a superior knowledge on this item, and additional training is not warranted. The criterion was met.

Table 22

Summary Frequency/Percent Response 22: Before Students Are Suspended for 5-10 Days, They Have a Constitutional Right to a Hearing Where They Can Bring a Lawyer to Advise Them.

Location	Frequency	Percent
True	6	14.3%
False	36	85.7%
Total	42	100.0%

23. Students have the right to promote their political beliefs to other students at school. Courts have routinely upheld the right for students to share their political beliefs with classmates (Imber et al., 2014). As shown in Table 23, 85.7% of principal participants answered correctly and 14.3% incorrectly. There is little evidence that additional training is needed. The criterion was met.

Table 23

Summary Frequency/Percent Response 23: Students have the Right to Promote Their Political Beliefs to Other Students at School?

Location	Frequency	Percent
True	36	85.7%
False	6	14.3%
Total	42	100.0%

24. Students have a constitutional right to participate in extracurricular activities. There is no constitutional requirement for schools to allow students extracurricular activities. As Table 24 shows, 78.0% answered correctly and 22.0% incorrectly. The evidence support additional training is needed for this item. The criterion was not met.

Table 24

Summary Frequency/Percent Response 24: Students Have a Constitutional Right to Participate in Extracurricular Activities?

Location	Frequency	Percent
True	9	22.0%
False	32	78.0%
Total	42	100.0%

25. School officials must permit students to distribute controversial religious materials on campus if it does not cause a disruption. In *Thompson v. Waynesboro* (1987), a state court in Pennsylvania permitted the passing of religious materials by students during school hours. As shown in Table 25, 71.4% answered incorrectly and 28.6% correctly. The high percentage of incorrect answers by participants raises an alarming realization that more focused instruction is needed for principals in this area of the law. The criterion was not met.

Table 25

Summary Frequency/Percent Response 25: School Officials Must Permit Students to Distribute Controversial Religious Material on Campus if It Does Not Cause a Disruption.

Location	Frequency	Percent
True	12	28.6%
False	32	71.4%
Total	42	100.0%

Summary

Forty-two secondary school principals responded to a survey instrument summarizing principal characteristics, the level of legal training received, and knowledge of school law. A Survey System output table included the results of the data analysis using descriptive statistics (frequency and percent) that were explored in this chapter. The results of the research showed that principals either met or did not meet the criterion of 80.0% on school knowledge and that additional training is needed in the areas of

negligence (torts), the First Amendment, general educational law policy and procedures which include teacher duties and responsibilities. Presented in chapter five are the study summary, findings related to the literature, and the conclusions.

Chapter Five

Interpretation and Recommendations

This purpose of this study was to examine the legal knowledge of Missouri secondary school principals on selected teacher and student legal issues. Also, the principals' perceptions of the level of legal training obtained by principals were investigated. Conclusions from other research indicated that principals do not fully understand the law and further training is needed in certain legal areas (Eberwein 2008). The results of this study were presented in chapter four. A study summary, findings related to literature, and conclusion are presented in this chapter.

Study Summary

A review of the literature presented in chapter two stressed the importance of principals staying abreast of the law, and that effective legal training is vitally important for leaders in the school setting. Therefore, the assessment of legal knowledge and perception of the quality of training was investigated in this study. This section presents an overview of the problem, purpose statement and research questions, review of the methodology, and major findings.

Overview of the problem. School principals face enormous challenges as school leaders when required to interpret and apply the law correctly in school settings (Hopkins, 2006). School principals are required to ensure laws are enforced equitably (Stephens, 1983). State negligence statutes hold principals to a high standard of care. Newnham (2000) stated that "It is therefore of great importance that teachers and school authorities are aware of how the law of negligence operates and what is acceptable and unacceptable" (p. 1). In today's educational climate an increase in school litigation

requires principals to understand laws and to participate in training that gives the principal a basic legal acumen (Eberwein, 2008).

Purpose statement and research questions. The first purpose of this study was to determine Missouri secondary school principals' knowledge of school law on selected student and teacher issues. The second purpose of this study was to determine the quality of legal training principals received in their roles as school leaders. The two research questions were developed to address the purposes of this study.

Review of the methodology. A descriptive quantitative design was employed for this study. The researcher collected information from Missouri secondary school principals (middle, junior, and high school principals). A 25-question survey instrument was distributed by email to 300 selected principals in Missouri utilizing Planet Survey. The principals were asked to provide general background information. Also, principals were asked to answer a series of true and false questions. Once the data was collected, a non-experimental descriptive summary analysis was conducted to test the research criterion.

Major findings. The research questions are the foundation for the major findings in this study. The results of the sample size calculations revealed the margin of error was plus/minus 13.75%. The margin of error was above 10%. Therefore, due to the large margin of error, there is low confidence in the results of this study. The findings from this study should be used with caution.

The participants' responses to RQ1 indicated a lack of fundamental legal knowledge in the selected areas of torts, First Amendment, Fourteenth Amendment, general education law, and policies and procedures that include teacher responsibilities.

However, the responses showed that principals were well informed on academic issues and on teacher responsibilities to report abuse. Overall, participants' knowledge of school law met the criterion of 80% for academic freedom, privacy, and teacher responsibility to report abuse, and met the criterion of 80% in other areas (First Amendment and Fourteenth Amendment). In the areas of torts, participants scored 26.2% and 4.9% on the survey items which did not meet the criterion of 80%. The responses appear to support the research that additional training is needed in selected areas of the law.

For RQ2, the findings on the quality of training were mixed. The majority of the participants viewed the training they received as somewhat effective, and others thought the training was effective. However, other respondents regarded the legal training as highly effective, ineffective, and highly ineffective. The findings showed that although training took place principals do not agree on the overall effectiveness of the training.

Findings Related to the Literature

The findings related to the literature in this study and prior studies are examined. The current research was conducted to add to the existing research on school principals' knowledge of the law. The current study and a review of the literature are in agreement.

Principals' degree of knowledge. The review of the literature confirms that principals' knowledge of the law is lacking. In the current study, principals answered only 8 of 25 items correctly in support of the criterion. Smith (2010) concluded that principals' knowledge of the law was average and that this was insufficient. Moncrieff-Petty's (2012) study of Alabama principals revealed a below average knowledge of student rights. Provizano (2010) determined Virginia's principals' knowledge of

students' constitutional rights on the law was inadequate. Eberwein (2008) found that principals scored well on some law-related questions but performed low overall.

The findings in this study showed that on the specific items of the First Amendment, torts, general education law, policies and procedures which include teacher responsibilities that principals overall did not meet the criterion. Smock (2014) concluded that although secondary principals performed better than elementary principals on religious issues pertaining to student rights, there was a concern and additional training was recommended. In the area of torts, Bogle (2003), in a study of Missouri, principals, found principals' knowledge of tort liability below average. On the issue of education law policies and procedures, Kerrigan (1987) surmised that principals do not have the basic understanding in this area of law. Due to a lack of knowledge of the law, additional training is recommended (Kerrigan, 1987).

