An investigation into The Legal Literacy of Educators: A Professional Development Approach

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ABSTRACT

AN INVESTIGATION INTO THE LEGAL LITERACY OF EDUCATORS: A PROFESSIONAL DEVELOPMENT APPROACH

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Northern Illinois University, 2021
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This dissertation examines the term legal literacy as it applies to the education field and looks at the legal literacy of educators across the country. The dissertation is organized into three separate papers. Paper 1 is a review of the research literature on the legal literacy of educators in the United States and how educators develop legal literacy, as well as the legal issues and mandates required for educators related to English Learners. Paper 1 ends with a definition of legal literacy as it pertains to the fields of education and law. Paper 2 is an in-depth data analysis of the types of law courses that are offered in teacher preparation and administrator preparation programs across the United States, the District of Columbia and the United States territories of Puerto Rico, the Virgin Islands and Guam. Paper 3 provides a comprehensive professional development plan that can be delivered to districts to support and increase the legal literacy of educators. The paper will include a complete learning module on developing the legal literacy of educators as it pertains to English Learners.

The literature review provides several definitions of legal literacy as it relates to the fields of education and law. It also identifies a need for more law courses to be embedded into teacher preparation programs across the United States. Several studies found that a majority of teachers who go through formal teacher preparation programs do not have the legal knowledge necessary to be successful in their careers. As a result, many of the legal issues that educators and districts
face come from a lack of knowledge or from incorrect knowledge of the law as it pertains to student and teacher rights. Finally, the literature review and analysis assisted in the development of a common definition of legal literacy in education.

For Paper 2 was developed with the collaboration of a team of five other researchers to look at colleges and universities in the United States, the District of Columbia and the United States territories of Puerto Rico, the Virgin Islands and Guam in order to determine the number of educator preparation programs that require law courses. The country was divided into federal Circuits and each state in the circuit was analyzed. Every college or university that offered a teacher and/or an administrator preparation program was looked at. Each program's curriculum and course descriptions were analyzed in order to ascertain if a law course was a required component of the program. All data was collected on a shared spreadsheet, and then it was coded for each school, each state and then each Circuit. Findings of the study indicated that there is a lack of required law courses at the undergraduate level for teacher preparation across all Circuits in the United States. Further, almost all graduate level administrator preparation programs required at least one law course as part of the curriculum. This validated previous research that there is a need for more law courses at the undergraduate teacher preparation level in order to increase the legal literacy of teachers in the field.

Paper 3 utilizes the information gathered from Papers 1 and 2 to develop a comprehensive professional development plan on legal issues and laws that can be delivered in districts in Illinois. The professional development plan includes an entire module on English Learners and is designed to provide teachers and administrators with the necessary legal knowledge that is critical to the education of English Learners in their schools and classrooms. Along with the professional development module, Paper 3 includes a logic model that
demonstrates the outcomes of the professional development series. The overall intention of the professional development is to ensure that all educators have a strong foundational knowledge of the laws that impact their rights, student rights, and the instruction and educational programming for all students in the district. The long-term impacts will be such that there will be an increase in the legal literacy of educators and less litigation in the future since teachers will have a better understanding of the laws surrounding their professional practice.
AN INVESTIGATION INTO THE LEGAL LITERACY OF EDUCATORS: A
PROFESSIONAL DEVELOPMENT APPROACH

BY: ARIANA L. LEONARD
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A DISSERTATION SUBMITTED TO THE GRADUATE SCHOOL
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE
DOCTOR OF EDUCATION

DEPARTMENT OF LEADERSHIP, EDUCATIONAL PSYCHOLOGY AND
FOUNDATIONS

Doctoral Director:
Tiffany Puckett
ACKNOWLEDGEMENTS

I always knew I wanted to pursue my Doctorate degree but was not sure of when the right time would be. When I was presented with the opportunity to apply for a cohort with my school district, I wasn’t sure if the timing was right. I had just recently moved back to Illinois after spending ten years in Florida and I had two children under the age of four. I wasn’t sure I could pull this off, but I was able to do this with the help of my support system. Without them, this would not have been possible.

To my husband, Brian, who was my rock throughout this whole process, I cannot thank you enough. You encouraged me to keep going, even when I wanted to stop and finish later. You held down the fort when I was in classes at night and on the weekends. Thanks for always encouraging me and motivating me. To my parents, who are the educators I aspire to be. They have both taught me the meaning of hard work and perseverance and I wouldn’t be who I am without their guidance, love and support. To my boys, Jasper and Sebastian, thank you for understanding when mommy had to work or go to school. Thank you for all your hugs and love, they really kept me going. I did this for you! To my siblings, I could not have done this without you and all you do for me and my family. To my family and friends, I can’t thank you enough for your encouragement, support and shoulders when I needed a good cry. You were there for me in so many ways and I appreciate you!

Finally, thank you to my friends and colleagues who were with me through this process. Gina and Susan, we did it! Going through this process with the two of you is something I will
never forget. You helped push me when I needed it and you were both there for me in more ways than one. I truly cherish this experience with you! Thank you to Dr. Creed, Dr. Puckett, Dr. Summers and Dr. Tonks for all your guidance and support throughout this whole entire process. I have learned so much from all of you and sincerely appreciate all the time you have spent with me. I would be remiss if I didn’t shout out my cohort friends. We have spent so much time together over the last five years you are now my family. I sincerely appreciate you and am lucky to know you all.
DEDICATION

This body of work is dedicated to all the past, present and future students who will attend a public school. May this work ensure that ALL students, no matter their race, background, language, income, or disability, have equal access to a high-quality education.
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INTRODUCTION TO THE OVERALL DISSERTATION

The educational landscape continues to evolve in many ways. One way in which education has evolved is through an increase in the accountability of schools and districts across the country. One major contributor to this educational change comes from increased litigation and numerous educational laws that impact rules and policies at the district and school level. As a result, several bodies of research have shown that there exists a significant gap in legal knowledge and overall lack of legal literacy in educators throughout the United States (Schimmel & Militello, 2007; Militello, Schimmel & Eberwein, 2009). Littleton (2008) found that teachers had an alarming lack of knowledge of educational law and legal issues that affect their profession. Moreover, Mead (2008) studied the types of lawsuits that school districts and educators participated in and determined that a lack of legal knowledge played a key role in why those cases existed. Additional studies looked at how educators develop their legal literacy and found that educators developed legal literacy in a variety of ways, such as through college courses, district workshops and colleagues (Schimmel & Militello, 2007; Militello, Schimmel & Eberwein, 2009). Further, Decker, Ober and Schimmel (2019) found that the educators who participated in a college level law course had positive shifts in their beliefs and actions. Lastly, Summers, Kiracofe and James (2021) studied the legal knowledge of educators and concluded that the legal literacy of teachers is insufficient and that there needs to be more robust ways of providing the professional development necessary to develop the legal literacy of educators.
Overall, the body of existing research demonstrates the need for more legal literacy development of educators across the board.

The focus of this dissertation is to address the current body of research and concerns about the lack of legal literacy in educators. A definition of legal literacy as it relates to the field of education is explained, as well as a comparison with how the term is similar and different to the field of law. Further, case law specific to English Learners is discussed and demonstrates the direct connections those cases had on school district policies across the country. Additionally, this dissertation investigates the ways legal literacy is addressed in teacher and administrator preparation programs in the United States. Lastly, this dissertation provides a possible solution to closing the legal literacy gap with a professional development series aimed at building the capacity and legal literacy of educators.

**Dissertation Structure and Purpose**

This dissertation provides an in-depth analysis into the legal literacy of educators in the United States. The dissertation is comprised of three separate papers, each focusing on a different aspect of legal literacy. **Paper 1** is a review of the existing literature regarding the legal literacy of educators in the country. It examines the term legal literacy from the perspectives of the fields of education and law. It also discusses the case law pertaining to English Learners and how those cases had a direct impact on district and school policies across the United States. The paper concludes with a definition of legal literacy as it pertains to the field of education. **Paper 2** is an in-depth analysis of the undergraduate and graduate level courses that address educational law in both teacher preparation and administrator preparation programs throughout the United States, the District of Columbia and the U.S. territories of Puerto Rico, the Virgin Islands and Guam. The researchers specifically looked at any and all required courses that addressed law or legality
in any way. Paper 3 utilizes that Self-Efficacy Adult-Learning Theory (SEAL) Framework to develop a professional development series that districts can use to further develop the legal literacy of educators. The entire professional development series is outlined, along with a complete module pertaining to developing the legal literacy of teachers as it pertains to English Learners. The paper ends with a logic model that visually represents the intended outcomes of the professional development series.

**Significance and Intended Audience**

The purpose of this dissertation is to highlight the need for further development of legal literacy in educators and provide a possible solution for doing so. Now is the time to reflect on the legal literacy of educators and to increase the research, advocacy and action devoted to this issue (Decker, 2014). That is why it is important to continue to promote the development of legal literacy in educators in order to ensure that this knowledge helps avoid litigation whenever possible (Schimmel & Militello, 2007). In addition to providing a comprehensive review of the literature and case law regarding English Learners in the country, this dissertation also provides a professional development framework that districts can use in order to develop the legal literacy of their educators. Further, the dissertation provides a logic model that represents the intended outcomes of the professional development series.

The intended audience of this dissertation is public school educators, including teachers, administrators and specialists, as well as educators in higher education institutions. This work provides insight into the reasons why legal literacy is lacking and also provides guidance to educators at all levels. This research will assist public educators in Pk-12 settings with understanding and providing the necessary professional development for staff to develop their legal literacy. It will also assist higher education institutions with their understanding of the
importance of legal literacy as well as the enhancement of teacher and administrator preparation programs where legal literacy is a critical, required component. Lastly, this body of work will provide current and future educators with the knowledge they need in order to seek out the appropriate professional development that will build their capacity and legal literacy. Overall, this dissertation will provide direction for how educational institutions can further develop the legal literacy of all educators moving forward.

**Researcher’s Positionality**

I have been an educator for sixteen years, both in Florida and in Illinois. My first bachelor’s degree was in Political Science, as I had aspirations of becoming a lawyer and judge. However, my senior year, I took an education course to fill a graduation credit, and I fell in love. I come from a family of educators and realized that it was the right career for me. I received my second bachelor’s degree in Spanish Education and began my education career. I was a teacher at all levels, having taught elementary, middle school, and high school students in Reading, Language Arts, Spanish, English as a Second Language (ESL) and Bilingual content. As an administrator, I have worked in a district office setting for the last 11 years, as an English for Speakers of Other Languages (ESOL) and World Languages Supervisor, ELL and Federal Grant Coordinator and now in my current role as Director of Language Acquisition. I have worked with English Learners my entire career and have an intimate knowledge of the laws that impact districts, schools and instructional programming. Through my roles I have realized the importance of understanding the law and how important it is to the education field. I believe it is critical for educators to have a solid foundational knowledge of the educational laws that impact the profession.
Theoretical Framework

The theoretical frameworks that guide Paper 3 of this dissertation are Self-Efficacy Theory and Adult Learning Theory. Self-Efficacy Theory was developed by Albert Bandura in 1977 and describes the way a person’s beliefs shape the way they act in a variety of situations (Lopez-Garrido, 2020). There are four main sources of influence that guide a person’s self-efficacy: Mastery Experiences, Vicarious Experiences, Verbal Persuasion and Physiological and Affective States. Adult Learning Theory focuses on exploring the ways in which adults learn differently from children. In the 1970s, several researchers developed different learning theories that they referred to as Adult Learning Theory, such as Transformative learning, Self-Directed learning, Experiential learning and Project-Based learning. Then, in the 1980s, Malcolm Knowles popularized the concept of andragogy, which is the art and science of helping adults learn (Western Governors University, 2020). However, today most people refer to Drago-Severson (2008) and her definition of adult learning theory that identified four pillars that include Teaming, Providing Leadership Roles, Collegial Inquiry and Mentoring. These two theories were used to develop the Self-Efficacy Adult Learning Theory (SEAL) Framework for professional development.
LEGAL LITERACY: WHAT DOES IT MEAN AND HOW DOES IT RELATE TO THE PROFESSIONS OF EDUCATION AND LAW?

Introduction

The concept of legal literacy in the field of education is important to understand in a time where there is increased accountability with regards to federal, state and local laws. Many school district policies and protocols have been developed as a direct result of legal action in schools. As a result, programming decisions have to be carefully vetted against existing laws in order to ensure student and staff rights are not being violated. This applies to various student populations such as English Learner (EL) students. The number of EL students in public schools continues to rise. From 1996 to 2006, while the total U.S. school population increased by slightly less than 3%, the ELL population increased more than 60% (Sutton, Cornelius & McDonald-Gordon, 2017, p. 30). To date, there are approximately 5 million EL students enrolled in schools throughout the United States. As more students enroll in school, the districts and schools have had to shift the way instruction is given to these students in order to ensure they have equal access to a high-quality education. However, educational programming was not always set up to provide that to EL students. “While some areas of education policy have remained relatively free of partisan stalemate, one area that has been plagued by it, especially in the last thirty years, has been the education of English Language Learners (ELLs)” (Fenner, 2012, p. 82).

Legal issues throughout the years have brought cases that established laws that ensure all students have an equal and accessible public education. There have been several landmark cases
that have built protections and assurances for students and have paved the way for districts and schools to provide an educational experience that assists with both the language and academic development of the student. One of the most well-known cases that impacted revolutionary change happened in 1954 when the Court delivered it’s ruling in Brown v. Board of Education, which affirmed education as a fundamental right for all students along with having a significant impact on school segregation (Sutton, Cornelius & McDonald-Gordon, 2017). Many parents used this case as a resource when seeking equal educational opportunities for their EL children.

In 1968 the Bilingual Education Act Title VII of ESEA was established. This act was significant in that it was the first time there was federal recognition that ELL students have “special educational needs and that in the interest of equal educational opportunity, bilingual programs that address those needs should be federally funded” (Stewner-Manzanares, 1998, p. 1). Provisions of the act came in the form of competitive grants that were focused on providing resources for educational programs, teacher training, development and dissemination of materials and parent involvement activities. The law has been revised over the years and the Bilingual Education Act’s Title VII competitive grant was replaced with Title III, which is an entitlement grant that states and districts receive in order to promote English language acquisition and assisting EL students with meeting challenging state standards. These acts and grants shined a light on schools and districts and made sure they were intentionally planning for instruction that involved language development and academic achievement for their EL students.

The 1974 decision of Lau v. Nichols was another landmark case that changed the scope of how EL students are provided an equal opportunity to receive an education. In this case, a San Francisco school district absorbed over 2800 students of Chinese ancestry who did not speak English. The school district only provided supplemental English courses to about 1000 students...
and failed to provide the rest with instructional support and services that would develop English. Instead, the district put them in the all-English general education classes. Lau and other students brought the case against the district stating the district’s unwillingness to offer an equal opportunity to receive an education was in violation of the Fourteenth Amendment and Civil Rights Act (Bon, n.d.). While the United States Court of Appeals and the Ninth Circuit disagreed with Lau, The U.S. Supreme Court agreed. In a unanimous decision, The Supreme Court reversed the other rulings and sided with Lau stating that the school district’s failure to provide supplemental English instruction to students who were not English proficient was violating the Fourteenth Amendment and the Civil Rights Act. As a result of this, the Court declared that “meaningful learning opportunities were not established by providing students with similar learning environments; rather, school districts need to take affirmative steps to ensure a meaningful learning experience for all students” (Sutton, Cornelius & McDonald-Gordon, 2017, pp. 1-2).

Shortly after Lau, in 1974, the 93rd Congress enacted the Equal Education Opportunity Act (EEOA) in order to assist with leveling the playing field for ELL students. The EEOA required states to take action in facilitating and assuring that language barriers would not be a hindrance to accessing a high-quality public education by their ELL students. This act secured legal rights of ELL students in all fifty states of the country, which in turn led to states developing their own statutes and rules specifically developed for ELL students.

