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## Relevant Legal Information for Public School Teachers

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### Abstract

This paper presents the findings of a study involving the legal literacy of undergraduate students enrolled in a school law course designed for pre-service teachers. The researcher conducted this study in order to evaluate her students' growth and interest in the topic. She was most concerned if students learned the course content and which specific topics students found to be most relevant to their future roles as teachers. Data was collected over six semesters. There were 782 students who completed a survey and 30 who were later selected to participate in more in-depth focus groups. The findings suggest that pre-service teachers increased their knowledge about legal issues and that they considered the several legal topics covered in the course relevant to their future teaching careers.

### Keywords

Law, Teacher Education, Leadership

### INTRODUCTION

School districts often spend several thousand dollars per year on litigation related to everything from student speech to special education to personnel issues (Andren, 2010). School officials also take hours away from important instructional time in order to address legal issues that, in many cases, could have been avoided if they had received training in this area (Andren, 2010). Research suggests that many educators consider the study of legal issues to be the third most essential area of teacher preparation (Davis & Williams, 1992; Garner, 2000; Traynelis-Yurek & Giacobee, 1992). Furthermore, Militello (2006) found in a survey of more than 500 public school principals in Massachusetts that they identified "legal aspects" as the most important area to include in professional development for new principals and the second most important area for experienced principals.

This paper presents the findings of a study involving the legal literacy of undergraduate students enrolled in a required three-credit school law course in their pre-service program. I was most concerned if students gained new knowledge about school legal issues and which specific topics students found to

be most important for their future teaching careers. This article first highlights findings from a study that was completed in 2010 involving 782 undergraduate students who responded to survey questions about the content of the course.<sup>1</sup> The researcher was interested in learning whether students were gaining new and important knowledge of school law. Next, the study reports findings from focus groups that were held with selected students to learn what topics they believed to be most important to their future jobs.

### Setting/Background

The study took place in a four-year teacher education program at a public midwest university. This university is one of the few universities in the United States that provides school law instruction to undergraduate students. Since 2002, a three-credit required course of "Legal/Ethical Issues" has been required for students majoring in education. Students enrolled in this course are usually juniors and seniors, with some sophomores.

The course covers the following topics: student expression, teacher expression, collective bargaining, special education law, negligence, student discipline, search and seizure, teacher privacy, child abuse, student classifications, bullying, harassment, desegregation, employment discrimination, collective bargaining, church/state relations, instructional issues, and teacher dismissal. The purpose of the course is to examine the legal issues that teachers may confront on a daily basis in public schools. The objectives are to introduce students to various legal issues and to identify those issues inherent in schools; to explore various legal principles and their applications; and to analyze current school practices from the standpoint of potential legal controversies. In addition to identifying pragmatic approaches to the law, this course also aims to involve students in academic discourse involving issues of social justice and the democratic underpinnings of education.

### Procedures

Data on pre-service teachers' knowledge and attitudes of the law on issues of equity and social

<sup>1</sup> These data were reported in 2010 and 2011 at the National Science Foundation's sponsored Noyce Conference in Indiana and Washington D.C.

justice were collected through an anonymous survey. Subjects of this study are teacher education students who were enrolled in “Legal/Ethical Issues” in spring semester 2006, fall semester 2006, spring semester 2007, fall semester 2007, spring semester 2008, and fall semester 2008.<sup>2</sup> The survey contains 12 multiple-choice questions (see appendix A). The same questionnaires were administered by a graduate assistant in this school law class twice in each semester: at the beginning of the semester and before the end of semester. Data were collected either at the beginning of the class or before the end of class period, when the principle investigator, who is also the instructor for this course, was not present. Students were informed that the survey was anonymous and that participation was totally voluntary. This data collection process generated pre-test and post-test responses in each of the six semesters. A total of 782 questionnaires were collected. After deleting 12 cases with missing values,<sup>3</sup> the number of questionnaires collected at the six data collection points is shown in Table 1.

At the end of each semester, focus groups were conducted with students from the course to ask more in-depth questions. Specifically, six different focus groups with four to six students participated after each semester. A total of 30 students participated in the focus groups. At the end of the course, the instructor sent an email to the class asking for volunteers. The first six students to respond were selected. Twenty of the students were juniors, and 10 were seniors. During the focus groups, the students were asked to discuss whether they felt the content was relevant to their future practice as teachers and to rank the most important topics covered during the semester. The researcher asked the students whether this course should remain a requirement for the pre-service teaching program and tallied all responses.