The effectiveness of training. An additional finding in this study included that the majority of participants viewed the effectiveness of their legal training as somewhat effective. In addition, a majority of participants completed a college law course or received certification. The literature is mixed on the effectiveness of legal training, but a conclusion can be drawn from the literature that more training is needed. Eberwein (2006) determined the literature does not resolve if training is effective, but studies show that legal training had a positive impact on legal knowledge. Brabrand (2014) indicated that training is effective if principals received the training within five to ten years of assuming their role as principal. Valdez (2005) concluded that more legal training is needed for principals. Burch, (2014), Caldwell, (1986), Moncrief-Petty (2012), Schlosser, (2006), and Williams, (2010) suggested legal training programs did not

prepare principals sufficiently on legal issues. The lack of preparedness may be a reason the majority of principals selected somewhat effective as a response in the current study.

Conclusions

The conclusions from the current study are that principals' knowledge of the law on teacher and student issues were that some met the criterion and others did not meet the criterion required of school leaders. Although the majority of participants selected their training as somewhat effective, there is a need for focused training on teacher and student issues. In this section, the implications for action, recommendations for future research are presented. In addition, the concluding remarks are included.

Implications for action. School principals' knowledge of teacher and student issues is inadequate. Also, the general ambivalent attitudes on the effectiveness of training demonstrated the importance of this study even though the return rate of the surveys was 14%. Militello et al. (2009) determined that if principals knew the law, they would change behavior and that more training was needed. It is vitally important that principals receive the necessary training to become proficient in understanding and applying legal concepts in the school environment.

The findings in this study showed that principals' knowledge was inadequate in selected areas of the law. The findings suggest the need for colleges and universities to review its curriculum on school law to determine if the needs of principals are being met. The study further suggests that colleges and universities become active partners with principals to help increase knowledge through its educational institution. Also, the study shows the importance of the role the Missouri Department of Elementary and Secondary Education (DESE) has in preparing its members with legal knowledge and should review

current dissemination of legal information for principals. The findings in this study suggest the need for local school districts to prepare current principals and aspiring principals on certain aspects of the law. Principal's knowledge of the law is crucial to the success of being an effective leader. An increase in knowledge must be gained through quality and effective training programs, and in this study, the majority of principals viewed the training as somewhat effective.

A majority of principals scored the effectiveness of training as somewhat effective. A belief that training is somewhat effective suggests that more effective training is needed. Local school districts should institute a scoring guide to provide a more objective approach to measuring the effectiveness of the training the district provides for principals. Additionally, a need for school districts to provide a means for principals to give feedback using social media of professional development on the law would be beneficial. The use of social media such as a blog would allow school districts the ability to monitor principals' reactions to the effectiveness of the training they received and to provide comments. The school districts would be able to change or update the training to meet the needs of principals based on data from social media sites.

Recommendations for future research. The purpose of this study was to determine the assessment of legal knowledge and perception of quality of training of Missouri school principals regarding teacher and student issues in school law. Recommendations are provided based on the overall findings of this study. The current study found principals were deficient in their knowledge of school law and principals' perception of the quality of training was somewhat effective. The findings support that future research is needed in several areas as a lack of school knowledge, and somewhat

effective training could be detrimental both professionally and personally to the careers of school principals. The rights of teachers and students are consistently in jeopardy due to below average knowledge of principals. Therefore, several recommendations for future research are presented.

The first recommendation is that future research should be conducted on the areas of the law that are most common. A focus on the First Amendment, Fourth Amendment, Fourteenth Amendment, and Tort Law could assist DESE and local school districts in aligning professional development to these specific areas of the law to mitigate potential lawsuits. An alignment with specific areas of law would eliminate a “one size fits all approach” and target professional development to areas of need.

The second recommendation is this study should be repeated in the future. A future study with more participants responding to the survey would provide a clearer analysis of the data. A replication of this study would help to expand the research and provide Missouri educators with research to support changes in policy and practices in educational law. In addition, a study should be conducted examining elementary principals to determine if differences exist between the two groups.

The third recommendation is a study on the effectiveness of college programs, the college curriculum on school law, and certification programs. The study might help to determine if principals are being adequately prepared in school law. The study would determine if the curriculum and certification programs are in alignment with legal issues currently facing principals.

The fourth recommendation is a study should be conducted on whether legal training should be changed or updated for school principals. The study should include

the number of successful lawsuits against principals and school organizations. A study of this kind would help education leaders and organizations make sound decisions on financial resources committed to legal training.

The fifth recommendation would be research on the legal issues principals are facing in urban, rural, and suburban districts. The study should ask if the issues are different depending on the district. Research would help to determine if DESE should provide different types of training based on the findings of this study.

The sixth recommendation would be a study on whether the legal knowledge of a school principal is impacted by the number of years and experience as an administrator or the quality of training received within a certain timeframe. The variables of the study might include the number of lawsuits involving principals and the average number of years the principals had served. A study of this type would further expand the current research.

The seventh recommendation would be a future research study on principal's knowledge of the law in relation to social media, smartphones, and technological advances in society. Also, the impact of social media and technology on student constitutional rights should be studied. The internet, social media, and smartphones offer unique challenges for school principals in school settings. Principals and school districts would benefit from a study of this type.

The eighth recommendation for future research would be to administer an assessment of Missouri principals' knowledge of special education laws and the quality of training on teacher and student issues in special education. A study could weigh the number of lawsuits or civil right violations against the legal knowledge of principals. A

study on principals' knowledge, legal responsibilities, and training to limit civil rights violations of special education students would be conducted.

Concluding remarks. The purpose of this study was to examine Missouri secondary school principals' knowledge of the law on teacher and student legal issues. It was also the study's purpose to assess principals' perception of the quality of training regarding teacher and student issues in school law. There were questions on background, type of training received, the effectiveness of training, and teacher and student legal issues. The study revealed principals' knowledge of the law overall as below average. In addition, the study results showed the majority of principals believed the quality of training was somewhat effective. The findings indicated that additional training is needed to improve the knowledge of school principals.

The law is in constant motion and changes rapidly. Today's principals are asked to perform many duties that require legal knowledge. The training principals receive must be effective enough to instill a certain level of confidence, so that the job can be performed satisfactorily. Recommendations for future studies are strongly suggested as this study did not capture all the legal issues that principals encounter on a daily basis.

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Appendices

Appendix A: Principals Law Survey

Principals' Education Law Survey

1 Please indicate your gender

2 Please indicate the state in which you work

3 Please indicate your current title

4 Please indicate whether you currently work in a private or public school

5 Please indicate how many years you have been a school principal, vice principal, or assistant principal

6 Do you consider your school

7 Indicate the range which best describes the student population at your school

8 Please indicate the configuration which best describes the student population within which you currently work.

9 Please indicate your education level

Principals' Education Law Survey

10 Describe any school law training which you have participated (check all that apply)

- Completed law course (college/university level) as part of principal training and/or certification.
- Took law course (college/university level) since assuming principalship.
- Participated in a comprehensive school law workshop or in-service during the past ten years.
- No formal law training.

