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Understanding Teacher Legal Literacy in Pre-Service Education Programs and How to Improve Teacher Legal Literacy Through Self-Efficacy Professional Development

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ABSTRACT

UNDERSTANDING TEACHER LEGAL LITERACY IN PRE-SERVICE EDUCATION PROGRAMS AND HOW TO IMPROVE TEACHER LEGAL LITERACY THROUGH SELF-EFFICACY PROFESSIONAL DEVELOPMENT

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Northern Illinois University, 2021
Benjamin Creed, Director

This dissertation examined the term “legal literacy” as it applies to education, the state of legal literacy in educators today, and how that might be improved through the lens of self-efficacy. This dissertation is organized into four separate papers. Paper 1 is a review of the literature about legal literacy in both the field of education and in the legal field. Having determined in Paper 1 that teachers possess a low legal literacy, Paper 2 examines the role of pre-service teacher programs in exposing teaching candidates to legal topics. Having found in Paper 2 that pre-service undergraduate programs in the US do systemically expose teacher candidates to legal topics, Paper 3 looks at the self-efficacy theory to see how we could development in-service professional development through that lens to increase the legal literacy of teachers and the likelihood they act in legally appropriate ways. In Paper 4, all of the information in the first three papers is distilled and combined with adult learning theory to develop a professional development framework that practitioners in the field can use to develop workshops for in-service teachers to increase their legal literacy.
UNDERSTANDING TEACHER LEGAL LITERACY IN PRE-SERVICE EDUCATION PROGRAMS AND HOW TO IMPROVE TEACHER LEGAL LITERACY THROUGH SELF-EFFICACY PROFESSIONAL DEVELOPMENT

BY
PETER KUPFER

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A DISSERTATION SUBMITTED TO THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREEE DOCTOR OF EDUCATION

DEPARTMENT OF LEADERSHIP, EDUCATIONAL PSYCHOLOGY AND FOUNDATIONS

Doctoral Director:
Benjamin Creed
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The decision to complete my doctorate was one I questioned many times. It is a long road and one I am happy to have completed. There are many who have helped me along the way I would like to recognize at this point.

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DEDICATION

Dedicated to the inventor of the Word Processor to whom all Doctoral students should be eternally grateful.
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INTRODUCTION

The notion of always having the school district attorney’s phone number at the ready is common for school administrators. One of the reasons for this is that generally speaking teachers in school have a low legal literacy (Schimmel & Militello, 2007). This lack of knowledge of law has led to a fear of litigation among teachers (Davies, 2009) and can cause teachers to make decisions that infringe on student rights, costing the teacher and the school time and money (Schimmel & Militello, 2011). One of the causes of this low legal literacy in teachers is a lack of pre-service training during their undergraduate education (Gajda, 2008). This lack of knowledge and negative experiences with legal issues can lead to teachers having a low self-efficacy when it comes to taking legally appropriate action. One potential solution to increase in-service teacher legal literacy and self-efficacy is to provide them with professional development. Providing that professional development through the lens of self-efficacy could be an effective tool to increase teachers’ beliefs in their ability to act in a legally appropriate manner.

Structure of the Dissertation

This dissertation is comprised of four separate papers that work together to add to the knowledge base surrounding educator legal literacy. Paper 1 provides a historical look back at the beginnings of the term “legal literacy” in both education and the field of law. A comprehensive review of literature of the major studies over the last 50 years is provided along with a discussion of some of the impacts of a lack of legal literacy in field. The paper concludes by comparing the different opinions on what legal literacy is both within the field of education and the field of law and arrives at a functional definition that can be used for future research.

After establishing in Paper 1 that there is a general lack of legal literacy among teachers,
Paper 2 looks at one of the potential root causes: pre-service education. In a comprehensive study of all schools that offer undergraduate teacher certification, the course title and course description of all law-related courses were collected. The courses were analyzed to determine if pre-service programs were systematically providing legal education and how that might differ across states and regions. Ultimately it was found that most schools did not require a law-related course to be certified as a general education teacher, and outside of special education law-related courses, very few schools required any sort of education law specific course at the undergraduate level. In the specialty degrees (special education and ELL education) there were more law classes required but they were typically specialized and not about education law at large.

Finding in Paper 1 that teacher legal literacy is low and finding in Paper 2 that teachers are not receiving a legal education at the undergraduate level, in Paper 3 an in-service approach to increasing legal literacy is explored. To begin, look at self-efficacy theory and the components that affect a person’s self-efficacy and the benefits of having a high self-efficacy in terms of action. Next, I explore the factors that influence self-efficacy and start to put them into a professional development context. Then, I lay out a general and specific framework for what professional development would look like from a complete self-efficacy theory lens.

The concluding piece of this dissertation is a joint product I created with one of my fellow Ed.D. students. In Paper 4 we look at the intersection of self-efficacy theory and adult learning theory and nest them together to develop a template for professional learning with the intent of increasing legal literacy in teachers and increasing the self-efficacy of teachers to act in legally appropriate ways. The template is designed so that future researchers and facilitators can create professional development workshops for teachers in the field.
Purpose, Significance, and Intended Audience

The purpose of this paper is to help to address a need that has been long identified in the field of education, a lack of teacher legal literacy. Broadly speaking, the lack of legal literacy of teachers is a drain on teacher time and energy and district finances and is a disservice to students in the classroom. Many papers have been written about the prevalence of the issue, but far less have sought to isolate the root cause of the problem or offer a practical solution.

This paper explores one potential cause of the lack of teacher legal literacy, pre-service teacher programs. This is an important place to look because nearly all teachers in their careers go through one of these programs and so it is a common thread in the education tapestry. And while this dissertation does present a plan to address the issue at the pre-service level, a practical plan to address the issue at the in-service level is developed to help schools and districts began to rectify the problem.

In service of isolating a potential root cause of the legal literacy issue and offering a solution, this research is the first attempt to take a comprehensive look at the pre-service programs of all US states and territories. Further, the data sources used are all public, which enables others to systematically build on this work.

The intended audience of this paper is layered. First, this dissertation is for in-service and pre-service teachers who would be interested in learning what legal literacy is, why it is beneficial that they develop it, and some strategies to do so. Second, this dissertation speaks to school and district leaders along with other professional development facilitators by providing them with the strategies and research about how to increase teacher legal literacy beneficial in their work in the field. Lastly, administrators and educators overseeing pre-service teacher programs will find this work useful and help motivate their work to review their program curricula to help address this problem at its root.
**Researcher’s Positionality**

As a teacher, coach, and now an administrator, I have seen the wide range of legal topics that exist in our schools. As a young educator I did not know much about the law or how to react in these situations. From the time I smelled marijuana on the bus to the time I had a student shoplift on a field trip, when and how to act was something I had to figure out on the fly. As an administrator I have received some training in graduate school on these topics and I have sought out further training and reading in this area because it is one I find interesting, and I would like to be a resource to others.

**Theoretical Framework**

The overarching assumption of this dissertation is that legally literate teachers are good for students. It is good for students because when teachers have a low legal literacy they may violate students’ rights and their inaction may lead to student harm. While we do not know all the causes of teachers’ low legal literacy, one potential cause explored in this dissertation is a lack of systemic exposure in teacher pre-service programs. Other potential causes include lack of in-service training, fear of litigation, and a lack of positive experiences that involve legal issues. One possible solution to the problem of low teacher legal literacy could be professional development designed to increase legal knowledge. Self-efficacy theory provides a productive lens through which to build this professional development with the goal of increasing teacher self-efficacy to act in a legally appropriate manner. Figure 1 illustrates these relationships.
Figure 1
Overall Framework

In Figure 1, on the left are listed potential causes of low teacher legal literacy. When teachers with those backgrounds experience professional development through a self-efficacy theory lens, as shown by the four sources of self-efficacy, that results in legally literate teachers. When teachers have legal literacy, their self-efficacy to act in legally appropriate way will be higher.
PAPER 1. SEEKING A WORKING DEFINITION OF LEGAL LITERACY IN EDUCATION

Legal Literacy Defined

Legal literacy is an often-discussed topic in academic literature and is the topic of many doctoral dissertations. However, despite the breadth of research in peer-reviewed journals regarding legal literacy and education, very few of the researchers explicitly define what they mean by legal literacy. Further, when they do define legal literacy, there is no common definition. Therefore, this paper seeks to define legal literacy for future research on legal literacy and self-efficacy in educational practice.

No matter how it is defined, research consistently shows that teachers lack legal literacy (Ogletree & Lewis, 1985; Sanchez-Danday & Danday, 2019; Schimmel & Militello, 2007). There are likely multiple reasons for this, but one that stands out is that typically most education certification programs do not offer education law classes at the undergraduate level (Gajda, 2008). This lack of legal literacy can cause teachers to unknowingly violate students’ constitutional rights or be overly worried about being held liable for injuring students, which is why many teachers purchase private or union-sponsored insurance (Wagner, 2008). Similarly, in situations where teachers do not understand their obligations to protect children as mandated reporters, they can endanger students (Walsh, Mathews, Rassafiani, Farrell, & Butler, 2013). For many schools, the principal functions as the chief legal educator of the staff. In a survey of 493 school principals, Militello, Schimmel, & Eberwein (2009) found that almost all of
the respondents gave informal legal advice to their teachers while at the same time admitting they wanted and needed more information about the laws.

Ultimately “knowledge of education law (or lack thereof) influences administrators’ and teachers’ interactions, relationships, and decisions, which may have an impact on student learning” (Schimmel & Militello, 2007, p. 260) and lead to legal entanglements. For example, from 2013-2017 the number of civil rights suits against schools more than doubled, reaching a projected 596 cases in 2017 (TRAC, 2017). Also, from 1989 – 2000 the number of schools responding to a National Association of Secondary School Principals survey involved in lawsuits or out-of-court settlements rose from 9% to 31% (Sherman, 2000). And there has been an increase in the number of legal cases surrounding students with disabilities (Leonard, 2007), including on Section 504 grounds (Decker & Brady, 2015); and this group of lawsuits will likely continue to grow as the number of students with disabilities continues to grow (Horner, Mrachko, O’Connor, & Yasik, 2020).

This deficit is not unique to educators, but it can have a more significant impact in this field. As Schimmel (1975) explains, “Teachers are not less legally literate than other citizens. But the consequences of such illiteracy among teachers is often more serious” (p. 10). Studies (e.g., Davies, 2009; Holben, Zirkel, & Caskie, 2009) show that it would be beneficial for schools if educators had higher legal literacy so they stop acting out of fear (Sherman, 2000) and stop wasting time and money on litigation when they could be teaching (e.g. Schimmel & Militello, 2011). As early as 1974, Fischer & Schimmel (1974) proposed plans to address this issue at the pre-service teacher level, while others would like to address the issue at the in-service level (Andrews, 2012).

To increase educators’ legal literacy there needs to be a common understanding of what the term means and how to use it: “Considering the tremendous influence teachers have over their students and the malleability of the young lives entrusted to their care, teachers have an
amplified duty to not only know the law but also to abide by it” (Gullatt & Tollett, 1997, p. 134). Most of the literature refers to legal literacy in the abstract without explicitly defining it, but there are a few ways to infer what the scholars mean by legal literacy. One technique is to look at the instruments used to evaluate the legal literacy of the subjects in their studies. For example, Trimble (2017) researched principals’ legal literacy in Tanzania using a survey that asked only true/false questions about their legal knowledge related to discrimination law. This could be interpreted to mean that she primarily saw legal literacy as a series of acquired facts about the law as opposed to application or production of legal arguments.

Similarly, we can also look at the recommendations for improvement to gain insight into how the researchers are indirectly defining legal literacy. Young, Kraglund-Gauthier, & Foran (2014) proposed a pre-service teaching course using case studies. Their study found students thought the case study approach to learning the law was more effective than learning by lecture. Because Young et al. (2014) advocated for a case study approach to teaching the law, it can be inferred that application and practice are an essential part of legal literacy, which corresponds with their implied definition of legal literacy: “Although educators do not need to be lawyers, it is important for teacher candidates to understand what they can and cannot do as part of their job description” (p. 8).

Given the lack of an agreed-upon conception of legal literacy in the literature, this paper strives to piece together a definition of legal literacy specific to education by surveying the literature in education. Additionally, literature in the legal field is reviewed to compare how the legal profession and educators define legal literacy. Based on these two groups, a definition of legal literacy will be synthesized that can guide future research in the field. This definition will also be key to future research aimed at developing methods to increase the legal literacy of in-service teachers.
Foundations of Legal Literacy in Education

Legal Literacy Introduced

From a historical perspective, one of the earliest, if not the first, references to legal literacy was a speech given by two university professors, who were also lawyers, to the National Organization for Legal Problems in Education (NOLPE) (Fischer & Schimmel, 1974). They outlined how they made a change in their pre-service teacher education program to develop the legal literacy of teachers, which they believed had been neglected. Their approach was to embed legal instruction into the typical educational foundations courses pre-service teachers were required to take.

While they did not define legal literacy in their presentation, they did share information about the course they offered that can be analyzed. They “introduced cases related to the constitutional rights of public-school teachers and students into courses in Social Foundations” (Fischer & Schimmel, 1974, p. 4). This is a common component of the definition, a focus on knowledge of constitutional law. Fischer and Schimmel suggested that teaching about specific cases could also be leveraged to teach about the legal system in general. As part of the course, they had the pre-service teachers analyze case law from the following categories: cultural diversity and the schools, freedom of expression, private life and personal appearance, patriotism and freedom of association, professionalism, and education and equality.

In addition to readings and mini lectures, the instructors made “liberal use of hypothetical cases, closely constructed from real situations, which students analyze and react to prior to reading excerpts from actual cases” (Fischer & Schimmel, 1974, p. 15). This is an important consideration because Fischer and Schimmel were suggesting there is a practical side, in addition to the factual side, to being legally literate as a teacher. Schimmel (1975) later contended that “every teacher and student has a right to be ‘legally literate’, to possess that minimum amount of information needed by citizens to understand how their legal system works.
and how it can work for them” (p. 10). This sentiment is echoed today in the work of Romig and Burge (2020), who concur with the idea of making the law work for people. They put forward in their textbook the idea that “legal literacy empowers individuals to use their grasp of the law for personal and professional advancement...Legal literacy empowers and benefits anyone whose life or work is affected by law” (pp. 3-4). This would certainly include teachers.

While these definitions do not specifically address constitutional law knowledge, they do encompass the application piece. There is another important takeaway from Fischer and Schimmel’s (1974) perspective: legal literacy applies to both students’ and teachers’ rights. This is significant because teachers can just as easily violate a student’s rights as they can allow their own rights to be violated.

Professional Organizations Provide Guidance

Very little changed in pre-service teacher programs and in the level of legal literacy of teachers after Fischer and Schimmel (1974) called for pre-service teachers to learn about the law. Additionally, others continued to recognize the need for change, and more calls came for legal education to be added to undergraduate programs (Menacker & Pascarella, 1983; Sametz, McLoughlin, & Streib, 1983). As further evidence of the lack of change, Gullatt and Tollett (1997) found that only two states mandated a law course at the undergraduate level, while 94% of National Organization for Legal Problems in Education (NOLPE) members recommended it be included in undergraduate teacher education. So, while the professionals acknowledged the need, the universities were not responding. Gullatt and Tollett (1997) first analyzed the self-perception of Louisiana teachers’ legal knowledge and what they learned in their undergraduate courses to help clarify what should be included in courses for teachers. Then they summarized the recommendations from various professional organizations, including the Teacher Certification Committee of the NOLPE. The NOLPE recommended the following Model Code of Legal Topics:
Educational structure and governance, including the court system
Students and the law, including constitutional rights pertaining to expression, religion, discipline, and equal protection
Teachers and the law, including constitutional rights, collective bargaining, licensure, professional ethics, legal responsibilities, and discipline
Teacher and district liability
Federal and state laws respecting the rights of individuals with disabilities (p. 132)

There are some familiar items in that list, including the rights of students and teachers and the topics of discipline, expression, equal protection, religion, and teacher licensure. In addition, the list of topics expanded to include individuals with disabilities and professional ethics as the country was becoming more litigious.

Empirical Research in Educational Legal Literacy

Early Studies

Now that the term and concept of legal literacy had been introduced into academia, others could start to research and measure the current state of legal literacy among educators. These studies can be instructive in developing a common definition of legal literacy by examining both how researchers have justified their studies and by analyzing the questions they asked.

Ogletree and Lewis (1985) conducted one of the earliest empirical studies of educators’ legal knowledge, and although they did not use the term “legal literacy” in their study (the term was still in its infancy), their study investigated the “complex and ever changing legal environment” (p. 259) educators were facing and how it affected their careers and schools. So, even without the term, they were striking at the heart of what this paper contends legal literacy is. Although Ogletree and Lewis did list a formidable number of legal issues teachers need to contend with, they were reasonable in their stance that “educators do not need to become lawyers or experts in school law, but they should be prepared to recognize litigious situations and understand how to protect their rights, as well as the rights of their students” (p. 259).
While not strictly a definition, this statement does provide a perspective on the role of educators and the law.

First, this statement places the focus on the rights of teachers and students as being central to requisite legal knowledge. The other part of the statement is important in that educators need to be able to identify when something potentially litigious or afoul of the law is happening. For example, a student may come to school one day with a Confederate flag painted on the back of his shirt. An ill-informed educator may demand the student remove the shirt immediately, thus violating the student’s right to free speech. An educator with the ability to recognize litigious situations would know to stop, think, and ask for help in handling the situation.

In addition to the theoretical statements about legal literacy, there is also the question of what topics within the law are important for educators to know. In some cases, the researchers directly indicate their topics of interest; in other cases, analyzing the questions on their surveys can provide insights. Ogletree and Lewis (1985) used a 100-item survey that asked teachers yes-or-no questions about four basic areas: constitutional issues, Illinois law (the state of focus), student and parental rights, and teacher rights. The focus in each area was on the teachers and students, but it also included parents. The questions were far ranging in these four areas, but overall they were fact based and did not require much application. The results confirmed the educators had a poor understanding of school legal literacy, as they scored an average of 70% on only 20 of the 100 questions. This study is significant because it was one of the first to survey a large sample of teachers. The results also illustrate these topics are not routinely covered in pre-service programs and can help to inform the definition.