### Instrument

Twelve survey questions were designed by the principle investigator, covering significant areas of equity and social justice in education. The development of these questions is informed by the researcher’s experience of teaching in the public school system and teaching this undergraduate law/ethics course over the past several years.

These questions focus on pre-service students’ legal knowledge and attitudes regarding desegregation,

*Table 1. Number of Valid Questionnaires Collected*

Semester	Pre-test	Post-test	Total
Spring 2006	85	70	155
Fall 2006	48	20	68
Spring 2007	86	82	168
Fall 2007	75	68	143
Spring 2008	70	50	130
Fall 2008	74	54	128
Total	438	344	782

affirmative action, prayer in public schools, LGBT teachers’ rights, special education, and sexual harassment of students (see appendix). Responses to the knowledge questions (“What is your knowledge of...?”) are measured by a four-point scale: “I have no knowledge,” “I have little to no knowledge,” “I have little to some knowledge,” and “I am quite knowledgeable.” Responses to the attitude/judgment questions (“Do you think that...?”) are measured by three categories: “Yes,” “No,” and “I am not sure.” It takes less than five minutes for students to finish all 12 survey questions. This paper focuses on students’ responses to the knowledge questions.

### RESULTS FROM SURVEY

Responses to the survey questions were coded and input into an SPSS program. Frequencies of each response were tabulated to show pre-service students’ knowledge and attitudes in the pre-test and post-test.<sup>4</sup>

As Table 2 demonstrates, before taking the school law course, pre-service students are most likely to have no to little knowledge on laws regarding affirmative action [Q3], gay teachers’ rights [Q7], and sexual harassment of students in school [Q11] and to have little to some knowledge on laws regarding desegregation [Q1], prayers in school [Q5], and students with disabilities [Q9]. After taking the course, pre-service students are most likely to be quite knowledgeable on laws regarding desegregation, prayers in school, gay teachers’ rights, students with disabilities, and sexual harassment of students in school, and to have little to some knowledge on law regarding affirmative action. In general, students’ knowledge level has been improved by one level. The one exception is related to students’ knowledge about

<sup>2</sup> Because summer semesters are much shorter than spring/fall semesters, no data were collected during the summer sessions.

<sup>3</sup> Cases with missing values (failure to respond to at least one of the 12 questions) are distributed as follows: two cases in the pre-test of spring 2006; three cases in the post-test of spring 2006; one case in the pre-test of fall 2006; one case in the post-test of fall 2006; four cases in the pre-test of spring 2007; one case in the post-test of spring 2007. Because the cases with missing values are only a small percent (less than 3 percent of the total cases), they are dropped from the analysis to avoid potential systematic errors.

<sup>4</sup> Indiana University graduate students Ran Zhang and Kelly Rapp assisted with the collection and analysis of this data.

affirmative action. The researcher followed up with the students about how the course could be improved to increase student knowledge on this particular topic.

An independent t-test also reveals that there is a significant difference between the pre-test mean and post-test mean in all six knowledge areas at  $p < .001$  level. In other words, after the school law instruction, pre-service teachers' knowledge of the laws regarding desegregation, affirmative action, prayers in school, gay teachers, students with disabilities, and harassment of students in school have all changed significantly.

### **Instrument for Focus Groups**

After grades were submitted at end of each semester, the researcher invited six students (all voluntary) to meet for one hour to discuss the content of the undergraduate school law course from the previous semester. During the focus groups, students were asked to discuss and rank which topics they felt were most beneficial to them as future classroom teachers (see Appendix). While discussing each of the identified topics, students posed key questions that related to each topic. During the focus groups, the researcher asked the students what can be done to improve their understanding about affirmative action, because this was the only area on the survey that indicated a lower level of understanding. The researcher learned that on the survey she used the terminology "affirmative action" but while teaching the topic in class she referred to "race-conscious decisions." As a result, it appears that the students may have had a greater understanding of the topic than the survey reports.

### **RESULTS FROM FOCUS GROUPS**

The findings from the focus groups revealed that students believed that all of the topics covered in the course were important to their future teaching careers. During the focus groups, the researcher asked questions about topics that went beyond those included in the survey but were discussed in class. They ranked the topics (in order of importance to their future careers) in the following order.