11 Rank the effectiveness of your school law education

Not effective		Very effective
1	2	3
4	5	



Survey Page 2

Principals' Education Law Survey

12 How concerned are you that a decision you make will be legally challenged?

Not concerned at all		Very concerned
1	2	3
4	5	

13 How much time (per week) do you spend preparing/organizing documentation to avoid/prepare for a

legal challenge?

- 14 Indicate, by legal area, the frequency of legal threats you have experienced.

	1 None	2 Annually	3 Monthly	4 Weekly
Search and seizure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Student freedom of expression	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issues of religion and education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liability regarding student injuries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contract issues/employee rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Special education and Limited English Proficiency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Teacher's academic freedom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Student due process and discipline	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Discrimination and harassment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Abuse and neglect	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- 15 Have you ever changed your administrative decisions as a result of legal threats?

	1 Yes	2 No
School supervision	<input type="radio"/>	<input type="radio"/>
Athletic programming	<input type="radio"/>	<input type="radio"/>
Academic programming	<input type="radio"/>	<input type="radio"/>

	<input type="radio"/> 1	<input type="radio"/> 2
Field trips	<input type="radio"/> 1	<input type="radio"/> 2
Overseas/Overnight travel	<input type="radio"/> 1	<input type="radio"/> 2
Teacher evaluation	<input type="radio"/> 1	<input type="radio"/> 2
Student discipline	<input type="radio"/> 1	<input type="radio"/> 2
Termination of staff	<input type="radio"/> 1	<input type="radio"/> 2



Survey Page 3

Principals' Education Law Survey

- 16 Indicate, by legal area, the frequency of legal suits you have experienced in the past five years that were later **dismissed or settled**.

	1 None	2 1-2	3 3-4	4 More than 4
Search and seizure	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Student freedom of expression	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Issues of religion and education	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Liability regarding student injuries	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Contract issues/employee rights	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Special education and Limited English Proficiency	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Teacher's academic freedom	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Student due process and discipline	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4

Discrimination and harassment	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Abuse and neglect	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Other	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4

- 17 Indicate, by legal area, if any case (s) in the past five years **went to trial** and outcome.

	1 None	2 All decisions against school	3 All decisions for school	4 Decisions split; some for, some against school
Search and seizure	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Student freedom of expression	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Issues of religion and education	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Liability regarding student injuries	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Contract issues/employee rights	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Special education and Limited English Proficiency	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Teacher's academic freedom	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Student due process and discipline	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Discrimination and harassment	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Abuse and neglect	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4
Other	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4

Principals' Education Law Survey

18 What type of legal education have you provided to your school staff in the last two years (check all that apply)?

- Staff meetings dedicated to reviewing key laws/regulations
- Professional development sessions
- Distribution of information to staff
- Information or advice to individual teachers
- Other, please specify

19 When confronted with a legal question, where do you go to get information and/or advice?

	1 infrequent	2	3	4	5 frequent
Central office personnel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School/District lawyer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other principals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Professional organizations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Print or electronic resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Survey Page

Principals' Education Law Survey

Please answer the following 14 true/false questions regarding legal issues related to student rights.

-
- 29 Students may wear t-shirts that criticize school policies as long as they do not cause a significant interference with school operations.

-
- 30 The first amendment protects student speech that is offensive, provocative, and controversial.

-
- 31 School sponsored invocations and benedictions at graduation ceremonies are permitted.

-
- 32 The United States Constitution guarantees the right to an education for everyone between the ages of 6 and 16.

-
- 33 Teachers without special education training cannot be held responsible for implementing a students' Individual Education Plan (IEP).

SUBMIT

Survey Page 6

Principals' Education Law Survey

Please answer the following 20 true/false questions regarding legal issues related to teacher rights and liabilities.

- 34 Teachers can be held liable for any injury that occurs if they leave their classroom unattended.

-
- 35 Teachers may be held liable for their failure to report sexual, physical, or verbal abuse.

-
- 36 It is unconstitutional to study the Bible in a public school.

-
- 37 Teachers can be disciplined for publicly criticizing school policies of community concern.

-
- 38 Teachers have the legal authority to select the texts for their students.

-
- 39 Academic freedom generally protects teachers who discuss controversial subjects if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption.

-
- 40 If a teacher is asked to give a recommendation by a student includes false information in the recommendation that causes a student to be rejected for a job, the teacher can be held liable for libel even if the libel was unintentional.

-
- 41 Teachers are legally prohibited from viewing their students' records unless they receive permission from the parents or the principal.

-
- 42 Public schools can fire a teacher for having a consensual sexual relationship with a student in their school even if the student is over 18.

43 Teachers cannot be held liable for student injuries that occur in breaking up a fight.

44 Teachers/schools can be held liable for educational malpractice.

45 As an agent of the state, a public school teacher is constrained by the Bill of Rights.

46 Teachers can be sued for defamation if their report of student abuse is not substantiated.

47 Schools can be held liable for failing to prevent student sexual harassment.

48 Principals have the right to approve, in advance, supplemental material without violating teachers' academic freedom.

49 Schools can impose rigid dress codes on teachers without violating their rights.

50 If a teacher gives a student a ride home from school without parental permission and the student is injured – not as a result of teacher negligence – the teacher would still be held liable.

51 Under copyright doctrine of "fair use" teachers can duplicate

43 Teachers cannot be held liable for student injuries that occur in breaking up a fight.

44 Teachers/schools can be held liable for educational malpractice.

45 As an agent of the state, a public school teacher is constrained by the Bill of Rights.

46 Teachers can be sued for defamation if their report of student abuse is not substantiated.

47 Schools can be held liable for failing to prevent student sexual harassment.

48 Principals have the right to approve, in advance, supplemental material without violating teachers' academic freedom.

49 Schools can impose rigid dress codes on teachers without violating their rights.

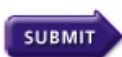
50 If a teacher gives a student a ride home from school without parental permission and the student is injured – not as a result of teacher negligence – the teacher would still be held liable.

51 Under copyright doctrine of "fair use" teachers can duplicate

magazine articles and book chapters for their classes each year if no one is charged for the material.

-
- 52 Academic freedom gives teachers the right to explain their political or religious views or sexual orientation outside of class or in response to student questions in class.

-
- 53 Non-custodial parents have the same right to access their child's school records as custodial parents.



Survey Page 7

Principals' Education Law Survey

- 54 Would your behavior change if you knew the answers to the last 34 true/false law questions?

- Yes
 No



Survey Page 8

Principals' Education Law Survey

- 55 Provide two examples of specific legal advice you provide to your teachers.

-
- 56 Do you have any comments or concerns you would like to

share regarding public school law or the questions asked in this survey?



Survey Page 9

Principals' Education Law Survey

57 Indicate the legal area you feel your teachers have the greatest need for addition information.

- Search and seizure
- Student freedom of expression
- Issues of religion and education
- Liability regarding student injuries
- Contract issues/employee rights
- Special education and Limited English Proficiency
- Teacher's academic freedom
- Student due process and discipline
- Discrimination and harassment
- Abuse and neglect
- Other
- Other, please specify



Principals' Education Law Survey

This document is a replication of the Principals' Education Law Survey, administered using Zoomerang online survey services. All participants are welcome to use this survey and accompanying answers/short explanations to support their own as well as their teachers' understanding of public school law. At the close of this document, a short resource list will be provided.