In a similar survey of Chicago-area educators, Menacker and Pascarella (1983) used 10 true/false questions to determine teachers’ knowledge of Supreme Court cases covering minority rights/equal protection, church/state relationships, student discipline, rights of
expression, and teachers’ due process. The questions were again very fact based and reinforced the view that legal literacy is a collection of facts and knowing the laws. The result was that the legal literacy of the educators was low, with an average score of 64.4%. The highest scores were on questions about student discipline and rights and the lowest scores were related to prayer in school and student due process. These first two trailblazing surveys are important to the development of a definition because there also seems to be a coalescing of topics in the field to constitutional issues and the rights of all stakeholders in education.

While these first two studies focused on the rights of teachers and students, there is no universal agreement that teacher legal literacy should include knowledge about the rights of both groups. Some argue the focus of teacher legal education should just be on the students, disregarding knowledge of teachers’ own legal rights. Sametz et al. (1983) contend, “Knowledge of children’s legal rights is but one segment of the array of legal concerns that affect teachers. However, since neophyte teachers’ primary concerns focus on the child, then of particular interest is the preservice teacher’s knowledge of children’s legal rights” (p. 10). Sametz et al. (1983) measured the legal literacy of sophomore and senior pre-service education majors with respect solely to student rights to see if their legal literacy was different. The results revealed no significant difference in legal literacy between the two groups and both had very low legal literacy.

Even in a study solely focused on the rights of students, the future teachers still were not informed. While the notion that a teacher’s only obligation should be to understand students’ rights is understandable, that does not address Ogletree and Lewis's (1985) contention that teachers should be able to recognize litigious situations they may encounter professionally. Teachers walk a fine line between public employee and private citizen that most professionals do not have to, neglecting that nuance has led to wasted time and money.
Large-Scale National Study

Schimmel and Militello (2007) conducted the first large-scale national study of teacher legal literacy. They were concerned about the impact of legal literacy on the well-being of children and wanted to gauge the current reality. They asked teachers 29 true/false questions about the law focused on two topics: students’ rights and teachers’ rights/liability. The questions were wide ranging within the two broad categories, including dress, speech, religion, and due process. The questions were based on a factual knowledge of the law and did not require interpretation or analysis. For example, one question stated, “Schools can impose rigid dress codes on teachers without violating their rights” (p. 267). This question simply asked the respondent to know the law and did not seek interpretation or nuance. Of the 1,317 respondents in the study, over 50% were uninformed or misinformed about teacher and student rights. So even though Schimmel and Militello were only asking for basic factual information, the teachers were still not legally literate enough to pass the test. Based on the Schimmel and Militello questions, one can infer that the researchers believed legal literacy is based on factual knowledge of the law in the areas of students’ and teachers’ rights, which is in line with the other reviewed research.

Putting Legal Literacy into Practice

Besides the added benefit of knowledge of the law for its own sake, teachers who are legally literate will ideally behave in a way that reflects that knowledge. Increased legal literacy can give teachers the “capability to use its tools and techniques to improve society for oneself and others” (Zariski, 2014, p. 33). With that in mind, there is another angle for considering the definition of legal literacy as it applies to education and that is through a functional lens of how educators might behave differently if they were to have an increased legal literacy. This changed behavior will influence educators to act in ways that prevent lawsuits from happening. In a follow-up to their national study, Schimmel and Militello (2011) concluded:
There are both economic and education costs of legal illiteracy. In addition to the financial costs of school litigation, there is the time spent by teachers and administrators to avoid and prepare for lawsuits and the hidden, yet profound, emotion costs that are often involved. More important are the pervasive, untold educational costs of the legal illiteracy—the many unfortunate decisions that are made in every school district every day on the basis of legal misinformation. (pp. 48-49)

One of the outcomes of working to increase the legal literacy of educators is that schools can act to prevent legal issues before they happen. In proposing a new course for both educators and lawyers, Redfield (2003), a law professor, interviewed superintendents and lawyers about the consequences of a lack of legal knowledge in schools. She found many instances in which educators made bad decisions because they were misinformed about the law. Based on her finding, she proposed a new class to help “establish law-informed educators and leaders who can act preventively to avoid or minimize legal entanglements and proactively to influence both litigation strategy and government policy” (p. 611). Redfield (2003) elaborated on what it would look like in the field if educators had stronger legal literacy. She contended teachers do not need to become legal experts, but they need to be able identify legal problems and take preventative action to avoid them. In cases where the problems cannot be avoided, they need to know when and how to seek out a lawyer or an administrator. Further, they should be able to engage in writing school and district policy based on state law.

This vision of legally literate teachers and administrators can help shape our definition. There are two key points in these statements. First, educators must be able to consider the legal implications of their actions before they are taken, and second, they should know enough to know when they need help. It is also worth noting that this is the first mention of policy creation in terms of legal literacy. The need for legal knowledge is not just in dealing with our interactions every day; it also has to do with the procedures, policies, and programs educators create.
This sentiment is echoed by Russo (2015), a professor of both education and law as well as an advocate for professional development for teachers regarding the law. He suggests that schools should offer professional development that helps educators develop a broad understanding of the law that allows them to accomplish two important goals. The first goal of professional development in school law is for educators to be up to date on current school law so they can develop sound policies to enhance day to day school operations. The second is to provide educators with enough knowledge of the legal dimensions of situations so that they know when to ask questions or raise concerns—and what questions to ask. (p. 35)

These goals for professional development echo Redfield’s (2003) arguments. First, Russo (2015) argues for the need to be up to date on current school law to develop sound policies. As schools are government bodies, they are charged with writing and implementing local policies and “a sound knowledge of the legal rights of students…allows school administrators to establish school policies and procedures that abide by the law” (Tie, 2014, p. 4). Legally literate school leaders stay up to date on new state laws to take a preventative stance in policymaking to protect the district (Bednar, 1984). Second, Bednar raises the idea of knowing when to ask for help. Some teachers still believe students do not have constitutional rights but have to earn them (Imber, 2008). By contrast, other teachers overestimate their liability for doing the wrong thing (Davies, 2009). In both cases, the teachers need to have a high enough legal literacy to know when to ask for help before they make the wrong decision.

Ultimately, there seems to be a dichotomy between these two views. The first set of researchers (Gullatt & Tollett, 1997; Ogletree & Lewis, 1985; Schimmel & Militello, 2007) focused on the specific facts teachers should know to be considered legally literate. The second set (Redfield, 2003; Russo, 2015) took a broader view on having educators develop a sense of legal literacy and knowing when their legal warning light should flash. The definition established in this paper will need to address both views.
Other Views of Legal Literacy in Education

Besides viewing legal literacy as fact based or with a focus on prevention and policy writing, there are still other lenses we can use. Trimble, Cranston, and Allen's (2012) study of Australian school administrators utilized surveys and interviews to identify the two types of legal knowledge they used:

For nonroutine legal problems, participants suggested the knowledge of education law needed by a principal was narrow and subject-specific. For routine legally related matters, the legal knowledge required by a principal was much broader and likely to be informed by experience or by seeking the views of colleagues. (p. 52)

In general, on a day-to-day basis, a broader preventative knowledge of the law was useful to the principals but having specific knowledge of rights was key when a specific situation arose. This is important because as training programs are developed, this perspective can guide the instruction provided.

For a more nuanced view of pre-service teacher's legal literacy, Horner et al. (2020) adopted a mixed-methods approach. Their study of pre-service teachers’ knowledge of special education laws utilized a combination of 17 forced-answer questions, 4 open-ended questions about IDEA and Section 504, and 2 questions about participants’ confidence in their IDEA and Section 504 answers. The unique benefit of this approach is the researchers were able to compare the qualitative responses of the participants with their scores on the quantitative section. The quantitative portion of the data confirmed what many other studies have shown: educators have very low legal literacy around the IDEA and Section 504. Further, the study found no significant difference between the scores of participants who had coursework in the subject and those who did not. However, when comparing the quantitative scores of the participants with the scores they gave themselves on the confidence in their answers, there was a strong correlation between coursework and their confidence in their answers. This shows the knowledge the participants had was justified by their greater knowledge of the law.
Legal Literacy in the Legal Field

Legal Literacy in Society

Knowledge of the law is also an area of concern outside of the field of education. In a meta-study crossing multiple areas of law in society, Van Rooij (2020) found major gaps in legal knowledge in both laypersons and professions, so it made sense to explore legal literacy in other fields, including the area of law itself. Surprisingly, the term “legal literacy” is used more often in the field of education than in the actual study of law. For example, a Google Scholar search for the term “legal literacy teacher” returned 863,000 results while the query “legal literacy lawyer” returned only 77,000 results. While this is not a perfect comparison, it does illustrate legal literacy is not a topic lawyers frequently research.

One of the earliest advocates of legal literacy was James Boyd White. White (1985) was a law professor with a literacy background who popularized the use of rhetoric to analyze legal texts and described the “legal system of language as a linguistically separate dialect, with a peculiar vocabulary and peculiar constructions” (White, 1985, p. 4). White (1982) wrote that legal literacy means “full competence in legal discourse, both as a reader and a writer” (p. 143) but added that this is likely an unattainable goal because practitioners are always learning about the law and the language of the law. With that in mind, White (1982) proposed a second, and perhaps more reasonable, definition of legal literacy between the extremes of full competence and mere acknowledgement that legal language existed:

That degree of competence in legal discourse required for meaningful and active life in our increasingly legalistic and litigious culture. The citizen who was ideally literate in this sense would not be expected to know how to draft deeds and wills or to try cases or to manage the bureaucratic maze, but he would know when and how to call upon the specialists who can do these things...He or she would be able not only to follow but to evaluate news reports and periodical literature dealing with legal matters, from Supreme Court decisions to House Committee Reports... The ideal is that of a fully competent and engaged citizen, and it is a wholly proper one to keep before us. (p. 144)
To start this process, White (1982) proposed a high school course that would have students write analogues to the law in their own lives – for example, what are the rules of a sport you play. This would expose the students to the idea of legal thinking and questioning but would not expose them to any concrete legal knowledge. Overall, White (1982) seems to be advancing a concept of legal literacy that is aligned with the definition of general literacy proposed by the Scottish government as reported by Tett, Hamilton, and Crowther (2012), which is “the ability to read, write, and use numeracy, to handle information, to express ideas and opinions, to make decisions and solve problems” (Tett et al., 2012, p. 39).

Much of this same idea is found in Bolton's (1989) work. As an attorney involved in the law-related education movement that focuses on advancing lay understanding of the law, she proposed we all need a common interdisciplinary base of knowledge as the amount of specialization increases in society. Mirroring the idea of cultural literacy, she constructed a definition of legal literacy:

The background information stored in one's mind that enables them to take up a legal document, read an article in the newspaper on a law-related event, with an adequate level of comprehension, getting the point, grasping the implications, relating what they read to the unstated context which alone gives meaning to what they read. (p. 14)

This definition is based on the idea that when we read we need to know information that is not printed on the page. This is where a broad-based legal education would come into play.

Much like White (1982), Bolton (1989) looked at legal literacy as being able to read the news and understand the implications beyond just decoding the words. Here she is talking about broader legal literacy not specifically for lawyers. However, we can make an application to lawyers in understanding that no matter what field of law you specialize in, there is a certain amount of broad-based legal knowledge you should have to be successful and communicate with your peers. Ax-Fultz (2015) suggests that Bolton’s definition of legal literacy does not involve
reading and understanding legal documents but really boils down to “the ability to function in a democracy” (p. 428).

Even further down the spectrum toward a broad-based legal knowledge, Long struck a similar note in a critique of American legal education law. Long (2009) contended that to become literate in the law you must broadly read literature about the law or the nature of the law. However, he means more than just reading Supreme Court decisions. He believes the most vivid insights come from reading outside the profession such as plays and literature. For example, he advocated that law students should do a close reading of a play by Aeschylus or a West African folktale. The problem he stated is that legal literacy, at least as he interpreted it, is not promoted in American legal education. Long also lamented the current state of legal education in that law students begin to specialize during law school, which further limits their time to read a broad base of literature. He contended this lack of cross-discipline legal literacy can decrease “the students’ ability to better address complex social and legal problems affecting real people living real lives” (p. 40).

**Functional Legal Literacy**

There is a contrasting definition of legal literacy in the legal profession. In his introductory legal textbook Zariski (2014) proposed a more practical definition of legal literacy: “to describe the knowledge, skills, and abilities needed to pursue litigation in Canada and other similar common law legal systems” (p. 3). He further broke the knowledge, skills, and abilities into four categories: how law and the legal system are structured, how legal process and procedures work, how to find the written materials that comprise the body of law, and how to read them and express legal ideas and arguments in a persuasive way to a decision maker. These skills are similar to the ones proposed in Beljaars's (2009) definition of legal literacy. Some of the ideas in previous definitions (Bolton, 1989; White, 1982) are also embedded in the list regarding the ability to read the legal texts, which requires some background knowledge.
However, Zariski does push the definition of legal literacy in a much more practical direction regarding the skills lawyers need every day. We can also see that those skills have not varied greatly over time.

In her paper exploring the transatlantic legal culture prior to the American Revolution, Bilder (1999) looked at successful lawyers in the 16th and 17th centuries and analyzed their strategies. She contended that “legal literacy refers to the reading, writing, speaking, and thinking practices that relate to the conduct of litigation” (p. 51). Paralleling White (1982), Bilder contended one’s legal literacy exists on a spectrum and those who had more literacy were often more successful in litigation. She also observed that in the pre-Revolution era, those who coupled written literacy with legal literacy were the most successful because, to enter the legal system, the plaintiff had to declare his case in writing. So written literacy is, in a way, a pre-requisite for legal literacy. We see with Bilder again a practical definition of legal literacy as it relates to the work of litigating the law and not just having knowledge of the field. Outside of Bilder’s study, it seems that no one in the legal field has set out to measure the legal literacy of lawyers. Bilder was the closest when she evaluated the effectiveness of the various pre-Revolutionary litigators.

There seems to be two broad schools of thought on what legal literacy is among the literature in the legal arena. The first is that legally literate lawyers need to be well-read, competent citizens who can pick up a newspaper or magazine article about the law, comprehend it, and know enough to evaluate what the article is saying (Bolton, 1989; White, 1982). The second overarching commonality in the legal profession is that being legally literate means knowing the law. Specifically it means having the ability to navigate and use the legal system, take a case to court if necessary, and speak or write in defense of your legal position (Bilder, 1999; Zariski, 2014). These two definitions are not mutually exclusive; in fact, White would likely say they are just different stages on a spectrum of what it can mean to be legally literate.
Targeted Definition of Legal Literacy

I am going to combine the common elements from the literature and synthesize it into one definition to create a definition of legal literacy for K-12 teachers and administrators. One of the key elements of the definitions is the ability for educators to recognize when an issue involving the law presents itself. Ogletree and Lewis (1985) contend that teachers need enough legal literacy to recognize litigious situations, and Russo (2015) adds that they should know when to raise legal concerns or ask questions. Similarly, Redfield (2003) noted that legally informed educators and education-informed lawyers should be able to anticipate legal problems and proactively work to prevent them. To do this, they need to have a core base of knowledge described by Ogletree and Lewis (1985).

In terms of specific legal knowledge, Bolton (1989) and White (1982) proposed that legal literacy means a person is able to navigate the legal system and bring forward litigation. These two skills are not exactly relevant for educators, but in the education realm, the corollary would be the creation of policy either at the local or state level. This is in line with Russo (2015), who thought legally literate educators should be able to develop policies related to school operations, and Redfield (2003), who believed that legally literate educators should be able to influence government policy.

Based on those ideas, I propose the following definition of legal literacy for the proposed research: legally literate educators are able to identify when a situation might involve a legal issue and can act appropriately to avoid litigation or know when to ask questions to avoid a potentially litigious situation. Additionally, legally literate educators are able to create policy and procedures that meet local, state, and federal laws to sustain day-to-day operations of the school.

Establishing this definition will frame further research in the area of increasing educators’ self-efficacy. While not explicitly stated in this definition, the reviewed research about
the potential topics to be covered in legal literacy education can also help guide development of continuing teacher education and the eventual creation of courses for pre-service teachers.
PAPER 2. LEGAL LITERACY COLLEGE INFORMATION

Introduction

Context

With the number of civil rights cases against schools rising (Decker & Brady, 2015; TRAC, 2017), teachers’ understanding of legal literacy is more important than ever. However, study after study shows that the legal literacy of teachers is very low (Ogletree & Lewis, 1985; Sanchez-Danday & Danday, 2019; Schimmel & Militello, 2007). One possible reason for this is that most pre-service teacher preparation programs do not include law-related courses to support the development of teacher legal literacy. In a survey of the departments of education in all 50 states, Gajda (2008) found that only seven states required pre-service teacher candidates to have knowledge of the federal or state constitution to be granted their license. As a follow-up to that study and to get a sense of what teacher preparation programs are requiring now, this report will examine the law-related course offerings of teacher preparation programs across all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

Need for Knowledge

Most teachers rely on their principals as their source of legal advice even though principals admit they want and need more information about the law (Militello et al., 2009). Many have called on teacher preparation programs to take the lead and teach pre-service teachers about legal issues (Sametz et al., 1983), but how successful have they been? To address the lack of teacher legal literacy and the impact pre-service programs have, it is important to develop an understanding of the current state of legal education in teacher pre-service programs.
Statement of the Problem

The problem this study seeks to resolve is lack of a comprehensive understanding of the legal preparation of pre-service teachers in colleges and universities. Without this understanding, the community cannot begin to address the root causes of the lack of teacher legal literacy in the US. If this study finds pre-service teacher education programs are collectively trying to improve teacher legal literacy, then we will know the problem may not lie in the pre-service programs. Conversely, if this study finds a lack of teacher legal education in the pre-service programs, it may point to a place to start to correct the situation.

Significance of the Problem

This study will add to literature as it will be the first study to look at actual courses offered in licensure programs and to what extent they involve legal literacy. Previous research has only looked at what the state requirements for teacher licensure are and not what the colleges and universities are actually teaching. This study is also important to the field because it looks at all teacher preparation programs in the United States and its territories. This gives a comprehensive picture and allows for comparisons across regions.