1. Special Education Law
2. Bullying/Harassment Laws
3. Teacher Speech and Teacher Out of School Conduct (Tied)
4. Church/State Relations
5. Student Expression

6. Negligence
7. Student Discipline
8. Instructional Issues
9. Employment Discrimination
10. Affirmative Action/Desegregation (Tied)

This section highlights the topics that the undergraduates in this study found to be most important. Their interests in several key questions are summarized below.

#### *Special Education*

1. What is the difference between IDEA, Section 504, and ADA, and how do they apply in the classroom setting?
2. What do pre-service teachers need to know in order to write IEPs, BIPs, etc. that comply with the law?
3. May teachers discipline students with disabilities in the same way as students without disabilities?

#### *Bullying/Harassment/Abuse*

1. Can school districts be found liable when a teacher fails to address known acts of bullying/harassment in the classroom?
2. What do state bullying statutes require, and how do these law differ from using a Title IX analysis?
3. What are teachers' reporting requirements if child abuse is suspected?

#### *Teacher Expression and Teacher Out of School Conduct*

1. Do teachers have First Amendment protections inside and outside the classroom?
2. Can teachers' out of school conduct be regulated by the school (e.g., getting drunk at a bar)?
3. Do teachers have the right to participate in protests during their personal time (e.g., Can I attend a pro-marijuana rally on the weekend?).

#### *Church/State Relations*

1. Are teachers permitted to wear religious garb in the classroom?
2. Are students permitted to pray in school?
3. Can religious-based clubs meet on school grounds?

Table 2. Knowledge of Significant Equity and Social Justice Issues

“What is your knowledge of...?”		Pre-test	Post-test	Total
Q1: Law regarding desegregation*	I have no knowledge	12	2	14
	I have little to no knowledge	122	8	130
	I have little to some knowledge	294	142	436
	I am quite knowledgeable	10	192	202
Q3: Law regarding affirmative action*	I have no knowledge	32	2	34
	I have little to no knowledge	210	14	224
	I have little to some knowledge	194	206	400
	I am quite knowledgeable	2	122	124
Q5: Law regarding prayer in school*	I have no knowledge	6	0	6
	I have little to no knowledge	110	2	112
	I have little to some knowledge	264	62	326
	I am quite knowledgeable	58	280	338
Q7: Law regarding gay teachers*	I have no knowledge	114	0	114
	I have little to no knowledge	242	8	250
	I have little to some knowledge	72	110	182
	I am quite knowledgeable	10	226	236
Q9: Providing for students with disabilities*	I have no knowledge	10	0	10
	I have little to no knowledge	80	4	84
	I have little to some knowledge	252	100	352
	I am quite knowledgeable	96	240	336
Q11: Harassment laws of students in schools*	I have no knowledge	48	0	48
	I have little to no knowledge	238	14	252
	I have little to some knowledge	150	132	282
	I am quite knowledgeable	2	198	200
Total		438	344	782

\*There is a significant difference between pre-test and post-test results,  $p < .001$ .

#### Student Expression

1. Can students wear any politically-related shirts or buttons to school?
2. Can teachers curtail student speech that is included in course assignments?
3. Can students' off-campus speech (e.g., Facebook) be regulated by school officials?

#### Negligence

1. If a student gets injured in the classroom, can a teacher be held liable?
2. Can a teacher be held liable for defamation if s/he writes something negative about a student?

### *Student Discipline*

1. What type of due process must students receive before suspension or expulsion?
2. Are teachers permitted to search a student's belongings if they suspect the student stole another student's phone?

### *Instructional Issues*

1. What do teachers need to know about FERPA?
2. What do teachers need to know about copyright law?
3. What if a parent challenges a book that a teacher is reading to the students in class (e.g., Harry Potter)?

### *Employment Discrimination*

1. How does federal law protect pregnant teachers?
2. Does federal law protect LGBT teachers from discrimination?
3. What does Title VII address?

### *Desegregation/Affirmative Action*

1. What is the difference between de jure and de facto segregation?
2. Can race be considered in student assignment plans and scholarships?

In addition to the top 10 topics, students also discussed the importance of legal issues surrounding English Language Learners (i.e., To what extent does federal law apply to this group of marginalized students?), Teacher Dismissal (e.g., What types of due process must a teacher be afforded before getting fired?), Collective Bargaining (e.g., Should I join a union?), Charter Schools (e.g., What does the law say about providing for students with disabilities?), and NCLB (e.g., Is there a conflict in laws between IDEA and NCLB?).