Section 1: Student Rights (14 questions)

1. School officials may legally search a student's personal belongings without specific reason.

False. *In New Jersey v. T.L.O., the Supreme Court ruled that public school officials must have "reasonable suspicion" to search students and that such suspicion must be reasonable in "scope" and "inception."*

2. Students who refuse to salute the flag may be required to stand in respectful silence.

False. *Students who refuse to salute the flag may not be required to stand or leave the room and may remain seated.*

3. Law enforcement officials requesting permission to search a student at school must have probable cause.

True. *Unlike school personnel, police must have probable cause to believe that individual students possess illegal items before searching them.*

4. Students that choose to participate in extracurricular activities may be subjected to random drug testing.

True. *The Supreme Court. Has ruled that schools may require students to sign waivers to allow random, suspicion less drug testing before participating in competitive athletics or extra-curricular activities.*

5. Schools may require all students to wear uniforms without violating student rights.

True. *Students have no constitutional right to dress as they wish.*

6. Before students are suspended for 5-10 days, they have a constitutional right to a hearing where they can bring a lawyer to advise them.

False. Before being suspended for 1 to 10 days, students only have a constitutional right to an informal hearing, but they have a right to bring a lawyer in cases of possible expulsion.

7. Students have the right to promote their political beliefs to other students at school.

True. The First Amendment protects student freedom to peacefully promote their political or religious beliefs.

8. School officials must permit students to distribute controversial religious materials on campus if it does not cause a disruption.

True. Student freedom of expression includes the right to non-disruptively share controversial religious beliefs verbally or in writing.

9. Students have a constitutional right to participate in extracurricular activities.

False. Schools have no duty to provide extra-curricular activities, and participation is not a constitutional right.

10. Students may wear t-shirts that criticize school policies as long as they do not cause a significant interference with school operations.

True. Students have a right to criticize school policies verbally, in writing, or on T-shirts as long as they don't cause substantial disruption.

11. The First Amendment protects student speech that is offensive, provocative, and controversial.

True. Controversial, provocative, or even offensive speech is protected by the First Amendment if it does not cause disruption or interfere with the rights of others.

12. School sponsored invocations and benedictions at graduation ceremonies are permitted.

False. The Supreme Court has rules that school sponsored graduation prayers at public schools violate the Establishment Clause of the First Amendment.

13. The United States Constitution guarantees the right to an education for everyone between the ages of 6 and 16.

False: the US constitution says nothing about education. 14. Teachers without special education training cannot be held responsible for

implementing a students' Individual Education Plan (IEP).

False: All classroom teachers may be held responsible for implementing their students IEP (Individualized Education Program).

Section 2: Teachers' Rights & Responsibilities

1. Teachers can be held liable for any injury that occurs if they leave their classroom unattended.

False. Teachers can only be held liable if they are negligent (i.e., they fail to act with reasonable care) and their negligence causes the injury. Most injuries are the result of accidents, not negligence.

2. Teachers may be held liable for their failure to report sexual, physical, or verbal abuse.

True. Teachers are mandatory reporters of student abuse and neglect. 3. It is unconstitutional to study the Bible in a public school.

False. Although public schools may not promote religion, the Bible can be studied objectively as part of secular courses, such as literature or history.

4. Teachers can be disciplined for publicly criticizing school policies of community concern.

False. The First Amendment protects teachers when they speak or write publicly and critically as citizens about matters of public concern, including education policies. Personal complaints are not protected.

5. Teachers have the legal authority to select the texts for their students.

False. School boards have the authority to select texts.

6. Academic freedom generally protects teachers who discuss controversial subjects if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption.

True. Although academic freedom is limited in K-12 schools, it usually allows teachers to discuss controversial subjects if their comments are balanced, relevant, age-appropriate, and not disruptive.

7. If a teacher is asked to give a recommendation by a student includes false information in the recommendation that causes a student to be rejected for a job, the teacher can be held liable for libel even if the libel was unintentional.

False. When teachers give recommendations as part of their job, they are protected by a qualified privilege. This means that they can't be held liable for defamation for false information that they had reason to believe was true.

8. Teachers are legally prohibited from viewing their students' records unless they receive permission from the parents or the principal.

False. The Family Education Rights and Privacy Act (FERPA) protects student records from being shared with outsiders without parental permission but permits access by educators who have "legitimate educational interests" in seeing the records.

9. Public schools can fire a teacher for having a consensual sexual relationship with a student in their school even if the student is over 18.

True. Schools can prohibit consensual sexual relations between teachers and students of any age to avoid conflicts of interest.

10. Teachers cannot be held liable for student injuries that occur in breaking up a fight.

True. The federal Teacher Liability Protection Act protects teachers from liability for injuring students while enforcing discipline even if the teacher is negligent.

11. Teachers/schools can be held liable for educational malpractice.

False. Courts have declined to hold teachers or schools liable for educational malpractice.

12. As an agent of the state, a public school teacher is constrained by the Bill of Rights.

True. *Since public schools operate as state agencies, teachers' actions are constrained by the Constitution, which prohibits government employees from violating students' rights.*

13. Teachers can be sued for defamation if their report of student abuse is not substantiated.

False. *As long as teachers have a "reason to believe" that abuse took place, they cannot be held liable for defamation even if an investigation proves that no abuse took place.*

14. Schools can be held liable for failing to prevent student sexual harassment.

False. *The Supreme Court has held that schools cannot be held liable for failing to prevent peer sexual harassment. Schools can only be held liable for their "deliberate indifference" after officials have been informed of abuse that is "severe, pervasive, and objectively offensive" and the schools' action or inaction is "clearly unreasonable." In addition, the Court ruled that school districts will only be liable for a teacher's harassment when the district is "deliberately indifferent to known acts of sexual harassment by a teacher."*

15. Principals have the right to approve, in advance, supplemental material without violating teachers' academic freedom.

True.

16. Schools can impose rigid dress codes on teachers without violating their rights.

True. *Although many schools have no written dress code for teachers, they may impose strict, professional dress codes if they wish.*

17. If a teacher gives a student a ride home from school without parental permission and the student is injured – not as a result of teacher negligence – the teacher would still be held liable

False. *Although many schools discourage teachers from driving students in their cars, teachers cannot be held liable for a student's injury unless it is proven that negligent driving caused the injury.*

18. Under copyright doctrine of "fair use" teachers can duplicate magazine articles and

book chapters for their classes each year if no one is charged for the material.

False. Fair use only allows for the one time limited duplication of copyrighted material when the teacher's decision is "spontaneous", and there is no time to get permission.

19. Academic freedom gives teachers the right to explain their political or religious views or sexual orientation outside of class or in response to student questions in class.

False. Although many teachers discuss their personal views and beliefs with their students, academic freedom does not give them a constitutional right to do so.