Purpose of the Study

The purpose of this exploratory, descriptive study was to explore the current state of legal literacy courses in pre-service teacher preparation programs in the United States. The central phenomenon in this study was generally defined as the presence of the word “law” or “legal” in the course description of the courses required for undergraduate teacher licensure.

Significance of the Study

This study is the first to look at the courses offered in licensure programs and to what extent they involve legal literacy. This study is significant because it is the first of its kind to look at what universities are offering at a course description level and because of the scale of the work across all US teacher education programs. Previous research has only looked at what the state
requirements for teacher licensure were rather than what the colleges and universities are actually teaching. Knowing that the levels of teacher legal literacy are low, as referenced above, it is important to look at the sources of teacher training and knowledge, and the university teacher preparation programs are the first line of teacher development. Understanding the status of legal instruction at that level can help develop a plan for how to move forward and improve teacher legal literacy. Also, the results of this study will show whether teachers are systematically exposed to courses that engage with legal topics during preparation courses. By exploring the gaps in the existing system, we will be able to start a positive change toward improving the legal literacy of teachers, which should increase the number of times teachers engage in legally appropriate behaviors and ensure protections for students’ and teachers’ rights (Redfield, 2003; Wagner, 2008).

Feasibility of the Study

While the study is large and unprecedented, it is being taken on by a group of six intrepid researchers who are equal to the task. The study is also feasible now in a way it might not have been 10 or more years ago because all the universities have their course catalogs online. As such, all the data sources used in this study are publicly available. The work was divided and completed by the group and re-assembled for analysis.

Research Questions

To understand the current status of pre-service teacher legal literacy education, this study explored the following research questions:

1. How do education legal literacy course requirements for pre-service teachers compare between teacher preparation programs across the United States?
   a. What are the overall legal literacy course requirements in the United States?
b. How do the education legal literacy course requirements for pre-service teachers (Gen-Ed, Spec-Ed, ELL) compare between teacher preparation programs in different regions of the country, demarcated by circuits?

c. How do the education legal literacy course requirements for pre-service teachers compare between teacher preparation programs in different states?

2. What, if any, factors do programs offering law-specific courses share with one another?

**Methodology**

**Research Design**

The data for this study came from a dataset compiled by a team of six doctoral candidates as part of a larger project. What follows is a description of how the larger dataset was created by this team, of which I was a member. While each member of the team contributed to the data collection efforts, the analysis described below was done individually. We began by looking at each jurisdiction's Department of Education website to determine which institutions were accredited to certify teachers. At this point in the research, this included institutions approved for initial teacher certification, alternative certification, and any other type of certification handled by that educational jurisdiction. This initial survey was divided by federal circuit courts across the six researchers. The choice to divide the work by circuit was somewhat arbitrary but also had potential for interesting trends. We needed some way to break up all the schools in the country and also thought there was a chance there would be geographic trends in the data. For example, perhaps the older East Coast circuits would require more law-related courses than the younger West Coast circuits. Or perhaps the circuits in former Confederate states would require more law-related courses than the Northern circuits.
From there we each searched through schools' course catalogs for any courses in the Education Department that included the words “legal” or “law” in the title or description of the course. This work was divided by state equally between the six researchers because the number of teacher education programs was not the same in each circuit. Typically, the search looked for courses that had the prefix of ED, EDU, EDUC, SPED, or CI. That list was then cross-referenced with the degree requirements for undergraduate BA or BS degrees in education that included certification to determine which courses were required for certification. Additionally, if there was another education-related prefix listed in the degree requirements, the researchers went back and searched that department for further courses that included the words “law” or “legal.” Some schools did offer courses that met these criteria that were not required for certification and were, therefore, excluded from data summary.

Data Source

The data were primarily collected from the course catalog at the respective institutions. Depending on the school, the course catalogs were difficult to navigate, so at times individual program pages were used to help find the supporting information.

Sampling

In this research, a population study was conducted of all the schools in each state that offered teacher education programs. Because of the size of the group collecting the data, this was a manageable process. We also believed this would be easier in the long run than trying to identify a representative sample of the different types of institutions (large schools vs small schools, private schools vs public school, urban schools vs rural schools, etc.).

Data Coding and Preparation

Technique

As we each compiled our own list of courses, we took note of what similarities existed between each of our lists. We then used these commonalities to begin the process of coding and
categorizing the data. As Creswell (1994) suggests, we completed the initial data analysis and collection simultaneously but knew we needed to formally code our data to reduce it to a level we could interpret. Each researcher set out to acquire as many course titles and descriptions as possible in a week and then do a brief scan of the courses to identify any initial patterns.

From that initial scan of the data, we identified four categories of law-related courses that seemed applicable: Education Law Specific Course, Intro to Ed/Foundations Course, Exceptional Child Course, and English Language Learner Course. We then set out to each finish collecting the rest of our courses over a two-week period. During that period, we conferred about our progress every couple of days via email and voice to see if we were finding our course categories useful and to compare our data. After we finished collecting all the course titles and descriptions, we noticed some discrepancies in the data, which caused some of the members of the team to go back and re-collect various parts of their data to ensure the dataset was comprehensive and complete.

Once we all finished collecting our own course information with the same criteria, I began coding my data based on the agreed-upon definitions. To code the data into categories I utilized the constant comparative (CC) method of qualitative analysis. Glaser (1965) laid out the four steps of the constant comparative method: comparing incidents applicable to each category, integrating categories and their properties, delimiting the theory, and writing the theory. As I started to go through each course description, I compared the new course to the previous courses in the same category (Creswell & Poth, 2018). This helped to ensure consistency in the category as I went through the data.

As I made the comparisons and selections in the categories, I memoed the characteristics of the choices I was making, which helped me refine and delineate what each category represented. For example, I found myself understanding that courses that listed “legal rights” as one of a long list of topics would go into the general legal literacy courses category as opposed to
courses that listed multiple areas of law or clearly were focused on just legal issues, which went into the education law-specific legal literacy class category.

For example, there is a course called “Nevada School Law” at Regis University in Nevada with the following description:

Focuses on legal rights, roles, and responsibilities of educators in Nevada, emphasizing obligations to students, administrators, school boards and public. Examines issues of school management, organization, finance, child abuse and neglect and violence in schools from the perspective of Nevada School Law.

This is an example of listing a variety of legal areas that would typify the law-specific legal literacy courses. By contrast, the University of Colorado in Colorado Springs has a course titled “P-20 Education in the USA” with the following course description:

This course provides an overview of American education from preschool through college levels (P-20) for international students who have not attended K-12 school in the U.S. It includes foundational information on topics relevant to American schooling, including funding, legal issues, governance, and educational systems.

Here the term “legal issues” is embedded in a long list of other topics, which would typify a course in the general education legal literacy course category. At the beginning of the process, I was not sure how to draw that distinction, but that delineation became clear over time by using the CC method.

As I continued to work through the data, the characteristics of each category began to solidify and moved toward saturation (some more than others), and I was able to write out the descriptions of each category. While the constant comparative method is typically associated with grounded theory research (Creswell & Guetterman, 2019), in this case the purpose of the research was not to try and create a theory from the data to explain a central phenomenon. Instead the purpose of this research was to identify a set of categories into which all courses in teacher preparation programs could be placed that related to the overarching research project: What programs require courses related to educational law in their preparation programs? As such, this study did not seek saturation in the data, but instead all course descriptions and titles
within our data were reviewed in order to continue to refine the categories throughout. This process prioritized parsimony and avoided redundant or superfluous categories.

As the team consulted and compared our data, there were times we nearly added another category. There were some outliers, such as a course in educational technology that included legal issues at the MidAmerica Nazarene University in Kansas. The title of the course was Technology Enhanced Teaching to Support Innovated Student Learning, and the course description was:

This hybrid course is designed to support an understanding of digital tools, innovative teaching practices, and the cognitive and conative (social emotional) skills needed for teaching and learning in the 21st century. Technology has the power to transform teaching and enhance connected teaching. Connecting teachers to their students and to resources that enhance instructional strategies and motivate learners. Students will have the opportunity to apply what they are learning all while considering the social, ethical, legal, and human issues surrounding the use of technology in education. Technology is the tool, but the mission is to develop pioneering teachers who harness innovation and creativity to improve educational outcomes for all learners.

Initially the second category the team planned on using was an education foundations or introduction course that included legal literacy, but the MidAmerica Nazarene University course would not have exactly fit because it was a 300-level course. While we could have created a separate category for technology-related legal literacy courses, we instead opted to rename the Education Foundation/Introduction category to General Education Legal Literacy Courses to be more inconclusive. The category would cover any courses that used the term “legal” or “law” in the description that did not fit in the other categories and mostly comprised Introduction to Education courses and Foundations of Education courses. In addition, the other outlier courses were grouped into this category.

The Exceptional Child Course category included courses with any reference to exceptional children. Exceptional children, according to the Council for Exceptional Children, include any students with a disability and/or gift and talent. When looking for these courses we looked for keywords such as special education, gifted education, inclusion, disabilities, or
similar terms that also mentioned the words "legal" or "law." This last statement is an important distinction because most schools seem to require some sort of “introduction to special education” course for all of their pre-service teacher candidates, but not all mention the words “legal” or “law” in the course description. For example, the University of Wisconsin Platteville offers a course titled Introduction to Inclusion with the following description:

   This course will expose students to several theories that impact the teaching and the learning process with a focus on the learner with exceptional learning needs.

While this class is about teaching exceptional learners, it is not clear if legal issues are included.

Another less clear example is St. Norbert College in Wisconsin, which has a course titled Adolescents with Exceptionalities with the following description:

   Students in this course are introduced to the ways in which students who have low or high incidence exceptionalities can affect their learning experiences and social relationships. Through discussion of life experiences, professional literature and media, students gain awareness of how individuals with exceptionalities are able to adapt and excel. Students become familiar with federal mandates for inclusive practices to include differentiated instruction, universal design, augmentative and alternative communication, and assistive technology as they relate to accessibility to the general curriculum and capacity-based learning. In addition, students explore models for supporting students with exceptionalities in transition to adulthood.

This course does mention the phrase “federal mandates” but not “legal” or “law,” so it was not included in the data. There was a point in the memoing process when the team considered including terms like “federal mandates,” “legislation,” and other similar terms. We chose not to do so for two main reasons. The first was we worried it would be slippery slope to start including more and more terms that might fit into legal literacy, especially across six researchers. The second reason was we did not want to start trying to interpret what courses were about. For example, in the St. Norbert class above, there is the common phrase, “includes differentiated instruction.” Some would argue that you cannot understand differentiated instruction without understanding the Individuals with Disability Education Act, which would likely start to include legal topics. However, the course could just be focused only on how to differentiate without that
context, and we cannot tell just from the course description. For those reasons, we chose to keep the criteria for inclusion simple and objective to just include the terms “legal” and “law.”

For example, Purdue University – Fort Wayne in Indiana offers a course titled Teaching the Exceptional Learner in the Elementary School with a following course description:

Knowledge, attitudes, and skills basic to the education of exceptional learners (students who are handicapped as well as gifted and talented in the regular elementary classroom. Topics include historical and international perspectives, the law and public policy, profiling the exceptional learner, a responsive curriculum, teaching and management strategies, teachers as persons and professionals.

This course description includes both the terms “exceptional learners” and “law” and was included in the data.

Lastly, the English Language Learner Course category captured any courses that covered legal topics related to English language learners, language acquisition, or linguistically diverse students. For example, Eastern New Mexico University offers a course titled Family, Language, and Culture with a course description of:

First and second language acquisition with reference to the young linguistically diverse child utilizing case studies and current research to include legal developments, family and school partnerships and parental rights.

This course description includes reference to “linguistically diverse” and “legal” and was included in the data. Some of the same difficulties in coding the exceptional student courses existed in this category as well, but overall, fewer schools offered required courses in teaching English language learners, so it was less taxing to sort.

The last change we made from when we started to when we ended is that we decided it was not accurate, in all cases, to refer to these courses as legal literacy courses. In most cases, the classes were just about increasing the legal knowledge of teachers, which is only part of the definition of legal literacy. Therefore, we modified the category General Education Legal Literacy Courses to General Education Law-Related Course. In the end we were able to identify and describe the four categories:
• Education Law Specific Course - Courses that focus only on legal issues for all students and teachers.

• General Education Law-Related Course - General courses in a program that typically listed the term “legal rights” or “legal foundations” in a long list of items covered in a course.

• Exceptional Child Course - Courses that specifically dealt with legal issues of exceptional children or general courses about exceptional children that mentioned “legal rights” or a similar term as a part of the course.

• English Language Learner Course - Courses that specifically dealt with the legal rights of English language learners or a general course about instruction of English language learners that lists “legal rights” or a similar term as a part of the course.

**Variable Measurement**

**Law course variables**

The team put each required course into the appropriate category and summarized the requirements for each program using a binary system (0 = no courses; 1 = yes, at least one) to indicate which programs required law-related courses and which type of course(s) they required. In the event a school required two courses in the same category, that was still coded as a 1 to indicate that at least one course was required in that category for that program.

**College descriptive variables**

To look for patterns across institutions that required a legal literacy course, data from the Integrated Postsecondary Education Data System (IPEDS) were utilized. The following variables and potential values were used:

• Institution Level: 4 year vs 2 year

• Control: Public, Private Non-Profit, Private for Profit

• Highest Level of Degree: Doctorate, Master’s, Bachelor’s
• Locale: City (Large, Midsize, Small), Suburb (Large, Midsize, Small), Town (Fringe, Distant, Remote), Rural (Fringe, Distant, Remote)¹

• Institution Size: Small (<1,000), Medium (1,000-4,999), Medium-Large (5,000-9,999), Large (10,000-19,999), X-Large (>20,000)

Data Analysis

Descriptive Statistics in the Summary Tables

The data for the undergraduate programs were broken into three groups: General Education Programs, Special Education Programs, and English Language Learner Programs. General education licensure programs included schools that offered BS/BA licensure programs for primary, middle school, or secondary grades. Special education programs referred to schools that offered BA/BS undergraduate licensure in special education for any grades K-12. English Language Learner programs referred to schools that offered BA/BS undergraduate licensure teaching English language learners for any grades K-12. Schools that just offered minors or endorsement in these fields were not included in the data.

The upcoming tables are structured in the following way. The first set of data (first three columns) in each table identifies all the schools (degree-granting institutions) that offer a program and then the number of schools in that set that require at least one law-related class for graduation. The second set of data lists the categories of the required courses. The first column in each set is the number of programs that required a law-related course in that category, and the second column is the percent of programs that required that category of law-related class out of the programs that required any law-related class.

If a program required a law-related class from multiple categories for graduation, it was counted once in each category. For example, National Louis University in Illinois required both

¹ Definitions based on the National Center for Education Statistics
Educational Foundations for Learning English as an Additional Language and Introduction to Special Education and Methods of Teaching Students with Disabilities for the undergraduate general education teaching degree. The former is an ELL law-related class, and the latter is a special education law-related class. National Louis University has a 1 marked in both the Exceptional Student and English Language Learner columns in the General Education table. However, if a school required two classes in the same category, that school was only counted once in the data. For example, Concordia University Chicago requires both Topics and Procedures in Special Education and Identification and Education of Young Children with Special Needs for the special education undergraduate degree. Both courses fall into the Special Education Law-Related Course category and Concordia only has a 1 in the Exceptional Child column in the Special Education degree table.

Comparisons/Summaries of Data

For the final summary of the courses, the researchers decided to group the schools geographically by federal circuit court district. This decision was made to analyze if there were any regional trends in pre-service legal literacy courses as mentioned above.

This section summarizes the data found in Table 1 through Table 9 below. I first describe the federal circuit-level legal course requirements for general education, special education, and English Language Learner teacher licensure programs for the Seventh Circuit. I then compare the circuit data to the data from the nation as a whole. Next, I compare the requirement of law-specific or law-inclusive courses in the programs of the various states within the circuit. I then repeated that summary for the Tenth Circuit. I also included the institutional characteristics data for each of the eight programs that required an education law specific course. Finally, I directly answer each of the research questions using the data and analysis produced in each of the preceding steps.
Seventh Circuit

Seventh Circuit Overview

In the Seventh Circuit (Illinois, Wisconsin, and Indiana), 119 schools offered undergraduate teacher education degrees with licensure (Table 1). Of those 119 schools, 60 (50.42%) had a required course that included the term law or legal in the course title or course description. Of those 60 general teacher certification programs, 7 had a class that was education law specific, 28 had a general education law-related course, 33 had a law-related course about educating the exceptional child, and 3 had a class related to English language learner legal issues.

Table 1

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>General Education Licensure Program</th>
<th>Law Class Required n</th>
<th>%</th>
<th>Type of law class required in programs that require a law class (n=60)</th>
<th>Education Law Specific n</th>
<th>%</th>
<th>General Law n</th>
<th>%</th>
<th>Exceptional Child n</th>
<th>%</th>
<th>English Language Learner n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td></td>
<td>47</td>
<td>22</td>
<td>46.81%</td>
<td>4</td>
<td>18.18%</td>
<td>10</td>
<td>45.45%</td>
<td>9</td>
<td>40.91%</td>
<td>2</td>
<td>9.09%</td>
</tr>
<tr>
<td>Indiana</td>
<td></td>
<td>40</td>
<td>23</td>
<td>57.50%</td>
<td>3</td>
<td>13.04%</td>
<td>10</td>
<td>43.48%</td>
<td>13</td>
<td>56.52%</td>
<td>1</td>
<td>4.35%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td></td>
<td>32</td>
<td>15</td>
<td>46.88%</td>
<td>0</td>
<td>0.00%</td>
<td>8</td>
<td>53.33%</td>
<td>11</td>
<td>73.33%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>7th Circuit</td>
<td></td>
<td>119</td>
<td>60</td>
<td>50.42%</td>
<td>7</td>
<td>11.67%</td>
<td>28</td>
<td>46.67%</td>
<td>33</td>
<td>55.00%</td>
<td>3</td>
<td>5.00%</td>
</tr>
</tbody>
</table>

Also in the Seventh Circuit, 77 schools offered undergraduate special education teacher certification programs (Table 2). These were full degree (sometimes dual degree) programs rather than minors or endorsements. Of those 77 special education programs, 59 required a law class of some type. Of those 59 special education programs that required a law class, 4 required an education law specific course, 19 required a general education law-related course, 45 required
an exceptional child law-related course, and 1 required and English language learner law-related course.

