Educators and The Law: A Survey of Research, Training Programs, and The Development of An Approach to increase Legal Literacy

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The concept of an educator being legally literate began to be explored more in depth in 1963 when the first discussions began to occur around the need for greater legal literacy in the field of education. Though research has magnified the concern related to teachers and education administrators not being legally literate, not much has changed to address educator legal literacy. This dissertation examines the inadequacies in the legal literacy of educators. The dissertation is organized in three bodies of work.

**Paper 1** provides an in-depth review of literature on the legal literacy of teachers and education administrators/principals. The research examines the historical perspective of how legal literacy has been defined and assessed in research. In addition, the field of social work is explored to determine if lessons can be learned from another field with the purpose to increase legal literacy in educators, including teachers, related service providers, and administrators. The research also illuminates gaps that educators have related to legal literacy and how to bridge those gaps by learning from the social work field. Finally, a definition of legal literacy for educators is proposed. **Paper 2** explores bachelor’s-level teacher preparation programs and master’s- level education administration/principal programs in the United States. All colleges and universities that offered either degree were examined to determine if the program-required courses included education law content. Each state was then attached to its corresponding U.S.
circuit court and then an in-depth analysis of preparation program data was explored in more detail for two of the U.S. circuit courts. Implications and findings from Paper 2 demonstrate the inadequacies of providing resources to educators to achieve a high level of legal literacy due to the lack of required law courses mandated during teacher and administrator/principal preparation programs.

**Paper 3** utilizes the information presented in Papers 1 and 2 to develop a high-quality in-service professional development plan to foster legally literate educators. Furthermore, it provides clarity on how Bandura’s self-efficacy theory can be used to create mastery learning experiences to increase legal literacy for educators. The end goal of the in-service professional development plan will help increase legal literacy of teachers, related service staff, and administrators. Ultimately, the professional development plan will prepare educators to be proactive, informed educators that will have the knowledge base to protect their own rights and their students’ rights.
EDUCATORS AND THE LAW: A SURVEY OF RESEARCH, TRAINING PROGRAMS, AND THE DEVELOPMENT OF AN APPROACH TO INCREASE LEGAL LITERACY

BY

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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:
Kelly Summers
ACKNOWLEDGEMENTS

As a young girl, who struggled at times with school because life presented challenges, I had a dream to put Dr. in front of my name. Many young girls dream of other things to complete during their life, but for some reason my dream was to complete my doctorate. The hardest step was to determine when I would make that commitment. It was with my sister-- we decided in tandem to make the commitment one day five years ago. Over the years, together and separately, we had “quit” the program. It is truly an honor and privilege to get this far in the process and have success in the process of writing and completing my doctoral degree. Completing the degree could never have been done on my own. It is with grace, honor and thanks I extend many words of thanks and cheer to those around me who helped me through the process.

To my Lord and Savior, this process could have never been accomplished without His grace, glory, and guidance. Many times I had given up, only to drop to a knee or stop in prayer. It was those moments that pushed me through the challenges and always brought me to the right spot to keep going. To my one and only sister, we vowed to start and finish this program together and we are about to make that happen! It is many thanks that I give you for pushing me along the way, listening to me complain, and holding me up when I was overwhelmed and crying. You are truly one of the strongest women I know and I can only wish one day I may fill shoes as big as yours. Thank you from the bottom of my heart for your support, prayers, and love over the years. You are truly irreplaceable. In addition, many thanks are extended to my entire family! All the encouragement and positive thoughts you have shared over the years have truly made an impact. Thank you for always being there to be my cheerleader!
Lastly, many thanks to the support and guidance along the way from so many professors who impacted my work, including Dr. Kelly Summers, Dr. Benjamin, Dr. Tiffany Puckett, and Dr. Stephen Tonks. Your unwavering support throughout the entire process was noticed and much appreciated. I must not forget the powerhouse cohort I took this journey with over the last five years. Many of us served as resources and outlets for each other, and shared many good times. Thank you to my cohort friends who made the difference and helped make it all happen.
DEDICATION

This body of work was collated for the greater good of the many young, old, past, present and future students. It is my passion in life to ensure that students are honored in every capacity as they access one of the most equalizing resources in their lives, education.
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INTRODUCTION TO THE OVERALL DISSERTATION

Year after year, the K-12 public education system is regularly challenged by an infinite number of changes and pressing issues. One area that research has demonstrated over several years that is negatively impacting public education is the lack of legal literacy among public school teachers and administrators (Militello, Schimmel & Eberwein, 2009; Schimmel & Militello, 2007). Study after study magnifies the problem that educators are not legally literate (Summers, Kiracofe, & James, 2021). Mead (2008) contends that legally literate educators can be activists in the educational setting who honor stakeholders’ rights and essentially prevent moving into litigation. Gajda (2008) further contends that one of the root causes of low legal literacy in educators is the insufficient amount of legal training provided in the undergraduate programming for educators. In the end, Decker, Ober, and Schimmel (2019) highlight that educators who have legal training have a more positive effect on their actions and attitudes. All bodies of research point to a tremendous concern in the education field that must be addressed to ensure the rights of all stakeholders are protected.

The focal point of this dissertation is to allow past and current research to magnify the concern related to the inadequacies of preparing legally literate educators with the intent to identify a means to increase legal literacy in educators. The progression of the definition of legal literacy will be explored as well as how legal literacy has been measured in both the education and school social work fields. The school social work field was a comparison field selected because it is a role that supports stakeholders in the education setting and can provide a different lens through which to view legal literacy. Lessons learned from the social work field provide
guidance on surveying requirements of all baccalaureate-level teacher preparation programs and master’s-level administration/principal programs. This provides an alternative way to look at another means to measure legal literacy for educators.

Lastly, after identifying gaps in required law courses for educators, Bandura’s self-efficacy theory is utilized to drive the development of future legal training for teachers and administrators that supports mastery learning of concepts related to legal literacy. Self-efficacy theory highlights the idea that “people’s beliefs about their capabilities to produce designated levels of performance exercise influence over events that affect their lives” (Bandura, 1994, p. 71). Self-efficacy theory will serve as a framework to develop mastery learning experiences that will increase educators' legal literacy.

**Dissertation Structure and Purpose**

In summation, this body of work provides an in-depth review of challenges related to preparing legally literate educators, including teachers and administrators/principals. In entirety, the body of work is made of three separate papers. Each paper explores different factors related to creating legally literate educators. **Paper 1** is a review of the research over the past 50 years related to legal literacy of educators. It tackles how legal literacy has been defined and examined over time. In addition, it compares the findings of the legal literacy of educators and school social workers. The purpose of this is to determine if anything can be learned from another field in order to apply those lessons to making educators more legally literate. Last, a definition of legal literacy is presented. **Paper 2** is a survey of baccalaureate teacher preparation programs and master’s-level administration/principal programs. Specifically, an inventory of coursework was conducted on all programs in the United States related to required courses that encompass law content. **Paper 3** utilizes Bandura’s self-efficacy theory to drive the development of quality
educational law professional development for educators with the purpose of increasing the level of legal literacy among teachers, related service providers, and principals.

**Significance and Intended Audience**

The purpose of this dissertation is to further magnify the need to increase the legal literacy among teachers, related service providers, and school administrators. Not only does it serve a purpose in bringing attention to the lack of legal literacy among educators but it also provides a framework for providing high-quality professional development that has the potential to increase their legal literacy as it relates to the field of education. When educators leave their bachelor’s and/or master’s programs, research has clearly outlined they are not sufficiently prepared to face legal scenarios in the educational setting (Decker, 2014; Militello et al., 2009). The consequence of not addressing this immediate need will continue the pattern of producing educators who are not given the opportunity to increase their legal literacy. Increasing their legal literacy in turn could help prevent litigation (Schimmel & Militello, 2001). Therefore, it is critical this study brings light to the fact that action must be taken now in order to adequately prepare our current and future educators to prevent rights being impinged upon.

The intended audience for this body of work is public school educators, including teachers, related service providers, and administrators. This body of work provides insight and guidance for several different stakeholders in the educational setting. First, it provides insight to district-level administrators on what supports educators at the building level need guidance. In addition, this research brings attention to a need for current building administrators to advocate for ongoing legal professional development for themselves as well as their teachers and related service providers. Lastly, this body of work will benefit current and future teachers in setting the stage for seeking professional development related to protecting their own rights as well as their
students’. In all, this study supports all stakeholders and provides guidance on next steps that must be taken to develop educators, including teachers, related service providers, and administrators, who are legally literate.

**Researcher’s Positionality**

I have been an educator for sixteen years. Prior to serving in the field of education in a number of different roles, I served in the social work field in the non-profit sector. Transitioning between the two fields brought me a unique learning experience and highlighted differences between the two fields about what it means to be legally literate. As an educator, I have served in several roles, including classroom teacher, coordinator of special education services in a middle school and at the district level, dean of students, assistant director of special education, assistant principal, and currently principal. In each role in the education field, a common theme that surfaced included scenarios and questions around legal rights for both students and educators. Throughout my career, I have found myself either seeking or providing guidance related to law. I personally have been a victim of not being armed with adequate legal literacy and have observed others in a similar situation. In my personal professional experiences, teacher education programs and school administrator/principal programs are not arming candidates with high-quality law knowledge. Therefore, it is critical for education systems to respond and act to increase legal literacy of all educators.

**Theoretical Framework**

The theoretical framework which guides Paper 3 is Bandura’s self-efficacy theory. Self-efficacy theory is based on the idea that “people’s beliefs about their capabilities to produce designated levels of performance exercise influence over events that affect their lives” (Bandura, 1994, p. 71). Essentially individuals’ beliefs help them determine how they feel, think, motivate
themselves, and ultimately how to act. Bandura (1977) further identified that an individual's level of self-efficacy is developed by being exposed to a diverse number of experiences that convey information both directly and indirectly.

In addition, Bandura’s work (1977) identifies four main factors or sources that influence an individual’s self-efficacy: mastery experiences, vicarious experiences, verbal persuasion, and emotional and physiological states (Ackerman, 2019; Bandura, 1994; Shahzad & Naureen, 2017; Tschannen-Moran & McMaster, 2009). In the end, of the four factors, the most important one related to creating meaningful professional development involves mastery experiences. The framework of the theory and the four factors is used to create an outline for designing highly effective professional development. Additional details about this theory will be presented and discussed at the beginning of Paper 3.
References


PAPER 1

HISTORICAL CONTEXT OF THE PROGRESSION OF LEGAL LITERACY IN ADJACENT FIELDS: EDUCATION AND SOCIAL WORK

Introduction

Educators, including teachers and administrators, are taxed daily with endless tasks to ensure students are provided adequate learning opportunities. One area that has gained attention over the years in the field of education is the level of legal literacy an educator possesses. Legal literacy first surfaced as a concept in 1963 (Nolte & Linn). Though it began to show up in research more than 50 years ago, to this day there is not an agreed-upon definition of legal literacy among researchers. Using the work of multiple researchers, it is suggested that an agreed-upon definition of legal literacy is the ability to obtain and retain educational law knowledge to proactively identify legal issues, assess the situation, and apply educational law and guidelines to resolve and intervene in a potential violation of any stakeholder’s rights (Decker & Brady, 2015, Gajda, 2008; Militello & Schimmel, 2008; Preston-Shoot & McKimm, 2013, Schimmel & Militello, 2011).

Educators across the United States engage in daily interactions with colleagues and students that they do not think twice about. These automatic interactions sometimes have legal implications that research has demonstrated educators are not equipped to handle (Summers et al., 2021). Research studies across multiple decades have demonstrated that educators including teachers and administrators/principals are not legally literate at a level that allows them to fully
understand their own rights and their student’s rights (Militello, Schimmel & Eberwein, 2009, Schimmel & Militello, 2007; Schimmel & Militello, 2011).

From a historical perspective, as previously noted, Nolte and Linn (1963) made one of the first references to connecting legal literacy to educators. Specifically, they identified that state legislatures and state boards of education needed to mandate law courses as part of the teacher certification process (Nolte & Linn, 1963). In 2008, Gajda surveyed 50 states, yet only one state at that time required future teachers seeking teacher licensure to take a law class. More recently, Summers et al. (2021) also found that teachers have an insufficient understanding of legal literacy in educational law. From a historical perspective, each study demonstrated a need for educators to be legally literate; however, the field of education in 2021 continues to find itself in a similar place as the field was in 1963.

The brief historical perspective reviewed above demonstrates that despite years of research, the same findings have surfaced to indicate educators, including teachers and administrators/principals, are not provided adequate learning opportunities to obtain a sufficient amount of legal literacy (Militello et al., 2009; Schimmel & Militello, 2007; Summers et al., 2021). The ongoing progression of research in legal literacy in the field of education will be explored in greater detail. In addition, legal literacy of social workers will be explored in order to determine how the construct has been defined and assessed. Exploring the work of an adjacent field (social work) may provide insight into how the field of education can better prepare future and current educators to be more legally literate. The field of social work was selected because it is similar in that both the fields support children in some capacity. Social workers along with teachers and administrators are all stakeholders in a school setting to support students at some
level. The National Board for Professional Teaching Standards (2020) established a critical component in that educators are committed to students and their learning, similar to the National Association of Social Workers’ (2020) standards that mandate that social workers support adolescents in understanding their needs and self-empowerment.

**Review of the Progression of Legal Literacy in Education**

Studies over the years in the field of education have provided insight into how legal literacy has been conceptualized, defined, and assessed. A review of legal literacy in education provides a means to understand the historical perspective of legal literacy. The field of education has tackled legal literacy on many different fronts, including using different methods to gain a deeper understanding of legal literacy by giving teachers and administrators/principals surveys. Surveys have been used as a method to collect teacher and administrator/principal responses on true-or-false questions, open-ended prompts, and Likert-type scales related to legal concepts educators may encounter in the public school setting. In addition, state licensure requirements have been explored to identify what, if any, law courses are required by teachers and administrators/principals. Though the research is limited, an exploration of legal literacy over time provides lessons learned and may provide guidance on limitations to the current research that can be used as action steps in future research.