20. Non-custodial parents have the same right to access their child's school records as custodial parents.

True. Under FERPA (Family Educational Rights and Privacy Act) non-custodial parents have the right to access their child's records

Appendix B: Educational Law Survey

Education Law Survey

Thank you for lending your time and experience to this project. The purpose of this study is to obtain information concerning teachers' legal literacy, and enrich professional development that can provide teachers with skills and knowledge that are both valuable and practical in the classroom environment. Thanks again for your contribution.

I. Background Information

1. Please indicate your gender: a. Male b. Female
2. Please indicate the state in which you work (use the two letter postal abbreviation): _____
3. Please indicate how many years you have been teaching by circling the appropriate choice below.
 - a. Teacher in training
 - b. Less than 3 years
 - c. 3-10 years
 - d. More than 10 years
4. At what type of school do you, or will you, teach?
 - a. Elementary school
 - b. Middle school
 - c. High school
5. Do you consider your school: a. Urban b. Suburban c. Rural
6. If you are now teaching, please indicate the group of students with whom you work most closely.

- a. Special education
- b. Limited English Proficiency
- c. General education students
- d. Other (Please Specify): _____

7. Current educational level:

- a. Bachelor
- b. Masters
- c. Masters +30
- d. Doctorate

8. Please mark any of the following:

- a. I took a course on school law during my teacher certification.
- b. I took a course on school law since I have been teaching.
- c. I have attended a comprehensive school law in-service in my district or school during the past ten years.
- d. None of the above

II. Knowledge of School law

9. Please indicate your level of legal knowledge as it pertains to the following topics:

Knowledge

Level of

a. Search and Seizure

(desks, lockers, Backpacks, drug testing)

b. Student Freedom of Expression

(students wearing controversial clothing, using controversial spoken and written language)

c. Issues of Religion and Education

(celebrating holidays, prayer groups, teaching creationism)

d. Liability Regarding Student Injuries

(breaking up fights, restraining students)

e. Contract Issues/Employee Rights

(grievances, union representation, extra duties, compulsory union membership)

f. Special Education and LEP

(adhering to IEPs, 504s, disciplinary action)

g. Teacher's Academic Freedom

(discussion of controversial topics in class, using controversial materials or methods)

h. Student Due Process and Discipline

(zero tolerance, suspensions and expulsions, detentions)

i. Discrimination and Harassment

(based on race, ethnicity, gender, sexual orientation)

j. Abuse and Neglect

(reporting requirements, severity and nature of injury)

--

Legal issues

None Inadequate Adequate Proficient

10. Please answer the following student rights questions as

True/False/Unsure

Student Rights	True	False	Unsure
School officials may legally search a student's personal belongings without a specific reason.			
Students who refuse to salute the flag may be required to stand in respectful silence.			
Law enforcement requesting permission to search a student at school must have probable cause.			
Students that choose to participate in competitive athletics may be subjected to random drug testing.			
Schools may require all students to wear			

uniforms without violating student rights			
Before students are suspended for 5-10 days, they have a right to a hearing where they can bring a lawyer to advise them.			
Students have the right to promote their political beliefs to other students at school.			
School officials must permit students to distribute controversial religious materials on campus if it does not cause a disruption.			
Students have a constitutional right to participate in extracurricular activities.			
Students may wear t-shirts that criticize school policies as long as they do not cause a significant interference with school operations.			

The First Amendment protects student speech that is offensive, provocative, and controversial.			
Invocations and benedictions at graduation ceremonies are permitted.			

11. Please answer the following teacher rights/liability questions as True/False/Unsure

TEACHER RIGHTS/LIABILITY	True	False	Unsure
a. Teachers can be held liable for any injury that occurs if they leave their classroom unattended.			
b. Teachers may be held liable for their failure to report sexual, physical, or verbal abuse.			
c. It is unconstitutional to study the Bible in a public school.			
d. Teachers can be disciplined for publicly criticizing school policies of community concern.			
e. Teachers have the legal			

authority to select the texts for their students.			
f. Academic freedom generally protects teachers who discuss controversial subjects if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption.			
g. If a teacher is asked to give a recommendation by a student and includes false information in the recommendation that causes a student to be rejected for a job, the teacher can be held liable for libel even if the libel was unintentional.			
h. Teachers are prohibited from viewing their students' records unless they receive permission from the parents or the principal.			
i. Public schools can fire a teacher for having a consensual sexual relationship with a student in their school even if the			

student is over 18.			
j. Teachers cannot be held liable for student injuries that occur in breaking up a fight.			
k. Teachers/schools can be held liable for educational malpractice.			
l. As an agent of the state, a public school teacher is constrained by the Bill of Rights.			
m. Teachers can be sued for defamation if their report of student abuse is not substantiated.			
n. Schools can be held liable for failing to prevent student sexual harassment.			
o. Schools have the right to require supplemental material approval by administrators in advance without violating teachers' academic freedom.			
p. Schools can impose rigid dress codes on teachers without violating			

their rights.			
q. If a teacher gives a student a ride home from school without parental permission and the student is injured- not as a result of teacher negligence- the teacher would still be held liable.			

III. Level of Interest in School Law

12. Please note your level of interest in learning more about the following education law topics:

Level of Interest

a. Search and Seizure

(desks, lockers, backpacks, drug testing)

b. Student Freedom of Expression

(students wearing controversial clothing, using controversial spoken or written language)

c. Issues of Religion and Education

(celebrating holidays, prayer groups, teaching creationism)

d. Liability Regarding Student Injuries

(breaking up fights, restraining students)

..

e. Contract Issues/Employee Rights

(grievances, union representation, extra duties, compulsory union membership)

.

f. Special Education and LEP

(adhering to IEPs, 504s, disciplinary action)

.

g. Teacher's Academic Freedom

(discussion of controversial topics in class, using controversial materials or methods)

.

h. Student Due Process and Discipline

(zero tolerance, suspensions and expulsions, detentions)

..

i. Discrimination

(based on race, ethnicity, gender, sexual orientation)

.

j. Abuse and Neglect

(reporting requirements, severity and nature of injury)

...

Legal issue

Not interested

Minimally interested

Interested Very Interested

IV. Sources of Legal Information

13. How much of your current knowledge or perceptions about education law did you receive from the following sources? 0 – none; 1 – minimal; 2 – moderate, 3 –

substantial.

- ____ b. Teacher education program ____ c. In-services/professional development/courses while teaching ____ d. Other teachers ____ e. Administration ____ f. The media (e.g. TV or newspapers...please specify _____) ____ g. Parents, their lawyers or their advocates ____
- h. Other sources (Please specify _____)

V. Open Ended

14. Would any of your behavior as a teacher be different if you knew the answers to the questions above? Yes/No. If yes, in what ways- please name specific topics or questions.

15. Are there any comments or suggestions about school law you would like to share?

Thank You

APPENDIX E REVIEW OF SURVEY INSTRUMENTATION

Summary of Survey Instruments

Author

Title

Q

% Ret.