Later, in 1981, another landmark case related to ELL students emerged in Castañeda v. Pickard. In this case, several Mexican American children and their parents argued that the way the Raymondville Independent School District in Texas ability grouped their children was segregating all Mexican American children into the same group, thus violating the Civil Rights
Act of 1964 and the Equal Educational Opportunities Act of 1974 (Castañeda v. Pickard, 1981). The EEOA ensures that EL students are afforded the same educational opportunities as all children with supplemental supports put in place. The act also prohibits discriminatory employment practices, which Castañeda also included in their complaint since the district did not have the necessary staff needed to provide appropriate bilingual education programs. The initial ruling was in favor of the district in 1978, however, in 1981 The U.S. Court of Appeals reversed the original decision and ruled in favor of Castañeda. As a part of this ruling, the Fifth Circuit Court created “a three-pronged, science-based test that required English language assistance programs for ELLs to: (1) be based on sound educational theory; (2) have adequate resources for program implementation; and (3) provide continuous assessment to determine if students’ English language deficits are being addressed” (Sutton, Cornelius & McDonald-Gordon, 2017, p. 30). This litmus test has been the foundation of EL and bilingual programming for the last several decades and has provided guidance to districts and schools as they have developed EL and bilingual programming for their students.

Shortly after Castañeda, the case United States v. Texas (1971, 1981) changed the way EL education was implemented in the entire state of Texas. “The court ordered the district to create a plan and implement language programs that would help Mexican American students learn English and adjust to American culture and also help Anglo students learn Spanish” (Wright, 2010). This ruling proved to be an important one in that it took away the focus of transitioning to English, rather it focused on the native language development of students in a bilingual program setting for EL students. Additionally, by emphasizing that Anglo monolingual students should also receive support in learning Spanish, it opened the door to discussions on
developmental bilingual education program models and enhancing foreign language instruction in schools, thus validating the asset that language truly is.

Then, in 1982, The Supreme Court struck down a Texas law that withheld funding from school districts for educating any students who were deemed “illegal aliens”, or undocumented immigrant students. In *Plyler v. Doe* (1982), the Court held that undocumented immigrant children had a Fourteenth Amendment right under the Constitution to be provided with the same educational benefits as other residents. While this case didn’t specifically speak to EL programming, it touched upon the fact that all immigrant children, regardless of status, are entitled to a free, high-quality education. Therefore, since some EL students were also new immigrants, this afforded them protections and opportunities to receive a free public education in the United States.

These landmark cases have continued to pave the way and provide guidance to school districts across the nation as they develop programming and curriculum to meet student needs. Therefore, it is important for educators to have a foundational legal knowledge of the implications these cases have on their profession because when teachers do not have a foundational understanding of educational law there can be consequences. First, teachers may unknowingly violate students’ constitutional rights even with the best of intentions. Second, because teachers’ primary source of information and misinformation about school law is other teachers who are also uninformed, they are unnecessarily worried about being held liable for student injury (Schimmel & Militello, 2007). Unknowingly and unintentionally educators violate students’ protected rights because they misunderstand that, as public school employees, they are also governmental agents responsible for adhering to certain legal parameters (Decker, 2014). “The lack of legal literacy—or the skills necessary to appropriately interpret and implement the
law by school officials—can lead to harmful situations for the students they serve. School leaders and teachers need to have a grasp of the language and meaning of school law to appropriately serve their students and meet the various needs of their students. A lack of legal literacy can result in a school district facing litigation and students not receiving the education services to which they are legally entitled and services they need to be successful in school and beyond” (Everson & Hedges, 2019, p. 28). Litigation can also be costly for school districts and educators, placing a financial implication for a lack of legal literacy. Therefore, it is imperative that educators have some knowledge of the laws that affect the decision-making at the district, school and classroom level so that they may provide an appropriate education to all learners without inadvertently violating their rights.

Educational law research has looked at how the law and education intersect along with implications for educators in the field. However, “education law research has been focused on the broader legal issues in education and rarely systematically studies the extent of school employees’ legal knowledge” (Decker, 2014, p. 1). This focus is starting to shift with more and more researchers using the term “legal literacy” when discussing the level of legal knowledge that educators should have in order to appropriately do their jobs while following the law and ensuring students’ rights are not violated. Further, the legal literacy of educators is starting to get measured in an effort to improve the ways in which educators receive instruction and training with regards to the laws that impact education. Therefore, in order to measure teacher and administrator knowledge of the law, it is important to look at teacher preparation programs and other ways that teachers and administrators obtain professional development once they are working in the field. Regardless of how legal knowledge is obtained, “school employees should be aware, understand, and value the need to be legally literate. They must recognize how
learning more about the law can positively impact their daily practice. School personnel must also be proficient in spotting legal issues and accurately applying relevant legal rules to a myriad of situations they face every day in schools” (Decker, J., & Brady, K., 2015).

It is for these reasons that it is important to examine the concept and definition of legal literacy of educators in education research, compare it to the concept and definition of legal literacy as defined in the field of law, and look at how legal literacy is measured so that recommendations can be made for how to improve and increase legal literacy in education moving forward.

**Legal Literacy in the Field of Education**

The research surrounding legal literacy of educators is fairly new and limited which makes it hard to define what it is in a concrete manner. Most of the research looks at what legal knowledge educators have, “yet, the research does not clearly identify what legal literacy encompasses” (Decker, 2014, p. 4). One area that researchers look into is the actual amount of legal knowledge that educators have regarding specifics of educational law, such as student and teacher rights. The concept of having some background knowledge in laws that affect the educational landscape is one component of legal literacy. Other disciplines have defined legal literacy by also looking at the understanding, skills and values that are connected to legal rules and the professional practice while also looking at the appreciation of roles and duties of others, as well as the communication practices that occur in different contexts (Decker, 2041). Therefore, it is important to look at what teachers and administrators are able to do with the legal knowledge they possess. They need to be able to do more than just recognize that there are
certain laws out there that impact education. They must be able to understand, apply and interact with that law so that they can see how it impacts their roles as educators.

Second, many look at how teachers and administrators are provided the legal knowledge they need in order to successfully navigate the accountability measures that currently exist in education. This comes from two primary sources: teacher and administrator preparation programs, and the professional development opportunities that are afforded to educators once they are in the field. “When school employees are legally literate, they are more empowered to advocate on behalf of their students, colleagues, schools and districts” (Decker, Ober & Schimmel, 2019, p. 161). Looking holistically at educator legal knowledge and how they gain that knowledge affords a better conceptualization of the term “legal literacy” and how it can continue to be developed for educators.

In order to better conceptualize legal literacy, it is first important to understand why it is becoming more of a necessity in the field of education. Next, it is important to understand the landmark legal cases that have paved the way for education policy thus far. Lastly, it is essential for educators to know the rights of students so that they do not violate them and encounter further legal issues.

**The Importance of Legal Literacy in Education**

Current research states that most educators do not have adequate knowledge of the law affecting education, which can have several negative implications. “Ensuring that educators and administrators understand how the law affects their daily practice is critical” (Decker, 2014, p. 2). However, numerous studies, primarily dissertations, indicate that teachers possess a dismal comprehension of education law and legal issues pertaining to their jobs (Littleton, 2008). Militello & Schimmel (2008) conducted a study and found that more than half of the teachers
surveyed reported that their behavior would be different if they knew more about the laws affecting schools and that many teachers were concerned about their lack of legal knowledge. This can be problematic in that schools, districts and educators are at a higher risk of facing legal recourse by mistakenly violating rights of students and staff. This can also make educators feel inadequate and lose their confidence since they may feel that their lack of knowledge is causing them to be ineffective at their jobs. Lastly, it can be costly, time consuming and damaging for both professional and personal reasons.

One of the major implications of increased legal literacy in educators is that the benefits far outweigh the costs of not having enough legal literacy. An ignorance of the law can lead to litigation, which can be costly for all parties involved and detrimental to educators and their careers. Legal illiteracy can bear a financial and emotional burden on all parties involved, so ensuring that teachers and administrators have more legal literacy will save time, money, and emotional distress. In addition to the financial burden that litigation presents, preparing for litigation and working with legal counsel to respond to legal issues is extremely time-consuming. “There are economic and educational costs to legal illiteracy. In addition to the financial costs of school litigation is the enormous time that teachers and administrators spend to avoid and prepare for litigation” (Militello & Schimmel, 2008, p. 100). If teachers and administrators have a basic foundational knowledge of educational laws, then they would be less likely to mistakenly break them.

Another benefit is that having a basic understanding of the laws that impact schools allows teachers and administrators to perform their jobs effectively while at the same time maintaining legal compliance. Possibly, with more awareness of the law, teachers can employ preventive measures and thus ward off some legal controversies by ensuring they are not
violating student rights, and administrators can avoid violating staff rights (McCarthy, 2008). Lastly, “by having a broader legal perspective, school leaders gain more insight into the legal implications of interactions among school leaders, teachers, and students. Having a broader legal perspective also allows for both fidelity when applying the law and the consideration of the needs of teachers and students” (Everson & Hedges, 2019, p. 27).

Litigation is often emotionally draining as well and can be quite harmful to a school’s reputation even long after the lawsuit has passed (Decker, 2014). “Educators enter the profession because they want to focus on learning, not litigation. However, fear and ignorance can deflect teachers from their primary purpose and passion— to teach” (Davies, 2009, p. 5). Further, “lawsuits against educators have increased because what was taken for granted for many years, such as the teacher’s word, discipline issues, and rights of the student is no longer taken for granted due to societal change” (Gullatt & Tollett, 1997, p. 131). This can cause extreme anxiety and fear in teachers as concerns about being sued continue to grow in our litigious society (Wagner, 2007). As a result, “teachers and administrators may adopt a defensive posture and retreat from sound activities, teaching methodologies, and disciplinary standards that may run the risk of being open to legal challenge, even if the probability for such a challenge is relatively small” (Davies, 2009, p. 7). This is a sad reality that is happening in schools across the country. The fear of being sued has impacted best instructional practices. Because we live in such a litigious society and put more accountability on public schools, it is important for educators to have legal literacy so that they can potentially avoid any future lawsuits and professional and personal costs to themselves. Having more knowledge about the law will also calm some of the fears that have been inhibiting authentic teacher and student interactions.
Another benefit of increased legal literacy is educator empowerment. “In addition to knowing what is appropriate classroom conduct, knowledge of school law can empower a teacher to protect his or her own interests” (Mead, 2008, p. 86). When educators have knowledge of the law, they will be more apt to participate in educational reform efforts that are either fostered or hindered by relevant laws. They will also implement better ethical decision-making skills at the district, school and classroom level since they will be able to apply the law to their daily lives. Additionally, educators will continue to develop their leadership and advocacy for education policy advancements and creation (Decker, 2014). When teachers have a better understanding of the laws and how they apply to their jobs, they are able to contextualize meaning for themselves, but also recognize areas of weakness that may need support and advocacy. This could lead to more positive change in education when teachers and administrators can sit at the table and provide meaningful input and feedback to legislators working on educational policies and reforms.

Finally, having a more thorough understanding of educational law and a better overall legal knowledge would ensure that student and staff rights are not inadvertently being violated. “By becoming legally literate, teacher will be able to use the law as a source of guidance to avoid unconstitutional actions, to bring legal violations to the attention of colleagues and administrators, and to improve the educational experience of students by guaranteeing that their rights are understood and respected” (Schimmel & Militello, 2007, p. 274). When schools increase the legal literacy of their employees, they are taking a proactive step toward preventing legal violations and thus preventing expensive and exhausting lawsuits (Decker & Brady, 2015).
Measuring Legal Literacy in Education Research

In order to ascertain the extent of legal knowledge in educators, researchers look at where educators get their legal knowledge. Most of the educational researchers have found that teachers and administrators get their legal knowledge from teacher and administrator preparation programs, from colleagues, and from professional development opportunities afforded to them from their schools and districts. However, given these avenues, researchers have concluded that there are inconsistencies and there is still a need for better professional development and that this is an area in need of improvement.

Teacher and administrator preparation programs are the first opportunity for educators to interact with educational law, however, “findings are consistent with previous research that found that fewer than 10% of teacher-preparation programs even offer an educational law course as an option” (Schimmel & Militello, 2007, p. 266). Rebecca Gajda conducted a study on the primary certification requirements that states require for teachers to obtain a license or certification and deemed competent to teach. She found that only one state required a course in school law or legal issues, that about half do not have or cannot identify licensing standards that address school law, and that knowledge of legal issues do not appear to be addressed by state-mandated licensure examinations. Findings suggest that school law is a construct for which minimal competency is expected of teachers in the certification process of most states (Gajda 2008).

Programs that do have a standard or competency related to educational law, those standards are usually broad and vague and only cover a surface level overview of the educational legal aspects teachers and administrators will face (Militello & Schimmel, 2008). Further, these overviews rarely go into detail of laws related to specialized student populations. Schimmel &
Militello conducted the only multi-state research study on the legal literacy of educators and where they obtain their information and found that a “majority of teachers (1) have taken no course in school law; (2) are misinformed about a number of legal topics concerning teacher and student rights; (3) have indicated that they are interested or very interested in learning more about the educational law topics from the survey; and (4) indicated they would change their behavior if they knew more about school law” (2007, p. 268-270). This data is alarming in that the vast majority of educators have not received any instruction on the legal aspects of their careers in the field of education. Also, it emphasizes the need to provide more professional development to teachers and administrators in their pre-service programs, but also with ongoing professional development throughout the school year through various in-service learning.

Because changes in licensure influence the content of preparation programs, there is some sentiment that if licensure requirements are altered to require competence in law, the content of teacher education courses will be modified accordingly (McCarthy, M., 2008). The states need to re-evaluate the content of their teacher and administrator preparation programs so that they can analyze if it is truly preparing educators for the field. Teachers and administrator surveys and interviews would provide important information into what is needed to appropriately prepare educators for their roles. Additionally, “if legal literacy is integrated into teacher certification programs and if principals teach and promote an understanding of school law as a regular part of their teachers’ professional development, there will be a number of positive consequences” (Militello & Schimmel, 2008, p. 104). Therefore, it would behoove higher education institutions to look at updating their curriculum when it comes to teacher and administrator preparation programs so that there is an intentional focus on building a foundational knowledge of educational law.
Another way teachers obtain information about school law is from colleagues or mentors. Many younger teachers and administrators may rely on the knowledge of their more veteran and experienced peers. This is typically done through mentor programs where new teachers are partnered with veteran teachers to learn the ropes of teaching. Other ways this happens is through informal conversations and meetings between teacher teams, such as through Professional Learning Communities, grade level teams or content area teams. Additionally, administrators often get their information from other administrative colleagues or through other professional networks of administrators in the field. However, this can also be problematic if they, too, are not well-informed on school law because this is how misinformation and myths spread. Mark Littleton (2008) conducted a study and found that the most studied variable when looking at teacher knowledge of the law, teacher experience, produced inconclusive results and found that teacher experience does not have an effect on teachers’ knowledge of education law. Militello & Schimmel (2009) found that the majority of teachers (52%) listed other teachers as a moderate or substantial source of information regarding school law, with school and district administrators coming in a close second. “The fact that so many teachers are misinformed about legal issues that affect them is yet another indication of the need to add legal literacy to teacher preparation” (Militello & Schimmel, 2009, p. 100). When already misinformed teachers share information with others, the cycle of misinformation continues. Therefore, it is necessary for increased professional development opportunities for teachers and administrators to continue their learning on educational law.

Lastly, many educators receive professional development in legal issues from their building principal or district office administrators. Militello, Schimmel and Eberwein conducted a study that looked at how the legal knowledge of principals impacted the legal knowledge of
teachers. They looked at a random sample of principals in 49 states. Through survey results, they found that educators lacked a fundamental understanding of school law and that there was a lack of professional development or training at the school level. They found that the building principal plays a key role in building the legal literacy of their staff. However, it is also “clear that educators are providing legal advice regularly to their staff in a variety of areas. This advice, as indicated by previous examples, is a mixture of accurate, inaccurate, and ambiguous. These warnings can be useful, confusing, or damming in informing or misinforming staff about their legal responsibilities” (Militello, Schimmel & Eberwein, 2009, p. 39). When regular and ongoing professional development occurs, it is important for the principal to also have ongoing opportunities for professional development before delivering learning to their staff. Therefore, it is recommended by the researchers that building principals regularly collaborate with a legal liaison so that they can build their capacity to provide the professional learning to their staff (Militello, Schimmel & Eberwein, 2009). It is essential to have a better understanding of what teachers know and what they need to know pertaining to school law, and then to determine the best course of action with regards to how both pre-service and ongoing training should be delivered if a legally educated public school workforce is to be created (Schimmel & Militello, 2007).