Schimmel and Militello (2007) provided the field with solid information about where gaps of educational law reside with teachers and possible ways to tackle increasing the legal literacy of teachers. They conducted a study using a survey methodology with purposeful sampling of more than 1,300 K-12 teachers in 17 different states. The survey included five components. First, teachers had to provide demographic information including their gender, education level, level of school, setting of school, and if they had taken a pre-or in-service law
course or attended professional development that addressed school law. Furthermore, the survey required teachers to report their level of knowledge and interest in 10 law domains. Another portion of the survey required teachers to answer 29 true-or-false questions related to students’ and teachers’ rights and liability. The final part of the survey asked teachers to respond to two open-ended questions to identify how it would have impacted their behavior if they had more information about the scenario-based questions and if the teachers had any suggestions or ideas about school law in general (Schimmel & Militello, 2007). Their study highlighted tremendous gaps in educators’ legal literacy around educational law. Of the teachers surveyed, 75% of the teachers did not take any courses in school law and over 50% of the teachers were uninformed or misinformed about educational law relating to students’ and teachers’ rights. Interestingly enough, 65% of the teachers indicated they were interested in learning more about educational law, which in the end would increase their legal literacy. In addition, the open-ended responses painted a picture of how far away the field of education was from producing legally literate teachers and principals. One teacher said, “After taking the survey, I realized that my knowledge of school law is minimal to nonexistent.” Another educator expressed, “The survey makes me realize that I have no clue what I’m doing” (Schimmel & Militello, 2007, p. 264).

A year later, Militello and Schimmel (2008) explored ways in which pre-service and in-service teachers can be prepared to understand and implement laws that govern them in the school setting. Out of their work, legal literacy was described as an action by educators that “requires a change of consciousness, knowledge, and behavior” (p. 105). Militello and Schimmel (2008) suggested schools should provide professional development directly linked to the interests and needs of educators around understanding law that governs them. Furthermore, Schimmel and Militello (2011) identified that the purpose of being a legally literate educator is to
avoid litigation and help the educator to know when to seek legal support. In the end, the goal of being a legally literate educator is characterized as being an informed professional who engages in preventative law practices (Schimmel & Militello, 2011).

Another avenue where researchers have explored legal literacy is through gaining an understanding of the level of training or exposure educators have had to educational law courses (Gajda, 2008). For example, Gajda (2008) explored legal literacy through this lens to measure the level of proficiency educators had with educational law. This study examined all 50 states and looked at certification requirements related to educational law for a teaching license. In addition, the study identified whether states required future teachers seeking licensure to take a course in law and how they had to demonstrate knowledge of educational law. Yet again, findings are alarming when looking at Gajda’s (2008) work to explore the progression of legal literacy in education. Out of the 50 states surveyed, only one state was identified as requiring educators to take a course in educational law (Gajda, 2008). The results of this study validate why the idea that Littleton (2008) put forward will ultimately be true in that educators who are ignorant of the law are more likely to negatively impact the student and parent rights and privileges they are afforded by the constitution and by federal and state laws. Clearly if educators are not exposed to educational law, then they will be ill-equipped to respond effectively to legal concerns in the educational setting.

As the concept of legal literacy progressed in education, Militello, Schimmel, and Eberwein (2009) decided to look at legal literacy through a different lens. Militello et al. invested legal literacy with secondary school principals. The overall purpose of their study was to explore the level of legal knowledge secondary principals had related to the rights of students and teachers. In addition, the study sought to gain an in-depth understanding of how
secondary principals obtained and disseminated their legal knowledge to other educators. It should also be noted that the study yielded results similar to the study conducted by Schimmel and Militello (2007). Militello et al. (2009) used a random sample of secondary school principals in their study. The random sample included 493 secondary principals who completed the survey. All states were represented in the sample except Vermont. The study explored six different domains, including demographic information, law training history, and personal threats of lawsuits. The participants were asked if they had changed an administrative decision in certain identified areas. Participants were also asked 34 knowledge-based law questions related to education and open-ended questions requiring the principals to provide examples of law advice they had provided teachers in the past. Militello et al. (2009) used a score cutoff to help measure the knowledge of legal literacy questions. Participants were deemed legally proficient if they answered at least 70% of the 34 questions correctly.

After an analysis of the data from the survey, Militello et al. (2009) found that many secondary principals are not legally literate in that there was a range of 98% to 6% accuracy on questions related to the legal literacy of secondary principals regarding teachers’ rights and liability. Furthermore, the results indicated that secondary principals demonstrated a range of 91% to 16% accuracy on questions related to students’ rights. Perhaps one of the most profound results of the study indicated that 85% of the principals stated they would have changed their behavior if they had known the correct answers to the 34 questions on the survey. Another statistic from this study indicated that though the legal literacy of the secondary principals was low, a total of 87% indicated they had taken a law class as part of the principal preparation program. However, only 19% reported that they completed an additional course in law after
graduating, and 58% reported they had participated in a school law workshop or in-service in the last 10 years (Militello et al., 2009).

Another avenue this study explored was the impact secondary principals have on the legal knowledge of teachers they support in their schools. Militello et al. (2009) highlighted that principals regularly provide insight to legal issues to the teachers in their schools and it is a mixture of accurate, inaccurate, and ambiguous information that is passed on to teachers. Such warnings and insight can be confusing to staff. Specifically, the study included examples of questionable and ambiguous advice that principals have provided teachers, including, “never touch a student,” “do not counsel a student,” “never be alone with a student,” “never transport a student in your car,” and “never correspond with a student outside the classroom.” In fact, more appropriate ways a principal could respond would include, “do not gossip about students,” “don’t discuss your private life with students,” and “you may use reasonable restraint with students” (Militello et al., 2009, p.39). This study further demonstrates how legal literacy has been investigated in educational research specifically related to secondary principals by utilizing a survey to assess their knowledge and experience with educational law. Unfortunately, this study also identifies a tremendous gap in administrators’ knowledge of educational law that they are responsible for knowing in the field of education and should serve as a resource for their staff (Militello et al., 2009).

Ten years later, a study conducted by Decker et al. (2019) revealed that teachers who have legal training have more positive actions and attitudes. This study also used a survey to assess legal literacy. The survey included multiple-choice and open-ended questions. The study found that 88% of teachers reported legal training and professional development increased their confidence and 85% reported the training helped change their behavior related to making legally
binding decisions. In addition, it increased empowerment, awareness of legal issues, and interest and decreased fear.

More recently Summers et al. (2021) conducted a survey with 300 public school teachers in Indiana. Similar to other studies, a survey was used to assess the level of legal literacy of the teachers. The survey explored legal content including constitutional law issues, statutory law issues, and case law that public school teachers may encounter. Not surprisingly, results yielded findings similar to the work of Schimmel and Militello (2007) and Militello et al. (2009). Overall the findings indicated that the level of legal literacy held by teachers is insufficient (Summers et al., 2021). The work of Militello et al. (2009), Schimmel and Militello (2007), and Summers et al. (2021) in legal literacy demonstrates how legal literacy has been researched and assessed. The results of the studies presented above, along with the timespan over which the different studies were conducted, bring attention to the consistent historical pattern that has less than promising outcomes. Research results over time suggest that many teachers and administrators/principals do not have adequate legal literacy.

Decker (2014) puts it all together in that she contends that the more educators are informed about and understand the law as it relates to the education system, the more likely they are to be proactive rather than reactive in their practice. This directly relates to the understanding that Schimmel and Militello (2011) provided in that a legally literate educator helps an individual to avoid litigation. Gajda (2008) also provided a similar reflection to one being legally literate. She highlighted that to be legally literate one must obtain essential knowledge, skills, and an understanding of educational law. Decker and Brady (2015) expanded on Gajda’s (2008) definition by noting that educators must also be able to apply relevant legal rules to one’s everyday practice in the education system. Additionally, Decker and Brady
contended that a legally literate educator is not only able to apply the relevant legal rules to their daily practice but can proactively identify legal issues and use their knowledge to apply the rules to avoid legal issues or resolve them. Though many researchers have some common ground on what educators must have in order to develop legal literacy, the progression of research over the years continues to demonstrate the field of education has not made substantial gains in the area of legal literacy.

In summary, research related to legal literacy in the field of education has presented a vague definition since the first inception of legal literacy in 1963. Legal literacy as it pertains to teachers and administrators/principals has continued to take on different meanings over the years. Overall, research has started to converge upon a definition that includes the idea that educators must have knowledge of educational law and have the ability to apply the knowledge in the educational setting. Although research in education has started to frame a definition for legal literacy, there continues to be missing links in effort to increase legal literacy. Therefore, it is critical to explore another field to determine if lessons can be learned on how to further strengthen legal literacy in the field of education. The field of social work will be explored to attempt to seek further clarity on ways to continue to advance the field of education in legal literacy.

Review of the Progression of Legal Literacy in Social Work

The field of social work provides an adjacent field to review the development of legal literacy from a historical perspective. The exploration of the field of social work provides a means to learn lessons that may be applicable to the field of education with the intent to increase the legal literacy of educators. Braye (1993) noted that social workers are required to comprehend the law and legal processes, understand values that govern social workers, and use
the knowledge base and skills to appropriately apply all in practice to ensure the safety of all stakeholders. In addition, she identified that social workers build competency in legal literacy through the learning processes in which real-life practice opportunities occur. Braye (1993) explicitly identified that the learning process is integrated for social workers in that they are under direct supervision of a supervising clinician. For example, one-way direction occurs because a supervisor meets regularly with a social worker to partner in staffing the social worker’s cases to determine what legal actions are best suited for all stakeholders involved (Braye, 1993).

A few years later, a study conducted by Preston-Shoot, Roberts, and Vernon (1998) echoed similarities to Braye’s (1993) findings. In their study with social work students, Preston-Shoot et al. (1998) identified that students have to demonstrate their ability to understand and apply legislation that governs the social work practice. Specifically, this occurred when social work students were required to demonstrate their knowledge in these areas through formal assessments. Also, Preston-Shoot et al. (1998) found that social work students displayed legal literacy skills by applying and extending their understanding within a practice setting. One type of practice setting was created through role playing in the classroom. Social workers are also required to apply their knowledge and understanding in their clinical experiences as students in order to graduate. A typical clinical experience entailed completing a year-long internship. The structure in the field of social work that supported increasing social workers’ level of legal literacy required them to learn legal content, role play legal scenarios, and pass formalized assessments. Preston-Shoot et al. (1998) demonstrated that social workers indicated they were more confident in their legal skill sets and more likely to feel comfortable in applying their knowledge. One way in which this occurred is that social work students were required to engage
in a clinical experience where they regularly practiced applying relevant legal rules to inform case decisions. A study later corroborated similar findings in that this in-depth framework for social workers highlighted how the individual can attempt to meet the significant demands of the profession by engaging in supervised professional practice that helped bridge the gap between academics and learning in the moment how to apply laws and guidelines that govern social work (Braye, Preston-Shoot, & Thorpe, 2007).

Preston-Shoot and McKimm (2012) later conducted a study that explored the law that governs social workers. The purpose of the study was to gain an understanding of the level of knowledge that social workers have and their confidence in using their knowledge. The study explored legal literacy of social workers through self-audit questionnaires and concept mapping. The study found social workers had greater confidence in their knowledge of social work law than in their ability and skills to use the legal rules in practice. Building upon their previous work, Preston-Shoot and McKimm (2013) explored legal literacy of social work and medical students. Specifically, for the social work students involved in the project, the end results included insight into self-assessment of their own knowledge of legal rules and skills needed to use in social work practice (Preston-Shoot & McKimm, 2013). In using the concept maps and self-audit questionnaire the research highlighted that both the social work and medical students became less anxious over the time in their programs about using the law that governed their field in practice. Furthermore, social work students expressed markedly higher levels of confidence than the medical students in their skills for practicing within legal rules and guidelines in their field. Social workers also had more positive views than the medical students related to using legal knowledge to impact change (Preston-Shoot & McKimm, 2013). In all, though the medical students reported higher competence in some areas related to their legal literacy, overwhelmingly
the social workers reported more positive outcomes (Preston-Shoot & McKimm, 2013). This study demonstrated insight that the means in which social workers practice applying legal literacy may be an effective approach that the field of education could benefit from exploring.

Both Preston-Shoot et al. (1998) and Preston-Shoot and McKimm (2012) recognized that little evidence exists about outcomes related to the teaching and learning of law in the social work field. Yet, though limited research exists, studies have shown that social workers tend to feel competent in their legal literacy skills. Although research does provide some insight into how legal literacy has progressed in the field of social work, caution is warranted simply because there is limited research in this area. Another way to look at legal literacy in the field of social work is to explore the educational expectations for a social work degree and criteria that must be met to obtain a social work license.

Navigating the certification and licensure process for a school social worker could be viewed as a complex undertaking. Most states require that a school social worker have at least a master’s degree in social work, along with specific school-based training. A typical master’s of social work program takes an individual approximately two years to finish. If the individual pursues a master’s in social work and already has a bachelor’s in social work they can take advantage of being admitted to a master’s program as a student with advanced standing. In advanced standing it takes the individual approximately one year to finish their master’s in social work rather than two years (Social Work Licensure, 2011-2021). In order to be eligible to become a licensed social worker, the individual must also obtain a degree accredited by the Council on Social Work Education (CSWE).
Gaining entrance into a master’s of social work program is just the tip of the iceberg of what is expected of a social worker if they are to eventually obtain licensure. To graduate successfully from an accredited program, the individual must complete a track of study specifically for school social workers. Mandating the students to follow a school social work track helps future school social workers gain field-specific knowledge and skills related to supporting all stakeholders in the school setting. Furthermore, the individual must complete a hands-on practicum or internship experience. Another step the individual must complete in order to become a school social worker is obtaining their license. School social worker licenses vary by state, but most require a passing score on the Association of Social Work Boards (ASWB) exam (Social Work Licensure, 2011-2021). The exam is a standardized assessment that is the same for all states.