Participant

Types questions

Area of law

Description

Moore (1997)

School law survey

55.5 % 333

Teachers

15 – participant background 18 – Agree/Disagree law scenarios

*Student rights *Teacher rights *Tort

First section collects demographic data from participant as well as some perceptive data regarding school law.

Paul (2001)

School law

Teachers

45 – T/F broken into 5 categories 8 – participant background

*Employment *Freedom of expression/academic freedom *Religious freedom *Teacher ethics *Liability

A comprehensive survey of school law – uses simple scenarios to assess educator knowledge.

Przybysewski, et al. (1991)

Questionnaire on school law

40

190

MS teachers

5 – participants' background 35 – T/F. Key words are underlined.

*Teacher rights & responsibilities *Student rights *Instruction *Health & safety

A good number of absolute type questions (all, never, none. Participant background is simple; sex, years, level, school location, & law education.

Survey of Children's Legal Rights

Sametz, et. al (1982)

40 %

Preservice teachers

4 – participants' background 36 – 11 scenarios (short paragraphs) with 2-6 Likert scaled questions following.

14 – participants' background 40 – T/F

33 – Breaks into two columns; Knowledge & Attitude

An interesting survey, scenarios are (with the exception of one Amish scenario) fairly realistic. Custody/divorce questions would not be applicable.

Online survey that has the most comprehensive background section dealing with school law preparation. T/F questions are simple straightforward statements.

Both knowledge & attitude – interesting!

Continued, next page.

Brabrand (2003)

Schimmel I (2005)

School Law and Virginia Public School Principals

Not named

54 61.5 %

312

Principals

*Child abuse *Freedom speech/press *Suspension/expulsion *Corporal punishment
*Juvenile court *Special education *Divorce/Child custody *School vandalism *School attendance *Student issues *Teacher/admin issues

*Tort liability *Church/state relations

Rights of teachers – dismissal

Teacher, parent, admin.

Author

Title

Q**Participant****Types of questions****Area of law****Description**

Wheeler (2003)

Survey of Teachers Perceptions of School Law

60

50 % 265

25/25 - Yes/No & Likert scale questions - (Odd numbered questions ask if participant feel they have ample knowledge in given area of law, Even numbered questions ask participant to rank the level of importance along a five point Likert scale) 10 – Participant background

*Church/State *Curriculum/Instruction *Students' Rights

*School discipline *Terms/conditions of employment *Liability/grievance/due process

Only collects perceptive data, all law knowledge is self-reported. Only survey that asks participant to document GPA in background section.

Lantgaiane & Schimmel (2005)

*Appears to be a modification of online Harvard Graduate School survey.

Bounds (2000)

Singletary (1996)

Education 18 ??% Law Survey 272

10 – Participant background 2- Perception m/c questions

2 – Legal knowledge Likert scaled questions – ask participant to rank A) level of knowledge and B) level of interest.

1 – 0-4 scale question about sources of legal knowledge 3 – short answer regarding law impact/concerns.

6 – Participant background 35–T/F–Short statements that test legal knowledge

*Search/seizure *Student freedom express. *Religion/education

*Liability- student injuries *Contract issues/rights *Special education *Teachers academic freed. *Due process/discipline e *Discrimination *Abuse & neglect *Corporal punishment *Religion *Freedom of speech and expression *Search and Seizure *Due Process *Tort Liability *Expression *Religion *Suspension/Expulsion *Attendance *Search Seizure *Corporal punishment *Special education n *Vandalism *Child abuse *Divorce/Child custody

Similar to Wheeler, legal knowledge is self- reported. Survey gathers information about sources of legal knowledge. Possibly this survey bites off too much.

A simple survey. A good test of legal knowledge.

Very similar to the Sametz, et al, survey. Uses five-point scale for each question – Definitely true to definitely false.

Mississippi 41 65% Educators' 389 Knowledge of 63% School Law 688 Survey 78%

Not named 50 46% 42 demographics

44% 49 – Broken into 10 40 scenarios – 3-7 30% questions follow each 116 scenarios

6 – Participant

Preservice Teachers Preservice Teachers Superintendent Principal Principals Teachers Superintendent

What These Surveys Reveal Distribution

None of the surveys reviewed were multi-state and while the majority of the questions in each survey could be applied nationally, a small percentage of questions on several surveys asked questions specific to the state within which the survey was distributed.

Participant background/demographic All surveys reviewed had some degree of data collection regarding participant

Background. The types of data collected ranged from the untitled survey (Schimmel, 2005) in which the participant is asked to answer a simple question, “I am a... (teacher, administrator, parent or student teacher).” Other surveys ask up to fifteen demographic questions (Moore, 1997) including size of school, teaching experience, gender and age. Other demographic information collected included memberships in professional organizations (Bounds, 2000), grade point average (Wheeler, 2003), and level of

certification (Paul, 2001).

Law training Many surveys also make an attempt, to varying degrees, to collect some information regarding pre-service education related to school law and/or ongoing professional training regarding school law. Moore (1997), Paul (2001), Singletary (1996) and Przybysewski, et.al. (1991) ask if the participant had participated in a workshop, in-service or course in school law. Brabrand (2003) asked principals how they obtain their legal information and if they read any law related literature regularly. Lantgaigne (2005)

In a survey developed through Harvard Graduate School of Education asks a more detailed set of questions about how teachers obtain their legal knowledge including several open-ended questions, “What legal advice have you gotten from other teachers and principals?”

Format The surveys apply a variety of formats including;

- . 1) True/False (or Yes/No or Agree/Disagree). Most include a “not sure” category,
- . 2) Multiple choice,
- . 3) Scenarios. Short paragraphs upon which participants complete a set of Likert scaled responses,
- . 4) Statements. Short statements followed by a Likert scale response menu. Are arranged as standard question and within a grid,
- . 5) Open response questions. **Knowledge versus Perception** Several surveys make an attempt to collect information regarding school law.

The surveys could be grouped into two basic categories:

- . 1) Surveys that gathered information regarding educator perceptions of school law,
- . 2) Surveys that tested the legal knowledge of educators. Several surveys deal with educator perceptions of school law. Moore (1997) asks

educators how they feel about the need for school law preparation for both inexperienced and experienced teachers. Wheeler (2003) makes pre-service teacher perceptions of school law his focus in asking the participant to rank (from high importance to no

importance) various areas of school law. Lantaigne (2005) collects data that asks the participant to rank along an interest continuum (not interested to very interested) ten legal areas. She also asks the participant to answer two multiple-choice questions dealing with perception and one open-response question. Schimmel (2005) also asks participants to express their attitude regarding teacher rights, more specifically, if a teacher should be dismissed after a short scenario is presented.

Surveys that deal with educator knowledge of school law are also varied. Most significantly, studies can be grouped into two subcategories; studies that assess knowledge of school law and studies that ask the participant to self-report their knowledge of school law. Several surveys ask the participant to demonstrate knowledge of school law by responding to school law statements that are true or false (Moore, 1997; Paul, 2001; Prybysewski, et.al, 1991; Brabrand, 2003; Bounds, 2000). Others use scenarios and a Likert scaled response menu to assess legal knowledge (Sametz, et.al, 1982; Singletary, 1996). Two studies ask the participant to self-report school law knowledge. Wheeler (2003) asks if participants feel they have ample knowledge of law in several areas of school law and Lantaigne (2005) asks the participant to rank their level of knowledge (from none to proficient) in 10 legal areas.