Providing ongoing professional development is one way to ensure that staff have the legal knowledge necessary to successfully do their jobs. “If school law knowledge is generally poor and if training has the capacity to improve this knowledge, it follows that effective professional learning models should be used to deliver and support an understanding of public school law” (Schimmel & Militello, 2007, p. 272). The law is not a static phenomenon and is constantly changing. That is why it is imperative that educators keep up with changing legal
developments and that they are provided ongoing legal education as part of their regular professional development plans (Davies, 2009). When all staff get continuous, up to date information and learning, that will bring positive impacts moving forward. Therefore, it is an ideal time to reflect on the issue of legal literacy and to increase research, advocacy, and action devoted to this issue so that we can ensure staff are able to make the best decisions moving forward (Decker, 2014).

**Legal Literacy in the Field of Law**

The definition of legal literacy in the field of law is based on a spectrum of understanding of the law. The most basic definition being the ability for one to read and understand that the words belong to a legal context (White, 1983). Another definition relies on the competence of legal discourse as it pertains to formal schooling and experiences in the field, meaning the ability to understand and apply the law. James Boyd White defines legal literacy as the degree of competence in legal discourse as it pertains to the legal system by someone who also has a “complete set of social, intellectual and political relations and capacities” (1983, p. 144). Another, more “synthesized definition of legal literacy is the ability to read, write, and understand concepts, which abilities exist on a spectrum of skill levels ranging from having no skills to having all of the knowledge and skills necessary to function as a legal professional. Because of the iterative nature of law and technology, all individuals can improve their personal level of legal literacy” (Ax-Fultz, 2015, p. 429). This implies that the legal literacy of an individual is ever evolving and continuously improving based on how the law develops and changes. With that in mind, legal literacy in the field of law is a concept of constant evolution and growth. This makes ongoing professional development essential to the job functions of legal
practitioners, with many states requiring continued legal education hours for attorneys in order to keep up licensure.

Using these definitions, the conceptualization of legal literacy in the field of law is a little more complex, nuanced, and depends on the areas of specialization for lawyers. All lawyers must attend law school and get the education in learning how to understand and apply the law. They have a general legal knowledge and then go into more specialized areas of the law as they practice in the field. Legal research skills and writing also contribute to how legal literacy is defined in the field of law. Thus, legal literacy evolves as the law student and lawyer continue to learn and apply different types of law in a variety of contexts. This is in alignment with how continuity of learning and ongoing professional development plans work in education. Educators are constantly learning and improving by setting yearly goals for the areas they want to further develop and build their capacity. Legal literacy can be an ongoing focus area for educators across the country as part of that continuous improvement process.

**Measuring Legal Literacy in Law Research**

There are some similarities with how legal literacy is measured in the field of law compared to the field of education. Like educational research, law research looks to how legal literacy is developed formally in law school. Dennis Kim-Prieto (2011) identified ways in which law schools use the Information Literacy standards set forth by the Association of Colleges and Research Libraries (ACRL) in order to develop a Law Student Information Literacy (LSIL) framework. This framework defines what it means for a law student to be legally literate in five main categories: identify, access, evaluate, apply, and ethical and legal issues of use. Each of the five criteria is defined as follows:
Identify: The information-literate law student is able to identify the type and sources of information appropriate to the problem or issue at hand.

Access: The student knows how to access the appropriate information effectively and efficiently.

Evaluate: The student also evaluates the information and its sources critically, in order to properly incorporate the appropriate information into a reliable work product.

Apply: The student applies the information effectively to resolve a specific issue or need.

Ethical & Legal Issues of Use: The student distinguishes between ethical uses and unethical uses of information and understands legal issues arising from information discovery, use, or application.” (Kim-Prieto, 2011, p. 610)

The framework provides a holistic view of what it means to be a legally literate law student, identifying essential skills and abilities that will prepare the law student to be a successful practitioner. Law schools can then measure how students are performing on various assessments and other projects or academic avenues in order to gauge how those skills are being developed.

Another way that it is measured is through work experiences that have occurred after the completion of law school and that “views legal literacy as the enculturation of students into a professional discourse community” (Bell & Pether, 1998, p. 25). This can be measured by looking at what law students accomplish after law school and how they are interacting with the law in the professional legal community. In addition to that Bell & Pether (1998) further define legal literacy as more than just expertise and knowledge of the law, but also competence in the norms, contexts, and conventions of writing in a legal community. Having the ability to differentiate between the language of the law and the cultural context from which it exists is another skill that makes law students and lawyers legally literate. Legal literacy through this lens can be measured through informal and formal assessments of legal writing both in law school
and in the professional field of law. As legal professionals continue to specialize in certain areas of the law, their legal literacy in that area increases as they broaden their knowledge of the law and how it applies to different contexts and cultures, mainly measured by how successful they are in accomplishing tasks both in and outside of law school (Bell & Pether, 1998).

Looking at the different ways the field of law measures the legal literacy of students and legal practitioners can give good insight into how the legal literacy of educators can be further developed and measured. It is important to keep in mind that it is more than just knowledge of the law, and that it also includes how educators understand and interact with the law that makes one legally literate in educational law. Looking at how legal literacy is measured in the law field can also offer different ways to measure in the education field. For example, one way to measure legal literacy of educators is through the use of case study writing assessments. Another way education can learn from the field of law is through various assessments that measure teacher and administrator knowledge of how and the skills they possess as it pertains to applying educational law in schools.

**Defining Legal Literacy for K-12 Educators**

There is no denying that “a legal perspective is important for teachers and school leaders to acquire, not only from a practical standpoint of ensuring compliance with the law and identifying areas of potential legal vulnerability, but also because a legal perspective enhances the way that educators approach school problems and dilemmas and it makes them more sensitive to ensuring equity, fairness, and justice” (McCarthy, 2008, pp. 67-68). Therefore, it is important to have a common definition of the term legal literacy as it pertains to education so that capacity can be built in educators with consistent practices and professional development approaches.
So how do we define legal literacy in education? The simplest definition of literacy is the ability to read and write, and the simplest definition of legal is pertaining to the law (Oxford Languages Dictionary, 2021). Therefore, one can argue that legal literacy is simply defined as the ability to read and write about the law. However, when it comes to educator knowledge, there are more layers. It has been proven that educators do not have an appropriate level of knowledge of educational laws that impact their roles. This has led to lawsuits over the years that have impacted how districts and schools run. It is important for leaders to be aware of the law at the local, state, and national levels because “knowledge of the legal system and relevant legal activity can help educational leaders make informed decisions and apply legal reasoning to counteract any resistance they may encounter” (Lewis & Kern, 2018, p. 737). Therefore, educators need more knowledge of the educational laws that affect them in order to develop legal literacy in education. That being said, a more robust definition of legal literacy in education is a culmination of having the knowledge and ability to understand, apply, interact with, and plan for the ways in which legal aspects of education impact the roles of educators. When educators possess this knowledge and can utilize it to analyze situations in a variety of contexts and make informed decisions, the better prepared they are to navigate the legal landscape of the education field.

**Conclusion**

While the research surrounding legal literacy of educators is small, it is starting to gain traction as more and more educators recognize they lack the appropriate legal knowledge and express an interest in learning more about the laws that affect their roles. Right now, most educators do not possess the legal knowledge necessary to make them legally literate. This is due in large part to a lack of coursework provided to teachers and administrators in their preparation...
programs. Further, most teachers receive legal information from other misconstrued colleagues, causing more myths and miscommunication to permeate the field. Last, most professional development for teachers comes from building and district administrators, who also do not have a lot of legal background. Therefore, it is recommended that courses are a required part of both pre-service and in-service professional learning for teachers and administrators.

When looking at the field of law and how legal literacy is defined and measured, there are many similarities to legal literacy in education. Many legal experts define legal literacy as having both legal knowledge and the skills needed to interact with the law in different contexts. This can be applied to educational legal literacy in that teachers and administrators need to have some legal knowledge, but they also need to have the skills necessary to understand and apply how the law impacts their roles as educators in a variety of contexts. Therefore, we can define legal literacy in education as the culmination of legal knowledge and understanding, applying and analyzing that knowledge in a variety of contexts in order to make ethical decisions. Measuring legal literacy was also very similar in both fields. They both looked to how practitioners were provided instruction in their education, looking at law school instruction for law students and teacher and administrator preparation programs for educators. Analyzing how those programs provide the necessary knowledge and skill development is one way to identify areas of improvement. In the area of educational legal literacy development, research has proven that teacher and administrator preparation programs need to be updated to include a required educational law course.

It is imperative that professional development practices around legal literacy of educators is improved at both the pre-service and in-service level. This way, teachers and administrators will have the ongoing professional development they need in order to stay up to date with the
most relevant and current legal issues and decisions. In doing so, they will have a better idea of how the law is constantly impacting their roles as educators and they will have less fear and anxiety about potential litigation that could affect their livelihood. When we provide educators with the necessary professional development and continue to build their capacity as legally literate education professionals, the educational landscape will change and evolve for the better.
References


Title III, Subpart 5, Part C, Section 3301 (8)


Wright, W. E. (2010). Foundations for Teaching English Language Learners: Research, Theory, Policy, and Practice. Excerpt from Chapter 3, "Language and Education Policy for ELLs." (pp. 70-76). © Caslon Publishing. Printed with permission, all rights reserved.
Introduction

Public school law has played an integral role in the development and evolution of the American school system, especially in regard to equity and access (Schimmel & Militello, 2007). Landmark court cases have formed the foundations for many public school policies across the country. As schools and districts continue to be held accountable to legal parameters, the need exists for educators to be legally literate in the profession. However, not all educators have been properly trained in the legal aspects of the field. Current research suggests that educators across the country do not have a basic understanding of school law, and that the lack of legal literacy in educators can be detrimental and costly, with state standards related to the legal training of educators being broad and vague (Decker, 2014). One of the main reasons is due to a “lack of preservice training programs and requirements and any annual or ongoing training in public schools” (Militello, Schimmel & Eberwein, 2009, p. 30). In order to better understand how legal knowledge is delivered in educator preparation programs, this study will examine the types of law-related course offerings of teacher and principal preparation programs in the United States, the District of Columbia and the US territories of Puerto Rico, the Virgin Islands and Guam.
Need for Knowledge

The limited research in this area has identified that the vast majority of states in the United States do not require a law-related course as part of the teacher preparation program and as a result, “unfortunately, the overwhelming conclusion was that public school teachers do not possess an adequate knowledge of education law and legal issues related to their job” (Littleton, 2008, p. 73). Therefore, there is a need to further explore how legal literacy is developed in educator preparation programs in order to ascertain the type of legal knowledge educators are exposed to prior to entering the field. Further, such examinations will also identify other areas and ways to deliver professional development to educators once they have entered the profession.

Statement of the Problem

The problem this study seeks to address is the lack of legal literacy developed in educator preparation programs in the United States, District of Columbia, and the US territories of Puerto Rico, the Virgin Islands, and Guam. It is important to have a deep understanding of how teacher and principal preparation programs prepare educators with necessary legal knowledge, as well as to identify ways in which districts and higher education institutions can continue to provide professional development opportunities to further develop the legal literacy of educators moving forward.

Significance of the Problem

The problem of this study is significant because previous research is limited in this area, yet legal accountability in school districts continues to increase. Educators need to understand a variety of legal implications when they are in schools which is why it is so important for them to have a foundational knowledge of the laws and legal aspects of public school law. This study
will add to the literature regarding legal literacy of educator preparation programs in the United States, District of Columbia, and the US Territories of Puerto Rico, the Virgin Islands, and Guam, as well as provide a more comprehensive way to compare programs across the Circuits.

**Purpose**

**Purpose of the Study**

The purpose of this exploratory, descriptive study was to explore the current status of legal literacy as it pertains to educator preparation programs in the United States, District of Columbia and the US territories of Puerto Rico, the Virgin Islands and Guam. The central phenomenon of this study was defined as having the word “law” or “legal” in the course title or description of required courses in undergraduate teacher education programs.

**Significance of the Study**

This study is the first to look at the extent in which required coursework in educator preparation programs develop legal literacy. This study is significant because it is the first of its kind to closely look at the courses that colleges and universities require for educator preparation programs across the country. Previous research has only looked at the state requirements for educator certification, whereas this study looks at the course descriptions and content of the courses being offered as required coursework in these programs. This is important because current research has shown that the majority of teachers are not legally literate. This is due in part to “the absence of any systemic education about school law in the vast majority of teacher-certification and professional development programs” (Schimmel & Militello, 2007, p. 257). Looking at the course descriptions in educator preparation programs across the country allows for a better understanding at how teachers and principals are trained and provides a path forward in order to improve the ways in which educators develop their legal literacy.
Feasibility of the Study

This study is the first of its kind to explore college and university course descriptions at such a large scale. In order to accomplish this, a group of six doctoral researchers looked at every higher education institution in the United States and its territories that offer a teacher and principal preparation degree program. This was more feasible today in that almost all colleges and universities have their course catalogs available online and publicly available. As a result, the six researchers divided up the country by federal Circuits, collected the data, and then the group curated the data in a shared spreadsheet where each researcher disaggregated the data for analysis.

Research Questions

In order to understand how legal literacy is currently developed in educator preparation programs, this study explored the following research questions:

1. How do education course requirements that relate to legal literacy for pre-service teachers compare between teacher preparation programs across the United States, District of Columbia and US territories of Puerto Rico, the Virgin Islands, and Guam?
   a. What are the overall course requirements for legal literacy in the United States, District of Columbia, and US territories of Puerto Rico, the Virgin Islands, and Guam?
   b. How do legal literacy courses in specialized areas (General Education, Special Education and English Language Learner (ELL) Education) compare between teacher preparation programs in different states of the 9th Circuit?
2. How is legal literacy developed in teacher preparation programs compared to principal preparation programs in the United States, District of Columbia, and US territories of Puerto Rico, the Virgin Islands, and Guam?

Methodology

Research Design

The research was conducted by six doctoral candidates. To start, the group decided to divide the colleges and universities by federal Circuit. The United States is geographically divided into 12 federal circuits. These circuits contain 94 judicial districts, each of which has a court of appeals (United States Courts, 2021). There is at least one district in each state, the District of Columbia, and the US territories of Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands (Federal Bar Association, 2019). The decision to divide the country by federal Circuit was made in order to provide a systematic way to collect data, but also to see if there would perhaps be geographical or regional trends in the data based on where the Circuits are located in the country. Each doctoral candidate took 1-2 Circuits and collected the data for the states or territories in those Circuits and compiled the data on a shared spreadsheet.

Each researcher conducted a qualitative study using secondary or existing data through analyzing official documents, which include anything written, photographed, or recorded by some type of public or private organization and includes newspapers, curriculum guides, or course catalogs (Johnson & Christenson, 2012). For this study, each researcher looked at all the colleges and universities that offered undergraduate and graduate degree programs for educator certification or licensure within their federal Circuits. Each researcher conducted a content analysis of the school’s course catalog which involved looking, specifically in the School of Education, for courses that had the world “law” or “legal” somewhere in the course title or in the
course description. From there, the researcher analyzed the content of the course description to identify three main themes: General Teacher or Principal Education, Special Education and English Language Learner programs. If the program offered an undergraduate or graduate degree, the courses were examined. In addition to these courses, if there were other education-related courses that had the words “law” or “legal” in the course description those were also looked at. There were also some schools who offered courses that met the criteria, however, they were not required for the undergraduate or graduate degree and were not included in the data collected.

Data Source

The data were primarily collected from course catalogs at each college or university that offered an educator preparation program at the undergraduate and graduate level. When course catalogs were not available or out of date, program specific webpages were also looked at in order to find any additional supporting information.

Sampling

The researchers conducted a population study of all the colleges and universities that offered undergraduate and graduate educator preparation programs. Because the federal Circuits were divided among the six researchers, this was a manageable process. This also allowed for more schools, such as private, large and small alike, to be included in the sample.

Data Coding and Preparation

Technique

As the list of courses was compiled, the researchers worked to develop a coding scheme that used common language and definitions for coding. It is important to ensure that a formal coding system was established so that the data could be analyzed at a level that was easily
interpreted by all researchers (Creswell, 1994). The researchers collected data and did some informal data analyses on their data to identify some initial trends. They regularly met and collaborated to discuss the way they would collect the data and classify the data in the shared spreadsheet. The spreadsheet included a shared note-taking document where they recorded their meeting notes and summarized decisions that were made. They memorialized the coding scheme in the Notes section so that others would also know how things were labeled and coded.