School social workers also can advance their initial licensure to another level. Though it is not required for a school social worker, they can seek to become a Licensed Master of Social Work (LMSW), Licensed Master of Social Work - Advanced Generalist (LMSW-AG), or Licensed Clinical Social Worker (LCSW; socialworkguide.org). To obtain the advanced licensure the individual must have completed typically two to three years of post-master’s units in social work clinical experience under a supervising licensed social worker before they can sit for the exam for the advanced licensure (Thyer, 2011). The exam includes multiple items that directly relate to law and ethics that govern social workers. In order to obtain any of the three advanced licensures, some states also require additional education related to social work law and ethics. Once initial and/or advanced licensure is obtained, the individual must engage in ongoing professional development to maintain their licensure. Most states require social workers to renew their license every two years and during that time they must complete a certain number of
continuing education credits, some of which must be focused on law and ethics. (Social Work Licensure, 2011-2021).

Viewing legal literacy and how it is measured through the requirements for school social workers to obtain a degree and a license highlighted a noticeable difference between educators and social workers. Research confirms that the degree and licensure requirements for the field of social work are much more in-depth than the teacher degree and licensure requirements. Therefore, it must be considered that perhaps social workers are confident in utilizing their legal literacy skills because they are held to a higher expectation related to degree and licensure requirements specifically related to law and ethics (Preston-Shoot & McKimm, 2013). In the end, the exploration of the progression of legal literacy in social work illuminated a prospective area to target in the field of education by examining expectations for teachers and administrators/principals in their required coursework related to educational law.

**Personal Educational Experience**

I personally bring a unique interest and perspective to the concept of legal literacy in both the education and social work fields. I have actively served in both fields; therefore, I have the ability to anecdotally provide insight for both fields. I served in the private sector of social services providing social work services and in the public sector of education in multiple roles. I personally held multiple roles in the public education system, including middle school science teacher, special education coordinator at the building level and district level, dean of students, director of special education, assistant principal, and principal. In each role in the education field, my personal experience with legal literacy matched the results of Schimmel and Militello (2007) in that I was in the 50% of educators who are misinformed. In addition, similar to the findings of Militello et al. (2009), as an administrator I was in the majority in that as a new
administrator I was misinformed or uninformed. However, in the social service field I took on more of the role similar to the findings of Preston-Shoot and McKimm (2012) in that I was more confident in my knowledge base and application, specifically after I had staffed a case with my supervisor on a regular basis.

In my educational experience, in my day-to-day practice as a teacher, things would come about that I needed to respond to, and I would attempt to make the best judgment call. However, now after I have learned more about educational law, I clearly was not following and honoring all the rights of students. In addition, I can recall scenarios of observing my colleagues that would not honor students’ rights. For example, many times as a teacher I would observe staff mandate that students must stand for the Pledge of Allegiance. Such examples include just a few personal experiences that I have had that demonstrate the lack of legal literacy in the public school system. My personal experience as a teacher and measuring my own legal literacy would easily fall in line with how Schimmel and Militello (2007) measured legal literacy in that scenarios were provided in the survey and educators had to determine if the response was true or false. Essentially that was my day-to-day interaction with legal literacy. As a teacher, I was not provided any guidance from administrators and found myself trying to make the best decision. Therefore, I had to determine daily how I was going to respond to my own experience and ultimately put my decision in action with my best intentions.

As my career progressed and I moved into administration, my legal literacy functioning mirrored my experience as a teacher. I too was an uninformed and misinformed administrator. In my personal experience as an administrator, I encountered scenarios either personally or had to provide guidance to staff on how to respond appropriately. My administrator experience substantially echoed how Schimmel and Militello (2007) measured legal literacy in that I had to
identify the correct response for a legal scenario. Now that I have become a more experienced administrator, I now realize how legally illiterate I was in the beginning stages of my administration career. For example, a common legal scenario that would often surface and still occurs in my career is how to respond to search and seizure. *New Jersey v. T.L.O.* (1985) of course provides guidance on how to conduct searches in the school setting, which can only occur if “reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.” In reflection, I am certain this is violated probably more often than one thinks as myself and other educators I have worked with have not had the privilege to be exposed to explicit educational professional development around such a scenario and many more like it.

Not only do I have my own personal direct interaction with being involved in a legal scenario that I was not familiar with on how to respond, but I also have supported staff in legal scenarios as well. Throughout my years as an administrator, it is always interesting to me what questions staff do ask for which I must provide legal guidance. A way that I personally informally measure a staff member's legal literacy is by reflecting on what types of questions they ask on a regular basis. Often I find myself alarmed and confused by staff not knowing a number of things related to being legally literate. However, I then take a step back and remind myself where I started in the legal literacy journey. Decker, Ober, and Schimmel (2019) highlighted in their study that educators and administrators feel an increase of empowerment and decreased level of fear when they are fully informed. Therefore, when I am approached by educators, I remind myself that arming them with knowledge will allow them to be more confident in their responses to legal scenarios in a public school setting.
Now knowing more about educational law, it has personally impacted my practices in supporting staff in becoming more legally literate. During the 2019-2020 school year I started allocating a portion of monthly staff meetings to a hot topic related to educational law. Topics that I specifically tackled included confidentiality related to when a student needed a mental health evaluation, how to honor the rights of students who identify as being part of the LGBTQ community, and what are the requirements that need to be met to conduct a search and seizure. In all, research in the field of education coupled with my personal experiences outlines different sources of knowledge that can provide direction for how to create a more legally literate society in the field of education.

**Targeted Definition of Legal Literacy**

A definition of legal literacy is important to have in order to advance research in the area of increasing legal literacy for educators. A definition will provide structure for what is the end result to create educators, including teachers, related service providers, and administrators’ who are legally literate in educational law.

In creating a definite definition for legal literacy in the education field, one must have an understanding of what the benefits of being legally literate can bring to a professional in the field of education. Mead (2008) highlighted that being an educator who is legally literate can prevent interactions in the educational setting from moving into litigation. For example, an educator who is legally literate can ensure they know how to react to given situations in the educational setting. Such situations may include adhering to the rights of special education students, how to legally engage in a search and seizure, and how to honor a student’s constitutional rights of promoting their own political or religious beliefs in a school setting. Furthermore, Mead highlighted that being legally literate can guide educators to display appropriate conduct in the classroom during
their day-to-day practice. Not only did the work of Mead identify the importance of being legally literate, but many others in the field of education echoed the same guidance, including Decker (2014), Decker, Ober & Schimmel (2019), Gajda (2008), Littleton (2008), Militello and Schimmel (2008), and Schimmel & Militello, (2011).

Three ideas surfaced out of the research related to building a comprehensive definition for legal literacy in the field of education. Gajda (2008) argued that “educators must have essential knowledge, skills, and understanding of educational law if they are to be effective school-based professionals” (p. 15). Furthermore, Preston-Shoot and McKimm (2013), drawing from the social work field, identify legal literacy as “understanding, skills, and values that enable practitioners to connect relevant legal rules with their professional practice” (p. 271). Both viewpoints helped to begin to build the structure for framing a robust definition for legal literacy for educators by using the concepts of understanding or knowledge, assessment, and implementation.

First, an educator must have the understanding or knowledge of educational law. Decker (2014) contend teachers and administrators must understand how the law impacts their daily functioning in their profession. Schimmel and Militello (2011) further validated this practice in that legally literate educators must be informed practitioners of preventative law. Militello and Schimmel (2008) took it a step further and identified that achieving and maintaining legal literacy requires changes to an educator’s consciousness, knowledge, and behavior. All three bodies of research demonstrated the importance of ensuring that educators have a strong knowledge base in educational law in order to be legally literate practitioners.
Next, after an educator has gained the knowledge of educational law that influences their practice, the educator must build the ability to assess legal situations. The educator’s ability to assess the situation or scenario is driven by the knowledge they already have related to educational law. Decker and Brady (2015) outlined that legally literate educators are able to identify legal issues and use their knowledge to identify applicable laws or standards to a particular situation or scenario. They further interjected that educators must be proficient in their daily practice in spotting such legal issues and identifying the accurate laws to apply to resolve it in a proactive manner. Schimmel and Militello (2011) included that educators must be able to assess the situation and realize when it is critical to seek legal advice outside of their own individual educational law knowledge. In all, the research suggests that an educator who is legally literate must not only be knowledgeable but, in addition, must be able to assess a legal situation by using their educational law knowledge.

The final concept that surfaced out of creating a streamlined definition for legal literacy for educators was the ability to apply and carry out action that uses the educator’s law knowledge, engages in accurate assessment, and then takes action with sound legal judgment. Decker and Brady (2015) not only identified the importance of educators gaining legal knowledge, but the skill of assessing a legal situation using the law guidelines and applying the relevant legal rules to solve the legal dilemma is just as critical. Decker and Brady furthermore recognized that educators must not only be proficient at identifying legal issues but accurately apply the legal rules to many legal situations that surface on a given day in the educational setting. Schimmel and Militello (2011) identified similar needs in that educators must be well informed and knowledgeable practitioners of educational law and use their knowledge to protect not only themselves but their students as well.
Decker and Brady (2015) provided a comprehensive view of bringing the three ideas of knowledge, assessment, and application together when defining legal literacy for educators. Through the historical research, the three identified concepts of knowledge of educational law, ability to assess a legal situation using one’s knowledge of educational law, and putting the knowledge into practice are three critical factors to consider when constructing a definition of legal literacy. The support of past research was utilized for a suggested definition of legal literacy for educators, including teachers, related service providers, and administrators/principals. The suggested definition includes the ability to obtain and retain educational law knowledge to proactively identify legal issues, assess the situation, and apply educational law and guidelines to resolve and intervene in a potential violation of any stakeholder’s rights.

Concluding Remarks

In all, an exploration of the progression of legal literacy in both the education and social work fields uncovered a repeated theme in the research: educators lack legal literacy. Legal literacy in both fields is viewed similarly; however, the route by which one becomes legally literate takes a different path in each field. The field of social work has a more in-depth process of coursework, formal assessments, and clinical supervision all related to law and ethics (Braye, 1993; Social Work Licensure, 2011-2021; Thyer, 2011). This idea then presents the question of the type and amount of coursework educators are required to take to obtain a license. Though Gajda (2008) explored this in one moment in time, to this day there continues to be limited research in this area. This directly links to the need to further survey the profession on the required courses teachers and administrators need to take to obtain a license. A national review of coursework required by teachers and administrators/principals could help uncover a gap in the
education process and provide insight on why educators’ level of legal literacy continues to be insufficient (Decker, 2014; Summers et al., 2021).
References


https://socialworklicensure.org/articles/become-a-school-social-worker/


LEGAL LITERACY: A SURVEY OF COURSE DESCRIPTIONS IN TEACHER AND ADMINISTRATOR PREPARATION PROGRAMS

Introduction

Over the years, ongoing studies have highlighted the limited knowledge that both teachers and administrators/principals have related to their understanding of educational law. Several researchers have illuminated the knowledge gap related to legal literacy of teachers and administrators/principals through their work (Decker, 2014; Militello et al., 2009; Schimmel & Militello, 2007; Summers et al., 2021). Almost a decade and a half ago, Schimmel and Militello (2007) found that 75% of teachers had not taken a course in educational law and 50% of the teachers were not adequately informed about their own rights or their students’ rights. A year later Gajda (2008) found that at that time only one state mandated a law course to meet licensing expectations for teachers.

For the purpose of this study, legal literacy is understood as educators’ (including teachers, related service providers, and administrators/principals’) ability to obtain and retain educational law knowledge to proactively identify legal issues, assess the situation and apply educational law and guidelines to resolve and intervene in a potential violation of any stakeholder’s rights. This study is an extension to the work of Gajda (2008) in that it surveyed the current requirements for teachers and administrators/principals related to required law-related courses across degree-granting institutions in the United States.
Need for Knowledge

Patterson and Rossow (1996) identified the importance of teachers developing a working knowledge of the law that impacts the educational setting in order to prevent minor mistakes that could negatively impact their careers. Mead (2008) also recognized that educators, including teachers and administrators/principals, benefit from being legally literate because it allows them to avoid interactions in the educational setting that could have the potential to lead to litigation. Interestingly enough, though bodies of research identify the importance of being legally literate, it has been discovered that the practice of teaching educators about law is minimal and does not match the rhetoric (Gajda, 2008; Gullatt & Tollett, 1997). In order to attempt to find a solution to the problem, it is critical to gain an understanding of law courses teachers and administrators/principals are required to take in order to obtain their certification. This updated knowledge may guide next steps in creating educators, (including teachers, related service providers, and administrators/principals) who are legally literate.

Statement of the Problem

This study sought to explore the extent to which teachers and principals take educational law courses as a part of their training programs. Study results may provide evidence of the root cause of why the educational system struggles to produce educators who are legally literate.

Significance of the Problem

The implications of this study have the potential to uncover one of the causes as to why teachers and administrators/principals are not more legally literate. For more than 50 years research has demonstrated that teachers and administrators/principals struggle with legal literacy, yet to date there has not been a comprehensive examination of the requirements of training programs with respect to education law courses. As such, it is necessary to survey the current
legal courses that teachers and administrators/principals are required to take at degree-granting institutions across the United States. Past research has focused on state license qualifications related to education law for teachers to obtain a teaching license. This study took it a step further and concentrated on the courses that colleges and universities require in teacher and administrator/principal preparation programs.