Finally, all 30 students believed that the school law course was relevant to their future careers as teachers and think it should be a required course for pre-service teachers. Eight of the 30 students said there is a lot of overlap with other courses in the program, but this course presented unique and helpful information.

### **Limitations**

A survey questionnaire delivered during class period can by no means become as elaborate as an exam sheet. Therefore, it is not plausible to include very complex questions in this kind of survey. The students

who participated in the focus groups could have been influenced by group dynamics and the fact that the course professor led the groups. Also, the six students who volunteered for the focus groups at the end of each semester were probably students who found the course interesting and were highly motivated. Finally, these are pre-service teachers. As such, it is likely the relevance of topics would change once they have their own classrooms.

### **CONCLUSION**

School law scholars have argued that pre-service teaching programs have a responsibility to assist every teacher and administrator to become legally literate (Schimmel & Militello, 1997). Others have posited that knowledge of the law creates a "powerful tool that educators can use to advance their most important aims" (Heubert, 1997, p. 353) and that teachers need to be trained about legal issues that arise in schools (Redfield, 2002). The findings from the survey demonstrated that pre-service teachers gained a greater understanding about school legal issues through an undergraduate course in school law, and the focus group affirmed that pre-service teachers believe in the importance of legal literacy. It is hoped that this article will spark debate among pre-service teacher education programs about whether a school law course might be included in the program.

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## APPENDIX

### Questionnaire on Pre-service Teachers' Legal Knowledge

This anonymous survey is to investigate pre-service teachers' prior legal knowledge. It is by no means related to the evaluation of you in this course. Please check the item that you think best captures your opinion. I appreciate your time and input very much!

1. What is your knowledge of the law regarding desegregation?
  - a. I have no knowledge.
  - b. I have little to no knowledge.
  - c. I have little to some knowledge.
  - d. I am quite knowledgeable.
  
2. Do you think most public school students are given equal educational opportunities?
  - a. Yes
  - b. No
  - c. I am not sure.
  
3. What is your knowledge of the law regarding affirmative action?
  - a. I have no knowledge.
  - b. I have little to no knowledge.
  - c. I have little to some knowledge.
  - d. I am quite knowledgeable.
  
4. Do you think universities should consider race in admitting students?
  - a. Yes
  - b. No
  - c. I am not sure.
  
5. What is your knowledge of the law regarding prayer in schools?
  - a. I have no knowledge.
  - b. I have little to no knowledge.
  - c. I have little to some knowledge.
  - d. I am quite knowledgeable.
  
6. Do you think that teachers should be allowed to lead Christian prayers if no student objects?
  - a. Yes
  - b. No
  - c. I am not sure.
  
7. What is your knowledge on the laws regarding gay teachers?
  - a. I have no knowledge.
  - b. I have little to no knowledge.
  - c. I have little to some knowledge.
  - d. I am quite knowledgeable.
  
8. Do you think openly gay teachers should be permitted to teach in the public schools?
  - a. Yes
  - b. No
  - c. I am not sure.

9. What is your knowledge of providing for students with disabilities?
- I have no knowledge.
  - I have little to no knowledge.
  - I have little to some knowledge.
  - I am quite knowledgeable.
10. Do you think that special education laws have gone too far in protecting students with disabilities?
- Yes
  - No
  - I am not sure.
11. What is your knowledge of harassment laws of students in schools?
- I have no knowledge.
  - I have little to no knowledge.
  - I have little to some knowledge.
  - I am quite knowledgeable.
12. Do you think that teachers should be held liable if they fail to prohibit peer harassment in schools?
- Yes
  - No
  - I am not sure.

### **Guiding Discussion Questions for Focus Groups**

- Now that the course is complete (and grades have been posted), let's discuss which topics you found to be most relevant for your future teaching career. What are some of the key questions that fall under each topic, and how would you rank these topics in order of importance for pre-service teachers?
- Do you believe this course should be a requirement for all pre-service teachers?
- Is there anything else you can tell me to help improve the relevance of this course or to help increase student learning in this course? various legal issues and to identify those issues inherent in schools; to explore various legal principles and their applications; and to analyze current school practices from the standpoint of potential legal controversies. In addition to identifying pragmatic approaches to the law, this course also aims to involve students in academic discourse involving issues of social justice and the democratic underpinnings of education.