After the initial data collection and analyses, the researchers identified four categories of law-related courses that seemed to apply to all schools: Education Law Specific Course, Introduction to Education/Foundations Course (which was later changed), Exceptional Child Course, and English Language Learner Course. The Education Law Specific Course included any course that had the word “law” or “legal” in the title of the course. The Introduction to Education/Foundations Course included any course that had “law” or “legal” in the course description. The Exceptional Child Course included any special education course that had “law” or “legal” in the course title and/or description. The English Language Learner Course included any course specific to English Language Learner (ELL) or bilingual laws, and those that had “law” or “legal” in the course title and/or description. After building consensus on the data that was to be collected, the team continued to collect data and enter it into the shared document, with regular meetings and emails to check in. The team examined the data for discrepancies and re-examined and re-collected data in order to ensure the data was valid and complete.

Once all the data was collected, I began coding the data based on the agreed upon definitions. To analyze the data, the team used the Constant Comparative (CC) method of qualitative analysis, that includes the four steps of comparing incidents applicable to each category, integrating categories and their properties, delimiting the theory, and writing the theory.
(Glaser, 1965). Using this method, I went through each course title and description and compared each one to the last in order to ensure consistency of analysis.

As I collected the data, I started to memo the similarities and differences between course titles and course descriptions among the schools in my Circuit. Memoing helped identify trends and provided more clarity as to what type of legal content was included in these courses. For example, some course descriptions listed “legal issues” compared to “legal rights” or “legal aspects”, so I had to carefully look at the course descriptions in the context of the course title so that I was able to determine how to code them in the data collection spreadsheet.

The team of six researchers continued to collect data and for the most part, the data fit nicely into the categories we had established. There were a few outlier courses where the terms “law” or “legal” were found in the course descriptions, however, the content did not fit into any of the four categories we had developed. For example, Florida Gateway College has a course called “Introduction to Technology for Educators” in which the course descriptions states

This course teaches the application of instructional design principles for the use of technology to enhance the quality of teaching and learning in the classroom. The course includes hands-on experience with educational media, emerging technologies, and hardware, software, and peripherals for the personal computer as well as data-driven decision-making processes. Identification of appropriate software for classroom applications, classroom procedures for integrating technologies with emphasis on legal and ethical use, and effective instructional strategies for teachers and students in regard to research, analysis, and demonstration of technology. Students will be provided an overview of the Florida Educator Accomplished Practices, Florida State Standards, the Professional Educator Competencies, and the National Educational Technology Standards. (Florida Gateway College, 2020)

Each team member came across other courses that had some law-related language in the course description but did not fit into the categories we had created, so the team had to determine if another category would be added to our existing spreadsheet. After looking at the types of outlier courses that applied, the team decided to change the name of the “Introduction to
Education/Foundation Course” category to “General Education Legal Literacy” category so that it could include some of the other courses that were not tied specifically to the other categories.

The Exceptional Child course category of the data collection spreadsheet included any reference to special education, exceptional students, inclusive education, gifted education, students with disabilities or any other similar terms that also mentioned the words “law” or “legal” in the course descriptions. The researchers found that most colleges and universities offered some type of introduction to special education courses as part of the undergraduate teacher preparation program, however, not all of those courses included “law” or “legal” in the course descriptions. For example, some of the courses included words like “federal mandates”, “legislation” or “political” but did not have the words “law” or “legal”. For example, the Bachelor of Science in Elementary Education degree at Northern Arizona University in Flagstaff has a required course called “Evaluation of Learning: Elementary” with the following course description:

This course will help students to develop the knowledge, skills, and dispositions necessary to effectively assess, evaluate, and monitor student learning and growth in grades K-8 in a professionally responsible and ethical manner. These include understanding data literacy as a guide to decision making; examining a variety of formal and informal assessments; evaluating their relative merits and limitations; understanding the concepts of validity and reliability; and formulating an initial assessment philosophy that recognizes the social and political milieu of schooling as well as classroom students with exceptionalities. Letter grade only. (Northern Arizona University, 2020)

In this example, the word “political” can imply legal aspects, but it was not explicitly stated. As a result, the team discussed whether or not to include these types of courses in the collection since there were inferences and allusions to the law, however, in the end, the team decided not to do so. The decision was made because the team felt that including more terms would create more gray area and leave more room open for interpretation, which could skew the
data collection across six people. Therefore, any course that included those terms but did not include the terms “law” or “legal” were excluded from the sample.

The English Language Learner course category included any reference to English Language Learners, linguistically diverse students, language acquisition, or bilingual education. We followed the same criteria here as we did with the Exceptional Child course category in that we excluded any English Language Learner course that did not have the terms “law” or “legal” in the course description.

Lastly, the team made one final change to the course category names based on discussions and memoing of data. The team decided to change “General Education Legal Literacy” to “General Education Law-Related” course. The decision was made because we could not be certain that the courses were designed to increase the legal literacy of educators in the way that we have defined legal literacy. Some of the courses seemed to increase legal knowledge, which is only part of the definition of legal literacy but were missing the application pieces. Therefore, we changed the name and settled on the following four categories and descriptions:

- **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, special education or general courses about exceptional children that mentioned “legal rights” or a similar term as 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 the instruction of English Language Learners that lists “legal rights” or a similar term as 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 where 0 = no courses and 1 = yes, at least one course. This was used to indicate which programs required a law-related course, and what type of law-related course was required (i.e., General Education, Exceptional Child, or English Language Learner). In the event that a school required two courses in the same category, it was only coded as a 1 one time. This was done in order to indicate that at least one law-related course was required in that category for that program.

**Data Analysis**

**Descriptive Statistics in the Summary Tables**

Below you will find a summary of the descriptive data collected by the research team. The team first looked at all institutions that provided an undergraduate or graduate degree in teacher education and administrator education in each federal circuit. Each program was then researched in order to look at the required coursework. From there, the team read each course description and looked for the terms “law” or “legal” to be present. If the term was in the course description, it was included in the sample. From there, the team collaborated to determine the best way to collect and organize the data as each member was researching the schools in their particular circuit. The team decided to keep all data and notes from discussion on a shared Google Spreadsheet.
The data for the undergraduate programs were categorized into three groups: General Education Programs, Special Education Programs, and English Language Learner Programs. General education programs included colleges and universities that offered Bachelors of Arts (BA) or Bachelors of Science (BS) degrees for elementary, middle or secondary grade levels. Special education programs included colleges and universities who offered Bachelors of Arts (BA) or Bachelors of Science (BS) degrees in Special Education for any grades K-12. English Language Learner programs included colleges and universities that offered Bachelors of Arts (BA) or Bachelors of Science (BS) degrees for any grades K-12. Schools who offered minors, endorsements or credentials that were not 4-year degrees were not included in this data.

The data was organized in a shared spreadsheet where each degree program (General Education, Special Education, English Language Learner Education, and Principal Preparation) had its own tables. Each table was color coded to correspond to the program. General Education undergraduate programs were green, Special Education undergraduate programs were blue, English Language Learners undergraduate programs were red, and Principal Preparation graduate programs were purple. The first set of data in each table consisted of the first three columns of the table and identified all the colleges and universities who granted undergraduate degrees who required a law-related course for graduation. The second set of data, which can be found in the remaining columns of the table, identified the categories of the required courses (General Law-Related Courses, Exceptional Child Courses, and English Language Learners Courses). The first column in each data set is the total number of programs that require a law-related course in that category, and the second column is the percentage of category-specific programs that require a law-related course out of the total number of programs that require any law-related course.
The researchers used a binary coding system of 0 = no course and 1 = yes, at least one course. Therefore, if a program required a law-related course from multiple categories for graduation it was counted once in each category. For example, Saint Leo University in Florida required both “ESE Foundations” and “ESOL Foundations Cross-Cultural Communication & Applied Linguistics” for an undergraduate general education degree. The ESE Foundations course is a special education law-related course and the ESOL Foundations course is an English Language Learner law-related course. Saint Leo University has a 1 marked in both the Exceptional Student and English Language Learner columns in the General Education table. However, if a college or university required more than one course in the same category, the school was only counted once in the data, and a 1 was placed in the column. For example, the University of Hawaii in West Oahu requires two special education courses, “Foundations of Inclusive Schooling” and “Special Education Methods”. For this school, a 1 was placed in the Exceptional Child column of the Special Education table.

**Comparisons/Summaries of Data**

For the final summary of the courses, the researchers decided to group the colleges and universities geographically by federal Circuits. This decision was made in order to ascertain if there were regional trends in the data regarding how educator preparation programs developed legal literacy.

This section summarizes the data found in Table 1 through Table 9. Table 1 describes the law course requirements of general education teacher preparation programs in the 9th Circuit. Table 2 describes the law course requirements of special education teacher preparation programs in the 9th Circuit. Table 3 describes the law course requirements of English Language Learner education teacher preparation programs in the 9th Circuit. Table 4 describes the law course
requirements of general education teacher preparation programs in the United States grouped by Federal Judicial Circuit. Table 5 describes the law course requirements of special education teacher preparation programs in the United States grouped by Federal Judicial Circuit. Table 6 describes the law course requirements of English Language Learner education teacher preparation programs in the United States grouped by Federal Judicial Circuit. Table 7 describes the law course requirements of Principal preparation programs in the 9th Circuit. Table 8 describes the law course requirements of Principal preparation programs in the United States grouped by Federal Judicial Circuit. Table 9 describes the Education Law-Specific course requirements of teacher preparation programs and Principal preparation programs in the United States grouped by Federal Judicial Circuit.

I first describe the federal Circuit course requirements for General Education, Special Education and English Language Learner Education for the 9th Circuit. I then compare the Circuit data to the data from the United States and its territories as a whole. Next, I compare the requirement of law-related courses in the programs of the states within the 9th Circuit. I then compare the undergraduate teacher preparation programs to graduate Principal preparation programs in the 9th Circuit. Finally, I answer each of the research questions using the data and analyses produced in each of the preceding steps.

9th Circuit

9th Circuit Overview

The 9th Circuit is a federal circuit that includes the states of Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Guam and Hawaii. I also looked at the state of Florida, which is part of the 11th Circuit, and the District of Columbia for this study. In the 9th Circuit, there were a total of 79 higher education institutions that offered an undergraduate
teacher education degree (Table 1). Of those 79 schools, 42 (53.16%) had a required course that included the word “law” or “legal” in the course title or course description. Of those 42 undergraduate education degree programs, 16 (38.10%) had a course that was law-specific, 23 (54.76%) had a general education law-related course, 31 (73.81%) had an exceptional child related course and 5 (11.90%) had an English Language Learner related course. All of these courses had either the word “law” or “legal” in the course title or course description of the required courses in the general education teacher degree program.

Table 1
Law course requirements of general education teacher preparation programs in the 9th Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>General Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=42)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Law Class Required</td>
<td>Law Specific</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Alaska</td>
<td>2</td>
<td>100.00%</td>
</tr>
<tr>
<td>Arizona</td>
<td>8</td>
<td>25.00%</td>
</tr>
<tr>
<td>California</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td>Idaho</td>
<td>6</td>
<td>16.67%</td>
</tr>
<tr>
<td>Montana</td>
<td>10</td>
<td>90.00%</td>
</tr>
<tr>
<td>Nevada</td>
<td>8</td>
<td>25.00%</td>
</tr>
<tr>
<td>Oregon</td>
<td>5</td>
<td>100.00%</td>
</tr>
<tr>
<td>Washington</td>
<td>16</td>
<td>100.00%</td>
</tr>
<tr>
<td>Guam</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>4</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>79</td>
<td>53.16%</td>
</tr>
</tbody>
</table>

The 9th Circuit also has 27 schools that offer a Special Education undergraduate degree (Table 2). These programs were full 4-year degree programs and did not include any minors, endorsements or credential programs. Of the 27 schools, 19 (70.37%) required a law-related class. Of the 19 programs requiring a law related class, 6 (31.58%) required an education law specific course, 5 (26.32%) required a general education law-related course, 19 (100%) required an exceptional child law-related course and 0 (0%) required an English Language Learner law-related course. An interesting note is that Alaska, Oregon, Washington and Guam had 100% of
their teacher preparation programs require a law-related course. While Alaska, Oregon and Guam only had a couple of schools that offered a teacher preparation program, Washington has 16 schools that all required law courses. I originally looked at populations of these states to try and determine why they all require law courses, but the only commonality I found was that these are the most western states in the United States and its territories, which is an interesting consideration and could be something to look further into.

Table 2
Law course requirements of special education teacher preparation programs in the 9th Circuit

<table>
<thead>
<tr>
<th>Type of law class required in programs that require a law class (n=19)</th>
<th>Degree granting institution</th>
<th>Law Class Required</th>
<th>Law Specific</th>
<th>General Legal Literacy</th>
<th>Exceptional Child</th>
<th>English Language Learner</th>
</tr>
</thead>
<tbody>
<tr>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>Alaska</td>
<td>3</td>
<td>100.00%</td>
<td>1</td>
<td>33.33%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Arizona</td>
<td>2</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>California</td>
<td>5</td>
<td>40.00%</td>
<td>1</td>
<td>50.00%</td>
<td>2</td>
<td>100.00%</td>
</tr>
<tr>
<td>Idaho</td>
<td>2</td>
<td>50.00%</td>
<td>1</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Montana</td>
<td>3</td>
<td>100.00%</td>
<td>1</td>
<td>33.33%</td>
<td>1</td>
<td>33.33%</td>
</tr>
<tr>
<td>Nevada</td>
<td>1</td>
<td>100.00%</td>
<td>1</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Oregon</td>
<td>5</td>
<td>100.00%</td>
<td>1</td>
<td>20.00%</td>
<td>1</td>
<td>20.00%</td>
</tr>
<tr>
<td>Washington</td>
<td>4</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Guam</td>
<td>2</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>27</td>
<td>70.37%</td>
<td>6</td>
<td>31.58%</td>
<td>5</td>
<td>26.32%</td>
</tr>
</tbody>
</table>

The 9th Circuit also has 5 schools that offer an English Language Learner Education undergraduate degree (Table 3). These programs were full 4-year degree programs and did not include any minors, endorsements or credential programs. Of the 5 programs that offered a degree in English Language Learner Education, only 2 (40%) required a law-related course. Of the 5 programs, 0 (0%) required a law-specific course, 1 (20%) required a general education law-related course, 0 (0%) required an exceptional child law-related course, and 0 (0%) required an English Language Learner law-related course.
In the 9th Circuit, the Exceptional Child category had the most law-related coursework in general education teacher preparation programs. The same holds true for Special Education teacher preparation programs where the majority of the law-related coursework was tied to Exceptional Child courses. The lowest law-related coursework was tied to English Language Learner programs across all three teacher preparation programs. This was mostly due to the fact that the majority of the English Language Learner programs were not 4-year degrees and were endorsement or credential programs that were not included in this sample.

**Comparison of the 9th Circuit and the other circuits**

The 9th Circuit has 79 schools that offer general education teacher preparation programs, which is one of the lowest circuits in the country when compared to the other circuits (Table 4). The 9th Circuit is above the national average when it comes to the percentage of education law-specific courses required, with the 9th Circuit having 40% and the average of all the circuits at 11.8%. The national average for programs who require a general law-related course is 51.40%, and the 9th Circuit is just above that with 57.5%. When it comes to exceptional child education, the 9th circuit is well above the national average of 62.73% with 80%.
Learner education, the 9th Circuit is just above the national average of 6.68% with 15%. The 8th circuit has the most teacher preparation programs in the country with 149 schools. Of the general education teacher preparation programs offered in the 9th Circuit, 40 (50.63%) of them required a law-related course, which falls more toward the bottom when compared to the other circuits. However, the 9th Circuit has the highest number of education law-specific courses required with 16 (40%) programs. The 9th Circuit ranks 8th in the number of general law-related courses with 23 (57.5%) of programs, ranks 7th in the number of exceptional child courses required with 32 (80%) of programs, and ranks 3rd in the number of English Language Learner law-related courses with 6 (15%) or programs.

While the 9th Circuit ranks on the lower end with the number of teacher preparation programs offered, when compared to the rest of the circuits, percentage-wise, the 9th Circuit just under the national average for these degree programs.