**Purpose**

**Purpose of the Study**

The purpose of this study was to examine course descriptions of required courses in both teacher and administrator/principal preparation programs in the United States in order to determine if law-specific courses are required. The central phenomenon targeted in this study was defined by the word “law” and/or “legal” being present in the course title of a course and/or course descriptions of required courses for teacher and administrator/principal preparation programs.

**Significance of the Study**

This study brings leverage to the field of education related to legal literacy in that it is the first study of its kind. Past research has only concentrated on investigating the state licensure requirements for teachers (Gajda, 2008; Gullatt & Tollett, 1997). This study also extends beyond just exploring teachers and includes administrators/principals. In addition, it adds to the field of education because it extends the work of previous research by looking at required courses for teachers in three licensure areas: general education, special education, and English language learner. Furthermore, this study not only completed an in-depth survey of required courses but it also provides concrete next steps to address the gaps teachers and administrators/principals have related to legal knowledge in education.
Feasibility of the Study

This was a large-scale study that required a tremendous amount of data collection related to required law courses that future educators must take in teacher and administrator/principal preparation programs. Though large scale, which surveyed colleges and universities across the United States, the potential outcomes outweigh possible barriers. Due to the large magnitude of data collection, a team of six researchers partnered to research current college and university websites to survey required law classes for future teachers and administrators/principals. Public access to websites allowed the researchers to access program course plans, course catalogs, and course descriptions. The colleges and universities were separated into states and each researcher surveyed their assigned states. Data was collected, coded, and maintained in a common spreadsheet to allow equal access for all researchers.

Research Questions

The research questions that guided this study are as follows:

1. What are patterns of law-specific classes that future teachers are required to take in a teacher preparation program in the Fifth and Eleventh Circuits?
   a. How do the patterns of law-specific classes compare between future general education, special education, and English language learner teachers in teacher preparation programs in the Fifth and Eleventh Circuits?

2. How do educational legal literacy course requirements for pre-service teachers compare between teacher preparation programs across all 12 U.S. circuit courts?
   a. How do the patterns of law-specific classes compare between future general education, special education, and English language learner teachers in teacher preparation programs across all 12 U.S. circuit courts?

3. What patterns are present in law-specific courses in educator preparation programs for future teachers compared to future administrators/principals across all 12 U.S. circuit courts?
Methodology

Research Design

Although this study is exploratory and descriptive in nature, constant comparative methods were employed in order to provide an analysis of data collected related to required law courses for future teachers and administrators (Glaser, 1965; Loeb et al., 2017). Descriptive analysis required patterns to be identified in the data that provided answers to who, what, where, when, and to what extent (Loeb et al., 2017). The who in this study is characterized as teachers and administrators/principals. The what entailed required law classes for future teachers and administrators/principals. The where encompassed the United States, which was chunked and explored through the 12 U.S. circuit courts. This study concentrated on the when as of right now in current time. Lastly, to what extent was the focal point of the study to determine to what degree future teachers and administrators/principals are required to take a law course in their preparation programs. The constant comparative method required the data to be coded and then analyzed. In addition, the constant comparative method of analysis required comparing the data in order to code the data, memoing patterns and observations, generalizing and streamlining patterns observed, and ultimately settling on implications for next steps (Glaser, 1965).

The process included six researchers evenly dividing the states and identifying each college and university that offered a teacher and/or administrator/principal program that resulted in a license. The states were then categorized by the 12 U.S. circuit courts and divided among the six researchers. Each website for the college or university was visited and the course plan was evaluated to determine if any law-specific classes were required. A pattern surfaced related to the types of courses that were searched, including ED, EDU, EDUC, SPED, and SED. There were other courses that developed out of the research, but the identified were the most common.
Once all the data was collected, then the constant comparative method of analysis was utilized to analyze the data. The first step to engage in the constant comparative method required the qualitative data to be transformed into quantifiable data. Essentially the data was coded. Once coded, the next step in engaging the comparative method involved analyzing the data, which then generated theoretical or generalized ideas (Glaser, 1965). The ultimate goal for engaging in this process was to discover what patterns in the data may provide insight to how much exposure future teachers and administrators/principals have to educational law content. The culmination of the data may then provide guidance on possible next steps to create opportunities that increase the level of teacher and administrator/principal legal literacy.

**Researcher’s Positionality**

I personally have been an educator for sixteen years. Prior to becoming an educator I utilized my skills in the field of social work. Transitioning between the two fields brought a unique learning experience for myself and highlighted differences as it relates to being legally literate. As an educator, I have served in several roles, including classroom teacher, coordinator of special education services in a middle school and at the district level, dean of students, assistant director of special education, assistant principal, and currently as principal. In each role in the education field, a common theme that surfaced included scenarios and questions around legal rights for both students and educators. Throughout my career, I have found myself either seeking or providing guidance related to law. I personally have been a victim of not being armed with adequate law guidance and have observed others in a similar situation. In my personal professional experiences, teacher education programs and school administrator/principal programs are not arming candidates with high-quality law knowledge. Therefore, it is critical for education systems to respond and act to increase educators' level of legal literacy.
Data Source

Colleges and universities in the United States were first clustered by states and then by U.S. circuit courts. The data for the study was collected from each individual college and university website that had a degree-producing undergraduate teacher program or a graduate administrator program specifically for principals. Each college and university website had a unique layout, which was navigated to obtain course plans and required law classes for teachers and administrators/principals.

Sampling

A population sample was conducted, which allows study results to provide universal conclusions because it is the data set in its entirety. Though conducting a population sample was a robust task, it was attainable through the partnership of the six researchers. The population sample was chunked into the 12 U.S. circuit courts. The six researchers divided up the research at targeted specific colleges and universities to explore required law courses for teacher and administrator/principal preparation programs.

Data Preparation and Coding

Technique

Each individual compiled a list of law courses for each college and university that was documented into a common data collection tool that was developed in Google Sheets. Data was collected for each college and university that included a required course that had “legal” and/or “law” in the course title and/or description. The data was collected for all baccalaureate teaching degrees in the areas of general education, special education, and English language learner. In addition, the same data was collected for master’s-level administrator degrees for principals.
Throughout the initial data collection process, the six researchers employed the descriptive analysis method. Loeb et al. (2017) provided guidance that six steps must be followed. First, a central phenomenon is identified. Then data beneficial in revealing patterns is determined. Next, measures are determined that best represent the data. Then specific patterns are defined. The patterns are then named and described as related to the central phenomenon. Finally, the five previous steps are repeated as needed (Loeb et al., 2017). As the six researchers engaged in this process, it guided them to compile a list of courses that created an observable pattern in the data. The development of the patterns at this point then guided the six researchers to pause and reconvene to determine specifically how the data would be categorized to help support coding in the future.

The team of researchers used the initial scans of the data to help create decisionary rules, which provided a clearer structure for collecting the data. The six researchers then returned back to complete the final collection of the data. During this final collection, each researcher began to memo throughout the data collection process noting differences, similarities, and initial patterns in the data.

Next the team of researchers employed the constant comparative method of analysis. Glaser (1965) describes four stages that support the employment of the constant comparative method: comparing incidents applicable to each category, integrating categories and properties, delimiting the theory, and writing the theory. Specifically, next the team of researchers began the first step and second steps, which entailed an analysis of the data by coding courses, placing categories and integrating categories. In the end, four final categories were developed based on patterns in the data: law-specific, general education law, exceptional child, and English language learner courses. It took time to get to the final four categories as the six researchers continued to
reflect on the data collection through personal and shared memoing and integrating different categories.

The four categories then provided a concrete structure for the team of researchers to begin to code each law course in the teacher and administrator/principal preparation programs. Prior to agreeing to a way to code the data, the team of researchers agreed to the following descriptions for categorizing a course based on the four overarching categories:

- **Law-specific class:** Course included “law” or “legal” in the title or course description. Course provided a legal foundation for teachers and how to respond to legal situations. Course specifically addresses students’ and teachers’ legal rights and responsibilities.

- **General law class:** Course included “law” or “legal” in the title or course description. Course provided an overview of laws related to education. This course did not provide specific legal rights related to students’ and teachers’ legal rights and responsibilities. Oftentimes this was an introductory or foundation-level course in education.

- **Exceptional child:** Course included “law” or “legal” in the title or course description. Course introduced legal ideas related to students with exceptional learning needs such as students with an Individualized Education Plan (IEP), at-risk students who may need academic and behavior interventions, and gifted students.

- **English language learner:** Course included “law” or “legal” in the title or course description. Course specifically addressed legal rights of English language learners and/or a course that supported instruction for English language learners that included legal rights of the students.

The four categories were utilized for data collection for the undergraduate teaching preparation programs for general education, special education, and English language learner degrees.
The four categories did decrease when the six researchers followed the same process in collecting data for the graduate administrator/principal preparation programs. Not all four categories were warranted after the initial scan of the data for the administrator/principal preparation programs. Based on themes in the data, data was only coded for administrators/principals for law-specific and exception child/special education courses. If any additional courses surfaced related to law, it was memoed and anecdotally represented in the data. For example, a class that surfaced at one university was a technology class that integrated law policies. Overall, data was collected for the two categories identified and the same decisionary rules outlined for the undergraduate course descriptions were followed for law-specific and exceptional child/special education courses for administrators/principals.

**Variable Measurement**

**Law Course Variables.** Each researcher coded for their respective assigned states that ultimately were chunked together in the 12 U.S. circuit courts. A binary coding system was utilized for each category that was coded. The researchers used “1” for yes and “0” for no to code for each identified category. First each researcher determined if a general education licensure program was offered. Then it was determined if there was some category of law course that was required. Next it was determined what type of law course was required for the general education teacher preparation program. Coding was completed to identify what courses were required out of the four categories of law-specific, general law, exceptional child, and English language learner courses. Each course was marked to include all courses for each college and university that fell within the decisionary rules that were previously outlined. If a course description included content that fell within two or more categories, then the data was coded so that particular course was represented in both categories. For example, if a law course
description included both general law content and special education content it was coded for both categories. This coding process was completed in the same manner for special education and English language learner teachers. In addition, this same process was completed for administrator/principal preparation programs; however, it included coding only for the two categories of law-specific and exceptional child courses.

**Data Analysis**

**Descriptive Statistics in Summary Tables**

Summary tables provide a survey of undergraduate teacher preparation programs specifically in three areas: general education, special education, and English language learner. Data represented in the tables reflects general education baccalaureate programs that issue degrees to at least one of the following levels: elementary, middle, and/or high school. All programs resulted in the ability to seek licensure to become a certified teacher. The data represents special education baccalaureate programs that issue degrees and the ability to seek licensure to be a special education teacher from at least kindergarten through 12th grade. Lastly, the data represents English language learner baccalaureate programs that issue degrees and the ability to seek licensure to be an English language learner teacher from at least kindergarten through 12th grade. The data in totality includes only baccalaureate level teaching degrees. Many colleges and universities offered certificates, endorsements, and alternative licensure programs in the three identified areas. However, such alternatives to seek a license were not included in this study.

The data outlined in each summary table is presented in three major sections. The first column identifies the states that make up the identified U.S. circuit court. The next portion of the summary table identifies what type of degree is being explored: general education, special
education, or English language learner. Specifically, in this section it is identified how many degree granting institutions are represented in an identified state. Next, it identifies how many of the degree-granting institutions require a law course. This section of the summary identifies the number (n) of degree-granting institutions that require a law course and the percentage of institutions that require a law course (%). The next larger section of the summary table breaks down the type of law course required in programs that mandate a law course in order to obtain a degree in the identified area, including general education, special education, and English language learner. This portion of the summary table identifies by state the number of institutions (n) that required a law-specific, general law, exceptional child, and/or English language learner law course. In addition, it identifies what percentage (%) of the institutions required a law course in one of the four identified concentrations. The category in which the law course is represented is based on the course description outlined in the college and university course catalog. If an institution had more than one law course required that fell within one of the same four categories, it was only counted once. However, if an institution had a law course that was required in two different categories, then it was represented in each category. The data was collected in this manner to ensure that an accurate picture was painted to represent exactly what type of law courses institutions require.

Similar summary tables were created for the comparison within two targeted U.S. circuit courts, including the Fifth and Eleventh Circuits, as well as across all 12 U.S. circuit courts related to general education, special education, and English language learner degree granting institutions. A similar approach was used for the summary tables for degree-granting institutions for administrators, specifically principals. The section of the summary tables identified the circuit, number of degree-granting institutions for administrators/principals, number (n) of
institutions that require a law course and the percentage (%) of institutions in an identified circuit that require a law course. The last portion of the summary tables include what type of law course is required in the programs that require a law course to obtain a degree. Unlike the teacher summary table that has four types of course categories, the administrator/principal summary table included two: law specific and exceptional child. There were only two types of law courses based on the patterns that were found during the data collection and coding process.

Comparison/Summaries of Data

Each state was included with its respective U.S. circuit court. The team of six researchers determined the best means to provide a survey of law courses required for both teacher and administrator/principal programs across the United States was to chunk institutions together based on the U.S. circuit court where they resided. Grouping the institutions in this manner aligned with the legal system and connected to the idea that the purpose of the study was to explore legal factors related to educator knowledge. Furthermore, this allowed for patterns, trends, and comparisons to be made across the United States while identifying regional patterns. Tables 1 through 10 provide comparisons and summaries of the identified data.