Table 2
Law Class Requirements of Special Education Teacher Licensure Programs in the Seventh Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>Law Class Required n</th>
<th>Law Class Required %</th>
<th>Education Law Specific n</th>
<th>Education Law Specific %</th>
<th>General Law n</th>
<th>General Law %</th>
<th>Exceptional Child n</th>
<th>Exceptional Child %</th>
<th>English Language Learner n</th>
<th>English Language Learner %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>27</td>
<td>77.78%</td>
<td>3</td>
<td>14.29%</td>
<td>5</td>
<td>23.81%</td>
<td>17</td>
<td>80.95%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Indiana</td>
<td>34</td>
<td>82.35%</td>
<td>1</td>
<td>3.57%</td>
<td>10</td>
<td>35.71%</td>
<td>19</td>
<td>67.86%</td>
<td>1</td>
<td>3.57%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>16</td>
<td>62.50%</td>
<td>0</td>
<td>0.00%</td>
<td>4</td>
<td>40.00%</td>
<td>9</td>
<td>90.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>7th Circuit</td>
<td>77</td>
<td>76.62%</td>
<td>4</td>
<td>6.78%</td>
<td>19</td>
<td>32.20%</td>
<td>45</td>
<td>76.27%</td>
<td>1</td>
<td>1.69%</td>
</tr>
</tbody>
</table>

Finally, in the Seventh Circuit, 10 schools offered undergraduate English language learner teacher certification programs (Table 3). These were full degree (sometimes dual degree) programs rather than minors or endorsements. Of those 10 English language learner programs, all 10 required a law-related class. (This was the only degree type to have all of the programs require a law-related course.) Of those 10 special education programs that required a law-related class, 2 required an education law specific course, 5 required a general education law related course, 7 required an exceptional child law-related course, and 2 required and English language learner law-related course.
Law Class Requirements of ELL Teacher Licensure Programs in the Seventh Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>ELL Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=10)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Law Class Required</td>
<td>Education Law Specific</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Illinois</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Indiana</td>
<td>4</td>
<td>100.00%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>5</td>
<td>100.00%</td>
</tr>
<tr>
<td>7th Circuit</td>
<td>10</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

The most common type of law class across the Seventh Circuit focused on the laws surrounding exceptional children. This is especially true for special education degree programs where, even though the number of programs decreased compared to general education programs, the number of programs that require an exceptional child law-related class increased.

Comparison of the Seventh Circuit and the Other Circuits

The Seventh Circuit has 119 schools that offer undergraduate general education certification degrees, which is the fifth highest circuit in the country (Table 4). Further, only 60 (50.4%) of those programs required a law-related course, which places the Seventh Circuit right about average in terms of percent of programs. However, seven of the general education programs required an education law specific class, which places the Seventh Circuit fourth in the US in raw number of programs and fifth (11.7%) in the US in percent of programs requiring an education law specific course. By contrast only three of the Seventh Circuit’s 119 general education licensure programs required an ELL specific law course, which is fifth (5%) both in terms of raw number of programs and percent of programs requiring an ELL law course, which
is below the national average. The Third Circuit had 11 programs that required an ELL specific law course (14%) and 25% of general education programs (8 programs out of 32) in the Eleventh Circuit required an ELL specific law course.

Table 4

Law Class Requirements of General Education Teacher Licensure Programs in the United States Grouped by Federal Judicial Circuit

<table>
<thead>
<tr>
<th>Federal Judicial Circuit</th>
<th>General Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=644)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Degree granting institutions</td>
<td>Law Class Required</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>6</td>
<td>33.33%</td>
</tr>
<tr>
<td>1st</td>
<td>73</td>
<td>60.27%</td>
</tr>
<tr>
<td>2nd</td>
<td>125</td>
<td>52.80%</td>
</tr>
<tr>
<td>3rd</td>
<td>122</td>
<td>63.93%</td>
</tr>
<tr>
<td>4th</td>
<td>118</td>
<td>49.15%</td>
</tr>
<tr>
<td>5th</td>
<td>100</td>
<td>49.00%</td>
</tr>
<tr>
<td>6th</td>
<td>134</td>
<td>54.48%</td>
</tr>
<tr>
<td>7th</td>
<td>119</td>
<td>50.42%</td>
</tr>
<tr>
<td>8th</td>
<td>149</td>
<td>63.76%</td>
</tr>
<tr>
<td>9th</td>
<td>79</td>
<td>50.63%</td>
</tr>
<tr>
<td>10th</td>
<td>79</td>
<td>58.23%</td>
</tr>
<tr>
<td>11th</td>
<td>103</td>
<td>32.04%</td>
</tr>
<tr>
<td>All Circuits</td>
<td>1207</td>
<td>53.36%</td>
</tr>
</tbody>
</table>

While the Seventh Circuit has the most programs (77) that offered undergraduate special education degrees (Table 5) with certification in the US, it is only average in terms of the percent of special education certification programs that required a law-related course (Seventh circuit – 77%, nation 75%), while over 95% of the special education programs in the Third Circuit and the
District of Columbia required a law-related course. In terms of the categories of law-related classes for special education certification programs, the Seventh Circuit had four programs that required an education law specific class (Fourth most in the nation), which is about average in percent of programs that required a general education law-related class (32.2% compared to 33%). It is below average in percent of programs that required an exceptional student law-related course (76% compared to 82%) and below average in percent of programs that required an ELL law-related course (1.7% compared to 4%).

Table 5

Law Class Requirements of Special Education Teacher Licensure Programs in the United States Grouped by Federal Judicial Circuit

<table>
<thead>
<tr>
<th>Special Education Licensure Program</th>
<th>Degree granting institutions</th>
<th>Law Class Required</th>
<th>Type of law class required in programs that require a law class (n=411)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>District of Columbia</td>
<td></td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>1st</td>
<td></td>
<td>37</td>
<td>83.78%</td>
</tr>
<tr>
<td>2nd</td>
<td></td>
<td>41</td>
<td>80.49%</td>
</tr>
<tr>
<td>3rd</td>
<td></td>
<td>83</td>
<td>83.13%</td>
</tr>
<tr>
<td>4th</td>
<td></td>
<td>63</td>
<td>65.08%</td>
</tr>
<tr>
<td>5th</td>
<td></td>
<td>46</td>
<td>65.22%</td>
</tr>
<tr>
<td>6th</td>
<td></td>
<td>49</td>
<td>67.35%</td>
</tr>
<tr>
<td>7th</td>
<td></td>
<td>77</td>
<td>76.62%</td>
</tr>
<tr>
<td>8th</td>
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<td>59</td>
<td>77.97%</td>
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<td>9th</td>
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<td>27</td>
<td>70.37%</td>
</tr>
<tr>
<td>10th</td>
<td></td>
<td>31</td>
<td>80.65%</td>
</tr>
<tr>
<td>11th</td>
<td></td>
<td>54</td>
<td>46.30%</td>
</tr>
<tr>
<td>All Circuits</td>
<td></td>
<td>567</td>
<td>72.49%</td>
</tr>
</tbody>
</table>
For English Language Learner (ELL) undergraduate certification degree programs, the Seventh Circuit has 10 programs that offer the degree (Table 6) and is one of four circuits that has 100% of the ELL programs requiring a law course to receive an ELL degree. In terms of the law course categories, the sample sizes are small, but the Seventh Circuit is generally near or above the average in each category. The Seventh Circuit is also one of only two circuits to require an ELL specific law class to earn the ELL teaching certification.

Table 6

Law Class Requirements of ELL Teacher Licensure Programs in the United States Grouped by Federal Judicial Circuit

<table>
<thead>
<tr>
<th>ELL Licensure Program</th>
<th>Law Class Required</th>
<th>Type of law class required in programs that require a law class (n=55)</th>
<th>Education Law Specific</th>
<th>General Law</th>
<th>Exceptional Child</th>
<th>English Language Learner</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Degree granting institutions</td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>0</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>1st</td>
<td>3</td>
<td>1</td>
<td>33.33%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>2nd</td>
<td>14</td>
<td>11</td>
<td>78.57%</td>
<td>1</td>
<td>9.09%</td>
<td>8</td>
</tr>
<tr>
<td>3rd</td>
<td>3</td>
<td>2</td>
<td>66.67%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>4th</td>
<td>2</td>
<td>1</td>
<td>50.00%</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
</tr>
<tr>
<td>5th</td>
<td>12</td>
<td>9</td>
<td>75.00%</td>
<td>2</td>
<td>22.22%</td>
<td>4</td>
</tr>
<tr>
<td>6th</td>
<td>12</td>
<td>6</td>
<td>50.00%</td>
<td>0</td>
<td>0.00%</td>
<td>2</td>
</tr>
<tr>
<td>7th</td>
<td>10</td>
<td>10</td>
<td>100.00%</td>
<td>2</td>
<td>20.00%</td>
<td>5</td>
</tr>
<tr>
<td>8th</td>
<td>11</td>
<td>6</td>
<td>54.55%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>9th</td>
<td>7</td>
<td>1</td>
<td>14.29%</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
</tr>
<tr>
<td>10th</td>
<td>6</td>
<td>6</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
<td>2</td>
</tr>
<tr>
<td>11th</td>
<td>4</td>
<td>2</td>
<td>50.00%</td>
<td>1</td>
<td>50.00%</td>
<td>0</td>
</tr>
<tr>
<td>All Circuits</td>
<td>84</td>
<td>55</td>
<td>65.48%</td>
<td>6</td>
<td>10.91%</td>
<td>23</td>
</tr>
</tbody>
</table>
Comparisons Across States in the Seventh Circuit

Indiana has the highest percentage of programs with a law-related course required for general education certification, with 23 of the 39 (59%) programs requiring a law-related course (compared to Illinois at 46.8% and Wisconsin at 46.9%). Indiana also has the highest percentage of programs with a law-related course required for special education certification, with 28 out of 34 programs (82%) requiring a law-related course (compared to Illinois at 78% and Wisconsin at 63%). However, the percentage of programs that require a law-related course for special education certification increased compared to the percentage of programs that required a law-related course for general education certification.

While Wisconsin offers no education law specific classes, 11 of its 15 general education certification programs required a law-related course in special education (73.3%) and 8 required a general education law-related course (53.3%), which is higher than the other two states in both categories.

Tenth Circuit

Tenth Circuit Overview

In the Tenth Circuit (Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming), 79 schools offered undergraduate teacher education degrees with licensure (Table 7). Of those 79 schools, 46 (58.32%) had a required course that included the term “law” or “legal” in the title or description. Of those 46 general teacher certification programs, 1 had a class that was education law specific, 27 had a general education law-related course, 28 had a law-related course about educating the exceptional child, and 8 had a class related to English language learner legal issues.
Table 7

Law Class Requirements of General Education Teacher Licensure Programs in the Tenth Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>General Education Licensure Program</th>
<th>Law Class Required</th>
<th>Type of law class required in programs that require a law class (n=46)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Colorado</td>
<td></td>
<td>16</td>
<td>68.75%</td>
</tr>
<tr>
<td>Kansas</td>
<td></td>
<td>24</td>
<td>62.50%</td>
</tr>
<tr>
<td>New Mexico</td>
<td></td>
<td>8</td>
<td>100.00%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td></td>
<td>21</td>
<td>42.86%</td>
</tr>
<tr>
<td>Utah</td>
<td></td>
<td>9</td>
<td>33.33%</td>
</tr>
<tr>
<td>Wyoming</td>
<td></td>
<td>1</td>
<td>0.00%</td>
</tr>
<tr>
<td>10th Circuit</td>
<td></td>
<td>79</td>
<td>58.23%</td>
</tr>
</tbody>
</table>

Additionally, in the Tenth Circuit, 31 schools offered undergraduate special education teacher certification programs (Table 8). These were full degree (sometimes dual degree) programs rather than minors or endorsements. Of those 31 special education programs, 25 required a law-related class. Of those 25 special education programs that required a law-related class, zero required an education law specific course, 6 required a general education law-related course, 21 required an exceptional child law-related course, and 3 required English Language Learner law-related courses.
Table 8

Law Class Requirements of Special Education Teacher Licensure Programs in the Tenth Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>Special Education Licensure Program</th>
<th>Law Class Required</th>
<th>Education Law Specific</th>
<th>General Law</th>
<th>Exceptional Child</th>
<th>English Language Learner</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Colorado</td>
<td>5</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
<td>20.00%</td>
</tr>
<tr>
<td>Kansas</td>
<td>4</td>
<td>75.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>6</td>
<td>83.33%</td>
<td>0</td>
<td>0.00%</td>
<td>3</td>
<td>60.00%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>8</td>
<td>62.50%</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
<td>20.00%</td>
</tr>
<tr>
<td>Utah</td>
<td>7</td>
<td>85.71%</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
<td>16.67%</td>
</tr>
<tr>
<td>Wyoming</td>
<td>1</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>10th Circuit</td>
<td>31</td>
<td>80.65%</td>
<td>0</td>
<td>0.00%</td>
<td>6</td>
<td>24.00%</td>
</tr>
</tbody>
</table>

Finally, in the Tenth Circuit, six schools offered undergraduate English language learner teacher certification programs (Table 9). These were full degree (sometimes dual degree) programs rather than minors or endorsements. Of those programs, all six required a law-related class (the only type of degree in which all programs required a law-related course. Of those six ELL programs, none required an education law specific course, two required a general education law-related course, four required an exceptional child law-related course, and one required an English language learner law-related course.
Like the Seventh Circuit, the most common type of law course covered legal issues related to exceptional children. The raw number of programs that required exceptional student law-related classes decreased in the special education programs although the percentage of programs that required them increased.

**Comparison Across the Tenth Circuit and Other Circuits**

The Tenth Circuit had 79 schools that offered undergraduate general education certification degrees, which is one of the lower number of programs. However, 46 (58%) of those programs required a law-related course, which placed the Tenth Circuit slightly above average in terms of percent of programs. Only one general education program required an education law specific class, which placed the Tenth Circuit near the bottom of the list. Eight of the general education programs required an ELL specific law course, which was second both in terms of raw

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>ELL Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=6)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Law Class Required</td>
<td>Education Law Specific</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Colorado</td>
<td>3</td>
<td>100.00%</td>
</tr>
<tr>
<td>Kansas</td>
<td>2</td>
<td>100.00%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Utah</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Wyoming</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>10th Circuit</td>
<td>6</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
number of programs and percent of programs (17%) requiring an ELL law-related course. The
Third Circuit had 11 (14%) programs that required an ELL specific law-related course and 25%
of general education programs (8 programs out of 32) in the Eleventh Circuit had required an
ELL law-related course.)

A similar pattern emerged for the Tenth Circuit regarding undergraduate special
education certification degree programs. The Tenth Circuit is second from the bottom in terms
of number of programs that offer the certification (31) but third from the top in percent of
programs that required a law-related class to earn the special education certification (25 out of
31 programs, or 81%). In terms of the categories of law-related classes for special education
certification programs, the Tenth Circuit had no programs that required an education law
specific class, was slightly below average in percent of programs that required a general
education law-related class (24% compared to 32%), was slightly above average in percent of
programs that required an exceptional student law-related course (84% compared to 82%), and
was above average in percent of programs that required an ELL law-related course (12%
compared to 4%).

For English Language Learner (ELL) undergraduate certification degree programs, the
Tenth Circuit had six programs that offered the degree and was one of four circuits that had
100% of the ELL programs requiring a law course to receive an ELL degree. In terms of the law
course categories, the sample sizes were small, but the Tenth Circuit was generally near the
average in each category. The Tenth Circuit was also one of only two circuits to require an ELL
specific law class to earn the ELL teaching certification.

**Comparisons Across States in the Tenth Circuit**

Of the states in the Tenth Circuit, New Mexico had the highest percentage of general
education certification programs requiring a law-related class, with all eight programs requiring
a course. Oklahoma had the most general education certification programs, with a general law-
related class in seven of the nine programs. Colorado had the highest percentage of general education certification programs requiring a law-related course about educating exceptional children, with 8 out of 11 programs requiring such a course.

In special education certification programs in the Tenth Circuit, all the programs in two states, Colorado (5 out of 5) and Wyoming (1 out of 1) required a legal literacy course. Also, the percentage of programs in all states that required a law-related course for special education certification went up compared to the general education certification.

**Comparison of the Seventh & Tenth Circuits**

One interesting distinction between the Seventh and the Tenth Circuits’ programs is that 17.4% percent of the accreditation programs with a law-related course in the Tenth Circuit required a course on legal topics concerning English language learners compared to only 5% of the programs in the Seventh Circuit. In contrast, 11.7% of the programs that required a law-related course in the Seventh Circuit required an education law specific class compared to only 2% (one program) in the Tenth Circuit.

**Institutional Data for Schools That Require an Education Law Specific Course**

The institutional characteristics data from the IPED was gathered for the eight programs that require legal literacy courses in the Seventh and Tenth Circuits. Selected categories of interest are reported in Table 10.

**Addressing the Research Questions**

**Addressing Question 1**

Q1 – How do education legal literacy course requirements for pre-service teachers compare between teacher preparation programs across the United States?
Q1a – What are the overall legal literacy course requirements in the United States?

There were 1,204 institutions in the United States that offered an undergraduate general education certification degree program for education at some level of K-12. Of those programs, 622 (51.7%) required some sort of law-related class as defined above. Those law-related courses can be broken into four categories: Education Law Specific, General Education Law-Related, Exceptional Child, and English Language Learner (ELL). Of the 622 programs that required a law-related course, 76 (12.2%) required a course specifically in education law, 317 (51.0%) required a general education law-related course, 399 (64.2%) required an exceptional child law course, and 43 (6.9%) required an ELL law course.

There were 532 institutions in the United States that offered an undergraduate special education certification degree program. Of those programs, 397 (74.6%) required some sort of law-related class as defined above. Those law-related courses can be broken into four categories: Education Law Specific, General Education Law-Related, Exceptional Child, and English Language Learner (ELL). Of the 397 programs that required a law-related course, 46 (11.6%) required a course specifically in education law, 128 (32.2%) required a general education law-related courses, 326 (82.1%) required an exceptional child law course, and 16 (4.0%) required an ELL law course.

