**Project title:** Assessing Legal Knowledge of Public School Law for Student Teachers

**Project purpose**:

There exists a gap in the literature regarding the legal knowledge student teachers need to acquire relative to their role as a public school educator. It is arduous to provide professional development on this topic with such a large gap in the knowledge base. Therefore, the first goal of this research will be to determine from principals what legal knowledge student teachers need to know. In essence, this analysis will establish a baseline of legal knowledge for student teachers.

The second goal of the research will be to utilize the baseline results of legal knowledge to construct an examination for student teachers to determine their aptitude of identified legal elements.

To sum, the primary goal will be twofold: 1.) Determine what legal knowledge student teachers must acquire prior to student teaching; and, 2.) Ascertain what knowledge student teachers actually have so that teacher preparatory programs and/or public schools can educate pre-professional teachers in legal knowledge that will impact them as professionals.

**Background:**

Since its inception, the United States has been a litigious society. As part of its governmental foundation, the framers of the Constitution delineated a court system that is equal with the other two branches of government ensuring the laws created and executed pass constitutional muster. As society has evolved, so, too, have its laws. Constitutional guarantees in concert with voluminous legislation are the foundation for ambiguous interpretation. The nexus of legal contention is amplified in public schools. Public schools must abide by all federal and state laws, but, in addition, they must guarantee that students’ and teachers’ individual rights are protected. Ensuring compliance, while protecting individual liberties, can be nebulous and exacting for educators to interpret and apply. Faculty and staff, who are aware of laws and regulations, assist in preventing legal conflicts impacting their school or themselves. Unfortunately, graduate administrative preparation programs are often the first time professional educators are subject to a survey of the laws and guidelines governing public schools. Moving further down the leadership hierarchy, the majority of student teachers are ensconced in programs concentrating on educational psychology, pedagogy, and content; these programs often lack formal ethical and legal training. For many educators, they are compelled to learn the finer points of law governing education through “on the job experience.” On the job experience often means exposure to direct or indirect professional error. The current preparatory system for student teachers does not fulfill the obligation to train these individuals for the legal conundrums they will encounter once employed.

Student teaching is the concluding and primary phase of preparation for professional educators. However, a gaping hole is present for student teachers between education law knowledge and practical application (Zirkel & Karanxha, 2009). This contention is evidenced by Herschler (2009) asserting that student teachers are “automatically…held to a much higher moral standard than the majority of others” (p. 198). Herschler (2009) further undervalued education law content by providing the advice for student teachers to “stay out of trouble” (p. 199). Mead and Underwood (1995) composed a brief legal primer for student teachers, yet their coverage was limited to four areas of common questions – negligence, student records, academic freedom and due process. Due to the myriad of issues intersecting in public schools, the legal training for student teachers “needs to be a little about a lot, with careful selection and specialization” (Zirkel & Karanxha, 2009, p. xi). Couching the acquisition of legal knowledge is the need for student teachers to recognize various ethical decisions they may encounter. Law and ethics overlap. Many of the behaviors for student teachers are ethical and legal. However, some behaviors may be legal but not – from the point of view of a student teacher – ethical, and conversely, some behaviors may be ethical but not legal. Concomitantly, it is my intent to fill this gap in legal knowledge and practical application at the local, state and national level.

**Methods and plan of work:**

It is my plan to complete two primary projects within this study. With limited research being conducted on this topic, it is difficult to ascertain precisely what legal knowledge student teachers are lacking to plan appropriate lessons in undergraduate training or professional development. Therefore, my first goal will be to establish a baseline of knowledge from practicing principa. The first research question I will be seeking to answer is:

R1 = Based upon the experience of current principals, what is the baseline legal knowledge student teachers must acquire prior to their placement?

To answer this research question, a survey instrument will be constructed in Qualtrics and distributed to principals in the following counties via his or her school email: Kalamazoo, Van Buren, Berrien, St. Joseph, Kent, Allegan, Calhoun, Ottawa, Muskegon, and Barry. I anticipate receiving at least 10 responses from each county for a total of 100. Descriptive statistics, especially frequency and central tendencies, will be analyzed and used to develop an examination for student teachers. The survey will construct legal topics based upon the content identified by Alexander & Alexander (2012), preeminent scholars in public school law. The survey will require principals to rate the importance of various aspects of school law. A five-point Likert Scale will be employed to measure the respondent’s strength of agreement of the need for student teachers to have knowledge of specific legal elements. The Likert Scale will have the following opportunities for response: (1) Highly agree; (2) Agree; (3) No Opinion; (4) Disagree; (5) Strongly disagree. An opportunity for the respondent will be provided to add any additional thoughts and/or comments. An example of a statement to be rated is the following: “It is important for teachers to understand basic elements of negligence.” The number and depth of the items created for the student teacher exam will be based upon the mean score for each category. Thus, categories that are rated higher in importance will require more questions to be developed and greater assessment of knowledge in those categories. The broad primary categories of legal knowledge to be analyzed are below:

Foundation of the Legal System Governance of Public Schools

Church and State School Attendance for Students

The Instructional Program Student Discrimination

Student Speech and Expression Search and Seizure

Student Rights Rights of Students with Disabilities

Tort Liability (Negligence) Student Records

School District Liability Certification, Contracts, and Tenure

Teacher Rights and Freedoms Due Process Rights of Teachers

Discrimination in Employment Collective Bargaining

School Finance School Property and Buildings

The second research question is:

R2 = What legal knowledge do student teachers have when they commence their placement?

In order to answer this research question, the legal elements necessary for student teachers to acquire, as collected in the survey from principals will be constructed into an examination for undergraduate students. The researcher will develop the exam instrument Once designed, the examination will be beta-tested with pre-intern teachers at Western Michigan University. The exam will be given to students prior to their placement as student teachers. A random sample of participants will be selected from private and public higher education institutions in the State of Michigan. Seven public institutions and seven private institutions will be randomly selected to participate. It is expected that 20 students at each school will complete the exam for a total sample of 280 students. Undergraduate teacher preparation programs employ a variation of a seminar during the student teacher’s placement. It is my intent to provide this exam during that seminar experience. Each question will be assigned a point value so that student raw scores can be collected in general and by legal category (example: Religion in Public Schools). From these raw scores insight into the knowledge of student teachers can be ascertained in general and by specific legal element. From this test, it can be determined the level and specificity of legal knowledge student teachers have when they begin the placement and to what level higher education institutions and/or public schools must do to remediate any deficiencies (Please see Plans for Continuing Research Activity).

Simple Research Conceptual Design

Future Research

Develop quality curricula and activities that can be employed to remediate deficiencies

Determine Aptitude of Student Teachers for Legal Knowledge (Examination of Student Teachers

Establish Needs for Legal Knowledge (Survey of Practicing Administrators and Teachers

**Budget and justification**

(Omitted)

**Anticipated outcomes:**

This research will yield results that are missing in the literature. Practicing administrators and teachers will construct a framework of legal knowledge that student teachers should know prior to entering a classroom. Designing an examination based upon the legal aptitude needed, as identified by principals, I will demonstrate the need for specific development in the area of legal knowledge for student teachers. I plan to present my research at local and state associations, in addition to a national audience through the Education Law Association. I also plan to report the results of this study in peer-reviewed journals.

**Plans for continuing research activity:**

By establishing baseline knowledge in public school law and the aptitude of student teachers, I will be able to identify needs in this area. I will seek additional funding sources (external and/or internal) to develop creative methods for remediating the deficiencies identified by my research. I envision filling the needs identified with a specific curriculum content and activities that can be employed by teacher preparation programs and/or public school districts.

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