An analysis of each table is provided which includes comparison data for the Fifth and Eleventh U.S. Circuit Courts. The comparison data includes if a law course is required and what type of law course is required. The two targeted circuits, the Fifth and Eleventh were compared to each other and then compared to the national data that included the other ten U.S. circuit courts. In addition, a comparison of the teacher and administrator/principal preparation programs across the United States was made. Throughout the analysis of the data, each research question was explored and answered.
Fifth Circuit Overview

The Fifth U.S. Circuit Court includes Louisiana, Mississippi, and Texas. Within the Fifth Circuit, a total of 100 institutions offer an undergraduate general education licensure program (Table 1). Out of the 100 institutions that are degree granting, 49 (49%) of them require a law course of some type, which was determined by the word “law” or “legal” in the course description. Furthermore, of the 49 (49%) institutions that require a law course, 8 require a law-specific course, 10 are general law, 28 exceptional child, and 1 English language learner.

Table 1
Law class requirements of general education teacher licensure programs in the Fifth Circuit

<table>
<thead>
<tr>
<th>General Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=49)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Education Law Specific</td>
</tr>
<tr>
<td></td>
<td>n</td>
</tr>
<tr>
<td>Degree granting institutions</td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
<td>19</td>
</tr>
<tr>
<td>Mississippi</td>
<td>14</td>
</tr>
<tr>
<td>Texas</td>
<td>67</td>
</tr>
<tr>
<td>5th Circuit</td>
<td>100</td>
</tr>
</tbody>
</table>

Also within the Fifth U.S. Circuit Court, 46 institutions offer an undergraduate special education licensure program (Table 2). Out of the 46 degree-granting institutions, 30 (65.22%) require a law course of some sort. The 30 institutions that require a law course were made up of 3 (10%) law specific, 8 (26.67%) general law, 28 (93.33%) exceptional child, and 0 English language learner.

Finally, there are 12 degree-granting institutions in the Fifth U.S. Circuit Court that offer an undergraduate English language learner (ELL) licensure program (Table 3). Within the 12
degree-granting institutions, nine (75%) require a law course of some type. Of the nine institutions that require a law course of some sort, two (22.22%) are law specific, four (44.44%) general law, six (66.67%) exceptional child, and zero English language learner.

**Comparisons Across States in the Fifth Circuit**

The Fifth Circuit is made up of three states: Louisiana, Mississippi, and Texas. Texas specifically has more degree-granting institutions for all three licensure programs of general education, special education, and English language learner. However, for general education and special education, Mississippi institutions require the highest percentage of law courses that must be taken to obtain a degree.

**Table 2**

*Law class requirements of special education teacher licensure programs in the Fifth Circuit*

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>Law Class Required</th>
<th>Type of law class required in programs that require a law class (n=30)</th>
<th>Education Law Specific</th>
<th>General Law</th>
<th>Exceptional Child</th>
<th>English Language Learner</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>6</td>
<td>33.33%</td>
<td>0</td>
<td>0.00%</td>
<td>2</td>
<td>100.00%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>5</td>
<td>100.00%</td>
<td>0</td>
<td>0.00%</td>
<td>5</td>
<td>100.00%</td>
</tr>
<tr>
<td>Texas</td>
<td>35</td>
<td>65.71%</td>
<td>3</td>
<td>13.04%</td>
<td>8</td>
<td>34.78%</td>
</tr>
<tr>
<td>5th Circuit</td>
<td>46</td>
<td>65.22%</td>
<td>3</td>
<td>10.00%</td>
<td>8</td>
<td>26.67%</td>
</tr>
</tbody>
</table>
Table 3  
Law class requirements of ELL teacher licensure programs in the Fifth Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>ELL Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=9)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Education Law Specific</td>
<td>General Law</td>
</tr>
<tr>
<td>Louisiana</td>
<td>0 0 0.00%</td>
<td>0 0.00%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>0 0 0.00%</td>
<td>0 0.00%</td>
</tr>
<tr>
<td>Texas</td>
<td>12 8 66.67%</td>
<td>2 25.00%</td>
</tr>
<tr>
<td>5th Circuit</td>
<td>12 9 75.00%</td>
<td>2 22.22%</td>
</tr>
</tbody>
</table>

Related to general education licensure programs across all three states, approximately half of the institutions in each state require a law course in general law and/or exceptional child. Collectively as the Fifth Circuit, 21 (42.86%) require general law and 28 (57.14%) require exceptional child. Texas is the only state that has institutions that require law-specific eight, (16.33%) and English language learner one (2.45%) courses. Special education licensure programs presented a different picture. Institutions in all three states require an exceptional child law course including, 2 (100%) in Louisiana, 5 (100%) in Mississippi, and 21 (91.30%) in Texas. No state requires special education to take an English language learner course. Lastly, related to English language learner degrees, out of the three states, Texas institutions are the only ones to require some sort of law class. Specifically, two (22.22%) of the institutions require a law-specific class, four (44.44%) general law, and six (66.67%) exceptional child.

Eleventh Circuit Overview  

The Eleventh Circuit encompasses Alabama, Georgia, and Florida. Within the Eleventh Circuit, a total of 103 institutions offer an undergraduate general education licensure program (Table 4). Out of the 103 degree-grant institutions, 33 (32.04%) of them require a law
course of some sort, which was determined by the word “law” or “legal” in the course
description. Of the 33 (32.04%) institutions that mandate a law course, 11 require a law-specific
course, 16 general law, 23 exceptional child and 8 English language learner.

**Table 4**

*Law class requirements of general education teacher licensure programs in the Eleventh Circuit*

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>General Education Licensure Program</th>
<th>Law Class Required</th>
<th>Type of law class required in programs that require a law class (n=33)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>Law Specific</td>
</tr>
<tr>
<td>Alabama</td>
<td>25</td>
<td>40.00%</td>
<td>1 10.00%</td>
</tr>
<tr>
<td>Georgia</td>
<td>34</td>
<td>41.18%</td>
<td>4 28.57%</td>
</tr>
<tr>
<td>Florida</td>
<td>44</td>
<td>20.45%</td>
<td>6 66.67%</td>
</tr>
<tr>
<td>11th Circuit</td>
<td>103</td>
<td>32.04%</td>
<td>11 33.33%</td>
</tr>
</tbody>
</table>

Furthermore, within the Eleventh U.S. Circuit Court, 54 institutions offer a special
education licensure program (Table 5). A law class of some type is required by 25 (46.30%) of
the 54 degree-granting institutions. Of the 25 degree-granting institutions for special education
that require a law class, 5 (20%) are law specific, 2 (8%) general law, 20 (80%) exceptional
child, and 0 English language learner.
Table 5
Law class requirements of special education teacher licensure programs in the Eleventh Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>Special Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=25)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Law Class Required</td>
<td>Education Law Specific</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Alabama</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td>Georgia</td>
<td>19</td>
<td>12</td>
</tr>
<tr>
<td>Florida</td>
<td>22</td>
<td>3</td>
</tr>
<tr>
<td>11th Circuit</td>
<td>54</td>
<td>25</td>
</tr>
</tbody>
</table>

Lastly, in the Eleventh U.S. Circuit Court for English language learner (ELL) licensure programs, there are four degree-granting institutions (Table 6). In the total four degree granting-institutions, two (50%) mandate a law course of some type. One of the courses mandated is law specific and the other course is exceptional child.

Comparisons Across States in the Eleventh Circuit

Three states make up the Eleventh U.S. Circuit Court: Alabama, Georgia, and Florida. Overall, with the exception of English language learner, Florida has the most degree-granting institutions across general education and special education. Florida and Georgia both have two degree-granting institutions for English language learner. However, it was a different picture that was painted as it relates to degree-granting institutions that require some type of law course.
Table 6

Law class requirements of ELL teacher licensure programs in the Eleventh Circuit

<table>
<thead>
<tr>
<th>Degree granting institutions</th>
<th>Law Class Required</th>
<th>Type of law class required in programs that require a law class (n=2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Alabama</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Georgia</td>
<td>2</td>
<td>50.00%</td>
</tr>
<tr>
<td>Florida</td>
<td>2</td>
<td>50.00%</td>
</tr>
<tr>
<td>11th Circuit</td>
<td>4</td>
<td>50.00%</td>
</tr>
</tbody>
</table>

Specifically for general education, 33 (32.04%) of the degree-granting institutions require some level of law course. The area that the required law course fell into is dependent on the states. However, an exceptional child law course is the most common required course in the three states including, 7 (70%) of the institutions that require a law class in Alabama, 10 (71.43%) in Georgia, and 6 (66.67%) in Florida. The other three class types (law specific, general law and English language learner) vary in each state. Florida is the only state that has degree-granting institutions that require some English language learner law courses including (eight, 88.89%). Special education licensure programs presented a similar picture in that it is dependent on each state. An exceptional child law is the most common course required for each state, including nine (90%) of the institutions that require a law course in Alabama, nine (75%) in Georgia, and two (66.67%) in Florida. A general law course and English language learning are the least required law courses across all three states. Specifically, none of the states require an English language learner law course. Lastly, related to an English language learner degree, Alabama does not have any degree-granting institutions and Georgia and Florida both have two.
Only one of the institutions in Georgia and Florida requires a law course. One in Georgia requires an exceptional child and one in Florida requires a law-specific course.

**National Trends**

The United States is made up of 12 U.S. circuit courts. When looking collectively at all 12 circuit courts, there are a total of 1,204 degree-granting institutions that offer an undergraduate general education licensure program (Table 7). Of the 1,204 degree-granting institutions, 622 (51.66%) require some type of law course. The 622 courses that are required break down as follows: 76 (12.22%) law specific, 317 (50.96%) general law, 399 (64.15%) exceptional child, and 43 (6.91%) English language learner.

In comparison with national trends, the Fifth and Eleventh Circuits are mostly in alignment with the national trends. Both circuits are either slightly above or below the national averages. There is an exception in the Eleventh Circuit, specifically in degree-granting institutions that require general education teachers to take an English language learner course. The national average is 6.91%; however, the Eleventh Circuit has 24.24% of degree-granting institutions that require a law course in English language learner. This outlier can specifically be drilled down to Florida. In Florida, 88.89% of the degree granting institutions require a course in English language learner.
Table 7

Law class requirements of general education teacher licensure programs in the United States grouped by U.S. circuit court

<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=622)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>1st</td>
<td>73</td>
<td>44</td>
</tr>
<tr>
<td>2nd</td>
<td>125</td>
<td>66</td>
</tr>
<tr>
<td>3rd</td>
<td>120</td>
<td>76</td>
</tr>
<tr>
<td>4th</td>
<td>117</td>
<td>38</td>
</tr>
<tr>
<td>5th</td>
<td>100</td>
<td>49</td>
</tr>
<tr>
<td>6th</td>
<td>134</td>
<td>73</td>
</tr>
<tr>
<td>7th</td>
<td>119</td>
<td>60</td>
</tr>
<tr>
<td>8th</td>
<td>149</td>
<td>95</td>
</tr>
<tr>
<td>9th</td>
<td>79</td>
<td>40</td>
</tr>
<tr>
<td>10th</td>
<td>79</td>
<td>46</td>
</tr>
<tr>
<td>11th</td>
<td>103</td>
<td>33</td>
</tr>
<tr>
<td>All Circuits</td>
<td>1204</td>
<td>622</td>
</tr>
</tbody>
</table>

As it relates to special education undergraduate degree-granting institutions across the 12 U.S. circuit courts, there are a total of 532 institutions (Table 8). Of the 532 institutions, 397 (74.62%) require some level of law course. The 397 required courses are 46 (11.59%) law specific, 128 (32.24%) general law, 326 (82.12%) exceptional child, and 16 (4.03%) English language learner.
Table 8
Law class requirements of special education teacher licensure programs in the United States grouped by U.S. circuit court

<table>
<thead>
<tr>
<th>Special Education Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=397)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Degree granting institutions</td>
</tr>
<tr>
<td></td>
<td>n</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>0</td>
</tr>
<tr>
<td>1st</td>
<td>37</td>
</tr>
<tr>
<td>2nd</td>
<td>41</td>
</tr>
<tr>
<td>3rd</td>
<td>71</td>
</tr>
<tr>
<td>4th</td>
<td>40</td>
</tr>
<tr>
<td>5th</td>
<td>46</td>
</tr>
<tr>
<td>6th</td>
<td>49</td>
</tr>
<tr>
<td>7th</td>
<td>77</td>
</tr>
<tr>
<td>8th</td>
<td>59</td>
</tr>
<tr>
<td>9th</td>
<td>27</td>
</tr>
<tr>
<td>10th</td>
<td>31</td>
</tr>
<tr>
<td>11th</td>
<td>54</td>
</tr>
<tr>
<td>All Circuits</td>
<td>532</td>
</tr>
</tbody>
</table>

The Fifth and Eleventh Circuits mostly are commensurate with the national data. In general, the two circuits are either slightly higher or lower than the national averages. However, there are a few outliers in the data. Specifically, in the Eleventh Circuit there were significantly fewer degree-granting institutions that require any level of a law course. The national average is 74.62% and the Eleventh Circuit is 46.30%. Furthermore, the Eleventh Circuit’s law-specific courses are higher than the national average but lower than the national average in general law.
The Fifth Circuit is not an outlier in this area and is more aligned with the national data related to general law.

English language learner undergraduate licensure programs across all 12 U.S. circuit courts are offered by 532 degree-granting institutions (Table 9). Of the 532 degree-granting institutions, 397 (74.62%) require some type of law course. The 397 courses break down as follows: 6 (10.91%) law specific, 23 (41.82%) general law, 43 (78.18%) exceptional child, and 3 (5.45%) English language learner.

In comparison with the national data, the Fifth and Eleventh Circuits present some patterns that do not always follow the national trends. Specifically, to the Fifth Circuit, 75% of the degree-granting institutions require a law course in comparison to the national average of 65.48%. The Eleventh Circuit goes in the opposite direction and 50% of the degree-granting institutions require a law class of some type. The Fifth and Eleventh Circuits are both higher than the national average for law-specific courses. The national average is 10.91%, and the Fifth Circuit is 22.22% and the Eleventh Circuit is 50%. However, the percentage for the Eleventh Circuit should be viewed with caution because there are only two degree granting-institutions that require a law class overall.