There were 84 institutions in the United States that offered an undergraduate English language learner (ELL) education certification degree program. Of those programs, 55 (65.5%) require some sort of law-related class as defined above. Those law-related courses can be broken down into four categories: Education Law Specific, General Education Law-Related, Exceptional Child, and English Language Learner. Of the 55 programs that required a law-related course, 6 (10.91%) required a course specifically in education law, 23 (41.82%) required a general
<table>
<thead>
<tr>
<th>Institution Name</th>
<th>Control and Level of Institution</th>
<th>Highest Level of Degree Offered</th>
<th>Locale</th>
<th>Institution Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eureka College</td>
<td>Private, 4 Year Institution</td>
<td>Bachelor’s Degree</td>
<td>Fringe Town</td>
<td>Under 1,000</td>
</tr>
<tr>
<td>Hebrew Theological College</td>
<td>Private, 4 Year Institution</td>
<td>Bachelor’s Degree</td>
<td>Small City</td>
<td>Under 1,000</td>
</tr>
<tr>
<td>Southern Illinois University-Carbondale</td>
<td>Public, 4 Year Institution</td>
<td>Doctor’s Degree – research/scholarship and professional practice</td>
<td>Small City</td>
<td>10,000–19,999</td>
</tr>
<tr>
<td>Western Illinois University</td>
<td>Public, 4 Year Institution</td>
<td>Doctor’s Degree – research/scholarship</td>
<td>Fringe Town</td>
<td>5,000–9,999</td>
</tr>
<tr>
<td>Hanover College</td>
<td>Private, 4 Year Institution</td>
<td>Bachelor’s Degree</td>
<td>Fringe Town</td>
<td>1,000–4,999</td>
</tr>
<tr>
<td>Indiana University-Bloomington</td>
<td>Public, 4 Year Institution</td>
<td>Doctor’s Degree – research/scholarship and professional practice</td>
<td>Small City</td>
<td>20,000 and above</td>
</tr>
<tr>
<td>Bacone College</td>
<td>Private, 4 Year Institution</td>
<td>Bachelor’s Degree</td>
<td>Fringe Town</td>
<td>Under 1,000</td>
</tr>
<tr>
<td>Purdue University-Main Campus</td>
<td>Public, 4 Year Institution</td>
<td>Doctor’s Degree – research/scholarship and professional practice</td>
<td>Small City</td>
<td>20,000 and above</td>
</tr>
</tbody>
</table>
education law-related courses, 42 (76.36%) require an exceptional child law course, and 3 (5.45%) required an ELL law course.

**Q1b - How do the education legal literacy course requirements for pre-service teachers compare between teacher preparation programs in different regions of the country demarcated by circuits?**

In the United States Tenth Circuit there were 79 schools that offered an undergraduate education degree with certification in Grades K-12, and 58.23% of those programs required at least one law-related class for graduation. In the Seventh Circuit there were 119 schools that offered the same degree, but only 50.42% of them required a law-related class for graduation. A greater percentage of the programs in the Tenth Circuit across the four categories required a law-related course in all the categories except for education law specific law courses, where 11.67% of the programs in the Seventh circuit required that type of course compared to 2.17% in the Tenth Circuit.

Regarding programs that offered special education undergraduate degrees, there were more program in the Seventh Circuit than the Tenth Circuit (77 vs 31), but the percent of programs that required at least one law-related course was much closer, with the Tenth Circuit at 80.65% and the Seventh Circuit at 76.62%. Across the four categories of law-related courses required for the special education programs, the Seventh Circuit had a greater percent of programs requiring an education law specific course (6.78% vs 0%) and general education law-related courses (32.30% vs 24.00%). The Tenth Circuit had a greater percent of programs requiring exceptional child (84% vs 76.27%) and ELL (12% vs 1.69%) law courses than the Seventh Circuit.

For programs that offered undergraduate degrees and certification in teaching English language learners, both the Seventh and Tenth Circuits had 100% of their programs requiring at least one law-related class, with the Seventh Circuit still having more programs overall (10 vs 6). The Seventh Circuit was higher than the Tenth Circuit in percent of programs requiring
education specific (20% vs 0%), general (50% vs 33.33%), exceptional child (70% vs 66.67%), and ELL (20% vs 16.67%) law-related courses.

Q1c – How do the education legal literacy course requirements for pre-service teachers compare across teacher preparation programs in different states?

Of the nine states in the two circuits I researched, New Mexico had the highest percent (100%) of programs that required a law-related course for a general education degree, but it also had the second fewest programs that required a law-related course (8). Indiana had the most schools that required a law-related course (23) for a general education teaching degree, followed closely by Illinois (22). This likely reflects their state populations and the fact they were the top two states in terms of degree-granting institutions. Wyoming had the lowest number of degree-granting institutions (1) and the fewest programs that required a law-related course for a general education teaching degree (0).

Regarding the special education programs, the states were more clustered than for the general education programs. Two states (Colorado and Wyoming) required a law-related class for all special education degree programs, although the number of programs was rather small (five and one, respectively). Indiana and Illinois had the most degree-granting institutions and the most programs that required a law-related class to earn a special education degree (28/34 and 21/27, respectively). The rest of the states had a similar number of degree programs and programs that required a law-related course.

For the English Language Learner programs, the number of degree programs and the number of programs that required a law-related course for an ELL teaching degree decreased dramatically. The number of degree programs in each state in order are Wisconsin (five), Indiana (four), Colorado (three), Kansas (two), Oklahoma (one), and Illinois (one). It is worth noting that in each state with a degree-granting program, all the programs required a law-
related course. However, only three states (Illinois, Wisconsin, and Kansas) have educational law-related courses actually addressing the legal issues in ELL programs.

**Addressing Question 2**

**Q2 – What, if any, factors do programs offering law-specific courses share with one another?**

Overall, the data do not indicate any specific pattern across the programs that required a law specific education law course. The eight programs were split between public and private, with four each. The programs were also split between schools that offered degrees as high as doctorates and schools that only offered bachelor’s degrees. Institution size was scattered across the four categories, with three programs falling under 1,000 students, three in the 1,000-19,999 range, and two in the over 20,000 range.

The locale was also split, with four schools classified as being in fringe towns and four as being in small cities. A fringe town in the IPEDs data is defined as being a territory in an urban cluster that is less than or equal to 10 miles from an urbanized area regardless of size. A small city in the IPEDs data is defined as being in an urbanized area and having a population less than 100,000. It is worth noting that all four of the locations classified as fringe towns also have populations under 100,000 people. Overall, of the 6,559 programs accounted for in the IPEDs survey, only 13.02% were classified as being in a small city and 1.94% were classified as being in a fringe town, so for 100% of the programs requiring an educational legal literacy course to come from those two classifications could be an interesting observation. Many other programs that offered education degrees but did not require an educational legal literacy class fell into these two categories as well, so drawing any strong conclusion would be premature.

I looked at other institutional characteristics in the data to see if there were any distinctive patterns in these eight programs, but nothing stood out. I looked at their classification as a Historically Black College and University, if they were land grant institutions,
and if they were tribal schools. The schools in these categories did not stand out and, therefore, were not reported.

**Results**

**Discussion**

Ultimately the data shows that more than half of all undergraduate teacher licensure programs in the US require a law-related course. On first glance this seems like a positive in terms of introducing and educating teachers about the law. When we go deeper, we find that the highest concentrations of those classes are in special education and are part of a general education law-related course (where legal topics are among many topics covered in the course), but there are very few education law-focused classes. This low percentage of licensure programs that requires an education law specific course can start to explain why the teacher legal literacy numbers are so low. This lack of systematic emphasis on legal knowledge across US teacher licensure programs suggests a gap in the training of future teachers. This gap may be one of the causes of teacher inaction or inappropriate legal action that infringes upon the legal rights of teachers and students as described in the literature.

It is also worth noting that in the specialized programs (special education and ELL) the number of programs that require a law-related class is higher than in the general education programs. Across the nation, 73% (388) of the special education programs required a law-related class for certification, of which 84% (326) required a law-related class in educating exceptional children. Similarly for the ELL programs, 66% of programs required a law-related class though only three programs (5.45%) required a law-related course related to educating ELL students. From this study alone it is unclear why the percentage of programs requiring law-related classes is higher for the special education and ELL programs, but we can speculate that it is likely because they are both federally mandated special populations and with that comes more rules and regulations for teachers to navigate. Additionally, because of those additional rules
and regulations, it is likely that there are additional state mandates for teacher preparation programs related to those two populations.

**Limitations**

One of the largest limitations to the data collected in this study is that the terminology and structure of degree programs across all of the schools and states are not consistent, especially regarding special education and ELL certification. The most prevalent challenge is that even in the same state, different schools offered certification in different ways. Some schools offered a full undergraduate degree program, in others it was a minor or an add-on endorsement, and in the remaining, it was only offered as a master’s degree or graduate certification. This wide discrepancy made it difficult to track exactly what courses were required for which programs and to track and compare among programs and across states. This lack of consistency was likely especially realized in the data of the English Language Learner law-related courses. In many institutions there was not a separate undergraduate degree with this population. Licensure for ELL was often either a minor, an endorsement, or a master’s degree program. This may have caused some ELL law-related courses to be not captured by our study because we restricted our data collection to full undergraduate bachelor’s programs.

Another challenge is that in many cases schools offered dual degrees in elementary and special education, and it was difficult to separately parse out what would have been required for each degree, which could have skewed the data. Finally, each program or state used different terminology such as mild disabilities vs severe disabilities and it was hard to be clear what type of program we were analyzing and whether two programs with different names in different states were the same. We did collect data on those separate programs, and it can lead to some insight, but it is not as reliable as the general licensure data we collected.

Another limitation of the research is that we were relying solely on course descriptions for our analysis. This assumes that schools or professors have kept their course descriptions up
to date and are reflective of what the course requires. For example, a course about methods of educating students with disabilities might include information about the legal aspects of IDEA, but if the course description only identified methods of differentiation, then it was not counted in our data.

**Future Research Areas**

This study provided the first comprehensive look at the course titles and course descriptions of undergraduate teacher licensure programs in the United States. Stemming from this study there are multiple avenues to continue the research. One area would be to see if the search criteria should be expanded to include more courses that are offered at universities. In this study we restricted our search to the words “law” and “legal” in the course title or course description. Analyzing whether that was the correct choice or whether more terms such as “legislation” or “federal mandates” should be included and exploring the impact on the data would be a possibility. This study also only focused on required courses for licensure. In some schools there were also optional or elective courses that would have qualified as a law course the way it was defined in this study. Exploring what optional courses are and their impact on the data would be a potential future study. Another next step could be to do an analysis of the course descriptions collected and course syllabi to see if the descriptions actually match the reality of what is happening in the programs.

Besides just looking at the structure of the study, several interesting questions arise from the data. One area to investigate is around the much higher number of special education and ELL programs that require a law-related course. It would be interesting to determine if teachers with these licensures are more or less likely to act in legally appropriate ways due to their higher likelihood of being exposed to a law-related class. On the other side of the questions it would be interesting to understand how those programs are fitting in the law-related courses when others do not. Are they increasing the number of hours required for the completion of the program? Or,
if they are keeping the total number of hours needed for the degree constant, what other courses are they removing that the general education teachers are taking and what impact does that have on instructional outcomes for students?

One last area of future study would be to expand on the institutional analysis completed in the Seventh and Tenth Circuits in this paper to look at all the programs across the nation that require an education specific law course compared against the IPEDs data. With a larger sample size more patterns might emerge between the schools that require a course in that category.

Another area of institutional analysis could be to look at the departmental faculty of these schools to see if they have a legal scholar in the Department of Education, that might influence the courses required.
What Is Self-Efficacy?

Understanding human behavior is a quest that many attempt but few master. People have a wide range of reasons for their actions, some of which they understand and some they do not. While some people rely on luck or fate to explain their life choices and results, there is a school of thought that people have agency to control and influence their lives. One such theory of human agency is the self-efficacy theory developed by Bandura (1977).

Self-efficacy theory rests on the belief that people, over the course of their lives and experiences, develop a sense of their personal capacity (or efficacy) for specific activities. Specifically, Bandura (1995) says that a person’s perceived self-efficacy “refers to beliefs in one’s capabilities to organize and execute the courses of actions required to manage prospective situations. Efficacy beliefs influence how people think, feel, motivate themselves, and act” (p. 2). Therefore, when they perform a specific behavior, they have a specific outcome expectation based on their sense of efficacy (Bandura, 1997).

In the early to mid-1970s, the common thinking was that behavior was caused by momentary events and that there was an immediate and contiguous relationship between the cause and effect of our actions. However, Bandura (1977), along with others (e.g., Baum, 1973), started to shift the common belief. They suggested that an organism’s actions are not based on one event in time but rather by the aggregate of events over time. While a departure from the thinking of the day, Bandura set the concept of self-efficacy apart by offering a theoretical framework along with research to justify his claims as well as leaving room for others to
investigate the theory (Kazdin, 1978). The main premise of self-efficacy theory is that a person’s perceived beliefs about their abilities can influence their choice of activities.

Bandura (1977) describes an experiment he completed with patients who were afraid of snakes in one of his early writings. With the assistance of instructional aids, the patients engaged in increasingly more threatening interactions with a boa constrictor (holding the snaking, having the snake crawl in their laps, etc.) and the patients engaged in a period of self-directed mastery using the modeling aid only when needed. Another group of patients watched the therapists perform the same activities without engaging with the snake. The participants’ efficacy expectations were measured before, during, and after treatment. The therapy produced higher, more generalized, and strong efficacy expectations than the control group experienced. This study helped to confirm Bandura’s belief that a person’s efficacy and behavior choices can be influenced and changed over time.

**Personal Self-Efficacy and Teacher Collective Efficacy**

The literature surrounding teacher efficacy generally poses two distinct branches: personal teacher efficacy and collective teacher efficacy. While these terms cover similar ideas related to perceptions of efficacy, they are distinct. Originally, the RAND group, as part of a government program to implement reading interventions, chose to study what they called teacher efficacy as one of their variables (Berman, McLaughlin, Ball, Pauly, & Zellman, 1977). As a part of their larger survey in the section covering teachers’ characteristics, the researchers added two statements to assess the teachers’ beliefs in their efficacy:

- When it comes right down to it, a teacher really can’t do much [because] most of a student’s motivation and performance depends on his or her home environment.
- If I really try hard, I can get through to even the most difficult or unmotivated students. (Berman et al., 1977)

For their study, the researchers combined the two items into one metric called teacher efficacy, which measured teachers’ beliefs that they can affect students’ performance. By
including two items about teaching efficacy in their survey, the Berman et al. (1977) found that teachers with a high sense of teacher efficacy had “a belief that the teacher can help even the most difficult or unmotivated students” (p. 136). The first statement speaks to the effect of the teaching profession at large to offset the barriers of home life, socio-economic status, and other factors and is sometimes referred to as general teacher efficacy or collective teacher efficacy. The second statement reflects a teacher’s individual belief that they can have an impact on an individual student if they work at it, referred to as personal teacher efficacy. While the RAND study merged the two together, as time went on researchers separated them into two measures (Bandura, 2000; Pajares, 1996; Tschannen-Moran & Hoy, 2007), and for the purposes of this research, it is important to separate the two terms. A better corollary to relate to self-efficacy as discussed in this paper would be personal teacher efficacy because it relates to a teacher’s feelings of efficacy regarding their own teaching and their expectations of certain outcomes (Tschannen-Moran & Hoy, 2007).

**Self-Efficacy and Action**

As described above, the main premise of self-efficacy theory is that a person’s perceived beliefs about their abilities can influence their choice of activities (Bandura, 1977). For example, people who hold a low sense of efficacy for accomplishing a task may avoid it altogether, whereas those who feel more efficacious are apt to engage in it more often (Schunk, 1984). People make this judgment based on the expected outcomes they develop over time. These outcomes can be grouped into three categories: physical (pleasure or pain), social (praise or ridicule), and self-evaluative (sense of pride or self-dissatisfaction). For example, my self-efficacy in relation to art is low, so when given a choice, I do not choose artistic endeavors. This is based on my expectation that the outcomes of that work will not bring a sense of pride (self-evaluative) and could even bring on ridicule (social).
However, self-efficacy theory is about more than outcomes; it also has to do with a person’s beliefs in their ability to make that outcome happen. Bandura (1977) contended that “outcome and efficacy expectations are differentiated, because individuals can believe that a particular course of action will produce certain outcomes, but if they entertain serious doubts about whether they can perform the necessary activities such information does not influence their behavior” (p. 193). For example, a person may know that in basketball making three-point shots can improve the team’s outcome, but they may have a low self-efficacy from that range and therefore do not shoot them. Fortunately, a person’s perception of their capacity for a behavior can be developed and altered over time.

**Power of Self-Efficacy**

Whether they are aware of the concept or not, a person’s self-efficacy influences their actions and outcomes in life. One positive associated with a higher self-efficacy is higher task persistence. Self-efficacy theory posits that increasing a person’s self-efficacy can help them to persist and struggle through difficult work, which can improve their overall output.

Schunk (1981) conducted a study involving 56 nine-to-eleven-year-old students who were deficient in arithmetic. The students received three 55-minute division training sessions utilizing varying instructional methods for each group. The children self-reported their self-efficacy to solve the division problems using a 100-point scale broken into increments of 10 before and after the instruction. The students’ self-efficacy increased in each instructional model, and their persistence in solving the division problems increased. Specifically, “children who judged they could solve more problems subsequently persisted longer on the problems” (p. 99). Bandura and Adams (1977) summarized this relationship in some of their early work:

Perceived self-efficacy affects people's choice of activities and behavioral settings, how much effort they expend, and how long they will persist in the face of obstacles and aversive experiences. The stronger the perceived self-efficacy, the more active the coping efforts. Those who persist in subjectively threatening activities will eventually eliminate their inhibitions through corrective experience, whereas those who avoid what they fear,
or who cease their coping efforts prematurely, will retain their self-debilitating expectations and defensive behavior. (pp. 287-88)

Another benefit to understanding how to increase self-efficacy is that low self-efficacy can lead to a downward spiral of anxiety, stress, and low achievement (Bandura, 1982). For example, if a person begins a task with a low perception of their efficacy and then difficulty arises, their stress can increase. Specifically Bandura (1982) stated that “people who judge themselves inefficacious dwell on their coping deficiencies and view trying situations as fraught with peril” (p. 137). As their stress increases, their work continues to deteriorate, further causing their self-efficacy to decrease.