Absent from Surveys Reviewed One of the more intriguing questions reviewed was asked by Brabrand (2003).

The question asks, “Have you ever been involved in litigation during your time as principal?” This question leads to a line of questioning that seeks to better understand how legal knowledge and litigation have impacted the decisions that are made in schools and classrooms each day. This question raises the possibility of including questions, perception questions that would ask the participant to link their knowledge (or lack thereof) of school law to the school environment and student learning. Questions such as, do you feel you could be sued by a student, if so, how does this impact how you interact with students each day? Thus, generally, a link between knowledge of school law and student learning is not made in any of the surveys reviewed.

APPENDIX F OPEN RESPONSE QUESTION #56

Question 56 provides the participants an open-ended opportunity to share any comments or concerns they may have regarding public school law or the questions asked in the survey. One hundred, eighty-eight, or 38%, provided some response in the field provided.

Table 4-12 provides an overview of the types of responses categorized by theme, all responses can be found in Appendix 4-3.

Of those who responded, 36% answered “no” indicating they did not have any comments or concerns regarding the survey or, more generally, public school law. Coupled with the 304 who chose not to provide any response to this question, it would follow that the majority of participants had no concerns or comments to share. The second most frequently cited theme was a request for additional information, “I’d like to know all the answers to the questions” (Eberwein, 2007, question 56, #13) and, in some cases, their scores, “I would like to know how I did on the legal questions” (#90). It should be noted that at the close of the survey, participants were provided a link to a pdf file, which provided each question, the answer and an accompanying short explanation. The fact that participants would have access to the answers was also communicated at the start of the survey on the consent page.

Eleven percent of those responding to question 56, seven percent of the overall survey sample, indicated some concerns about the survey. Some suggest “questions were open to interpretation” (#23), while others cite a specific question “#40 is poorly worded. It makes no sense (sic) as written” (#45). Finally, some suggest the conditional nature of questions which made answering a challenge,

Questions 23, 29, 32, and 38 and probably others would depend on local SB policies, State SB policies, or law of the state. You are interesting in how you ask these and it appears that there is an agenda to say that Principal's do not know when in fact they may know what you do not! Their local and state board policies and state law! (#87)

Seven percent of participants cite the importance of law training, “Every administrator needs a yearly in-service by attorneys, not district office personnel,

On updated laws as they change” (#171). Others (6%) cite the confusing and circumstantial nature of school law, “There are many variables and circumstances that create unique interpretations of school law” (#38). Several (5%) NASSP members teaching in private or parochial schools comment on the differences between law application in their organizations, “Since I have only worked in Catholic School all of the career, I am not as certain of the constitutional law of a school versus what a reasonable person would do in all circumstances” (#72).

Four percent of participants acknowledge the survey as “interesting” (#121), “excellent”

(#123) and “made me think” (#129), while an additional four percent cite a specific law area of need or concern such as special education and academic freedom. Two percent of respondents cite concerns over enforcement, “I wish the Federal Circuit courts and the Supreme Court were more consistent in their rulings” (#174), that the lawyer is often used as a resource, “It is always best to consult a lawyer if you are uncertain” (#138), and that they (and others) are fearful of the law, “you cannot do the job if always in fear of a lawsuit” (#34). Two participants stressed the importance of documentation in preparing for legal challenge. Finally, a compelling question was raised about the constraints of time, “How can we keep up with the changes in school law while keeping ahead in the race for better scores also? Time is an issue for getting more training” (#83). Table F-1. Open Ended Question 56 – Comments or Concerns

Responses by theme	Hits	%
No	67	36
Would like to know answers to survey, want to know score	35	19
Were confused with some aspect of survey	21	11
Acknowledged importance of school law training	14	7
Commented on confusing/circumstantial nature of law	12	6
Commented on application in public versus private setting	9	5

Suggested survey was interesting, law knowledge important	8	4
Cited a particular law area of interest or weakness	8	4
Complained about enforcement, courts/school board	4	2
Suggested that the lawyer is often used as resource	4	2
Fear of law, lawsuit	3	2
Importance of documentation	2	1
Concern about time spent balancing law with other demands	1	1
Total	188	100

APPENDIX G LIMITATIONS

As with all survey-based research, there are limitations in interpretation of the results. While the instrument in this study was used in a previous research project (Schimmel, Militello, & Eberwein, 2007) and pilot tested prior to implementation, differing interpretation of questions may influence the response to some items. Both the corrected item-total correlation (r_{pbi-c}) and the Cronbach alpha were generated to measure the reliability of the survey instrument. Corrected-item scores over .3 suggest that an item is measuring what the test is trying to measure and Cronbach alpha values of .7 or higher suggest a reliable instrument in that there is a high degree of internal consistency among questions. The Cronbach alpha for both the student rights and the teacher right/liability

questions were .48, well under the .7 standard. Additionally, of the 34 questions, only two exceeded the .3 corrected-item standard with an additional six approaching the standard. This brings into question the reliability of the instrument and limits the ability to generalize the overall research findings.

A second limitation is overall response rate. The literature is somewhat conflicted over acceptable response levels and studies indicate expected electronic return rates vary from 6 – 60%. Of 8000 electronic invitations sent, 717 visited and 493 completed the full survey. This equates to an

Appendix C: Eberwein/Rivers Survey

This document is a partial replication of the Eberwein Principals' Education Law Survey. All participants are welcome to use this survey and accompanying answers/short explanations to support their own as well as their teachers' understanding of public school law. At the close of this document, a short resource list will be provided.

Principals' Education Law Survey

1. Please state the type of school district in which you work.
Urban, Rural, or Suburban
2. How many years have you been a principal?
3. Select any school law training which you have participated.
 - Completed law course (college/university level) as part of principal training and/or certification
4. Please rate the effectiveness of that training since assuming principalship
1 as highly ineffective, 2 as ineffective, 3 as somewhat effective, 4 as effective and 5 as highly effective
5. Have you participated in a comprehensive school law workshop or in-service training?

Please answer the following questions true/false questions regarding legal issues related to teacher rights and liabilities.

6. Teachers can be held liable for any injury that occurs if they leave their classroom (Yes).
7. Teachers may be held liable for their failure to report sexual, physical, or verbal abuse (Yes).
8. Teachers can be disciplined for publicly criticizing school policies of community concern (False).
9. Teachers have the legal authority to select the texts for their students (False).
10. Academic freedom generally protects teachers who discuss controversial subjects if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption (True).
11. Teachers are legally prohibited from viewing their students' records unless they receive permission from the parents or the principal (False)
12. Teachers cannot be held liable for educational malpractice ((True).
13. As an agent of the state, a schoolteacher is constrained by the Bill of Rights (True).
14. Principals have the right to approve, in advance, supplemental material without violating teachers' academic freedom (True).
15. Schools can impose rigid dress codes on teachers without violating their rights (True).
16. Teachers cannot be held liable for student's injuries that occur in breaking up a fight (True).