Another area where difference was noticed is in the Eleventh Circuit; that no classes are required in general law, whereas the national average is 41.82%. A final overall theme that was observed across all U.S. circuits is the lack of required courses in English language learner.
Table 9
Law class requirements of ELL teacher licensure programs in the United States grouped by U.S. circuit court

<table>
<thead>
<tr>
<th>English Language Learner Licensure Program</th>
<th>Type of law class required in programs that require a law class (n=55)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degree granting institutions</td>
<td>Education Law Specific</td>
</tr>
<tr>
<td></td>
<td>n</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>0</td>
</tr>
<tr>
<td>1st</td>
<td>3</td>
</tr>
<tr>
<td>2nd</td>
<td>14</td>
</tr>
<tr>
<td>3rd</td>
<td>3</td>
</tr>
<tr>
<td>4th</td>
<td>2</td>
</tr>
<tr>
<td>5th</td>
<td>12</td>
</tr>
<tr>
<td>6th</td>
<td>12</td>
</tr>
<tr>
<td>7th</td>
<td>10</td>
</tr>
<tr>
<td>8th</td>
<td>11</td>
</tr>
<tr>
<td>9th</td>
<td>7</td>
</tr>
<tr>
<td>10th</td>
<td>6</td>
</tr>
<tr>
<td>11th</td>
<td>4</td>
</tr>
<tr>
<td>All Circuits</td>
<td>84</td>
</tr>
</tbody>
</table>

Principal Preparation Programs

Another lens through which to view law course requirements is administrator/principal preparation programs. Specifically, principal preparation programs were researched and chunked together based on the 12 U.S. circuit courts. In total there are 607 degree-granting institutions offering an administrator/principal preparation program across 12 U.S. circuit courts (Table 10). Of the 607 degree-granting institutions, 586 (96.54%) of them require a law course of some type.
The courses were identified as a law course based on the course description including “law” or “legal.” Two categories were used to determine the type of law content that was addressed in the course: law specific and exceptional child. A law-specific course accounts for 574 (97.95%) courses and 66 (11.26%) are exceptional child. The overall national averages were used to compare within each individual U.S. circuit court. When all 12 U.S. circuit courts were compared to the national averages, there was not much variance. In general, if a degree-granting institution in any of the 12 U.S. circuit courts territories has an administrator/principal preparation program, they most likely require a law class and a vast majority of the time it is a law-specific class. There was some variance in the requirement of an exceptional child law course. The requirement of an exceptional child class ranged from 0% to 22.92% of the degree-granting institutions mandating the course.

Overall the Second U.S. circuit court has the highest demand for law course requirements in both categories, which included 48 (100%) law specific and 11 (22.92%) exceptional child. The District of Columbia has the lowest demand for exceptional child in that no degree-granting institutions require a law course in this area. However, this data should be viewed with caution as there are only four degree granting institutions in the District of Columbia offering an administrator/principal preparation program. The District of Columbia, the First, Second, Sixth, Ninth, Tenth, and Eleventh Circuits have the highest demands for law-specific courses in that 100% of the degree-granting institutions require a law course in this area.
Table 10
Law class requirements of administrator/principal licensure programs in the United States grouped by U.S. circuit court

<table>
<thead>
<tr>
<th>District of Columbia</th>
<th>Law Class Required</th>
<th>Education Law Specific</th>
<th>Exception Child</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>Administrator/Principal Licensure Program</td>
<td>Degree granting institutions</td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>4</td>
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<tr>
<td>9th</td>
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<td>96.00%</td>
<td>72</td>
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<tr>
<td>10th</td>
<td>47</td>
<td>91.49%</td>
<td>43</td>
</tr>
<tr>
<td>11th</td>
<td>48</td>
<td>97.92%</td>
<td>47</td>
</tr>
<tr>
<td>All Circuits</td>
<td>607</td>
<td>96.54%</td>
<td>574</td>
</tr>
</tbody>
</table>

In the collection of data for both degree-granting programs of teachers and administrators/principals across the 12 U.S. circuit court territories, a specific pattern started to develop (Table 11). Data was collected in four categories for teacher preparation programs, which included law specific, general law, exceptional child, and English language learner. For administrator/principal preparation programs for principals, two categories were used to collect data: law specific and exceptional child. After the data was collected, a stark difference in the data was revealed in the law-specific category when comparing teacher and administrator/principal preparation programs. Baccalaureate programs in degree-granting
institutions require general law 76 (12.14%), special education 46 (11.59%), and English
language learner 6 (10.91%) law courses in the category of law specific. Comparatively,
administrator/principal degree-granting institutions (specifically for principals) requires 574
(97.95%) law courses in the category of law specific. Overall, when compared with data from
across all 12 U.S. circuit courts, administrator/principal programs are almost eight times more
likely to require a law specific course than baccalaureate programs general education, special
education, or English language learner.

Table 11
Comparison of law-specific courses in teacher preparation programs versus
administrator/principal preparation programs

<table>
<thead>
<tr>
<th></th>
<th>Education Law Specific for General Education Licensure Program</th>
<th>Education Law Specific for Special Education Licensure Program</th>
<th>Education Law Specific for English Language Learner Licensure Program</th>
<th>Education Law Specific for Administrator/Principal Licensure Program</th>
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<td>5</td>
<td>20.00%</td>
</tr>
<tr>
<td>All Circuits</td>
<td>76</td>
<td>12.22%</td>
<td>46</td>
<td>11.59%</td>
</tr>
</tbody>
</table>
Discussion

Addressing Research Questions

Research Question 1

Q1: What are patterns of law-specific classes that future teachers are required to take in a teacher preparation program in the Fifth and Eleventh Circuits?

Q1a: How do the patterns of law-specific classes compare between future general education, special education, and English language learner teachers in teacher preparation programs in the Fifth and Eleventh Circuits?

The Fifth Circuit is made up of Louisiana, Mississippi, and Texas. The Eleventh Circuit is made up of Alabama, Georgia, and Florida. When comparing the two circuits, patterns of what type of law course is required for future teachers to take were commensurate between the circuits. Law courses that are common among the circuits include law specific, general law, exceptional child, and English language learner. Differences in the data surfaced when the type of law class required was looked at based on the type of teacher licensure program. The teacher licensure programs explored included general education, special education, and English language learner.

As it relates to general education licensure programs, the Fifth and Eleventh Circuits share some commonalities. Collectively, of the 82 degree-granting institutions in the Fifth and Eleventh Circuits combined, the Eleventh Circuit has a higher percentage of institutions that require some type of law class. The Eleventh Circuit requires 11 (33.33%) law specific, 16 (48.48%) general law, 23 (69.70%) exceptional child, and 8 (24.24%) English language learner courses. Comparatively, the Fifth Circuit requires less: 8 (16.33%) law specific, 21 (42.86%) general law, 28 (57.14%) exceptional child, and 1 (2.04%) English language learner courses. Though overall patterns in the data between the two Circuits are similar, the largest difference
observed in the data is related to a required law course in English language learner. The Eleventh circuit requires significantly more future educators in general education to take an English language learner class that includes law content.

Special education licensure programs painted a different picture between the Fifth and Eleventh Circuits. Combined, the Fifth and Eleventh Circuits have a total of 55 degree-granting institutions; however, the Fifth Circuit has more required law courses required in more categories. The Fifth Circuit requires 11 (39.29%) general law and 28 (93.33%) exceptional child courses. The Eleventh Circuit does require more law courses in the area of law specific, 5 (20%). Both circuits weighed in the same related to English language learner law courses in that neither requires the course for a special education degree.

Lastly, licensure programs for English language learner teachers among the Fifth and Eleventh Circuits mirror similar data as the special education licensure law course requirements. Collectively, the Fifth and Eleventh Circuits had a combined total of 11 degree-granting institutions that require some type of law course for an English language learner degree. The Fifth Circuit requires more law courses in two of the three categories, which include four (44.44%) general law and six (66.67%) exceptional child. The Eleventh Circuit does require more law courses in the area of law specific, which includes 1 (50%). However, this data should be viewed with caution as there are only two degree-granting institutions in the Eleventh Circuit for an English language learner degree. Similar to the special education licensure programs, neither circuit requires any law course in English language learner for an English language learner degree.
Research Question 2

Q2: How do the educational legal literacy course requirements for pre-service teachers compare between teacher preparation programs across all 12 U.S. circuit courts?

Q2a: How do the patterns of law-specific classes compare between future general education, special education, and English language learner teachers in teacher preparation programs across all 12 U.S. circuit courts?

The 12 U.S. circuit courts cover all 50 states, the District of Columbia, and the territories of Guam, Puerto Rico, and Virgin Islands. When data was compared between the 12 U.S. circuit courts, a pattern surfaced in the data related to the type of law-specific classes future teachers are required to take to obtain a degree. Law courses that are common across all 12 U.S. circuit courts include law specific, general law, exceptional child, and English language learner. Similar to when the Fifth and Eleventh Circuits were compared related to required law courses, patterns of similarities and differences surfaced after exploring required law classes between general education, special education, and English language learner degrees across all 12 U.S. circuit courts.

Related to general education licensure programs, all 12 U.S. circuit courts share some commonalities and differences. All circuits combined equate to 1,204 degree-granting institutions, in which 622 (51.66%) require some level of law course for general education certification. Required law courses were broken into four categories: law specific, general law, exceptional child, and English language learner. Across all circuits of the 622 required law courses, 76 (12.22%) are law specific, 317 (50.96%) general law, 399 (64.15%) exceptional child, and 43 (6.91%) English language learner.

Special education licensure programs presented a different data picture across the 12 U.S. circuit courts. Altogether, the Circuits collectively equal a total of 532 degree-granting
institutions. Of the 532, a total of 397 (74.62%) require some level of law course for special education certification. The required law courses were broken into the same four categories outlined in general education, which included law specific, general law, exceptional child, and English language learner. Including all the circuits, the 397 institutions that require law courses break down to the following: 46 (11.59%) law specific, 128 (32.24%) general law, 326 (82.12%) exceptional child, and 16 (4.03%) English language learner.

Licensure programs for English language learner mirror similar results to special education licensure programs. Combined, the 12 U.S. circuit courts have a total of 84 degree-granting institutions. Out of the 84, a total 55 (65.48%) institutions mandate some type of law course for an English language learner degree. The same four categories of law courses were used for general education and special education, including law specific, general law, exceptional child, and English language learner. Collectively, the 55 institutions courses fell within the following categories: 6 (10.91%) law specific, 23 (41.82%) general law, 43 (78.18%) exceptional child, and 3 (5.45%) English language learner.

**Research Question 3**

Q3: What patterns are present in law-specific courses in educator preparation programs for future teachers compared to future administrators/principals across all 12 U.S. circuit courts?

The next step to explore was how did teacher preparation programs and administrator preparation programs compare, specifically for principals. In total there are 607 degree granting-institutions for administrator/principal licensure programs across all 12 U.S. circuit courts. Of the 607 institutions, 586 (94.54%) require a law course of some type. In comparison, overall about half of the institutions for teacher licensure programs require a law course of some type. Specifically, 622 (51.66%) for general education, 397 (74.62%) for special education, and
55 (65.48%) for English language learner degrees. Another pattern that surfaced is the difference between categories for required law courses when compared between administrator/principal and teacher (general education, special education, English language learner) licensure programs. Required law courses fell into two categories for administrator/principal licensure programs, including law specific and exceptional child/special education law. In comparison, teacher required law courses fell into four categories, including law specific, general law, exceptional child, and English language learner. The administrator/principal and teacher licensure programs had two categories in common law specific and exceptional child/special education law.

When the two categories were compared across administrator/principal and teacher licensure programs, outcomes were significantly different. On average, across all 12 U.S. circuit courts in the administrator/principal licensure programs, 97.95% require a law-specific class. In comparison to teacher licensure programs, for general education programs 12.22%, special education 11.59%, and English language learner 10.91%. Furthermore, related to an exceptional child/special education law course, administrator/principal licensure programs required 11.26%. For teacher licensure programs, an exceptional child/special education law course for general education teachers represented 64.15%, special education teachers 82.12%, and English language learner teachers 78.18%.

Overall, across both categories of law courses for administrator/principal licensure programs, there was not much variance of the data across the 12 U.S. circuit courts. For example, in the law specific category for administrators/principals, the range included 90.70% - 100%. In the exceptional child/special education law category, the range included 0 - 22.92%. There was more variance in the two categories of law courses for teachers between the different
types of degrees. In the law specific category for teachers for general education, the range included 0 - 40%, special education 0 - 31.58%, and English language learner 0 - 50%. In the category of exceptional child/special education law for general education teachers, the range included 50.68% - 100%, special education 0-100%, and English language learner 0 - 100%.

**General Discussion**

After required law courses were explored for all 12 U.S. circuit courts for teachers, the data indicated that about half of all undergraduate teacher licensure programs require a law course of some sort. Data was also compared between the 12 U.S. circuit courts for administrator/principal preparation programs, which revealed a drastically different data pattern compared to teachers. The first observed pattern was the different types of required law courses administrators/principals must take to obtain a degree. Unlike the pattern that unfolded in the teacher data, a majority of the time required law courses for administrators/principals fell into one of two categories rather than four categories. The two categories for administrators/principals included law specific and exceptional child/special education law. The two categories that developed out of the administrator/principal licensure programs were two of the four that emerged from teacher licensure programs.