Putting these two ideas together, if we want teachers to be confident and persist through challenges as they tackle the legal issues they face, it is important to understand how to increase their sense of self-efficacy. Finding ways to raise self-efficacy can increase their persistence when faced with adversity and can help defeat the vicious cycle (Milner, 2002). However, how self-efficacy is increased is also important because developing an inflated perception of one’s self-efficacy can lead to crashing when they encounter new situations, as is seen when student teachers transition to the first year of teaching (Swan, Wolf, & Cano, 2011).

**Generalizability of Self-Efficacy Theory**

While a good deal of the literature related to self-efficacy theory has to do with education (students and teachers), self-efficacy theory has been shown to be generalizable across multiple disciplines (Barling & Abel, 1983; Blyth et al., 2002). In addition to the specific empirical examples included in various sections of this paper, there are other general examples.

In an analysis of 40 tennis players, Barling and Abel (1983) examined the relationship between perceived self-efficacy and objective measures of tennis proficiency. Barling and Abel used a 10-question survey of self-efficacy for the players to rate the strength of their self-efficacy. Then two external judges rated the players’ 12 tennis-specific behavioral categories. Barling and
Abel found that self-efficacy beliefs were significantly related to the participants’ self-rating of all 12 behavioral criteria. This particular study does start to beg the question of which comes first – positive self-efficacy or positive outcomes – and speaks to a positive spiral to counteract the negative spiral Bandura (1982) described. This research and others (e.g., Bueno, Weinberg, Fernández-Castro, & Capdevila, 2008) also show the applicability of self-efficacy theory to the study of athletics.

In another study, Blyth et al. (2002) administered a breastfeeding self-efficacy survey to 300 antenatal women in Australia. After birth, the new mothers with higher breastfeeding self-efficacy were significantly more likely to exclusively breastfeed until at least four months than the mothers with low breastfeeding self-efficacy. It is noteworthy that the rating of their self-efficacy was completed prior to having mastery experiences. Blyth et al., along with Dennis (1999), also theorized that the excitement or satisfaction of successfully breastfeeding created a physiological response (the physical pleasure outcome expectancy discussed above) in the mothers that further enhanced their self-efficacy in a cyclical fashion, meaning the more success the mothers had breastfeeding, the more their self-efficacy rose and the more confident they felt breastfeeding.

These studies help to illustrate that self-efficacy is an important consideration in all aspects of life. The studies also show that higher self-efficacy is related to greater performance outcomes. As we consider the performance of teachers when it pertains to acting in legally appropriate ways, this generalizability seems to indicate that if we can find a way to increase teachers’ self-efficacy when it comes to acting legally, then their performance in handling these issues should also improve.

**Sources of Self-Efficacy**

Our sense of perceived self-efficacy is not innate but is grown and develops over time (Schipper, Goei, de Vries, & van Veen, 2018). There are four main sources of self-efficacy
identified in the literature: mastery experiences, vicarious experiences, verbal persuasion, and affective states (Bandura, 1977). To understand how to increase a person’s self-efficacy, it is important to understand these four sources.

**Enactive Mastery Experiences**

The results and outcomes of actions we have taken in the past have an impact on our perceived self-efficacy in the future. For example, if I have success riding a bike without falling over, that will raise my sense of self-efficacy. By contrast, if I continually fall when I am riding a bike, it will decrease my sense of self-efficacy when it comes time to decide if I should ride a bike again. Of the four factors that influence one's perceived self-efficacy, Bandura (1997) stated that mastery experiences are the most influential. This is further supported Morris and Usher's (2011) study in which interviews were conducted with 12 award-winning professors at major research institutes about their sources of teaching self-efficacy. In their responses, the professors identified mastery experiences (student engagement, student mastery of content) as the most influential factors on their teacher self-efficacy. As we plan teacher professional development and ways to provide mastery experiences around legal literacy, it will be important to understand what mastery experiences might look like.

The influence of mastery experiences can be seen throughout the literature. Hutchison, Follman, Sumpter, and Bodner (2006) had 1,387 freshman engineering students complete a qualitative questionnaire asking about their confidence in being successful in their first-year engineering course. This was a unique approach in that it allowed the students to use their own words to explain their perceived self-efficacy. Hutchison et al. identified nine categories that affected the students' confidence regarding the course and analyzed those nine categories through the lens of self-efficacy theory. They found that most of the categories fell into the subset of mastery experiences: understanding/learning course material, mastery of teaming skills, and perceived abilities with computing and computer programs. These results reinforce
the idea that not only are mastery experiences an important influence on perceived self-efficacy, but they are likely the most important of the four factors. While this study focused on students, the role of mastery experiences is also pervasive in educators.

In a study of Australian generalist elementary teachers, De Vries (2017) interviewed five teachers about their self-efficacy in teaching music. De Vries found that mastery teaching experiences (music teaching accomplishments) played a strong role in their efficacy. Melinda, a part-time music teacher, credited her choir’s success at a competition as giving her the confidence to enter more competitions, and eventually her team came in first. This mastery experience made her feel like she had done well and was “not just the fill-in music teacher because nobody else was doing it” (p. 9). In fact, these successful mastery experiences increased her self-efficacy as a music teacher so much that she went on to apply for full-time music teaching positions. In contrast, Jane, a year-six general teacher, described herself as having low self-efficacy when it came to teaching music. She had tried to incorporate music instruction into her classroom but “had not experienced any meaningful mastery experiences in teaching music” (p. 14). This study highlights a few important points. First, it is not just an unsuccessful experience that can lower self-efficacy, but a lack of experiences can also lower a teacher’s self-efficacy. Second, if we want to increase a teacher’s self-efficacy to act in legally appropriate ways, one way would be to provide successful mastery experiences in the field.

Similar results have been found across multiple disciplines. In a study of computer science students in Ireland, Doyle, Stamouli, and Huggard (2005) administered a survey to 163 students to rate their computer anxiety, self-efficacy, and computer experience. The survey results showed that the more experience the student had with computers, the higher their self-efficacy was. Therefore, it stands to reason that providing more experience in legal interactions to teachers would also increase their self-efficacy in that area.
As people assimilate experiences into their schema, it is important to note that not all experiences have the same effect on self-efficacy. The relative difficulty of the task, amount of effort required, outcome pattern, and other situational factors affect how much an experience will alter perceived self-efficacy. Schunk (1984) summarized this relationship:

Success at a task perceived as difficult should raise self-efficacy more than success at a task viewed as easier; failure at a task that students believe is difficult should have less of a negative impact on self-efficacy than failure at a task thought to be easier. (p. 7)

As we consider the best ways to change a person’s perceived self-efficacy, we must consider the rigor of the task as well as the task itself. If we provide a legal literacy scenario or task to the teachers that is too easy, it may not be impactful enough. However, if we start with an extremely difficult legal literacy task or scenario right away and they are unsuccessful, it may damage their self-efficacy. Matching the correct difficulty level with a person’s current level of efficacy is important.

Vicarious Experiences

While the research on a person’s own experiences being the biggest contributors to their perceived self-efficacy is overwhelming, sometimes people do not have the ability to perform a mastery experience. Or perhaps a person thinks they are performing an action correctly (say throwing a baseball), but they have been actually performing it wrong, thus decreasing their outcome expectancy. In these situations, watching someone model the activity can be an effective way to influence self-efficacy. Bandura (1997) explains that “seeing or visualizing people similar to oneself perform successfully typically raises efficacy beliefs in observers that they themselves possess the capabilities to master comparable activities” (p. 87). This idea can also extend to performance relative to a peer. If we outperform our associates in the workplace, we can increase our self-efficacy, and if we are outperformed, it can lower our efficacy beliefs (Bandura, 1997). The amount of similarity between the model and the individual plays a factor in how much the successes and failures affect a person (Brown & Inouye, 1978). Anecdotally
speaking, when I play basketball, if I see someone near me in age or a little older play well, it makes me believe that I will be able to continue to improve and play well as I age. However, when I see someone much younger than I am play well, it does not really affect my basketball self-efficacy.

Regarding creating professional development to increase teachers’ self-efficacy to act in legally appropriate ways, vicarious experiences can be a useful tool. Abello (2018) surveyed southwestern US high school teachers about their perceptions of the effect of professional development related to blended instruction. The teachers were specifically asked about the effect of vicarious experiences in terms of their capabilities as a teacher, and the results showed the vicarious experiences increased their feelings of capability as a teacher. Specifically, when responding to the prompt, “Learning new strategies from the other teachers about blended learning makes me feel more capable as a teacher,” 81% of the teachers felt more capable after learning new strategies. Similarly, when responding to the prompt, “Learning from the professional development instructor and other teachers about blended learning influences my self-belief in my own capabilities as a teacher,” 69% of the teachers believed that professional development influenced their own self-belief by making them more confident. While the topic is not legal literacy, this study shows that vicarious experiences in structured professional development can increase feelings of efficacy. This same idea could be applied to increasing self-efficacy about taking legally appropriate actions in an education setting.

While the Abello (2018) study shows the ability of vicarious experiences to increase self-efficacy, watching unsuccessful experiences can decrease one’s self-efficacy. Van Zundert, Engels, and Kuntsche (2011) conducted a study of 134 Dutch adolescent smokers who were trying to quit smoking. The participants were surveyed once a week (three times during that day) and had to rate their self-efficacy about continuing their attempt to quit smoking and if they had seen someone else smoke in the last 30 minutes. The study found that when a
participant had recently seen someone else smoking, their momentary self-efficacy decreased. These two studies show that vicarious experiences can have both desirable and undesirable outcomes. Therefore, modeling in professional development should show examples of people succeeding rather than people failing.

It is also worth examining what might happen when mastery experiences and vicarious experiences are in conflict. Warner et al. (2018) conducted a separate study of 143 regularly smoking couples. All the couples committed to a self-quit date. Over the next 21 days each member of the couple separately filled out a questionnaire assessing their smoking-specific self-efficacy and whether they smoked that day (even one puff.) The researchers analyzed whether a person’s partner had been successful in not smoking and considered that a vicarious experience that could contribute to the person’s self-efficacy. Warner et al. (2018) found that the partners’ self-efficacy level seemed to adapt to one another. They conceded that the influence of the vicarious experience on smoking self-efficacy could be mitigated by that person’s own mastery experience as they are trying to quit – either successfully or unsuccessfully. This means that if a person experiences some failure in trying to quit smoking while watching their partner successfully quit, the impact of the vicarious experience can be eliminated. Likewise, if a person has success in quitting smoking while watching their partner quit as well, it can be hard to differentiate which effect contributed to the change in efficacy. So, while in the process of taking an action, positive vicarious experiences may be overruled by negative mastery experiences. The study supports the earlier idea that finding the right balance of difficulty of mastery experiences is important because a failure too early in the process can undo any progress that was made with modeling and providing vicarious experiences.

In another test of the power of vicarious experiences, Wise and Trunnell (2001) measured the self-efficacy of 48 females with limited experience doing a bench press. The participants were exposed to three sequential influences of self-efficacy: performance
experience, vicarious experience, and verbal persuasion. The women were put into six groups to account for all permutations of the sequence. After each condition, the participants completed the bench press self-efficacy scale to measure their self-efficacy. In the end, the researchers found that performance experiences were the most powerful influence on self-efficacy. However, if a person was injured or could not perform an action, the researchers found that a vicarious experience was a more effective approach for improving self-efficacy than verbal persuasion (Wise & Trunnell, 2001). This study, unlike the previous two, shows that vicarious experiences can have a positive influence on self-efficacy.

It is important to note that vicarious experiences alone may not be enough to increase a teacher’s self-efficacy. El-Abd and Chaaban (2020) measured the self-efficacy of 23 pre-service teachers before and after they completed their practicum observations. The results of the teacher efficacy survey did not show a significant change in the teachers’ classroom management self-efficacy based on watching other teachers alone. While the post-test scores showed a slight increase, it was not enough to be considered significant. In addition to the quantitative results, the researchers also conducted focus group interviews with five of the study participants. The focus group data did reveal some shifts in the teachers’ beliefs regarding classroom management, including a shift from reactive to proactive behaviors regarding classroom management. In the focus group interviews, the students also noted the importance of mastery experiences and their desire for more mastery experiences dealing with students, which they cited as the hardest part of a teachers’ job. While this study does not show strong support for the effect of vicarious experiences on teacher self-efficacy, it does demonstrate that vicarious experiences can have an impact on teachers’ beliefs and behavior. It also indicates that for teachers, mastery experiences may be more important than in other fields or areas because of the human-to-human interaction.
Verbal Persuasion

While research shows that mastery experiences are the most influential factor on a person’s self-efficacy, if a person who does not have enough belief in oneself tries an activity, they end up in a Catch-22. This is when verbal persuasion can be a tool to influence someone’s self-efficacy. Verbal persuasion refers to positive praise from others as you are trying to achieve an outcome. Bandura (1997) explains that it is easier to maintain a high self-efficacy through difficult tasks if others express belief in your ability. Additionally, he explained that “people who are persuaded verbally that they possess the capabilities to master given tasks are likely to mobilize greater effort and sustain it than if they harbor self-doubts and dwell on personal deficiencies when difficulties arise” (p. 101). Encouraging verbal persuasion and discouraging verbal persuasion do not have equal impact on perceived self-efficacy. Bandura (1997) noted that it is harder to boost self-efficacy through praise alone than it is to undermine self-efficacy with negative words.

Verbal persuasion, even from subtle unstructured comments, can influence teachers. Choi and bin Abdul Rahman (2017) conducted a study of rural primary school teachers in East Malaysia to measure their self-efficacy in dealing with bullying among students. Teachers were given two surveys: one to determine their self-efficacy and one to determine the sources of their self-efficacy in dealing with bullies. The researchers found that verbal persuasion had a positive effect on the teachers’ self-efficacy in dealing with bullying among students in school. Further, the effect of verbal persuasion for inexperienced teachers was consistent with the effect of the other four sources of self-efficacy, but mastery experiences still had the strongest influence on self-efficacy for experienced teachers. This suggests that for teachers inexperienced in an area, as many are in the area of legal literacy, approaching professional development with all four sources of self-efficacy in mind is important.
In a study of pre-service elementary teachers' science efficacy beliefs, Menon (2020) also found that verbal persuasion can influence a teacher's self-efficacy. The pre-service teachers rated their confidence in teaching science before beginning a field course in elementary science instruction. Four students were the focus to drill into their change in efficacy over the term of the course and the sources of any change. One of the students went from rating herself as a 2 (out of 5) in terms of confidence to teach science to a 4 by the end of the course. When interviewed after the course, she “attributed her increase in confidence to the positive feedback and encouragement she received from her science methods course instructor” (p. 472).

Verbal persuasion is a useful tool for increasing the self-efficacy of someone who will not engage in a mastery experience when a model actor is not around. It is a readily accessible intervention anytime we want. It can be very effective to give individuals confidence to believe in themselves, as Luzzo and Taylor (1993) found in their study of 88 freshmen at the career development center of a small liberal arts college in the Midwest. The participants were asked to complete the Career Decision-Making Self-Efficacy Scale (CDMSES) as a pre-test and a post-test surrounding the intervention. The students receiving the intervention met with a counselor to go over their World of Work Inventory (WOWI) results. During the session, the counselor continually used verbal persuasion to convince the participants they possessed the ability to acquire the requisite skills for effective career decision making. For example, they said things such as, “You certainly have the ability to explore career options while attending college. In fact, the resources for you to engage in effective career decision making are available to you right here on campus” (p.33). The researchers found that participants in the intervention group significantly increased their CDMSES scores between the pre-test and post-test, while participants in the control group had no change in their scores. This shows that the verbal persuasion worked in a scenario in which students had not had a mastery experience yet.
Verbal persuasion can also be used in concert with vicarious experiences to influence self-efficacy when mastery experiences are not available or when people are hesitant to take them on. Hagen, Gutkin, Wilson, and Oats (1998) conducted a study with 89 undergraduate pre-service teachers enrolled in an educational psychology course. Students in the experimental group were shown a video demonstrating effective behavior strategies to use with at-risk students and were shown other research and positive messages about the procedures. The control group was shown a video about the social mistreatment of people with a handicap. All the participants completed the Teacher Efficacy Scale—Revised before and after watching the video. The group who watched the video on the instructional strategies had a significantly higher efficacy score. This study indicates that self-efficacy can be increased through a combination of vicarious experiences and verbal persuasion.

**Physiological and Affective States**

People’s judgment of their self-efficacy can be affected by their physiological state. People are more likely to expect success when they are not undergoing negative arousal, and in that way a person’s physiological state can affect their self-efficacy. This effect is especially pronounced in activities that involve strength and stamina. People perceive fatigue and pain as signs of a loss of physical efficacy, so if a person can enhance their physical status and reduce their stress levels, they can alter their efficacy beliefs (Bandura, 1997). Additionally, high levels of arousal typically have a negative effect on performance, so individuals expect to be more effective when they are not stressed, tense, and/or nervous (Bandura & Adams, 1977).

This effect seems to be prevalent across multiple ages and disciplines. In a study of middle-school science students, Britner and Pajares (2006) measured the degree to which physiological state makes an independent contribution to students’ science self-efficacy. The researchers measured the students’ science anxiety to quantify the students’ physiological state. The researchers defined science anxiety as “feelings of tension and stress that interfere with the
construction of science knowledge” (p. 490). To measure science anxiety, the researchers used an eight-item science anxiety scale. In their analysis of the four factors that affected the self-efficacy and the grades of the students, Britner and Pajares found that science anxiety had a strong negative correlation on science self-efficacy and science self-efficacy had a positive correlation with science achievement. In their conclusion, Britner and Pajares stated that if teachers can help students control their anxiety and fear, they can help students develop a more positive physiological state, which could improve their science self-efficacy.