Table 4

<table>
<thead>
<tr>
<th>General Education Licensure Program</th>
<th>Degree granting institutions</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>District of Columbia</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1st</td>
<td>73</td>
<td>44</td>
<td>60.27%</td>
<td>10</td>
<td>22.73%</td>
<td>39</td>
</tr>
<tr>
<td>2nd</td>
<td>125</td>
<td>66</td>
<td>52.80%</td>
<td>45</td>
<td>68.18%</td>
<td>46</td>
</tr>
<tr>
<td>3rd</td>
<td>122</td>
<td>78</td>
<td>63.03%</td>
<td>28</td>
<td>35.90%</td>
<td>51</td>
</tr>
<tr>
<td>4th</td>
<td>116</td>
<td>58</td>
<td>49.15%</td>
<td>35</td>
<td>60.34%</td>
<td>24</td>
</tr>
<tr>
<td>5th</td>
<td>100</td>
<td>49</td>
<td>49.00%</td>
<td>21</td>
<td>42.60%</td>
<td>28</td>
</tr>
<tr>
<td>6th</td>
<td>134</td>
<td>73</td>
<td>54.48%</td>
<td>41</td>
<td>56.16%</td>
<td>37</td>
</tr>
<tr>
<td>7th</td>
<td>119</td>
<td>60</td>
<td>50.42%</td>
<td>28</td>
<td>46.67%</td>
<td>33</td>
</tr>
<tr>
<td>8th</td>
<td>149</td>
<td>65</td>
<td>63.76%</td>
<td>57</td>
<td>60.00%</td>
<td>61</td>
</tr>
<tr>
<td>9th</td>
<td>79</td>
<td>40</td>
<td>50.63%</td>
<td>23</td>
<td>57.50%</td>
<td>37</td>
</tr>
<tr>
<td>10th</td>
<td>79</td>
<td>46</td>
<td>58.23%</td>
<td>27</td>
<td>56.70%</td>
<td>26</td>
</tr>
<tr>
<td>11th</td>
<td>103</td>
<td>33</td>
<td>32.04%</td>
<td>16</td>
<td>48.48%</td>
<td>23</td>
</tr>
<tr>
<td>All Circuits</td>
<td>1207</td>
<td>644</td>
<td>53.36%</td>
<td>331</td>
<td>51.40%</td>
<td>404</td>
</tr>
</tbody>
</table>

Note: Totals and percentages may not add up as some programs require classes in multiple categories.
When looking at special education teacher preparation programs (Table 5) offered in the United States, the 9th Circuit is just below the national average of 72.49% with 70.37% of special education teacher preparation programs requiring a law course. Compared to the other circuits, the 9th Circuit is the highest percentage-wise in the number of education law-specific courses with 31.58%, above the national average of 10.46%. When it comes to general law-related coursework, 26.32% of the 9th Circuit schools require this type of course, which is below the national average of 33.09%. However, when it comes to exceptional child law-related courses, 100% of the schools that offer a special education teacher preparation program require this course, compared to the national average of 84.18%. Lastly, the 9th Circuit is below the national average of 3.89% of courses related to English Language Learner law, with 0% of the courses related to this category.

### Table 5

**Law course requirements of special education teacher preparation programs in the United States grouped by Federal Judicial Circuit**

<table>
<thead>
<tr>
<th></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>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Education Law Specific</td>
<td>General Law</td>
<td>Exceptional Child</td>
<td>English Language Learner</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>1st</td>
<td>37</td>
<td>31</td>
<td>7</td>
<td>22.58%</td>
<td>5</td>
<td>16.13%</td>
<td>27</td>
<td>87.10%</td>
</tr>
<tr>
<td>2nd</td>
<td>41</td>
<td>33</td>
<td>3</td>
<td>9.09%</td>
<td>22</td>
<td>66.67%</td>
<td>26</td>
<td>78.79%</td>
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<tr>
<td>3rd</td>
<td>83</td>
<td>69</td>
<td>12</td>
<td>17.39%</td>
<td>24</td>
<td>34.78%</td>
<td>61</td>
<td>88.41%</td>
</tr>
<tr>
<td>4th</td>
<td>63</td>
<td>41</td>
<td>4</td>
<td>0.00%</td>
<td>17</td>
<td>41.46%</td>
<td>34</td>
<td>82.93%</td>
</tr>
<tr>
<td>5th</td>
<td>46</td>
<td>30</td>
<td>3</td>
<td>10.00%</td>
<td>8</td>
<td>26.67%</td>
<td>26</td>
<td>93.33%</td>
</tr>
<tr>
<td>6th</td>
<td>49</td>
<td>33</td>
<td>0</td>
<td>0.00%</td>
<td>15</td>
<td>45.45%</td>
<td>22</td>
<td>66.67%</td>
</tr>
<tr>
<td>7th</td>
<td>77</td>
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<td>4</td>
<td>6.78%</td>
<td>19</td>
<td>32.00%</td>
<td>45</td>
<td>76.27%</td>
</tr>
<tr>
<td>8th</td>
<td>59</td>
<td>48</td>
<td>3</td>
<td>6.52%</td>
<td>13</td>
<td>28.26%</td>
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<td>9th</td>
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<td>31.58%</td>
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<td>26.32%</td>
<td>19</td>
<td>100.00%</td>
</tr>
<tr>
<td>10th</td>
<td>31</td>
<td>25</td>
<td>0</td>
<td>0.00%</td>
<td>6</td>
<td>24.00%</td>
<td>21</td>
<td>84.00%</td>
</tr>
<tr>
<td>11th</td>
<td>54</td>
<td>26</td>
<td>5</td>
<td>20.00%</td>
<td>2</td>
<td>8.00%</td>
<td>20</td>
<td>80.00%</td>
</tr>
<tr>
<td>All Circuits</td>
<td>507</td>
<td>411</td>
<td>43</td>
<td>10.46%</td>
<td>136</td>
<td>33.09%</td>
<td>340</td>
<td>84.18%</td>
</tr>
</tbody>
</table>
For English Language Learner teacher preparation programs (Table 6), the 9th Circuit had only 7 schools that offered an undergraduate degree in English Language Learner education, and of the 7, only one school required a law course. This is well below the national average of 65.48% of schools offering this degree, with the 9th Circuit only having 14.29% of schools offer this degree. The school who offered the English Language Learner degree did have a general law-related course and an exceptional child course as part of the coursework. One reason that this could be the case is that the majority of programs in this circuit offered English Language Learner credentials or endorsements, so they were not captured in this data.

Table 6
Law course requirements of English Language Learner education teacher undergraduate degree programs in the United States grouped by Federal Judicial Circuit

<table>
<thead>
<tr>
<th>ELL 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=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>n</td>
<td>%</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</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>1st</td>
<td>3</td>
<td>33.3%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
<td>1</td>
</tr>
<tr>
<td>2nd</td>
<td>14</td>
<td>11.7%</td>
<td>1</td>
<td>9.09%</td>
<td>8</td>
<td>72.73%</td>
<td>9</td>
</tr>
<tr>
<td>3rd</td>
<td>3</td>
<td>2</td>
<td>66.67%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>4th</td>
<td>2</td>
<td>1</td>
<td>50.0%</td>
<td>0</td>
<td>0%</td>
<td>1</td>
<td>100%</td>
</tr>
<tr>
<td>5th</td>
<td>12</td>
<td>9</td>
<td>75.0%</td>
<td>2</td>
<td>22.22%</td>
<td>4</td>
<td>44.44%</td>
</tr>
<tr>
<td>6th</td>
<td>12</td>
<td>6</td>
<td>50.0%</td>
<td>0</td>
<td>0%</td>
<td>2</td>
<td>33.33%</td>
</tr>
<tr>
<td>7th</td>
<td>10</td>
<td>1</td>
<td>100.0%</td>
<td>2</td>
<td>20.00%</td>
<td>5</td>
<td>50.00%</td>
</tr>
<tr>
<td>8th</td>
<td>11</td>
<td>6</td>
<td>54.55%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>9th</td>
<td>7</td>
<td>1</td>
<td>14.29%</td>
<td>0</td>
<td>0%</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>10th</td>
<td>6</td>
<td>6</td>
<td>100.00%</td>
<td>0</td>
<td>0%</td>
<td>2</td>
<td>33.33%</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>
<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>
<td>41.62%</td>
</tr>
</tbody>
</table>

Comparisons of states within the 9th Circuit

The 9th Circuit comprises the states of Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. Four of these states (Alaska, Oregon, Washington, and Guam) had 100% of their schools who offered a teacher preparation program
requiring law-related courses (Table 1). Montana was the second highest with 90% of colleges and universities requiring a law-related course for the undergraduate education degree. The rest of the Circuit was much lower, with Arizona and Nevada only having 25% of their schools requiring law courses, California with 16.67% requiring law courses, and Idaho with 16.67% requiring law courses. Hawaii had 0% of schools require a law course as part of the undergraduate degree.

When it comes to special education teacher preparation programs, 7 of the 10 states offered these degrees also required law courses, with Alaska, Montana, Nevada, Oregon and Washington having 100% of their schools require law classes. Of the schools who offered a special education degree, the majority of schools required a law course related to the exceptional child with 100% of the schools requiring a course in this category (Table 2).

The 9th Circuit only had 5 total schools in 4 states (Arizona, Oregon, Nevada and Hawaii) offer a teacher preparation program in English Language Learner education. Of those 5 schools, only 2 required a law course, one in general legal literacy and one related to English Language Learners (Table 3).

Across the states in the 9th Circuit, Oregon was the only state to offer teacher preparation programs in all three areas of general teacher education, special education and English language Learner education, and require law-related course work in all three degree programs that were law-specific as well as related to the degree. Alaska, Washington and Nevada all offered teacher preparation programs in both general teacher education and special education and also had 100% of their schools require a law course for those degree programs. Alaska, Washington and Nevada did not offer a teacher preparation program in English Language Learner education. Montana also offered both general teacher education and special education degrees, but 90% of schools
require law courses in general teacher education and 100% require law courses in special education. Montana did not offer a teacher preparation program in English Language Learner education (Table 3).

Table 1, Table 2, and Table 3 show the rest of the states in the 9th Circuit had below average requirements for law-related courses in all three teacher preparation program areas. States like Arizona and California, who have higher English Language Learner student populations compared to the other states in the 9th Circuit, did not offer 4-year undergraduate degree programs. Rather, these states offered a variety of endorsement and credential programs that can be added to current teacher licensure. These programs were excluded from the sample, but indicate that the states are offering additional coursework in this area to meet the needs of the students in those states. This was similar in the state of Florida, where only 2 schools offered an undergraduate English Language Learner degree program and offered endorsement courses that can be taken through school districts as well as colleges and universities across the state.

**Comparison of Teacher Preparation and Principal Preparation Programs that Require an Education Law Specific Course in the 9th Circuit and the Nation**

When comparing teacher preparation programs to principal/administrator preparation programs, an interesting trend emerged out of the data collection. In the 9th Circuit (Table 7), all of the schools that offered a principal/administrator preparation program required a law course for that program. Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington, Guam and Hawaii all had 100% of their principal/administrator preparation programs require an education law course. In California, 97.3% of schools required a law course in the principal/administrator preparation program.
Table 7
Law course requirements of Principal/Administrator preparation programs in the 9th Circuit

<table>
<thead>
<tr>
<th>State</th>
<th>Principal (yes/no)</th>
<th>Law Class Required</th>
<th>Percent of Principal Licensure Programs that Require and Education Law Course</th>
<th>Law Specific Class Required</th>
<th>Percent of the Required Law Courses that are Law Specific</th>
<th>Sped Law Class</th>
<th>Percent of Required Legal Literacy Courses that are Special Education Law Specific</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>1</td>
<td>1</td>
<td>100.00%</td>
<td>1</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Arizona</td>
<td>6</td>
<td>6</td>
<td>100.00%</td>
<td>6</td>
<td>100.00%</td>
<td>2</td>
<td>33.33%</td>
</tr>
<tr>
<td>California</td>
<td>37</td>
<td>36</td>
<td>97.30%</td>
<td>36</td>
<td>100.00%</td>
<td>3</td>
<td>8.33%</td>
</tr>
<tr>
<td>Idaho</td>
<td>3</td>
<td>3</td>
<td>100.00%</td>
<td>3</td>
<td>100.00%</td>
<td>1</td>
<td>33.33%</td>
</tr>
<tr>
<td>Montana</td>
<td>3</td>
<td>3</td>
<td>100.00%</td>
<td>3</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Nevada</td>
<td>6</td>
<td>6</td>
<td>100.00%</td>
<td>6</td>
<td>100.00%</td>
<td>3</td>
<td>50.00%</td>
</tr>
<tr>
<td>Oregon</td>
<td>3</td>
<td>3</td>
<td>100.00%</td>
<td>3</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Washington</td>
<td>13</td>
<td>13</td>
<td>100.00%</td>
<td>13</td>
<td>100.00%</td>
<td>1</td>
<td>7.69%</td>
</tr>
<tr>
<td>Guam</td>
<td>1</td>
<td>1</td>
<td>100.00%</td>
<td>1</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2</td>
<td>2</td>
<td>100.00%</td>
<td>2</td>
<td>100.00%</td>
<td>1</td>
<td>50.00%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>75</td>
<td>74</td>
<td>98.67%</td>
<td>74</td>
<td>100.00%</td>
<td>11</td>
<td>14.86%</td>
</tr>
</tbody>
</table>

Nationwide (Table 8), similar trends emerge in principal/administrator preparation programs compared to general education teacher preparation programs. Nationally, 96.28% of principal preparation programs require an education law course. The 9th Circuit is above the national average with 98.67% of graduate programs requiring a law course related to education. This data shows that the majority of schools provide instruction in some type of education law at the graduate level, whereas the undergraduate level is inconsistent. This supports the research that the majority of teachers are not adequately legally literate.
Findings

Comparison of Legal Literacy in Teacher Preparation Programs

The current study builds upon the work of legal literacy researchers Schimmel and Militello (2007), Littleton (2008), Decker (2014) and others in providing a deeper understanding of legal literacy as it relates to educators in the United States. The data collected from this study affirms the findings of others in the field that, as a whole, teachers do not have adequate legal literacy. After collecting and analyzing the data, I went back to my research questions to see how the data answers them.

Research Questions:

1. How do education course requirements that relate to legal literacy for pre-service teachers compare between teacher preparation programs across the United States, District of Columbia, and US territories of Puerto Rico, the Virgin Islands, and Guam? 1a. What
are the overall course requirements for legal literacy in the United States, District of Columbia and US territories of Puerto Rico, the Virgin Islands, and Guam?

There were 1,207 institutions in the United States that offered a general education teacher preparation program at various levels K-12. Of those programs, 644 (53.36%) required some type of law-related course. These courses were categorized as either being an Education Law-Specific course, a General Law-Related course, an Exceptional Child law-related course or an English Language Learner law-related course. Of the 644 programs that required a law course, 76 (11.80%) required an education law-specific course, 331 (51.4%) required a general law-related course, 404 (62.73%) required an exceptional child law-related course and 43 (6.68%) required an English Language Learner law-related course.

There were 567 institutions in the United States that offered a special education teacher preparation program. Of those programs, 411 (72.49%) required some type of law-related course. These courses were categorized as either being an Education Law-Specific course, a General Law-Related course, an Exceptional Child law-related course or an English Language Learner law-related course. Of the 411 programs, 43 (10.46%) required an education law-specific course, 136 (33.09%) required a general law-related course, 346 (84.18%) required an exceptional child law-related course, and 16 (3.89%) required an English Language Learner law-related course.

There were 84 institutions in the United States that offered an English Language Learner undergraduate degree program. Of those programs, 55 (65.48%) required some type of law-related course. These courses were categorized as either being an Education Law-Specific course, a General Law-Related course, an Exceptional Child law-related course or an English Language Learner law-related course. Of the 84 programs, 6 (10.91%) required an education law-specific course, 23 (41.82%) required a general law-related course, 43 (78.18%) required an
exceptional child law-related course, and 3 (5.45%) required an English Language Learner law-related course.

**Comparison of Legal Literacy in Specialized Areas**

Digging deeper into the data, I was able to look into how legal literacy is compared in specialized areas:

Research Question:

1b. How do legal literacy courses in specialized areas (General Education, Special Education and English Language Learner (ELL) Education) compare between teacher preparation programs in different states of the 9th Circuit?