The next pattern observed was that administrators/principals had higher expectations related to required law courses. Graduate administrator programs for principals required significantly more required law courses. Collectively, the 12 U.S. circuit courts have 607 degree- granting institutions and 586 (96.54%) require a law course of some degree. Further exploration found that 574 (97.95%) are law specific. Law-specific courses for general education certification are 12.22%, special education certification 11.59%, and English language learner certification 10.91% of the required courses. This presents a significant difference in the
level of required law courses specifically in law-specific areas between administrators/principals and teachers (general education, special education, and English language learner). This pattern observed in the data may serve as a starting point for addressing the need to increase educators' level of legal literacy.

Interestingly enough, even though administrators/principals are required to take more law-specific courses, previous research indicated that they do not feel adequately prepared in the use of educational law (Militello et al., 2009). This then highlights that there must be more to the equation to sufficiently prepare educators, including teachers, related service providers, and administrators/principals, to be legally literate. In turn, this leads back to the beginning of the process in that developing an educator who is legally literate results in the ability to obtain and retain educational law knowledge to proactively identify legal issues, assess the situation, and apply educational law and guidelines to resolve and intervene in a potential violation of any stakeholder’s rights. Consequently, even though law classes are required for some educators, they have not been demonstrated to be a means to the end. Overall, though many degree-granting institutions require some type of law course, it clearly is not making a big enough impact. It is imperative that the current system begin to include more in-depth instruction in educational law courses to have long-lasting impacts for future educators. More meaningful learning must begin to be included in required law courses for future educators that allows them to understand the law and helps them practice implementing the law. Until then, it is evident the learning, assessing, and applying of educational law must extend beyond the walls of the college and university settings.
Limitations

One limitation of this study includes the extensive diversity of different degrees in both teacher and administrator/principal programs. For both degrees there are multiple means to obtain a teacher or administrator/principal license. For example, both degrees have tracks to complete through a traditional model including a four-year undergraduate degree for teachers and a two-year graduate degree for administrators/principals. In addition, through research it was discovered that both degrees also have alternative certification processes that result in a degree. Furthermore, some areas did not offer a degree, only a certification, such as English language learner teachers. Therefore, this presented a challenge when collecting data. Ultimately it was determined to collect data only on baccalaureate degrees for teachers and graduate master’s level degrees for principals. However, at times it should be noted it was difficult to determine what type of path was taken to seek a given degree.

Another limitation that surfaced out of this study that also related to types of degrees was dual certification degrees. For example, some institutions offered an undergraduate general education bachelor’s degree that also included special education licensure. Furthermore, this varied from state to state and at times within states. This presented a challenge on how to exactly code the data in the initial data collection process. In addition, during the initial data collection phase, course descriptions were solely relied on to determine if a course was a law course. This presented another limitation to the study in that it could only be inferred that law content was taught in the course based on how the course catalog defined the course. Conversely, the practice of using only “law” or “legal” in the course title and/or description limits the search for courses that may be required that include law content in the course but does
not include it in the description. This alone can impact the accuracy of the data related to required law courses that teachers and administrators/principals must take in their coursework.

Lastly, perhaps the most significant limitation that overarches the entire data collection process is that it was conducted by six researchers. Though the intent was to ensure data was accurate, when a number of researchers are involved in a large-scale data collection effort, human error will come into play. The six researchers did create decisionary rules for the data collection and coding process with the intent to control for human error. However, it must be recognized that this is a limitation that cannot be fully controlled for in a large scale study.

**Future Research Areas**

This study shed light on possible future research areas. One area where future research could potentially provide further understanding is digging deeper into the institutions that require a law-specific course for teachers across all three degrees, including general education, special education, and English language learner. The investigation of what law content is explored in the course could be beneficial for the progression of creating educators who are legally literate. In addition, targeting this group who are exposed to a law-specific class by surveying them could potentially provide additional insight. Altogether, looking at this area more closely could provide potential next steps.

Furthermore, another area to target for future research includes learning more about the content in the law-specific classes that administrators/principals are required to take in a principal preparation program. Exploring the content of this required course could provide direction for undergraduate institutions on what course content related to education law would be beneficial to add in current or new courses. Learning from this same area, it could be beneficial to learn from active administrators/principals in the field of education who have taken a required
law course. Some things to learn from them may include knowledge of educational law and level of confidence in applying the law. As well, it could be helpful to learn if they are not confident in using the law, what types of learning opportunities and professional development do they feel that would be needed in order to be more confident.

Lastly, a review of the literature revealed that there are only two major national studies in the area of legal literacy in education (Gajda, 2008; Schimmel & Militello, 2007). This national survey of law courses required for future teachers and administrators/principals highlighted the future need to continue legal literacy research at a national level. This study uncovered how drastically different requirements are across the nation. A similar exploration at the national level could help uncover more areas to tackle related to legal literacy, such as an updated study of what the licensure requirements for teachers and administrators are across the nation. Another area that could be explored could include targeting educators across the nation who do feel confident in their law knowledge and assess why they feel confident in their law knowledge.

**Concluding Remarks**

Results of this study yet again demonstrate that the field of education does not equip educators with adequate pre-service learning opportunities to increase their legal literacy. Though it was discovered through this study that administrators/principals are required to take more law courses of some types in comparison to teachers, research has demonstrated that is not enough, as even administrators may feel that they lack sufficient legal literacy at times. Educators (including teachers, related service providers, and administrators) can no longer wait on university training programs to respond to this immediate need. On a daily basis educators encounter situations that require them to make legal decisions, yet they are not prepared. Immediate action has to occur to begin to protect the rights of all stakeholders in the field of
education. A change to federal or state mandates for licensure requirements and/or advances in curriculum at the college/university level is not the immediate fix. A building block that can be acted upon now to increase legal literacy in the education field is ongoing professional development. Professional development must provide learning opportunities that facilitate the ongoing learning of legal knowledge, how to assess a situation, and how to apply educational law with the intent to protect all stakeholders’ rights.
References


PAPER 3

SELF-EFFICACY AND ADULT LEARNING THEORY INFUSED: THE BUILDING BLOCKS OF A PROFESSIONAL DEVELOPMENT PLAN TO INCREASE LEGAL LITERACY

Introduction

The last part of this dissertation provides a stand-alone in-service professional development targeted towards increasing the legal literacy of educators, including teachers, related service providers, and administrators, who are currently working in the field. However, to set up the research background for the professional development, information related to self-efficacy theory and adult learning theory are presented. After the short presentation of those two theories, the reader will transition into a stand-alone manual that can be used for the in-service professional development. The professional development utilizes both self-efficacy theory and adult learning theory to ensure the most robust training experience possible. The professional development manual presents one module that can be delivered by an educator with sufficient legal knowledge. An educator delivering this information could include a district-level administrator or a building administrator. The educator can deliver the content to participants after background knowledge has been provided by a qualified legal representative, such as a school district attorney. The module should take approximately two hours to present and covers the topic of student discipline related to laws and guidelines that govern due process and search and seizure rights of students.
Supporting Research

Over the years, a large body of research has been accumulated related to the level of legal literacy of educators. A number of ideas have surfaced out of that research. One overarching theme that surfaced is highlighted by the work of Schimmel and Militello (2007) and Militello et al. (2009), who demonstrated that there is a lack of requirements for teachers and administrators/principals to sustain and increase their legal literacy. No longer can the field of education wait for states and institutions to take action to efficiently address this need. At this point in time, it is critical for education systems at the local level to push forward in order to help foster the legal literacy of educators. In order to take this action, it is necessary to first explore what it entails to gain and retain knowledge. Once this is understood, then it is important to examine different types of learning experiences that can be used to positively impact educators’ overall legal literacy. In turn, this will provide concurrent guidance on creating and implementing high-quality professional development that has lasting effects on educators in increasing their legal literacy.

Implications of Knowledge

Knowledge plays a critical role in determining what action is taken in a given situation. However, it must first be understood what knowledge is and how it is obtained. Shuell (1990) contends that knowledge is built through gradual learning by an individual. The individual begins to assemble pieces of information into a new schema that provides a framework to work from until a deeper understanding is obtained over time and the information becomes automatic to them. Essentially, gaining knowledge is a progression that occurs for an individual from initially encountering a complex body of knowledge that is new to building on so much that the individual can become an expert in the body of knowledge. Over time, the individual becomes
an expert in the body of knowledge and progresses to a point where it becomes automatic (Shuell, 1990).

As an individual progresses through learning and builds knowledge, the individual begins to group and organize facts and builds them into higher order structures. Shuell’s (1990) work explored the idea that there are three phrases to learning and building knowledge. The first phase is the initial phase in which the individual engages in the only act that is reasonable, which includes memorizing facts and using pre-existing schemata to attempt to understand isolated pieces of information. The second phase is the intermediate phase. During this phase the individual begins to gradually observe and interpret similarities and relationships between isolated pieces of information. The final phase is the terminal phase. The final phase involves the individual using the knowledge that has been developed during the intermediate phase to integrate information at a higher level and uses the knowledge to function more automatically (Shuell, 1990). Understanding how knowledge is obtained provides direct guidance on what the end result of professional development should include for educators. Specifically, professional development needs to create ongoing learning that creates an educator who is able to automatically respond with accurate information.

Self-Efficacy Theory

Self-efficacy theory provides another means to help structure future, high-quality professional development for educators. Self-efficacy is understood as beliefs that help an individual to determine how they feel, think, and motivate themselves and ultimately how they will respond. Self-efficacy is directly impacted by four factors that determine the level of an individual’s self-efficacy. Bandura’s work (1977) identified four main factors or sources that influence an individual’s self-efficacy: mastery experiences, vicarious experiences, verbal
persuasion, and emotional and physiological states (Ackerman, 2019; Bandura, 1994; Shahzad & Naureen, 2017; Tschannen-Moran & McMaster, 2009).

The first and perhaps the most impactful factor that increases the level of self-efficacy is mastery experiences. Bandura suggested that the most influential factor that can impact self-efficacy is an individual's personal mastery experiences because they provide the most pure opportunity of whether an individual can experience success in a particular task or event (Bandura, 1997). The idea of mastery experiences positively impacting the levels of self-efficacy occurs when an individual engages in a task or decision that requires them to use their knowledge to make the best decision. The success one experiences through this process then creates learning opportunities that build proficiency in that particular task or decision. The mastery experience is then used in the future to help support individuals in a similar task or decision that needs to be made. Essentially, the individual's self-efficacy level is higher because the individual has experienced success in a particular situation (Bandura, 1997).

Another factor that impacts self-efficacy is vicarious experiences. The end product of vicarious experiences includes having a role model to observe and replicate (Ackerman, 2019). Bandura (1995) identified that vicarious experiences are most impactful provided by a social model. The idea of having positive role models to observe and emulate, who present high levels of self-efficacy that others observe and embrace, can then be projected into the observers’ own self-efficacy (Ackerman, 2019). Essentially the interaction includes an individual observing a role model who experiences success in a situation. That in turn generates positive thoughts and motivates others to engage with higher levels of self-efficacy (Shahzad & Naureen, 2017). Bandura’s (1994) work further suggested that an individual seeing people who are similar to themselves be successful provides the observer with insight that they also have the ability to
possess and experience the same level of success. The most impactful vicarious experiences can come from a large range of interactions including, but not limited to, teachers, administrative staff, coaches, mentors, and counselors in the educational setting (Ackerman, 2019).

A third factor that impacts self-efficacy is the use of social persuasion. Social persuasion is the way in which an individual can use encouragement and support to strengthen an individual’s beliefs that they have the ability to succeed in something (Bandura, 1994). An individual's self-efficacy level can be strengthened by showing appreciation for and providing encouraging thoughts and remarks to help increase the confidence level of another individual (Shadzad & Naureen, 2017). Bandura’s (1994) work demonstrates that individuals are persuaded and convinced that they can complete something successfully when others verbally persuade them that they have the ability to demonstrate mastery in a task or activity. In addition, this type of interaction then creates less self-doubt in an individual and is likely to prevent them from dwelling on areas of deficiency.

The fourth and final factor that has the ability to impact self-efficacy is the role an individual’s own emotional and physiological states play on their self-efficacy (Ackerman, 2009). Bandura (1994) contended individuals rely on their own emotional and somatic states to help determine their own abilities. Essentially, an individual uses their own feelings and interpretation of their level of stress to a situation to determine if they performed in a poor manner.

The role of an individual's emotional and physiological state can encompass a number of feelings and emotions that have a direct impact on an individual's level of self-efficacy. Such states may include an individual's levels of anxiety, stress, fatigue, and mood. Different states of emotion can have the potential to undermine an individual's level of self-efficacy (Usher &
Pajares, 2008). Bandura (1997) found that individuals are likely to function at an optimal level when their emotional and physiological state is neither too high nor too low, which suggests that strengthening an individual's emotional and psychological well-being will have a positive impact on strengthening an individual’s level of self-efficacy.

**Adult Learning Theory**

Adult learning theory provides yet another layer to reinforce future professional development for educators with the intent to strengthen legal literacy. Adult learning theory explores the idea that adults learn differently from kids. It is critical to understand the main concepts of adult learning theory to help drive the development of a results-driven professional development. Drago-Severson (2009) created a model for adult development and learning by creation of four pillar practices: teaming, providing adults with leadership roles, engaging in collegial inquiry, and mentoring. The overarching theme between the four pillars is that they require adults/participants of a professional development to collaborate and participate in reflective practices (Drago-Severson, 2008).

The first pillar teaming entails adults building relationships with each other, engaging in clear and open communication, engaging multiple perspectives, and developing awareness of how others are thinking. The second pillar demands the development of leadership roles. This pillar pushes educators to take on roles and tasks that require them to lead. This develops self-awareness and new skills on ways to engage with colleagues. The third pillar dictates the need to develop meaningful and engaging conversations about practice. This pillar creates opportunities for adults to dialogue with each other and engage in conflict resolution and decision making. The final pillar is mentoring. Mentoring creates learning opportunities that help build collegial
relationships while learning together and strengthening the overall organization (Drago-Severson, 2009).