The relationship between self-efficacy and emotions is still being investigated in teachers, but generally speaking, positive emotions are associated with high self-efficacy and negative emotions are associated with lower self-efficacy (Buric & Macuka, 2018; Tschannen-Moran, Hoy, & Hoy, 1998). However, the nature of the relationship has only recently been more deeply explored. Buric, Slivskovic, and Soric (2020) conducted a study of 3,000 teachers in Croatia to determine the direction of the relationship between teacher emotions and teacher self-efficacy by taking measurements of teacher emotions and teacher self-efficacy at three different points in time six months apart. The results showed that at all points in time positive teacher emotions such as joy, love, and pride were concurrently associated with a higher teacher self-efficacy, and negative teacher emotions such as anger, exhaustion, and hopelessness were concurrently associated with lower teacher self-efficacy. Those associations were expected and supported by other literature, but what the study was really driving at was the reciprocal relationship between the variables, which was not the same in both relationships. Only the teachers who reported having negative emotions at one point in time also reported lower levels of teacher self-efficacy at a future point in time. This reciprocal relationship did have a significant existence for positive emotions and teacher self-efficacy. This led the researchers to conclude that “negative emotions while teaching and interacting with students provides a much stronger source of information about teachers’ competence and mastery in a given task when
compared to the experience of positive emotions” (p. 9). Buric et al. (2020) explained that the “findings from the present research clearly demonstrated a beneficial role of TSE in shaping teachers’ emotional wellbeing by promoting the experience of positive emotions (i.e., joy and pride) and preventing the experience of the devastating and debilitating emotion of hopelessness” (p. 10). In terms of structuring professional development for teachers regarding appropriate legal action, this study indicates that it is important to raise teachers’ level of self-efficacy to keep their emotions positive.

**Domain Specificity of Self-Efficacy**

Bandura (1997) found that “people may judge themselves efficacious across a range of activities or only in certain domains of function” (p. 43). The generality of a person’s perceived self-efficacy can depend on the degree of similarity of the activities and how the person’s capabilities are tested as well as other factors. Most research on self-efficacy is focused on a single domain or issue rather than the relationship between self-efficacies in different domains (Marsh, Walker, & Debus, 1991). Taking a deeper look at the generality of self-efficacy across domains could provide another avenue to influence and increase a person’s perceived self-efficacy. Some studies have begun to explore the generalizability of self-efficacy across domains.

One area in which self-efficacy has been studied is the academic domain. In a study of 588 high school students from four high schools in California, Bong (1997) had the students rate their belief in their ability to answer three questions in six subject areas: English, Spanish, US history, algebra, geometry, and chemistry. She found that “students appeared to hold more or less generalizable perceptions of their academic capabilities beyond the boundary of a specific problem” (pp. 699-700.) She reported that the students who had high self-efficacy tended to have it across all subjects, not just the subjects they were good at or liked.

Other studies, however, support the idea of people only judging themselves efficacious in certain domains. Smith and Fouad (1999) conducted a study with 952 college students in the
Midwest. The students were given a questionnaire with 153 Likert-scale questions that determined, among other variables, the students’ self-efficacy across the subjects of math/science, English, social studies, and art. After performing multiple factor analyses, the researchers found “the existence of the constructs of academic self-efficacy, interests, outcome expectancies, and goals that are specific to subject matter. These constructs show little evidence of generalizing across subject-matter areas” (p. 470). The results of this study may be different from Bong’s (1997) study because this study measured college students and they are more specialized in their academic paths. The results may also be different because the instrument used in it was longer and tested for more than one variable.

Finally, research has also been conducted with students in a single subject area. Bruning, Dempsey, Kauffman, McKim, and Zumbrunn (2013) examined differences in writing self-efficacy across separate writing dimensions (ideation, conventions, and self-regulation) in middle and high school students. In the study, 694 middle school students were given the Self-Efficacy for Writing Scale (SEWS). The SEWS is comprised of 16 Likert-scale questions that can be broken into three subscores to reflect the three categories listed above. The researchers found the students had different perceived self-efficacy in each of the three categories, with “their confidence highest for carrying out writing conventions and lowest on their ability to manage writing’s self-regulatory dimension” (p. 31). This study also replicated the results for college students, which demonstrates that students’ self-efficacy can vary by domain.

Regardless of the reasons, these three studies illustrate there is no clear answer to the question of whether self-efficacy is generalizable or domain specific. For the purpose of this paper, it will be important to remember that even though a teacher may have high self-efficacy in the classroom, it does not necessarily mean they will have high self-efficacy in taking appropriate legal action when needed.
Role of Knowledge in Determining Action

While knowledge and experience can have a symbiotic relationship at times, they are two distinct concepts (Newton, Leonard, Evans, & Eastburn, 2012). For example, I have read a lot about how to build a computer and have gained a lot of knowledge about the process and believe very strongly that I would be able to do it successfully. Therefore, I have a high self-efficacy about that process, but I have never had the chance to do so. Generally, people who have more knowledge have been shown to have a higher self-efficacy (Palmer, 2006), which will in turn give them the confidence to seek out and have more experiences in the field. These experiences will further increase their knowledge, and the cycle will continue.

However, having a high self-efficacy without the corresponding knowledge can be dangerous. In a study of adults ages 18-35, Dixon and Bixler (2007) found that more than half of the participants had an inflated swimming self-efficacy. This was defined as individuals who said they knew how to swim but could not define swimming competencies. In a situation like this, inflated self-efficacy could be dangerous. Similarly, if a teacher in the classroom is presented with a legal situation and believes they know what do and acts incorrectly because they do not have a strong legal literacy, disaster could ensue. Another cautionary note, although not directly related to knowledge, is that an increase in self-efficacy can play a negative role in resource allocation in a planning process. In a study of 64 undergraduate psychology students, Vancouver and Kendall (2006) administered a survey on self-efficacy and studying time two days before and five minutes before exams throughout the semester. The survey results showed an inverse relationship between self-efficacy and study time, indicating that as students gained confidence in the material, they allocated less time to studying. This subsequently led to a decrease in their performance on the assessments. Vancouver and Kendall (2006) concluded that “attempts to increase self-efficacy to improve learning motivation could backfire if care is not taken to align increases in self-efficacy with increases in capacities” (p. 1151). In terms of
professional development for teachers, this would seem to indicate that as the teachers’ self-efficacy increases, the facilitators will need to take care to help them calibrate their capabilities by keeping them mindful of the difficulty of the tasks they are completing.

In the realm of teaching, studies have found that a teacher’s knowledge can have an impact on their self-efficacy. Specifically, an increase in knowledge can lead to an increase in self-efficacy and an increase in self-efficacy can ultimately lead to improved action by the teacher. While knowledge is not explicitly stated as one of the influences on self-efficacy, Bandura (1977) concluded that knowledge of the environment is influenced by experiences. Based on this premise, it is likely that knowledge does have a relationship with beliefs in one’s abilities. Knowledge of the outcomes of behaviors, whether positive or negative, is changed by experiences, and that knowledge will affect future behavior (Bandura, 1989). Research bears out the relationship between self-efficacy and knowledge across multiple fields.

Palmer (2006) theorized that when it comes to teaching elementary science, content knowledge plays a role in the confidence/efficacy of teachers. Further, Palmer theorized that it is reasonable to assume that successes in mastering science content knowledge should lead to an increase in science teaching self-efficacy. This would be consistent with the research around mastery experiences. To test this theory, he tracked 190 students enrolled in a one-semester science methods course for pre-service elementary education teachers. The students completed a lecture and a hands-on lab component. The students were given a science teaching efficacy survey at the beginning and end of the course and an informal survey about the sources of their efficacy three times during the course. Students had a significant increase in their self-efficacy by the end of the course. According to the results of the informal survey, cognitive pedagogical mastery was the largest source of self-efficacy, followed by cognitive content mastery. Knowledge of both how to teach and what to teach was an additional source of self-efficacy, which indicates an increase in knowledge alone can have an impact on self-efficacy. In addition
to showing the impact of increased knowledge on self-efficacy, Palmer’s study shows a person can increase knowledge without having mastery experiences.

Another study of 18 pre-service teachers enrolled in a specialized physics content course found similar results. The study utilized a pre-test/post-test design and participants took the Science Teaching Efficacy Belief Instrument (STEBI-B), which produces two subscales: Personal Science Teaching Efficacy (PSTE), belief in their own teaching ability, and Science Teaching Outcome Expectancy (STOE), belief that education can help students. Students also took a physical science concepts assessment developed by the researchers. Menon and Sadler (2016) found a significant positive correlation among PSTE, STOE, and content knowledge at the end of the course. This is another example of self-efficacy belief increasing with more content knowledge.

This result was confirmed for in-service teachers as well in a study of middle school teachers in Colorado who took a series of National Science Foundation courses designed to increase their subject-matter and pedagogical content knowledge. The courses were unique in that K-12 teachers partnered with university professors to provide a mix of content knowledge and practical classroom experience. Over the course of the five-year project, teachers could take up to 17 courses. The teachers were surveyed using the STEBI-B after each course. Swackhamer, Koellner, Basile, and Kimbrough (2009) grouped the teachers by number of courses taken and compared teachers who had taken 0-3 courses to teachers who had taken 4 or more courses. They drew this distinction (in part) because that is the number of courses most of the teachers needed to be deemed highly qualified. They found that teachers who had taken more courses demonstrated a higher STOE than those who took three or fewer courses. This supports the idea that increasing teacher knowledge can increase teacher self-efficacy.

However, there is not always a causal relationship between knowledge and self-efficacy. People can develop a high self-efficacy in an area while still having rather low knowledge of the
subject. One example of this is parenting. In a study conducted by Hess, Teti, and Hussey-Gardner (2004), 65 mothers of high-risk infants were observed in ten-minute unstructured play with their child to determine their maternal behavioral competence. In addition, these mothers were asked to rate their maternal self-efficacy and their knowledge of infant development. In contrast with the Palmer (2006) study, Hess et al. found no significant correlation between maternal self-efficacy and parent knowledge of infant development. Therefore, the parents must have developed their perceived self-efficacy through other influences; perhaps they had high general self-efficacy and it carried over.

Despite the lack of a correlation between knowledge and self-efficacy in the Hess et al. (2004) study, there was a relationship among self-efficacy, parent knowledge, and maternal competence. The study found that parents with high self-efficacy and high parental knowledge had high parental competence. By contrast, the parents reporting high parenting self-efficacy but low parental knowledge actually had lower parental competence than parents with low self-efficacy and low parental knowledge. In a similar study of the mothers of toddlers and their confidence, knowledge, and interactions, Conrad, Gross, Fogg, and Ruchala (1992) characterized the mothers in that group as naively confident. This can be compared to someone who wrongly thinks they know where they are going, has belief in their ability to get there, but is then tragically lost. In terms of the relationship between self-efficacy and knowledge, these two parenting studies seem to indicate the source of the knowledge might matter, for if a person thinks they are getting good advice that turns out to be wrong, they will end up with a false sense of efficacy.

Therefore, in terms of designing professional development sessions focused on legal literacy, the overall theme seems to be that knowledge could be an important contributor to self-efficacy and is an important contributor to competence. It is also important to note that self-efficacy can be increased through knowledge gain alone (Menon & Sadler, 2016; Swackhamer et
al., 2009) because not every teacher in a professional development session is able or willing to engage in hand-on activities, so simply increasing their knowledge could result in some self-efficacy gains.

**Increasing Self-Efficacy Levels in Teachers to Take Legally Appropriate Actions**

Teachers are faced with situations every day in which their legal literacy is tested. Teachers are required to use their legal literacy to decide the correct course of action guided, at least in part, by the legal requirements/obligations of the school system. A useful definition of legal literacy, as presented earlier in Paper 1, is that educators who are law literate are able to identify when a situation might involve a legal issue and can act appropriately to avoid litigation or know when to ask questions to avoid a potentially litigious situation. Additionally, law literate educators are able to create policy and procedures that meet local, state, and federal laws to sustain day-to-day operations of the school.

Unfortunately, multiple studies have shown that teacher legal literacy is low (Ogletree & Lewis, 1985; Sanchez-Danday & Danday, 2019; Schimmel & Militello, 2007), which can cause teachers to not act when they need to (Holben et al., 2009) or unknowingly violate students’ rights when they do act (Wagner, 2008). Based on the evidence that teachers generally lack legal knowledge and have had negative experiences dealing with situations involving the law, it follows that the self-efficacy of teachers to act in accordance with the law is low. Increasing their self-efficacy to act in accordance with the law will help teachers avoid pitfalls. Specifically, Bandura (1982) says that

> judgments of self-efficacy also determine how much effort people will expend and how long they will persist in the face of obstacles or aversive experiences. When beset with difficulties people who entertain serious doubts about their capabilities slacken their efforts or give up altogether, whereas those who have a strong sense of efficacy exert greater effort to master the challenges. (p. 123)

According to self-efficacy theory, four main influences on a person’s perceived efficacy can be targeted to increase perceived efficacy. Although the previously reviewed research shows
mastery experiences have the greatest influence on self-efficacy, these experiences can increase or decrease a person’s self-efficacy depending on how they are introduced. Therefore, it would likely be a mistake to just put a teacher into a situation that involves application of legal literacy without ensuring they are ready. Mastery experiences are possible in a professional development context, but they need to be strategically crafted and implemented. The experiences (likely a simulated scenario) would also need to be structured so they are not too easy or unimportant (Schunk, 1984). Therefore, while mastery experiences will be a part of the professional development aimed at increasing self-efficacy, they cannot be the only part and it is wise to explore the other influences, even though they are less impactful.

Based on the literature, there are likely two effective ways to increase a teacher’s self-efficacy to act in accordance with the law without a mastery experience. One is through vicarious experiences in which teachers would observe others correctly demonstrating the application of legal knowledge to a specific scenario. Observation of others performing a task correctly has been shown to improve the observers’ self-efficacy (e.g., Hagen et al., 1998; Wise & Trunnell, 2001). The second way is by increasing teachers’ legal literacy knowledge – knowledge about what laws are relevant and how to correctly apply those laws. Research has shown a positive correlation between knowledge and self-efficacy (e.g., Palmer, 2006).

**Increasing Self-Efficacy Through Professional Development**

**General Framework**

One common model to enhance the practice, including self-efficacy, of in-service teachers is through professional development sessions (Fischer & Bilz, 2019) facilitated by expert teachers, school administrators, or outside presenters. Given that we know teachers generally have low legal literacy, it could be problematic to start them with practice via mastery experiences. Being unsuccessful could further re-enforce negative feelings about their self-efficacy to act within the law. Therefore, it would make sense that before having teachers
attempt to utilize their legal literacy in a mastery experience, they should first learn about the law and observe some scenarios in which classroom teachers, like themselves, correctly demonstrate legal literacy. By exposing the teachers to these experiences, their self-efficacy and knowledge of the law should be increased to the point they can successfully engage in a legal mastery experience of some sort. If the teachers are put right into a situation where they must act on a legal issue without the correct preparation, the mastery experience could have the opposite effect and decrease their perceived self-efficacy.

Once teachers have enough legal literacy knowledge to engage with a scenario, it would be appropriate to develop some classroom cases to respond to. The scenarios should be presented in an order of increasing difficulty so the teachers can have some positive mastery experiences early on to build their perceived sense of self-efficacy. As the difficulty of the tasks increases and teachers start to struggle, it is important to help keep their self-efficacy up by utilizing verbal persuasion as positive reinforcement, which can also increase self-efficacy (Luzzo & Taylor, 1993). The same should be true as the teachers work through the scenarios to remind them they can do this work and know enough about the law to make good decisions.

Overarching all the work to increase teachers’ perceived self-efficacy is the need to help teachers maintain their affective state during these potentially stressful situations. In general, when people are undergoing stress or anxiety, as seen in the Britner and Pajares (2006) study on middle school science students, their ability to perform is diminished. Bandura (1982) explains:

People rely partly on information from their physiological state in judging their capabilities. They read their visceral arousal in stressful and taxing situations as an ominous sign of vulnerability to dysfunction. Because high arousal usually debilitates performance, people are more inclined to expect success when they are not beset by aversive arousal than if they are tense and viscerally agitated. (p. 127)

Applying this perspective to training teachers on the effective application of legal literacy, one aspect could be how to stay level-headed during a tense situation. Often when a situation with
legal ramifications occurs, it is unexpected and pressing; however, the required reaction is not typically urgent (although it may feel that way). Giving teachers the tools for how to cope with stress can help them apply what they know and feel more efficacious in their actions.

**Specific Example**

For example, a school may be seeing teachers consistently acting in legally questionable ways regarding issues of search and seizure and it is determined that professional development is the best course for addressing the problem. The facilitator of the session could start by explaining the law surrounding search and seizure in schools to increase the teachers’ legal literacy knowledge. This could be accomplished by reviewing major court cases in that area (e.g., *New Jersey V. TLO* or *GC V. Owensboro*) and having the school resource officer review the rights of students and the school. After that, the facilitators could show the teachers videos of teachers properly handling situations in their classrooms. For example, they could show how a teacher should properly handle encountering a student who smells like marijuana and then starts shoving their hands in their pockets or how to handle a student who is accused of stealing Pop-Tarts from the cafeteria after being identified by the cashier. These are both examples teachers working in a school might encounter, so watching other teachers handle them should help to build self-efficacy for taking legally appropriate action.

This would be the point at which teachers could engage in some mastery experiences at a low level with simple things like catching a student texting in class or what to do if you see an e-cigarette in a student’s bag. They could then progress to theft, stronger drugs, or violence accusations. If the subsequent scenarios require more knowledge, then the facilitators could provide that instruction between the scenarios. The scenarios would be set up so other teachers not involved in the action can watch (providing more vicarious experiences) and so the facilitators can encourage the teachers as they go. When needed, if the facilitator sees the
teachers in the scenarios panicking, they can walk the teachers through some calming or mindfulness exercises to help them keep their nerves under control.

Keeping the four major influences of perceived self-efficacy in mind while developing a training program will expand the likelihood of increasing teachers’ perceived self-efficacy to act in a legally appropriate way. If the perceived self-efficacy of a teacher in the area of legal literacy is increased, it is more likely they will act correctly when a situation presents itself. They will have a higher positive outcome expectancy based on their experiences in the training program and be more likely to persist if the situation becomes difficult. This action on the part of the teachers will have a positive influence on their practices, their students, and their schools in general.
4. A PROFESSIONAL DEVELOPMENT TEMPLATE FOR EDUCATIONAL LEGAL LITERACY BASED ON ADULT LEARNING THEORY AND SELF-EFFICACY THEORY

Introduction

The art of figuring out how adults learn best has been at the center of attention since the founding of adult education as a professional field of practice in the 1920s (Merriam, 2001). However, 100 years later there continue to be multiple theories that have their own take on how adults learn best. Learning theories many times uncover specific learning strategies, along with experiences and particular learning environments that describe what is happening during the learning process. Gagne (1997) describes learning theories as “conceptual structures involved in the process of taking in information and getting it transformed so that it is stored in long-term memory and later recalled as an observable human performance (p. 10).” Learning theories provide a way in which to understand some aspects of adult learning and can assist the teacher with insight when determining an approach to learning (Ozuah, 2016). Both adult learning theory and self-efficacy theory offer multiple key pillars and strategies to consider when creating professional learning opportunities centered on legal literacy.