In the United States 9th Circuit there were 79 schools that offered a general education teacher preparation program for grades K-12. Of those programs, 42 (53.16%) required some type of law course for graduation. Of the 42 schools that required a law course, 16 (38.01%) were an education law-specific course, 23 (54.76%) were a general law-related course, 31 (73.81%) were an exceptional child law-related course and 5 (11.9%) were an English Language Learner law-related course. Of the states in the 9th Circuit, Alaska, Oregon, Washington and Guam were the only states to have 100% of their general education teacher preparation programs require some type of law course for graduation.

The 9th Circuit had 27 schools offer a special education teacher preparation program. Of those programs, 19 (70.37%) required some type of law-related course for graduation and 5 states (Alaska, Montana, Nevada, Oregon and Washington) had 100% of their programs require a law-related course for graduation. Further, of the 19 schools that require some type of law course, 100% of them required at least one exceptional child law-related course.
There were only 4 states, Arizona, Oregon, Nevada and Hawaii, who offered an English Language Learner teacher preparation program in the 9th Circuit. There were 5 total schools who offered the program and only 2 of those required some type of law-related course.

Looking across the 9th Circuit, Oregon was the only state to offer a teacher preparation program in all three areas of general teacher education, special education and English Language Learner education. Alaska, Washington and Nevada all offered undergraduate degrees in both general education and special education, and also had 100% of those schools require some type of law-related course for their degree programs. Montana also had a majority of schools require a law-related course for graduation with 90% in the general education program and 100% in the special education program. The rest of the states had below average requirements for law-related coursework at the undergraduate level.

**Legal Literacy in Teacher Preparation Compared to Administrator Preparation Programs**

In order to gain a better understanding of how legal literacy is developed in all educators, I also looked at how it was developed in principal/administrator preparation programs to see if there was a difference between these programs compared to teacher preparation programs.

Research Question:

2. How is legal literacy developed in teacher preparation programs compared to principal/administrator preparation programs in the United States, District of Columbia and the US territories of Puerto Rico, the Virgin Islands and Guam?

There is definitely more of a focus on legal literacy development in principal/administrator preparation graduate degree programs compared to teacher preparation programs, special education and English Language Learner teacher preparation programs across the United States. While more than half the country (53.56%) requires some type of law-related course in
general education teacher preparation programs, the more specialized the area, the more likely the requirements for a law-related course. For example, for special education teacher preparation programs, 72.49% required a law-related course, and for English Language Learner teacher preparation programs, 65.48% required a law-related course. When looking at the types of law-related courses that colleges and universities require for undergraduate education, the majority of the courses are related to the exceptional child, with 62.73% in general education, 84.18% in special education, and 78.18% in English Language Learner education degree programs.

Undergraduate schools also offer a fair amount of general law-related courses, with 51.40% in general education, 33.09% in special education and 41.82% in English Language Learner education. All undergraduate schools also had the lowest percentage of law-related courses tied to English Language Learners with 6.68% in general education, 3.89% in special education and 5.45% in English Language Learner education.

However, when looking at education law-specific courses, the teacher preparation programs do not match up to the principal/administrator programs at all. The average number of principal/administrator preparation programs across the United States that require an education law-specific course is 97.95%. This is compared to the national average of general education teacher preparation programs that require an education law-specific course of 11.80%, special education law-specific courses of 10.46% and 10.91% in English Language Learner education. This is a stark difference in the law-required coursework that is specific to education law that teachers and principals receive during their preparation programs.
Conclusion

Overall, the data supports the findings of existing research by Schimmel and Militello (2007), Decker (2014) and others in that the legal literacy of teachers and administrators needs to be better developed. The data show that more than half of the teacher preparation programs in the United States require some type of law-related course. On the surface, this is positive when thinking about developing the legal literacy of teachers. However, this study has found that the majority of those courses are related to special education and general law-related courses, in which a variety of legal topics can be covered. Therefore, there are inconsistencies with the type of legal knowledge that is required for teacher preparation programs, unless it is specific to special education.

When looking at education law-specific courses, the data show that there is a very low percentage of colleges and universities across the country that focus any time or attention on
developing this area for teachers, and that it is instead reserved for graduate level principal/administrator preparation programs. This is one explanation as to why the legal literacy of teachers is so low. It begs to wonder if more teachers were required to take these education law-specific courses in their preparation programs, if they would be more legally literate in the education profession as a whole. The data supports the research that the majority of teachers are not legally literate and “possess a dismal comprehension of education law and legal issues pertaining to their jobs”, and one way to rectify that is through the pre-service teacher education preparation programs (Littleton, 2008, p.72).

This study has shown that there are not enough pre-service preparation programs dedicated to providing the type of instruction for increasing a teacher’s knowledge of education law. This supports the research conducted by Schimmel and Militello (2007) in which they found that the majority of the teacher respondents in their study had not taken a school law course and that most of the respondents were uninformed or misinformed about teacher and student rights. They recommended that teacher-certification programs require a course or comprehensive unit on school law (Schimmel & Militello, 2007). “If legal literacy is integrated into teacher certification programs and if principals teach and promote an understanding of school law as a regular part of their teachers’ professional development, there will be a number of positive consequences” (Militello & Schimmel, 2008, p. 104).

The data in this study also confirmed that principal/administrator preparation programs require more school law courses that teacher preparation programs. In the United States, almost 98% of administrator preparation programs required a school law course compared to teacher preparation programs where just under 12% of schools required a course in school law. The difference between the two programs is staggering and telling. Schimmel, Militello and
Eberwein (2009) looked at principal legal literacy and found that 87% of the principals in their study indicated that they participated in a college or university school law course as part of their preparation program. This is consistent with the findings that school law courses are required at the administrator level more than at the teacher level.

This study contributes to the existing research about the legal literacy of educators and proves that there is a definite need for more development at the teacher preparation program level. While there are many schools who required some type of law class for education undergraduate degrees, there still exists a need to have education law-specific coursework be a required part of teacher preparation programs moving forward. The area of legal literacy is one that is gaining more attention due to the fact that there has been an increase in education litigation and accountability. Therefore, it is imperative for future educators to receive the necessary training in their preparation programs that will set them up for success in the education profession.

**Limitations**

One of the biggest limitations to this study is the lack of common language and standardized structures of educator preparation programs across the country, especially as it pertains to special education and English Language Learner certification. One of the reasons for this is that, even within states, some schools offered full 4-year degree programs for special education and English Language Learner education, whereas others offered a credential or add-on endorsement type of program, and others only offered graduate-level degrees in these areas. Therefore, it was difficult to fully grasp the types of courses that were offered in these areas across the states and circuits. Another challenge centered around some states offering dual degree programs, such as elementary and special education. In these instances, it was difficult to
separate which courses were tied to the general education part and which were tied to the special education part of the dual degree, which could have skewed the data.

Another limitation was the lack of common language and clarity among the terminology used across the different states. For example, some states referred to diverse student populations to include special education students, English Language Learner students or both. Another example was the distinction between mild disabilities and severe disabilities in special education courses. The team used best judgement based on the context of the course description, but the data was not as reliable as the general education degree program information that was collected.

Lastly, another limitation of the research is that the team relied solely on course descriptions for the data collection and analysis. This was limiting in that there was no guarantee the course description that was found on the school’s website was the most up to date. Further, some course descriptions were more detailed than others so there was some interpretation as to what was actually covered in the course, especially if there was no reference to the law or legal aspects of the area. If there was no mention, then the course was excluded from the data collection.

**Future Research Areas**

This study provided the first comprehensive look at the course titles and descriptions of teacher preparation programs and principal/administrator preparation programs in the United States, the District of Columbia and the US Territories of Puerto Rico, the Virgin Islands and Guam. There are still many more areas to be explored when it comes to deeply researching legal literacy amongst educators. One area of expansion would be to expand the search criteria of the colleges and universities to include other degree programs, like credentials or endorsements for the areas of special education and English Language Learners. Another area to be further
explored is to look more closely at the course descriptions and syllabi of the courses for more encompassing terms related to the law. The team restricted the search to only include courses that have the words “law” or “legal” in the course title or description. An expansion could also include terms such as “federal mandate” or “legislation” to see if that offers more detail. Lastly, exploring elective or optional courses included in the teacher and principal/administrator preparation programs might expand the types of law-related courses that are examined and analyzed. Finally, another area to explore could include a deeper dive into the laws that are actually covered in the courses offered at the undergraduate and graduate level.
References


PAPER THREE

PROFESSIONAL LEARNING PLAN TO INCREASE THE LEGAL LITERACY OF EDUCATORS USING THE SELF-EFFICACY ADULT LEARNING THEORY (SEAL) PROFESSIONAL DEVELOPMENT FRAMEWORK

Introduction

This paper is the creation of a professional development series that increases the legal literacy of educators and a logic model for the professional development series. The intended audience of this professional development series includes general education teachers, education specialists and administrators, and is designed in such a way that it could be part of new educator onboarding or mentor programs, as well as regular ongoing professional development for staff. The foundation of the professional development series was formed on themes commonly found in self-efficacy theory and adult learning theory that were merged by Creed et al. to create the SEAL Professional Development Framework. This framework served as the foundation for this professional development series that covers all aspects of educational law and how it applies to classrooms, instruction, and student and teacher rights. Other researchers who participated in this study of legal literacy focused on certain areas of education law to develop professional learning modules that fall under the Legal Literacy Professional Learning Series. Included in the professional development is a presenter manual that includes key topics and activities for participants to increase their legal literacy. Each module is intended to take approximately two hours to present, and there are a total of 11 modules in the series. The module presented in this paper relates to the laws and legal aspects of English Language Learner and bilingual education,
and how landmark cases have paved the way for providing equal and equitable access to education for English Language Learner students, and what that means for educators. The logic model provides a visual representation of the intended inputs, activities, and outcomes of the professional development series.

**The Case for Increased Legal Literacy of Educators**

There has been an increase in the body of research surrounding the legal literacy of educators as accountability and litigation has increased in schools across the nation. A number of researchers have looked at the level of legal literacy that educators possess as well as how they obtain their knowledge of education law. Schimmel and Militello (2007) conducted the largest and only multi-state study that looked at the levels of legal literacy in educators, where they get their knowledge and the impacts that can have on education. They found that most educators did not have a high level of legal literacy and that their knowledge was mostly misinformation that was obtained from colleagues. The study recommended there be an increase in the types of school law courses offered in teacher preparation programs, as well as ongoing professional development in school districts (Schimmel & Militello, 2007). Littleton (2008) looked at teacher characteristics to understand the level of legal literacy present in schools and he found that most teachers had a lack of legal knowledge. Additionally, Mead (2008) examined the types and outcomes of litigation involving teachers and looked at how teachers’ lack of legal literacy could have impacted those results. She found that knowledge of school law can empower teachers and supports the arguments that school law courses should be a part of teacher preparation programs (Mead, 2008).

Other researchers have looked at how school law courses have impacted the practice of educators. Decker, Ober and Schimmel (2019) looked at whether the completion of a school law
course altered the attitudes and actions of teachers and school leaders and found that the majority of people surveyed felt that the course had a significant impact on their attitudes and behaviors. The findings of these studies have shown that educators lack a fundamental understanding of school law and that the main reasons for this is due to a lack of training in educator preparation programs and ongoing training in schools and districts (Militello, Schimmel and Eberwein, 2009). Therefore, it is important to provide professional development opportunities to teachers and administrators in order to ensure that legal literacy is developed. This professional development series will provide educators with the information they need to increase their legal literacy.

**Implications of Legal Knowledge**

Increasing the legal literacy of educators is important on both a personal and professional level. “When teachers enter a PK-12 classroom in a public school they represent not only themselves, their school and school district, but - legally speaking - also the state” (Summers, Kiracofe & James, 2020, p. 330). Thus, the need for more teachers to have a foundational knowledge of how education law impacts their classrooms and schools.

There are many financial and personal benefits to increasing the legal literacy of educators. Militello and Schimmel (2008) outlined some positive consequences of increasing legal literacy that included appropriate discipline of students, a better constitutional awareness that positively impacts their classroom, and changes in teacher behavior that ensures student rights are not violated. Mead (2008) also discusses how an increase in legal literacy can lead to empowering the teacher to protect student rights as well as their own interests. Decker (2014) outlined a number of benefits that include a decrease in litigation when teachers have increased legal literacy, the empowerment of teachers to participate in education reform, the ability for
teachers to make ethical decisions, and allowing teachers to remain legally compliant while
performing their jobs more effectively. Lastly, Decker, Ober and Schimmel (2019) discussed that
an increase in legal literacy can lead to both attitude and behavioral changes in educators. For
example, there was a decrease in fear and an increase in critical analysis and knowledge of legal
issues, along with changes to daily and professional practices. For these reasons, further
exploration into the legal literacy of educators and how to better develop it from a professional
development standpoint, are extremely relevant and important to improving educator practice.

The SEAL Framework: A Merging of Self-Efficacy and Adult Learning Theories

This SEAL framework was developed by Creed et al., (2021) using the components of
Self-Efficacy Theory and Adult Learning Theory. Self-Efficacy Theory was developed by Albert
Bandura and describes the way a person’s beliefs shape the way they act in a variety of situations
(Lopez-Garrido, 2020). There are four main sources of influence that guide a person’s self-
efficacy: Mastery Experiences, Vicarious Experiences, Verbal Persuasion and Physiological and
Affective States. Mastery Experiences, often called Performance Outcomes, refer to the
experiences a person gains when they try something new and master it. In this influence, a
person has had practice in any given activity that allows for the development of new skills. This
is perhaps the most impactful influence in self-efficacy theory in that it provides the most
authentic pathway for participants to experience success and allows them to use that experience
to guide future decisions. In this influence, an individual’s self-efficacy is higher because they
can refer to their own prior success in that particular situation. In the Vicarious Experience,
social role models and observations of their success are the source of influence on a person. In
this influence, mentors and role models serve as the source for inspiration and guidance.
Individuals emulate what they observe and learn from their mentors or role models in order to
formulate how they will make decisions or handle situations in the future. When an individual sees a person they respect have success in a situation, it motivates and builds confidence in the individual and increase their self-efficacy. In Verbal Persuasion, positive verbal feedback is the source of influence on a person. When an individual receives positive and encouraging feedback, they are more likely to persevere and continue to grow. They are motivated and, in turn, convinced that they, too, can accomplish the task at hand. This strength-based approach leads to a higher self-efficacy in an individual.

Lastly, the Physiological and Affective States of self-efficacy theory refers to the emotional, physical and psychological well-being of a person and how that influences how they feel about their own personal abilities (Lopez-Garrido, 2020). This influence highlights the importance of an individual’s own opinions and feelings of themselves. When a person has higher confidence and positive emotions about their ability to complete a task, they will have higher self-efficacy. Conversely, if an individual has lower self-esteem or does not think highly of themselves, they will have less self-efficacy. Other emotions, such as stress and anxiety, can also have negative impacts on a person’s self-efficacy. Therefore, when a person’s emotional and psychological state is positive, the higher their self-efficacy. In sum, the reason self-efficacy theory is an important theoretical framework for professional development is that it explores the influences that impact the ways in which adults learn best and utilizes those motivators in order to ensure that learning takes place.

Adult Learning Theory focuses on exploring the ways in which adults learn differently from children. In the 1970s, several researchers developed different learning theories that they referred to as Adult Learning Theory, such as Transformative learning, Self-Directed learning, Experiential learning and Project-Based learning. Then, in the 1980s, Malcolm Knowles
popularized the concept of andragogy, which is the art and science of helping adults learn (Western Governors University, 2020). Drago-Severson (2008) identified four pillars for Adult Learning Theory that include Teaming, Providing Leadership Roles, Collegial Inquiry and Mentoring. The common theme of these pillars is that it highlights the fact that adults will learn best when they are collaborating, applying their knowledge and reflecting on their practices. The first pillar of adult learning theory is teaming. Teaming is the use of teams who collaborate and learn together, while allowing different perspectives and experiences to assist in the overall learning of the team. This is important as it allows for collaboration among peers who offer various perspectives, thus allowing the team to problem solve or see things in a different light.

Providing Leadership Roles is the second pillar of adult learning theory and allows staff to experience transformational learning through holding various leadership roles in their professional setting. This also provides a different perspective that may be new and helpful to staff. When staff hold leadership roles, they are seeing the bigger picture, collaborating with different people, and enacting change. This can lead to higher self-confidence and builds their capacity in a variety of ways. Collegial Inquiry is shared dialogue that allows people to become more aware of their assumptions and beliefs (Drago-Severson, 2008). This reflection is important to growth and understanding the perspectives of others. This shared dialogue is also important to forming relationships and fostering an inclusive environment. The last pillar of Mentoring is a practice in which a person is given a mentor or coach to assist with building capacity. This is important because it allows for informal, regular conversations and learning to take place in a non-threatening environment. When an individual has a mentor or coach helping them problem-solve it can lead to open and honest communication and higher learning outcomes. All of these pillars are essential aspects to professional development for adults since it pertains to how adults
take new knowledge and apply it learning environments that best support the application of new knowledge.