**Concluding Remarks**

In summary, Bandura’s (1977) work related to self-efficacy theory can be used to help drive the development of future legal training for teachers and administrators/principals. Specifically, four critical components from self-efficacy theory that must be considered in the creation of professional development include authentic mastery experiences, vicarious experiences, verbal persuasion, and physiological and affective states. In addition, coupling self-efficacy theory with adult learning theory will further strengthen the potential long-lasting outcomes of professional development created to increase educators' legal literacy. It is critical to include the four pillars of adult learning theory including teaming, leadership roles, collegial inquiring, and mentoring. The two theories were used to develop learning opportunities for current and future educators, including teachers, related service providers, and administrators. The stand-alone professional development manual is presented in the Appendix.
References


APPENDIX

SAMPLE PROFESSIONAL DEVELOPMENT MODULE
Building Blocks of Increasing Your Legal Literacy in Education
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- Block 2: Student Freedom of Expression
- Block 3: Educator Freedom of Expression
- Block 4: Religion and Education
- Block 5: Educator Rights as a Serving State Employee
- Block 6: Special Education and English Language Learners
- Block 7: Student Discipline and Search and Seizure
- Block 8: Educator & Student Discrimination and Harassment
- Block 9: Abuse and Neglect
- Block 10: Liability of Student Injury
- Block 11: Student Confidentiality Rights

Sample Lesson Plan Building Block 6: 8-9
Student Discipline & Search and Seizure

Appendix A: Block 6 Sample Lesson Materials 10-20
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. This resource can be used by any educator to facilitate learning with educators after they have been provided an overview of legal literacy from qualified legal personnel such as a school district attorney.
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.
Kupfer and Rollerson (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><strong>Self-Efficacy Theory</strong></th>
<th><strong>Adult Learning Theory</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaming</td>
<td>Mastery Experiences</td>
</tr>
<tr>
<td></td>
<td>Create opportunities for participants to use their knowledge to make the best decision for a scenario.</td>
</tr>
<tr>
<td>Leadership Roles</td>
<td>Vicarious Experiences</td>
</tr>
<tr>
<td></td>
<td>Create opportunities for participants to serve as role models that others observe and can replicate positive outcomes.</td>
</tr>
<tr>
<td>Collegial Inquiry</td>
<td>Verbal Persuasion</td>
</tr>
<tr>
<td></td>
<td>Support participants in using verbal and nonverbal communication that they have the ability to demonstrate mastery in a task or activity.</td>
</tr>
<tr>
<td>Mentoring</td>
<td>Physiological &amp; Affective States</td>
</tr>
<tr>
<td></td>
<td>Create opportunities where participants assess in a scenario how they may feel including an individual's levels of anxiety, stress, fatigue, and mood.</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. The delivery of content in each block may be accommodated based on the needs of the participants. Scenarios included in the professional learning should be tailored to meet the needs of the individual participants including teachers, related service providers, and administrators. Scenarios included were developed based on past law proceedings. Additional scenarios could be included utilizing current case law proceedings.

**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.

- Ongoing evaluation of legal literacy must be measured to insure long term effects. Short, medium, and long term evaluation must be included in the learning process to continuously assess impacts of professional learning around legal literacy. Short term evaluation is provided through each block by the participants accurately engaging in role plays related to law scenarios. Effectiveness along the way can be assessed formatively by providing check points with educators. For example revisit scenarios that have been explored in the past and have educators revisit in a role play or participants can complete an exit ticket to demonstrate legal knowledge around a scenario. The long term impact for an education organization is the number of formal complaints and litigation cases will decrease over time.
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**: Introduction to Legal Literacy for Educators
- **BLOCK 2**: Student Freedom of Expression
- **BLOCK 3**: Educator Freedom of Expression
- **BLOCK 4**: Religion and Education
- **BLOCK 5**: Educator Rights as a Serving State Employee
- **BLOCK 6**: Special Education and 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>Introduction to Legal Literacy for Educators</th>
<th>Introduction of past research of legal literacy in the education field and how legal literacy impacts the rights of all stakeholders in the education field.</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLOCK 2</td>
<td>Student Freedom of Expression</td>
<td>Exploration of the rights students have in the public school setting related to free expression rights under the First Amendment.</td>
</tr>
<tr>
<td>BLOCK 3</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 4</td>
<td>Religion and Education</td>
<td>Exploration of how religion impacts both students and educators's actions in the public school setting.</td>
</tr>
<tr>
<td>BLOCK 5</td>
<td>Educator Rights as a Serving State Employee</td>
<td>Exploration of how an educator's life choices and conduct outside the public school setting is impacted by being a state employee.</td>
</tr>
<tr>
<td>BLOCK 6</td>
<td>Special Education and English Language Learners (ELL)</td>
<td>Exploration of the rights of special education and 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 schools' 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 laws and guidelines that govern student due process and search and seizure rights. Participants will be able to correctly role play scenarios related to due process and search and seizure 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 the two areas such as a building administrator or dean of students. As a group, they will identify all knowledge that they collectively have about due process and search and seizure.</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 due process rights of students. The scenario will include a student that engaged in a behavior infraction and was issued a consequence. <em>Repeat with search and seizure scenario</em></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 due process scenario presented. As reflective conversations are held, the instructor will serve as a model of how to apply the law to the scenario. <em>Repeat with search and seizure scenario</em></td>
</tr>
</tbody>
</table>
| Present similar scenario and have participants role-play how they would respond while other watch | Participants will remain in heterogeneous grouping. A new due process 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.  
*Repeat with search and seizure scenario* |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SEAL Components: Teaming, Leadership Role, Collegial Inquiry, Mastery Experiences, Vicarious Experiences, Verbal Persuasion</td>
<td></td>
</tr>
</tbody>
</table>
| Reflect as a group on how the interaction went | Participants will return to the large group and return to the initial activity of activating knowledge about due process. 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 due process scenario. 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.  
*Repeat with search and seizure scenario* |
**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 participants’ legal literacy to ensure rights of all stakeholders are honored.
06 Student Discipline

Due Process and Search & Seizure

**Presenter Notes:** The purpose of Building Block 6 is to help increase participants’ legal literacy in the areas of due process and search and seizure.
SLIDE 3

- You will be able to identify the laws and guidelines that govern student due process and search and seizure rights.

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

**Presenter Notes:** Introduce learning targets to participants. Explain to participants they will increase their legal knowledge in due process and search and seizure rights of students. 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.
Write down what you know

**Presenter Notes:** Group participants into heterogeneous groups. Specifically include at least one member in each group that has served in a leadership role related to student discipline such as a principal or dean of students. Groups together will engage in the “knowledge activator” activity. As a group, they will identify all the knowledge and experience they have about due process and search and seizure. Participants will share out to make a whole group list for both topics. (This activity will be revisited later in the building block.)
Scenario

Sally Snippy, a 8th grade student had a parent meeting scheduled to discuss how she was performing academically. Sally's parents, Sally, her teachers and Dean of Students joined the team meeting via Zoom. During the meeting, the Dean of Students shared with the team the student received a discipline referral for using expletives while attending class remotely on a Zoom call. The Dean of Students indicated the student would receive one day external suspension. This was the first time the parents and the student heard about the infraction. At the meeting, Sally reported she did not engage in the behavior.

**Presenter Notes:** As a whole group, present due process 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 due process rights honored?

- Does Sally Snippy have the right to some type of due process before being suspended for one day?

- Before being suspended does the Dean of Students have to investigate the infraction including hearing Sally’s side of the story?

- If Sally had an individual education plan would she have additional due process rights?

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

- **Due Process**: Students are entitled due process rights if facing suspension.

- **Informal Notice & Hearing (1-10 Day Suspension)**: Students must be informed verbally or in writing of what infraction they allegedly committed and the consequence. If students deny infraction they must be provided evidence and have an opportunity to tell their side of the story.

- **Formal Notice & Hearing (Long Term Suspension/Expulsion)**: Written notice, collection of evidence from witnesses, formal hearing held.

- **Manifestation Determination**: If a student has an IEP they can only be suspended 10 days within a given school year. To go beyond 10 days, a manifestation determination meeting must be held to determine if the actions of the behavior were a result of a disability.

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

- Supreme Court decision *Goss v. Lopez* (1975), mandates that Sally Snippy is entitled to an informal hearing before being suspended. She must be informed of what rule she is accused of violating. If Sally denies committing the infraction, she is entitled to know the evidence related to infraction and be given the opportunity to explain her side of the story.

- The *Goss v. Lopez* (1975) does not mandate that the Dean of Students has to investigate, however it is best practice to always collect evidence around a discipline infraction.

- If Sally or any other student as an Individualized Education Plan (IEP), a student cannot be suspended for more than 10 days during a given school year unless the team holds a Manifestation Determination meeting and determines the infraction was not a result of the student's disability.

**Presenter Notes:** Law specific guidance will be shared will the whole group of participants for the due process 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 due process scenario.
Dylan Disrupter, 11th grade student was called into the Dean of Students office. The Dean informed the student they will be suspended for 11 days and needed to pack up their items and go home. Dylan told the Dean of Students it was not him. The Dean of Students informed the secretary to contact the family of Dylan to come and pick him up from school because he was being suspended for 11 days. On the way out of the office, the Dean of Students told Dylan he could possibly be expelled for his behavior.

**Presenter Notes:** Participants return to heterogeneous groups. Present a second due process 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 due process 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: student and Dean of Students. Other participants may pause the role play at any time to provide feedback.
Were Dylan’s due process rights honored?

- Due Process
- Informal Notice & Hearing
- Formal Notice & Hearing
- Manifestation Determination

**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 Dylan’s due process rights honored? Why/why not? Was informal or formal notice and hearing provided? Yes/No and how? Was a manifestation determination required? Yes/No and why/why not?
**How has your knowledge changed?**

**DUE PROCESS**

**Physiological & Affective States to Control**

**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 due process if content should remain, be deleted and/or added based on the current understanding of laws that govern due process rights for 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.
A 6th grade student told the Assistant Principal, she saw Heather Harasser, a 7th grade student put a knife in her backpack. The Assistant Principal asked Heather can she look in her backpack. The student said the Assistant Principal could look in her backpack. While searching the backpack, the Assistant Principal did not find a knife. The Assistant Principal ask Heather does she have a purse. Heather said yes it is in my locker. The Assistant Principal told her to go get it. While searching the purse, the Assistant Principal did not find a knife but did find marihuana.

**Presenter Notes:** Inform participants they will now transition to the other topic within student discipline which is search and seizure. As a whole group, present search and seizure scenario to participants. Answer any clarifying quests 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 due process rights honored?

- Did the Assistant Principal have reasonable suspicion to conduct a search of the backpack?
- Overall, did the Assistant Principal conduct a legally sound search?
- Overall, did the Assistant Principal conduct a legally sound seizure of the marijuana?

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

- **Search & Seizure:** *New Jersey v. T.L.O.* (1985) ruled against unreasonable search and seizures in the school setting. It did rule educators do not need to follow the same procedures as police in obtaining a warrant for conducting searches.

- **Reasonable Suspicion:** Unlike police that must have probable cause, educators must have reasonable suspicion. This entails a lower level of evidence required to conduct a search. It must be reasonable in its inception and scope.

- **Safford Unified School District No. 1 v. Redding (2009):** This case ruled that students providing evidence about another student having something such as a weapon or drugs provides reasonable suspicion to conduct a search but not a strip search.

- **Search of student lockers:** Can be seen as the school property, therefore reasonable suspicion in not warranted for a search. However, to search a jacket in a locker requires additional suspicion.

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

- *New Jersey v. T.L.O.* (1985) provides guidance related to reasonable suspicion. The Assistant Principal had reasonable suspicion based on the information a 6th grade student provided regarding a knife in the backpack of Heather Harasser. In addition, Heather Harasser provided consent for the Assistant Principal to search the backpack.

- The Assistant Principal did not conduct a legally sound search of the purse or seizure of the marajuana. It could be contended that searching the purse of Heather Harasser was not reasonable in its inception and in its scope.

**Presenter Notes:** Law specific guidance will be shared will the whole group of participants for search and seizure 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 search and seizure scenario.
Scenario Role Play

Mrs. Observer, Freshman English Teacher contacted the Dean of Students because when she smelled marajuana on her student Imanuel Inhail during class. The Dean of students searched the locker of Imanuel and found nothing in the locker nor the coat and lunch bag inside the locker. The Dean of Students then had Imanuel come to the office. At that time, the Dean of Students asked Imanuel to pass his backpack to him and the Dean of Students began to search the backpack. The Dean of Students did not find anything in the backpack, but did smell marajuana.

Presenter Notes: Participants return to heterogeneous groups. Present a second search and seizure 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 search and seizure 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: student and Dean of Students. Other participants may pause the role play at any time to provide feedback.
**SLIDE 17**

*Were Imanuel’s search & seizure rights honored?*

- Search & Seizure
- Reasonable Suspicion
- Search of student locker

**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 Imanuel’s search and seizure rights honored? Why/why not? Did the Dean of Students have reasonable suspicion at all times? Yes/No and Why/why not? Did the search of the locker honor the rights of Imanuel? Yes/No? Why/why not?
How has your knowledge changed?

- Physiological & Affective States to Control
- Search & Seizure

**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 search and seizure what content should remain, be deleted and/or added based on the current understanding of laws that govern search and seizure rights for 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 student due process and search and seizure rights.

- You will be able to correctly role play scenarios related to both 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 due process and search and seizure. Then ask the participants to show how confident they are now after engaging in the learning. Repeat the same process to assess if the second learning target was met.