Countless pieces of research over the years have reiterated that educators require knowledge and skills related to being legally literate not only as a means of protection but also as a professional responsibility (Petzko, 1998). Multiple studies across the literature show that educators lack legal literacy in their field (Ogletree & Lewis, 1985; Sanchez-Danday & Danday, 2019; Schimmel & Militello, 2007). This leads to problems in the classroom both in terms of school safety (fights) and litigation against schools, which has fiscal implications (Holben et al., 2009). In this paper, we set out to propose a simple template from which facilitators could
structure a professional development session (or series of sessions) for educators to increase their educational legal literacy. Many teachers do not receive this training in their pre-service program (Gajda, 2008); therefore, this type of training at an in-service level may be the only education they receive regarding educational legal literacy.

The development of this template is driven by both self-efficacy theory and adult learning theory. Schimmel, Militello, and Eckes (2011) argue that if the basic principles of school law were present in professional development, the level of legal literacy would be positively impacted. There are essential elements included in each of the two theories that will reinforce knowledge and skill development as they pertain to increasing one's legal literacy in the field of education. Research has shown that when people have a greater belief in their efficacy, they are more likely to act in a situation (Bandura, 1997), and through professional learning we can raise the self-efficacy of educators to act in a legally appropriate manner. To ensure that the elements within the professional development are impactful to educators, it is critical to also integrate aspects connected to adult learning theory. Drago-Severson (2009) developed a model for adult growth and learning by focusing on four pillar practices: teaming, providing adults with leadership roles, engaging in collegial inquiry, and mentoring. Cranton (2016) identified the following strategies as critical when designing professional development for adult learners: questioning, consciousness-raising experiences, journals, experiential learning, critical incidents, and art-based activities. The integration of these pillars and strategies will open up new views, challenge existing assumptions, present information from a different view, and has the overall ability to encourage reflection and transformation (Cranton, 2016).

**Literature Review**

**Self-Efficacy Theory**

Self-efficacy theory rests on the belief that when people believe in their capabilities in a certain situation they are more likely to engage in and persevere in that activity (Bandura, 1977).
Research has shown that there are four main sources that can influence a person’s self-efficacy: mastery experiences, vicarious experiences, verbal persuasion, and physiological and affective states. Mastery experiences refer to experiences we have had in our lives. If we have had positive experiences, our self-efficacy will increase in an area and if we have negative experiences our self-efficacy will go down (De Vries, 2017; Morris & Usher, 2011). Vicarious experiences are similar to mastery experiences except they are when we watch someone else complete an activity. Like mastery experiences, witnessing a positive experience can raise a person’s self-efficacy and witnessing a negative experience can lower a person’s self-efficacy (Abello, 2018; Van Zundert et al., 2011). Verbal persuasion refers to the comments others make to you about your abilities. Positive comments about your abilities can raise your self-efficacy and negative comments about your abilities can lower your self-efficacy (Choi & bin Abdul Rahman, 2017; Menon, 2020). Lastly, how we feel, or physiological or affective state, can affect how we perceive our self-efficacy. If we have a negative affective state (feeling stressed or anxious), our self-efficacy will decrease, and if we have an enhanced affective state (feelings of joy, love, or pride), we will perceive our self-efficacy as higher (Britner & Pajares, 2006; Buric et al., 2020).

**Adult Learning Theory**

Studies completed around legal literacy have exposed educators’ desire to learn along with owning the fact that a gap in knowledge currently exists. Within adult learning theories, transformational learning is connected to the cognitive, emotional, interpersonal, and intrapersonal capacities that drive one’s ability to manage both work and life (Drago-Severson, 2009). Further Drago-Severson (2009) said that transformational learning impacts how an “individual interprets, organizes, understands, and makes sense of his or her experience” (p. 11). To facilitate a transformative learning experience, special attention to the following areas is suggested: create a supportive climate, know your students and the types of learning activities that most appeal to them, and develop and use learning activities that explore and expose
different points of view (TEAL, 2011). When creating a supportive climate, activities should include student autonomy, participation, and collaboration. Habits of mind is another component of transformational theory that is critical to examine when creating professional development opportunities for adults with the goal of increasing legal literacy. One must be cognizant of individualized frames of reference that are immersed in our families, communities, and culture. A habit of mind is expressed as a point of view and those points of view tend to be unchallenged unless an encounter of an altering perspective occurs (Cranton, 2016). Considering the type of habit of mind (epistemic, sociolinguistic, psychological, moral-ethical, philosophical, or aesthetic) that is present will provide further insight and reflection in a particular situation.

Further evidence to support the use of transformative learning theory emerges when examining three different types of adult learning: subject oriented, consumer oriented, and emancipatory as suggested by Imel (1995). The main goal in subject oriented learning is the specific content being gained about a particular topic. A learner in this type of learning situation would view oneself as increasing their knowledge base. Consumer oriented learning would mirror more of a self-directed learning theory, where learners would identify goals, objectives, and resources. There is no specific challenge or dialogue about what is being learned. The goal of emancipatory learning is to “free learners from the forces that limit their options and control over their lives, forces that they have taken for granted or seen as beyond their control” (Imel, 1995). In this type of learning, perspectives are transformed through critical reflection. The educator plays an essential role in challenging learners to examine their assumptions, values, and beliefs through reflection.

Emancipatory learning, which is now commonly referred to as transformative learning, can take place only in adulthood, whereas the others could take place at a younger age. The concept of legal literacy in education is complex and extends far beyond just learning about
content connected to the topic or identifying a self-directed learning path. The use of emancipatory learning is critical when engaging in the work connected to legal literacy because to facilitate growth one does not just need to know the applicable laws in education, but a dialogue and reflection must also take place. When confronted with a disorienting dilemma, one could argue that the essential steps to being more legally literate include: self-examine feelings of guilt or shame, assess assumptions, recognize one's own discontent and sharing of transformation with others, explore new ways to act, detail a course of action, build knowledge and skills to support a plan, build confidence in new roles, and reintegrate into society with new perspective gained (Kitchenham, 2008). Professional learning opportunities need to embed practices such as discourse, reflection, and dialogue for increases in skill and knowledge to be applied to real-life situations for educators. To obtain discourse, individuals must engage in dialogues with others in order to consider differing perspectives and then attempt to determine whether or not they are valid (Cranton, 2016).

In order to facilitate transformative learning, the pillars noted by Drago-Severson (2009), along with the strategies and key components highlighted by Cranton (2016), are critical to include when developing a professional learning opportunity that will positively impact the level of legal literacy for educators.

**Improved Legal Literacy: A Framework to Maximize Adult Learning**

Drago-Severson (2009) set forth four pillar practices for growth which are embedded within adult learning theory. These four practices are the foundational pieces necessary to build professional learning opportunities. To maximize improved legal literacy, one must also have confidence within oneself to act and persist accordingly and accurately when presented with a legal scenario. With the integration of self-efficacy theory one can use the foundational pillar practices from the adult learning theory to support prioritizing mastery and vicarious learning experiences, using verbal persuasion, and providing physiological and affective states (Figure 2).
It is critical that adults not only have the underlying knowledge, but they must also be able to act in a manner that aligns with the knowledge they have obtained. If the practices from both adult learning and self-efficacy theories are incorporated into professional learning experiences, the participants will yield maximum growth around legal literacy.

![Diagram](Image)

**Figure 2**
Nesting of Self-Efficacy Theory Inside of Adult Learning Theory

**Professional Development Checklist Based on the Nested Theories**

Below is a checklist to analyze or start to build a professional development session through the lens of the two nested theories based on the framework above. While it is not imperative that all professional development sessions address all 16 of the intersections, it
would be wise for professional development facilitators to think through each piece and determine if it is present. It can also be helpful as a starting point to begin building a session if a presenter is not sure where to begin. Prior to the checklist, a review of key terms is provided. After the checklist, a workable framework for delivering the professional development sessions with adult learning theory and self-efficacy theory in mind is presented.

**Simple Description of Terms**

**Adult Learning Theory Terms**

- **Teaming:** A way in which adults learn by building relationships with others, supporting open communication, learning from others with different perspectives, having an awareness of others’ thinking, all of which support elements of critical reflection.

- **Providing Leadership Roles:** Getting educators to engage in roles in a leadership capacity forces individuals to uncover their assumptions and explore new ways of working with colleagues. Overall, this pillar will facilitate additional opportunities for transformational learning to occur.

- **Collegial Inquiry:** Meaningful dialogue or “real conversations” about practice creates opportunities for growth and learning by engaging in reflection through writing, the goal setting process, dialogue, conflict resolution, and decision making.

- **Mentoring:** A practice embedded in relationship building used to promote personal and professional learning along with growth for the organization. Mentoring integrates favorable circumstances for broadening perspectives, examining assumptions, and sharing expertise and leadership.

**Self-Efficacy Theory Terms**

- **Mastery Experiences:** Experiences that people have that can either increase or decrease their self-efficacy in a specific domain.
• **Vicarious Experiences:** Experiences that people witness that can either increase or decrease their self-efficacy in a specific domain.

• **Verbal Persuasion:** Encouraging or discouraging words that people can use to increase or decrease another person's self-efficacy.

• **Physiological and Affective States:** How a person feels while carrying out an activity can affect their self-efficacy; positive feelings increase self-efficacy and negative feelings decrease self-efficacy.

**Framework Checklist**

The following checklist can be used by professional development facilitators to ensure they have considered all aspects of self-efficacy theory and adult learning theory.

What activities include teaming components?

• Are you able to incorporate mastery experiences while working in teams during your activity?
  • If so, how are they incorporated?
  • If not, why not?

• Are you able to incorporate vicarious experiences while working in teams during your activity?
  • If so, how are they incorporated?
  • If not, why not?

• Are you able to incorporate verbal persuasion while working in teams during your activity?
  • If so, how are they incorporated?
  • If not, why not?

• Are you able to ensure participants’ physiological/affective states are accounted for while working in teams during your activity?
What activities provide leadership opportunities?

- Are you able to provide leadership opportunities during mastery experiences during your activity?
  - If so, how are they incorporated?
  - If not, why not?

- Are you able to provide leadership opportunities during vicarious experiences during your activity?
  - If so, how are they incorporated?
  - If not, why not?

- Are you able to provide leadership opportunities during verbal persuasion during your activity?
  - If so, how are they incorporated?
  - If not, why not?

- Are you able to ensure participants' physiological/affective states are accounted for during leadership opportunities during your activity?
  - If so, how are they incorporated?
  - If not, why not?

What activities include collegial inquiry?

- Are you able to include collegial inquiry during mastery experiences during your activity?
  - If so, how are they incorporated?
  - If not, why not?

- Are you able to include collegial inquiry during vicarious experiences during your activity?
If so, how are they incorporated?
If not, why not?

Are you able to include collegial inquiry during verbal persuasion during your activity?
If so, how are they incorporated?
If not, why not?

Are you able to ensure participants' physiological/affective states are accounted for while including collegial inquiry during your activity?
If so, how are they incorporated?
If not, why not?

What activities include mentoring?

Are you able to include mentoring during mastery experiences during your activity?
If so, how are they incorporated?
If not, why not?

Are you able to include mentoring during vicarious experiences during your activity?
If so, how are they incorporated?
If not, why not?

Are you able to include mentoring during verbal persuasion during your activity?
If so, how are they incorporated?
If not, why not?

Are you able to ensure participants' physiological/affective states are accounted for while including mentoring during your activity?
If so, how are they incorporated?
If not, why not?
**Professional Development Delivery Framework**

The collective research in both self-efficacy and adult learning theories has generated this framework for professional development (Figure 3). The framework includes the critical practices to include when developing professional learning opportunities surrounding the topic of legal literacy in the field of education. To better facilitate the work of future users of the framework it is also presented in a tabular format (Table 11).

![Diagram](image)

*Figure 3*

Professional Development Delivery Framework
### Table 11
Professional Development Delivery Framework Table

<table>
<thead>
<tr>
<th>Step</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduce Topic</td>
<td></td>
</tr>
<tr>
<td>Gathering Prior Experiences</td>
<td></td>
</tr>
<tr>
<td>Present a Scenario</td>
<td></td>
</tr>
<tr>
<td>Reflect on responses while educating about the law</td>
<td></td>
</tr>
<tr>
<td>Present a similar scenario and have participants role-play how they would respond while others watch</td>
<td></td>
</tr>
<tr>
<td>Reflect as a group on how the interaction went</td>
<td></td>
</tr>
</tbody>
</table>

**Justification for Framework**

**Introduce topic**

Introducing the topic is a simple first step, but it gives the facilitator a chance to hook the audience. According to Zepeda, Parylo, and Bengtson (2014), there are five reoccurring themes in adult learning research regardless of the specific theory being examined: “self-directed, motivational for the learner, problem centered, relevancy oriented, and goal oriented (p. 301).” While professional development cannot always be self-directed because there are certain mandated and necessary topics that need to be covered, facilitators should make sure that the
relevance and goal of the professional development are transparent and explicit. Additionally, the introduction of the topic can also give the facilitator a chance to share their own experiences with the topic, which can also help to raise efficacy beliefs if the participants can see similarities between themselves and the facilitator (Bandura, 1997). If possible, it is beneficial to seek feedback prior to the session that will be used to create the focus of the professional learning opportunity. For example, within the topic of legal literacy, one could survey the participants to see which laws they believe are most relevant to the positions they hold. Then if information is shared during the introduction and connected to the feedback received, it will have a positive impact on the learning journey.

**Gathering prior experiences**

Gathering prior experiences can be a good way for the facilitator to tailor some of the work that is going to take place and add personal meaning to the professional development session. This is important because adult learning theory itself is based on the constructivist perspective in which meaning is viewed to exist within ourselves rather than in external sources (Cranton, 2016). We develop personal meaning through our own experiences and then validate our meaning through interactions with others. By allowing participants a chance to share their personal experiences it can help them find personal meaning in the professional development work.

**Present a scenario**

In the legal literacy professional development, participants will be given multiple mastery experiences to increase their self-efficacy. Of the various factors that influence a person’s perceived self-efficacy, past experiences is the most influential (Bandura, 1997). Therefore, the most effective way to raise the legal literacy and self-efficacy of participants to act in a legally appropriate manner is to increase their exposure to legal scenarios (Doyle et al.,
2005). It is important to present these initial scenarios as practice for discussion and for trial because a negative experience can also reinforce people’s negative self-efficacy.

**Reflect on responses while educating about the law**

Reflection is another essential concept within the theory of transformative learning. After the initial discussion, participants' self-efficacy may still be low or may even have decreased. Providing time to reflect on the content and building up participant knowledge are other ways that a person’s self-efficacy can be increased (Bandura, 1989; Lee & Tsai, 2010; Palmer, 2006). The reflection needs to focus on both the content of the sessions in terms of what participants think and feel in addition to the process of how participants performed in the scenarios and what level of efficacy was demonstrated (Mezirow, 1991). Therefore, the education piece is critical here to position participants to have success in subsequent mastery experiences.

**Present a similar scenario and have participants role-play how they would respond while others watch**

After giving the participants a chance to engage with the material and increase their knowledge, they need to be presented with another scenario to have a positive experience and increase their self-efficacy. It is important to note that the difficulty of the task is a relevant factor. The more difficult the scenario, if completed successfully, the stronger the influence will be on their self-efficacy. If the task is too easy, even if completed successfully, it may not have a meaningful impact on their self-efficacy (Schunk, 1984) or could even lead to an inflated sense of self-efficacy (Swan et al., 2011). For subsequent scenarios around the same legal topic, the scenarios should be scaffolded from easiest to hardest.

In addition to people’s own experiences, another factor that can influence perceived self-efficacy is watching someone else’s experience, referred to as a vicarious experience (Bandura, 1997). In a professional development setting there may not be time for every participant or group of participants to complete every scenario, and so watching others can also be an effective
strategy to influence self-efficacy. As other participants complete the scenarios successfully, those watching will also experience an increase in their self-efficacy (Wise & Trunnell, 2001).

**Reflect as a group on how the interaction went**

The expectations related to someone’s level of literacy as well as the number of topics in which individuals are expected to demonstrate literacy have increased significantly. An increase in legal literacy will only occur if critical reflection, discourse, and dialogue occur. The goal of transformative learning is to “free learners from the forces that limit their options and control over their lives, forces that they have taken for granted or seen as beyond their control” (Imel, 1995). In this type of learning, perspectives are transformed through critical reflection. The educator plays an essential role in challenging learners to examine their assumptions, values, and beliefs through reflection. The use of transformative learning is critical when engaging in the work connected to legal literacy because to facilitate growth one does not just need to know the applicable laws in education, but a dialogue and reflection must also take place. Using transformative learning theory will facilitate legal literacy growth not only in education law but also how it applies to real-life situations educators are faced with on a routine basis. The individual leading the learning process must provide opportunities for critical reflection and self-reflection due to it being an integral part of transformative learning. It is not the experience itself that someone grows from; it is the reflective practice that supports the intellectual growth of individuals (Merriam, 2004).

**Conclusion**

In the field of education, time for professional development is oftentimes viewed as very limited given the number of areas that require various levels of support. Increasing educators' level of legal literacy is one of the critical areas that must be addressed to provide students and their families with the most positive and impactful learning experiences. For professional development to have the most impact, it must be grounded in theory and research. Too often
professional development sessions are created that lack instructional strategies needed to have a lasting impact on the topic being addressed. The blended model which includes essential components from both self-efficacy theory and adult learning theory provides best practices to incorporate in the development of professional learning opportunities. These strategies have been shown through copious amounts of research to have a lasting impact. With limited time for professional development and a very low level of legal literacy across the country in the field of education, the strategies used when creating learning opportunities must be grounded in theory and research.
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