The SEAL framework was developed by merging Adult Learning Theory as described by Drago-Severson (2008) with the Self-Efficacy theory as described by Bandura in 1977. In this Framework the four pillars of Adult Learning Theory provide different ways in which professional development can be delivered. Each pillar encompasses the influences of Self-Efficacy Theory so that the professional development is grounded in ways that motivate participants to take ownership of their learning. Through merging these two theories, Creed et al., (2021) created a framework that allows for high quality, hands-on professional development opportunities to be developed.

**Professional Development Series for Educators Using the SEAL Framework**

This professional development series was built on the SEAL framework, which nested Self-Efficacy Theory inside of Adult Learning Theory. Creed et al., (2021) developed a checklist that guides the professional developer through a series of questions designed to ensure that pieces of the SEAL framework are incorporated into the professional development. The delivery framework includes critical practices that should be included when developing professional learning opportunities to increase the legal literacy of educators (Creed et al., 2021).

These practices work in a cyclical manner (See Fig. 1) through six steps and start with an Introduction of the Topic where the facilitator explicitly covers the intended goal and relevance of the professional development to the audience (Creed et al., 2021). The second step of delivery is the Gathering of Prior Experiences. In this step, the facilitator is able to gauge the knowledge level of the audience in order to tailor the training to ensure that participants are engaged in new learning. Third, the facilitator should Present a Scenario. In this step, participants will be given
multiple mastery experiences to increase their self-efficacy through the use of various case studies or scenarios that allows participants to experience the content in applicable contexts (Creed et al., 2021). The fourth step is Reflect on Responses While Educating About the Law. During this part of the professional development, participants reflect on the learning thus far in order to dissect how they think and feel about the content. This also allows the facilitator to see the level of mastery before presenting more scenarios (Creed et al., 2021). The fifth step is to Present a Similar Scenario and Have Participants Role-Play How They Would Respond While Others Watch. Here the participants are able to put their learning into practice by engaging in role-playing scenarios that allow them to apply what they have learned to real-life contexts. The last step is to Reflect as a Group on How the Interaction Went. Here, participants are able to critically reflect and discuss their learning and how it applies to their classrooms or schools so that they can see how education law applies to them on a daily basis (Creed et al., 2021). When put together, the SEAL framework offers a cohesive way for professional development to be delivered to adults in the education field.
The professional development series “Legal Literacy for Educators” includes aspects of school law related to general education, special education, and English Language Learner education. “It is critical that educators at all levels understand the ways in which federal policy and regulations impact state and local policy” (Zacaraian, 2012, p.5). The series consists of 11 modules that focus on one area of education law that is pertinent for teachers and administrators to know. The professional development blocks are separated into key legal topics that are applicable to the educational setting. These include freedom of expression as it relates to both students and educators, religion in education, educator rights as a serving employee, special education and student rights, English Language Learners, student discipline, search and seizure, harassment, and discrimination as it pertains to both educators and students, abuse and neglect,
liability of student injuries, and student confidentiality rights. All of these aspects are extremely important to educators in that having an increased knowledge of these areas will ensure both student and educators rights are not violated. This professional development series is designed to be done on an ongoing basis, throughout a school year, so that educators can focus on each block at a time and apply their knowledge to their classrooms and schools.

After completion of the series, all educators will have increased their legal literacy which will assist them in their careers. Further, future ongoing professional development will be offered as legal updates are available. For example, an addendum to the professional development series could be yearly updates that staff take each year to see what changes they need to learn about as it relates to educational law. The idea is that this series will be a part of district onboarding and mentoring, as well as ongoing professional development with updates on a regular basis for all educators. The legal literacy series will have a positive impact on educators and school districts across the country.

**Increasing the Legal Literacy of Educators through Professional Development**

Existing research has demonstrated the need for high quality professional learning on education law for educators across the country. Therefore, the research team decided to develop a professional learning series that will increase the legal literacy of educators in all aspects of the law that impact the education profession. In my role as a Director of Language Acquisition for a school district, I have seen firsthand how a lack of legal knowledge can lead to problems that can impact English Learner (EL) students, schools and districts. With an increase in the number of EL students in American schools, more and more educators are responsible for EL education. However, not many educators have the necessary EL endorsements, credentials or degrees to fully understand how to adequately instruct them in their classrooms. As a result, many students
are not receiving equal access to the same public education as their peers. Further, having a lack of legal knowledge as an administrator can lead to programmatic inadequacies and can put districts out of compliance of federal and state mandates and laws. This can pose a problem to districts if the programs are not following the letter of the law. Therefore, it is important that educators at all levels have a solid understanding of the laws surrounding English Learner education so that the schools and districts can ensure that EL students have equal access to education and so that the rights of EL students are not violated.

In order to develop Block 6 of this professional development series, I researched and analyzed all the landmark cases that have had an impact on EL and bilingual education in the United States. Understanding how these cases impacted school and district policies surrounding the education of EL students in the country helped me to identify the most important cases that have a direct impact on the educational programming that school districts have to provide to EL students. Further, my experience as an EL educator for my entire career helped me to recreate real-life scenarios that the participants will role play. When participants engage in role play these scenarios, it will assist with forming connections to their own classrooms and schools and may spark a reflection and change behavior when they encounter similar situations in the future. It will also assist with developing the advocacy and empowering educators to speak up when they know student rights are being violated. This block will equip educators with the tools they need to better understand the laws that relate to EL education, as well as empower them to ensure that EL student rights are preserved.

The appendix is an example of Block 6 of the Legal Literacy for Educators professional development series, which is focused on education law as it pertains to English Language Learners. There is a presenter guide, sample lessons and a slide deck with presenter notes. In
addition, there is a logic model that outlines the impact and expected outcomes of the legal literacy professional development series on educators.

Logic Model

Logic models are tools that visually describe and define the relationships between the components and design of a program (How to Develop a Logic Model, nd). The logic model consists of resources/inputs, activities, outputs, outcomes and impacts of the program (Knowlton & Phillips, 2013). Figure 2 shows the Logic Model for the Legal Literacy Professional Development Series. When developing the logic model, I considered factors that are commonly found in school districts in order to appropriately allocate resources that would ensure the intended outcomes of the professional development are met. I looked at how the activities in the professional development series could be measured and monitored for success as well.

The resources of a logic model can include one or a combination of human, financial, community, systems or organizational, and are used to accomplish the named activities of the program (Knowlton & Phillips, 2013). The resources or inputs of the Legal Literacy Professional Development Series include human, financial and organizational. The human resources include the educators in the school district who provide, receive, and support the professional development. The professional development series is designed so that the content is vetted with appropriate legal and district leadership teams. The series would allow for a train the trainer model in which district facilitators would be any leader or staff member who has completed the train the trainer training. Participants are the staff members of the district and can include teachers, administrators and instructional assistants. Any type of instructional leader or coach would then support the professional development at the district and building level. This will ensure that knowledge is applied so that the content is learned in a relevant, meaningful way. The
LOGIC MODEL OF EDUCATOR LEGAL LITERACY

**Inputs**
- Funding Source
- Facilities
- Facilitators
- Participants
- Coaches

**Activities**
- Legal Literacy Blocks 1-11
- Scenarios
- Reflection
- Evaluation

**Outputs**
- Participant Data
- Participant Behavior
- Curriculum Revisions
- Coaching Logs/Tools

**Short-Term Outcomes**
- Increased Knowledge of Educational Law
- Increased Legal Behavior
- Increased Legal Literacy

**Intermediate-Term Outcomes**
- Change in Educational Behavior
- Change in Professional Practice
- Decreased Legal Issues

**Long-Term Outcomes**
- Increased Legal Knowledge of Educators
- Decreased Legal Issues
- Increased Educator Empowerment
- Decrease in Violation of Student Rights

Figure 2 - Legal Literacy Professional Development Series Logic Model
financial resources include any funding related to compensation of educators for providing and/or obtaining the professional development. Facilitators would receive compensation to deliver the professional development and depending on the school district, participants will receive a training stipend to attend. Funding sources can come from the school district or through federal grants for professional development, like Title II. The organizational resources include district buildings, professional development days and/or other professional development structures used to track and monitor the learning outcomes of staff. This can include schools and district buildings that will be used to host the professional development, along with allocated days for the professional development to take place, such as institute days or summer learning days. Professional development evaluations and regular follow-ups will be utilized to track and monitor the learning outcomes of staff.

The activities of a logic model are the specific actions that make up the program, such as the tools, technology or processes involved in delivering the professional development (Knowlton & Phillips, 2013). For the Legal Literacy professional development series, the activities include the 11 Blocks of learning that participants will engage in, as well as the use of district technology and designated days where participants attend the professional development. In the Blocks of learning, participants will engage in a variety of scenarios, case studies and role play. These activities give participants the opportunity to collaboratively learn through experiences, collegial inquiry and mastery experiences which are consistent with the SEAL Framework. There will be formative checks for understanding as well as more robust reflection tasks throughout the modules in order to continuously assess participant learning. These assessments will also allow the facilitator to know where participants are in their understanding of the content so that any necessary adjustments can be made. The outputs of the logic model
include the specific activities that will create, such as audiences, levels or targets of the program (Knowlton & Phillips, 2013). In the Legal Literacy series, the outputs include participant data and behavior, coaching tools and logs, and curriculum revisions. Participant data and behaviors are measured through enrollment numbers as well as the activities in the learning blocks. Both informal and formal formative assessments that are embedded throughout the activities will be utilized in order to gauge participant learning. Summative assessments, such as the evaluation tool and end of block reflections, will be used to measure participant knowledge and program success. All participant data and behaviors will be utilized to measure the effectiveness of the professional development. Coaching tools and logs will be assessed in order to see how often coaches and staff work together on legal literacy issues. This information will help facilitators and district leaders to continue to improve and adjust the professional development series. Finally, curriculum revisions may also be another outcome of the professional development series. District curriculum leaders will work with staff in order to ensure that district curriculum is appropriate for all students. Further, facilitators will use all data collected as a way to adjust the professional development curriculum for participants.

Outcomes of a logic model can be categorized into short-term, intermediate, and long-term outcomes that discuss the varying levels of change that can be expected of participants as a result of the program (Knowlton & Phillips, 2013). This can come in a variety of forms, such as increased knowledge or changes in behavior or professional practice. For the Legal Literacy series, the short-term outcomes include an increase in legal literacy knowledge. This will be measured through embedded assessments in the blocks of learning as well as the evaluation and summative reflections of participants. Enrollment numbers will also be analyzed as another way to measure the recruitment efforts and success of the professional development series. The
intermediate-term outcomes include changes in educator behaviors and professional practice. This will be measured through analysis of coaching logs and building surveys. Changes in practice come with experience and time, so following up with participants after the professional development series will be a way for facilitators to see if knowledge is being applied. Lastly, the long-term outcomes include a decrease in legal activity or litigation at the school district level. This can be measured at the district level in collaboration with the legal team in order to see whether there has been a decrease in legal activity in the district.

Lastly, the impacts of a logic model are the ultimate intended changes that the program will initiate (Knowlton & Phillips, 2013). Impacts are dependent on time and the expected outcomes of the program. For the Legal Literacy series, the ultimate goal of the program is to increase the legal literacy of educators in a district. This will be achieved through the outcomes at various points in time. First, immediately after the program, the impact will be an increased knowledge of educational law by participants as it pertains to schools and classrooms. Future impacts include a change in educator behavior and professional practice and an ultimate decrease in the amount of student rights violations and legal issues the district faces.

**Conclusion**

The research has shown that educators do not possess the legal literacy necessary for the profession. The professional development series was developed as a possible solution to increasing the legal literacy of educators. Through self-efficacy and adult learning theories, the SEAL framework provided the foundation for a professional development series that allows participants to engage in meaningful tasks that increase and develop their legal literacy. The logic model represents the various inputs and activities required to achieve the outcomes of increased legal literacy for educators.
References


APPENDIX A

SAMPLE PROFESSIONAL DEVELOPMENT MODULE
You have rights
We have rights

Building Blocks of Increasing Your Legal Literacy in Education
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Introduction and Overview

Legal literacy is a concept that was first introduced in the field of education in 1963 (Nolte & Linn). At that time, it was noted that state legislatures and state boards of education needed to mandate law courses as part of the teacher certification process. To this day there are no national mandates that dictate educators must take a required law course. For the past 50 years, study after study identified that educators, including teachers and administrators do not feel equipped with the proper knowledge to make legally sound decisions (Militello et al., 2009; Schimmel & Militello, 2007; Summers et al., 2021).

The field of education must take control and efficiently address this ongoing need. All stakeholders, including teachers, related service providers, administrators, and students deserve to have their legal rights protected on a daily basis. This resource provides the building blocks to create coherent learning opportunities for educators to be armed with accurate legal knowledge.
Why now? Rationale for legal literacy

As an educator have you ever stood in the hallway or sat in the staff lounge at school and overheard a conversation that involved the legal rights of a student or educator? As you listened in, did you find yourself questioning your own actions and wondering why you did not know the correct answer to the scenario? You are not alone. In fact, years of research demonstrate that educators, including teachers and administrators do not feel equipped to handle many interactions that have legal implications (Militello et al., 2009, Schimmel & Militello, 2007; Schimmel, 2011; Summers, et al., 2021).

You have rights, your students have rights, in fact we all have rights! Now is the time to start rewriting the story of legal literacy in the field of education. It is imperative that all stakeholders in the educational setting begin to build knowledge in order to honor and protect the rights of each other and our students. In the end, knowledge of educational law will arm you to proactively identify legal issues, assess the situation, and apply educational law and guidelines to resolve and intervene in a potential violation of rights.
Creed et al. (2021) infused together self-efficacy theory and adult learning theory to create the SEAL Professional Development Framework (Figure 1). The SEAL Professional Development Framework includes critical components of both theories. Carried throughout each building block (lesson) the critical components of each theory included. Components from self-efficacy theory include mastery learning experiences, vicarious experiences, verbal persuasion, and physiological and affective states. Components from adult learning theory include teaming, leadership roles, collegial inquiry and mentoring are included from adult learning theory (Table 1). The SEAL Professional Development Framework serves as the foundation to structure the building blocks (lessons) provided in this resource. The combination of the two theories were employed to develop long lasting, highly effective learning opportunities for educators with the goal to increase legal literacy.

Table 1
Critical components from self-efficacy theory and adult learning theory

<table>
<thead>
<tr>
<th>Self-Efficacy Theory</th>
<th>Adult Learning Theory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaming</td>
<td>Medium Experiences</td>
</tr>
<tr>
<td>Leadership Roles</td>
<td>Vicarious Experiences</td>
</tr>
<tr>
<td>Collegial Inquiry</td>
<td>Verbal Persuasion</td>
</tr>
<tr>
<td>Mentoring</td>
<td>Physiological &amp; Affective States</td>
</tr>
</tbody>
</table>
Figure 1. Self-Efficacy Theory inside of Adult Learning Theory: SEAL Professional Development Framework.
Intended Audience and Outcomes

- *Intended Audience:* This professional development resource serves all educators including teachers, related service providers, and administrators.

- *Intended Outcomes:*
  - Participants will engage in high quality learning opportunities that employ both the self-efficacy theory and adult learning theory through the SEAL Professional Development Framework.
  - Participants will be able to identify what it means to become an educator that is legally literate.
  - After learning up to date educational law content, participants will be able to practice using the knowledge in scenarios to identify legal issues, assess the situation and apply educational law and guidelines to identify how they would respond in a potential violation of a stakeholder’s legal rights.
Building Blocks of Lessons

BUILDING BLOCKS

Targeted building blocks were identified through empirical research. Militello et al. (2009) asked principals in a study what they believed teachers needed to know more about related to educational law. Lessons were developed based on most frequently identified topics.