Please answer the following questions regarding legal issues related to student rights.

- 17.** Students may wear t-shirts that criticize school policies as long as they do not cause a significant interference with school operations (True).
- 18.** School sponsored invocations and benedictions at graduation ceremonies are permitted (True).
- 19.** The United States Constitution guarantees the right to an education for everyone between the ages of 6 and 16 (False).
- 20.** The first amendment protects student speech that is offensive, provocative, and controversial (True).
- 21.** Teachers without special education training cannot be held responsible for implementing a students' individual Education Plan (IEP) (False).
- 22.** Before students are suspended for 5-10 days, they have a constitutional right to a hearing where they can bring a lawyer to advise them (False).
- 23.** Students have the right to promote their political beliefs to other students at school (True).
- 24.** Students have a constitutional right to participate in extracurricular activities (False).
- 25.** School officials must permit students to distribute controversial religious materials on campus if it does not cause a disruption (True).

Appendix D: IRB Request



School of education

Date: May 30, 2017
IRB PROTOCOL NUMBER

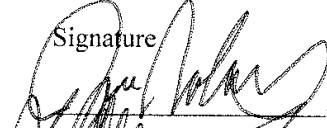

Graduate department

(irb USE ONLY)

IRB REQUEST
Proposal for Research
Submitted to the Baker University Institutional Review Board

I. Research Investigator(s) (Students must list faculty sponsor first)

Department(s) School of Education Graduate Department

Name	Signature	
1. Dr. James Robins		Major Advisor
2. Dr. Phillip Messner		Research Analyst
3. Dr. Susan Rogers		University Committee Member
4. TBA		External Committee Member

Principal Investigator: Jesse Rivers
Phone: (816) 724-6053
Email: jriversedd@gmail.com
Mailing address: 9111 Manchester Ave.
Kansas City, Missouri 64138

Faculty sponsor: Dr. James Robins
Phone: (913) 344-1222
Email: jim.robins@bakeru.edu

Expected Category of Review: ___ Exempt X Expedited ___ Full

II: Protocol:

The Assessment of Legal Knowledge and Perception of Quality of Training of Missouri School Principals Regarding Teacher and Student Issues in School Law

Summary

In a sentence or two, please describe the background and purpose of the research.

This study has two purposes. The first purpose was to determine principals' knowledge of schools laws pertaining to students and teachers to assist administrators to become more responsive to the realities of the education organization concerning school laws. The second purpose of this study was to determine school principals' perception of quality of legal training on teacher and student issue.

Briefly describe each condition or manipulation to be included within the study.

There are no conditions or manipulations in this study.

What measures or observations will be taken in the study? If any questionnaire or other instruments are used, provide a brief description and attach a copy.

The investigator used twenty-five questions of the Eberwein principals' law survey in this study. A copy of the Eberwein partial principal's survey is attached.

Will the subjects encounter the risk of psychological, social, physical, or legal risk? If so, please describe the nature of the risk and any measures designed to mitigate that risk.

There are no psychological, social, physical, or legal risks involved in this study.

Will any stress to subjects be involved? If so, please describe.

There will be no stress on subjects involved in this study.

Will the subjects be deceived or misled in any way? If so, include an outline or script of the debriefing.

The participants will not be deceived or misled in this study.

Will there be a request for information which subjects might consider to be personal or sensitive? If so, please include a description.

Yes, certain limited data in regards to personal background as a principal and legal training was used in this study. However, steps will be taken to ensure strict confidentiality is maintained to protect any personal information provided in answering the questionnaire. The survey is voluntary and does not require participants to state their name, permanent fixed address, or email address to complete the questions.

Will the subjects be presented with materials which might be considered to be offensive, threatening, or degrading? If so, please describe.

No, there will be no materials that might be considered offensive, threatening, or degrading presented to study participants.

Approximately how much time will be demanded of each subject?

Approximately 10-15 minutes will be demanded of each participant.

Who will be the subjects in this study? How will they be solicited or contacted? Provide an outline or script of the information which will be provided to subjects prior to their volunteering to participate. Include a copy of any written solicitation as well as an outline of any oral solicitation.

The subjects in this study will be secondary (middle and high school) public school principals. The subjects will be solicited by letters sent via email. The major advisor will write a letter of introduction explaining the process and what is needed to complete the survey. The investigator will write a letter explaining procedures and provide directions in order to answer each question.

What steps will be taken to insure that each subject's participation is voluntary? What if any inducements will be offered to the subjects for their participation?

The questionnaires will be distributed to all participants but the completion of the survey is strictly voluntary. There was no pursuit of participation or inducement of any kind to participate.

How will you insure that the subjects give their consent prior to participating? Will a written consent form be used? If so, include the form. If not, explain why not.

A written consent form will not be use. However, the completion and return of the survey will serve as the basis for consent.

Will any aspect of the data be made a part of any permanent record that can be identified with the subject? If so, please explain the necessity.

No, the data will not be made a part of any permanent record that can be identified with the subject.

Will the fact that a subject did or did not participate in a specific experiment or study be made part of any permanent record available to a supervisor, teacher or employer? If so, explain.

No, there will be no record of any kind in regards to whether the subject did or did not participate.

What steps will be taken to insure the confidentiality of the data? Where will it be stored? How long will it be stored? What will be done with it after the study is completed?

The questionnaires will be collected and stored at a secured location until a date for destruction is determined.

If there are any risks involved in the study, are there any offsetting benefits that might accrue to either the subjects or society?

There are no known risks for participants involved in the study.

Will any data from files or archival data be used? If so, please describe.

1. No data from files or archival data will be used.

Appendix E: IRB Approval

Baker University Institutional Review Board

June 1, 2017

Dear Jesse Rivers and Dr. Robbins:

The Baker University IRB has reviewed your research project application and approved this project under Expedited Status Review. As described, the project complies with all the requirements and policies established by the University for protection of human subjects in research. Unless renewed, approval lapses one year after approval date.

Please be aware of the following:

1. Any significant change in the research protocol as described should be reviewed by this Committee prior to altering the project.
2. Notify the IRB about any new investigators not named in original application.
3. When signed consent documents are required, the primary investigator must retain the signed consent documents of the research activity.
4. If this is a funded project, keep a copy of this approval letter with your proposal/grant file.
5. If the results of the research are used to prepare papers for publication or oral presentation at professional conferences, manuscripts or abstracts are requested for IRB as part of the project record.

Please inform this Committee or myself when this project is terminated or completed. As noted above, you must also provide IRB with an annual status report and receive approval for maintaining your status. If you have any questions, please contact me at EMorris@BakerU.edu or 785.594.7881.

Sincerely,



Erin Morris PhD
Chair, Baker University IRB

Baker University IRB Committee
Joe Watson PhD
Nate Poell MA
Susan Rogers PhD
Scott Crenshaw