BLOCK 1: Student Freedom of Expression
BLOCK 2: Educator Freedom of Expression
BLOCK 3: Religion and Education
BLOCK 4: Educator Rights as a Serving State Employee
BLOCK 5: Special Education: General Law
BLOCK 6: English Language Learners
BLOCK 7: Student Discipline and Search and Seizure
BLOCK 8: Educator and Student Discrimination and Harassment
BLOCK 9: Abuse and Neglect
BLOCK 10: Liability of Student Injury
BLOCK 11: Student Confidentiality Rights
## Summary of Building Blocks

<table>
<thead>
<tr>
<th>BLOCK 1</th>
<th>Student Freedom of Expression</th>
<th>Exploration of the rights students have in the public school setting related to free expression rights under the First Amendment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLOCK 2</td>
<td>Educator Freedom of Expression</td>
<td>Exploration of the rights of public school educators, as state employees related to free expression rights under the First Amendment.</td>
</tr>
<tr>
<td>BLOCK 3</td>
<td>Religion and Education</td>
<td>Exploration of how religion impacts both students and educators’ actions in the public school setting.</td>
</tr>
<tr>
<td>BLOCK 4</td>
<td>Educator Rights as a Serving State Employee</td>
<td>Exploration of how an educators’ life choices and conduct outside the public school setting is impacted by being a state employee.</td>
</tr>
<tr>
<td>BLOCK 5</td>
<td>Special Education: General Law</td>
<td>Exploration of the rights of special education students. Legal mandates educators must follow.</td>
</tr>
<tr>
<td>BLOCK 6</td>
<td>English Language Learners</td>
<td>Exploration of the rights of ELL students. Legal mandates educators must follow.</td>
</tr>
<tr>
<td>BLOCK 7</td>
<td>Student Discipline and Search and Seizure</td>
<td>Exploration of student due process and search and seizure rights and laws governing educators.</td>
</tr>
<tr>
<td>BLOCK 8</td>
<td>Educator and Student Discrimination and Harassment</td>
<td>Exploration of laws that govern a school’s responsibility to provide an environment free of discrimination and harassment for students and educators.</td>
</tr>
<tr>
<td>BLOCK 9</td>
<td>Abuse and Neglect</td>
<td>Exploration of the laws and guidelines for how educators appropriately respond to abuse and neglect of students.</td>
</tr>
<tr>
<td>BLOCK 10</td>
<td>Liability of Student Injury</td>
<td>Exploration of reliability of student injuries while at school. Student and educator guidelines to ensure protection.</td>
</tr>
<tr>
<td>BLOCK 11</td>
<td>Student Confidentiality Rights</td>
<td>Exploration of confidentiality laws that govern educators to ensure privacy rights are honored.</td>
</tr>
</tbody>
</table>
## Block 6 *(Sample Lesson)*

<table>
<thead>
<tr>
<th>Lesson Blocks</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduce Topic/Learning Target</td>
<td>Participants will be able to identify the landmark cases, laws and guidelines that govern English Language Learner student rights. Participants will be able to correctly role play scenarios related to English Language Learners using legal knowledge.</td>
</tr>
<tr>
<td>Gather Prior Experiences</td>
<td>Participants will be placed in heterogeneous groups. Purposeful grouping will be employed to have at least one participant that has direct experience with English Language Learner students. As a group, they will identify all knowledge that they collectively have about English Language Learners, their rights as students and what laws impact their education.</td>
</tr>
<tr>
<td><strong>SEAL Components:</strong> Teaming, Leadership Role, Collegial Inquiry</td>
<td></td>
</tr>
<tr>
<td>Present a Scenario</td>
<td>As a whole group, participants will be provided a scenario related to English Language Learner students. The scenario will include three hypothetical ELL students from a variety of backgrounds. Participants will be asked to identify the steps that need to be taken in order to ensure student rights are not violated.</td>
</tr>
<tr>
<td>Reflect on responses while educating about the law</td>
<td>Participants will remain in their heterogeneous grouping and engage in reflective conversation about the scenario presented. As reflective conversations are held, the instructor will serve as a model of how to apply the law to the scenario.</td>
</tr>
<tr>
<td><strong>SEAL Components:</strong> Teaming, Leadership Role, Collegial Inquiry, Vicarious Experiences</td>
<td></td>
</tr>
<tr>
<td>Present similar scenario and have participants role-play how they would respond while other watch</td>
<td>Participants will remain in heterogeneous grouping. A new English Language Learner scenario will be provided to the group. Group will take turns role playing how they would apply the law to the scenario. Participants at any time during the role play can pause the simulation and provide feedback.</td>
</tr>
<tr>
<td><strong>SEAL Components:</strong> Teaming, Leadership Role, Collegial Inquiry, Mastery Experiences, Vicarious Experiences, Verbal Persuasion</td>
<td></td>
</tr>
<tr>
<td>Reflect as a group on how the interaction went</td>
<td>Participants will return to the large group and return to the initial activity of activating knowledge about English Language Learner laws. Participants will identify things to keep on the list to continue to do and things to remove. Participants will reflect as a whole how the law was applied to the scenarios. Participants will engage in a discussion that uses the law to problem solve the scenario in the best manner. During the group discussion, participants will identify if in a real situation similar to the scenario what would be possible physiological and affective states that need to be controlled.</td>
</tr>
</tbody>
</table>

**SEAL Components:** Teaming, Leadership Role, Collegial Inquiry, Mentoring, Mastery Experiences, Vicarious Experiences, Physiological & Affective States
Appendix A

**SLIDE 1**

**Presenter Notes:** Introduce topic of legal literacy to participants. Legal literacy for the past 50 years has been researched. To this day, research demonstrates that educators are not provided adequate ongoing learning opportunities to increase their legal literacy. This professional development will help increase participant’s legal literacy to ensure rights of all stakeholders are honored.
Presenter Notes: The purpose of Building Block 6 is to help increase participants’ legal literacy in the areas of English Language Learners and bilingual education.
You will be able to identify the laws and guidelines that govern English Language Learner student rights.

You will be able to correctly role play scenarios using your legal knowledge.

**Presenter Notes:** Introduce learning targets to participants. Explain to participants they will increase their legal knowledge regarding English Language Learners and bilingual education. Throughout the learning the participants will engage in components tied to self-efficacy theory and adult learning theory. Both theories provide a foundation for the learning that will facilitate long term impact. Participants should prepare to engage in working in teams, leadership, collegial inquiry, mentoring, and experiences throughout that will help master the content.
**Presenter Notes:** Group participants into heterogeneous groups. Specifically include at least one member in each group that has had experience with English Language Learners (if available). Groups together will engage in the “knowledge activator” activity. As a group, they will identify all the knowledge and experience they have about English Language Learners and/or bilingual education. Participants will share to make a whole group list for both topics. (This activity will be revisited later in the building block.)
Scenario

Andrea Rodriguez just moved to the United States from Mexico and enrolled into the 9th grade at her local high school. In Mexico, Andrea was a straight A student. After her first quarter in the US, Andrea was failing all of her classes. Whenever Andrea would ask for help or for resources in Spanish because she didn't understand the language, her teacher would simply say that it is too bad she just needs to figure it out. As a result, Andrea stopped asking for help and just sat through her classes. Her parents asked to meet with the building administration because they felt their daughter's rights were being violated.

Presenter Notes: As a whole group, present the scenario to participants. Answer any clarifying questions the participants might have about the scenario. This might be a time district or school specific details are included to simulate a scenario that is applicable to participants.
Were Andrea’s rights violated?

- Does Andrea have the right to ask for Spanish resources?
- Was the teacher correct in her argument that Andrea just needed to figure it out?
- Were Andrea’s parents correct in that Andrea’s rights were violated?

**Presenter Notes:** Participants remain in heterogeneous groups and engage in a reflective conversation about the presented questions for the scenario. Remind participants that have experience with ELL students to share their knowledge and experience related to them. Participants within groups will engage in a collegial inquiry discussion with the purpose to learn from each other.
**What does the law say?**

- *Lau v. Nichols (1974):* Students of Chinese ancestry in San Francisco, California were not provided an equal opportunity to education, as they were not given access to classes to help them learn English. As a result, the US Supreme Court ruled that the school district was violating Section 601 of the Civil Rights Act as it received federal funding and did not provide an equal opportunity for students to receive an education. In the ruling the court stated that simply providing the same resources and instruction to students who are learning English was not assisting in overcoming language barriers that would allow students to equally participate in their education.

- *Therefore:* School districts must take the steps needed to provide English Language Learners (ELL) students with an instructional program in which they can be given equal access to education.

**Presenter Notes:** Participants are paused in their collegial inquiry discussion. Participants will return to whole group when legal aspects of the law related to English Language Learners and/or bilingual education are provided.
What does the law say?

- *Castañeda v. Pickard (1978, 1981)*: Students in Texas were being segregated based on their race and ethnicity, and the district failed to provide an adequate bilingual program that would assist in the students overcoming a language barrier. The US Court of Appeals ruled in favor of the Castañedas and developed a three-prong set of criteria to determine whether a bilingual program met the requirements of the Equal Educational Opportunities Act of 1974.
- **Therefore**: School districts who offer bilingual programming must ensure that the program meets the criteria:
  - Program is based on sound educational theory
  - Program is implemented effectively with resources for personnel, instruction and space
  - Program must be proven effective in overcoming language barriers

**Presenter Notes**: Participants are paused in their collegial inquiry discussion. Participants will return to whole group when legal aspects of the law related to English Language Learners and/or bilingual education are provided.
**What does the law say?**

- *Every Student Succeeds Act (ESSA) of 2015:* Reauthorized the Elementary and Secondary Education Act (ESEA), calls for the improvement of instruction for at-risk students. ESSA regulations address the education of English Language Learners in two ways:
  - **Title I:** Addresses issues of accountability and high-stakes testing for ELs, federal funding is used to ensure that low-income or at-risk students are provided the resources they need for high academic achievement
  - **Title III:** Provides a definition of the language instruction that English Language Learners must receive, federal funding is used to ensure that ELL students receive instruction to address their English language development and academic development

**Presenter Notes:** Participants are paused in their collegial inquiry discussion. Participants will return to whole group when legal aspects of the law related to English Language Learners and/or bilingual education are provided.
How did you measure up?

- Supreme Court decision *Lau v. Nichols* (1974), mandates that Andrea be afforded the necessary instruction and resources to assist with her learning English and content so that she has equal access to her education.

- Supreme Court decision *Castañeda v. Pickard* (1978, 1981) mandates that Andrea receive instruction to help with her English language development and/or participate in a bilingual education program to assist with language development.

- The teacher was not correct in stating that Andrea just needed to figure it out. Instead, the teacher should have provided scaffolds and helped with English language development to assist Andrea.

- Yes, Andrea’s parents were correct that her rights were violated in that she was not given an equal opportunity to access her education based on a language barrier.

**Presenter Notes:** Law specific guidance will be shared with the whole group of participants for the scenario. A formative check will be provided such as a thumbs up or visual to indicate how did each group “measure up” in getting the questions correct related to the scenario.
Scenario Role Play

Jean Pierre recently arrived from Haiti. When he enrolled in school, the guidance counselor asked him a few questions about his weekend and had a simple conversation with him. As a result, he was placed in a general education classroom. His grades were not good, he scored low on his reading assessments and the teacher did not understand why he was not learning more. The teacher wants to hold a meeting with the counselor and principal to determine if they should refer Jean Pierre to special education for evaluations.

Presenter Notes: Participants return to heterogeneous groups. Present a second scenario to participants. This time participants will role play the scenario. Participants will use the scenario as a starting point. If participants believe the scenario does not honor ELL rights, then they need to model in the role play how to alter the behavior in the scenario to adhere to the law. Roles include: teacher, counselor or administrator. Other participants may pause the role play at any time to provide feedback.
**Is the school’s assessment of Jean Pierre correct?**

- Identification of EL eligibility
- Program of Instruction
- Title III

**Presenter Notes:** Participants are paused after they finish role play. Participants return to whole group to engage in a collegial discussion around the following ideas: Were Jean Pierre’s rights honored? Why/why not? Was his language taken into account? Yes/No and how? Was there enough evidence to warrant a referral for special education? Yes/No and why/why not?
**Presenter Notes:** Participants remain in whole group. As a whole group return back to the initial activity of “knowledge activator”. Participants will reflect and identify on the initial list of “knowledge” about ELL and/or bilingual education should remain, be deleted and/or added based on the current understanding of laws that govern ELL programming and instruction. In addition, list physiological and affective states that one must control if actively living such a scenario, which may include stress level, heart rate, and tone of voice.
A school in your district has 26 ELL students, and 20 of them speak Polish. The parents of the school are asking for a bilingual Polish program for their children, but the district said no that they would just get ESL classes.

**Presenter Notes:** As a whole group, present the next scenario to participants. Answer any clarifying questions that participants might have about the scenario. This might be a time district or school specific details are included to simulate a scenario that is applicable to participants.
**Were EL student rights violated?**

- Are EL students entitled to bilingual programming?
- What are the rules for bilingual programming in Illinois?

**Presenter Notes:** Participants remain in heterogeneous groups and engage in a reflective conversation about the presented questions for the scenario. Remind participants that have experience with ELL students to share their knowledge and experience related to them. Participants within groups will engage in a collegial inquiry discussion with the purpose to learn from each other.
What does the law say?

- **105 Illinois School Code ILCS 14C 1-13**: Illinois School Code states that when a school has 20 or more students of the same language background, the district must provide a bilingual program for those students.
- The district must provide a bilingual program at that school and any student with that home language is eligible to attend that program. The program must also include native language instruction in the core content areas, as well as ESL instruction.
- **23 Illinois Administrative Code 228 Transitional Bilingual Education**: provides guidance on what the bilingual program components are: native language instruction in the core content areas along with English Language development.

**Presenter Notes**: Participants are paused in their collegial inquiry discussion. Participants will return to whole group when legal aspects of the law in Illinois related ELL programming and instruction are provided.
**How did you measure up?**

- *Illinois School Code* states that any school with 19 or more students of the same language background must provide a bilingual education program.

- The district is to provide a bilingual Polish program for the students of the school. This means hiring bilingual Polish teachers and ensuring there are Polish resources available for the students.

**Presenter Notes:** Law specific guidance will be shared with the whole group of participants for the scenario. A formative check will be provided such as a thumbs up or visual to indicate how did each group “measure up” in getting the questions correct related to the scenario.
**Scenario Role Play**

A teacher on your team is upset because she has four ELL students in her class. She doesn't feel it is her job to change all her lesson plans for "those kids" and that they should be in a separate classroom until they learn English and can participate in her class. She is failing all four students because they don't understand any of her lessons or assignments. She is hoping that the parents will ask for them to be moved out of her classroom.

**Presenter Notes:** Participants return to heterogeneous groups. Present another scenario to participants. This time participants will role play the scenario. Participants will use the scenario as a starting point. If participants believe the scenario does not honor ELL student rights, then they need to model in the role play how to alter the behavior in the scenario to adhere to the law. Roles include: teachers and administrators. Other participants may pause the role play at any time to provide feedback.
How do you respond to this teacher?

- Equal access to education
- Illinois School Code
- EL student rights

**Presenter Notes:** Participants are paused after they finish role play. Participants return to whole group to engage in a collegial discussion around the following ideas: Were the students’ rights honored? Why/why not? Did the teacher provide an equal access to education for the ELL students in her class? Why/why not? What are some ways you can engage this teacher to help her better understand her role?
How has your knowledge changed?

**Presenter Notes:** Participants remain in whole group. As a whole group return back to the initial activity of “knowledge activator”. Participants will reflect and identify on the initial list of “knowledge” about ELL and/or Bilingual education should remain, be deleted and/or added based on the current understanding of laws that govern the rights for ELL students. In addition, list physiological and affective states that one must control if actively living such a scenario, which may include stress level, heart rate, and tone of voice.
• You will be able to identify the laws and guidelines that govern English Language Learner student rights.

• You will be able to correctly role play scenarios using your legal knowledge.

**Building the Blocks to Legal Literacy**

**Presenter Notes:** Thank the participants for engaging in a collegial discussion, which allowed the whole group to learn from each other. In addition, thank the group for being vulnerable and participating in role plays. A best practice for learning is to return to the learning targets. To determine if the targets were met, conduct an informal formative check. One way is to use fingers or a visual to ask them on a scale from 1-10 how confident were you in the beginning of the learning about laws that govern ELL and/or bilingual education. Then ask the participants to show how confident now are they after engaging in the learning. Repeat the same process to assess if the second learning target was met.